



**AGENDA**  
**Committee on Development and Planning**  
**Thursday, April 28, 2016 @ 11:00 a.m. (note time)**  
**10<sup>th</sup> Floor Conference Room, City Hall**

Councilmember Jody Washington, Chair  
Councilmember Jessica Yorke, Vice Chair  
Councilmember Judi Brown Clarke, Member

**1. Call to Order**

**2. Public Comment on Agenda Items**

**3. Minutes**

- April 14, 2016

**4. Discussion/Action:**

- A.) RESOLUTION- Set Public Hearing – SLU-1-2016, 2101 E. Mt Hope Avenue; Wireless Communication Tower in “A” Residential District – 100 year Flood Plain
- B.) RESOLUTION – Set Public Hearing – Z-4-2016; South Edge Development, Rezoning from “DM-4” Residential; “F-1” Commercial & “D-1” Professional Office to “G-1” Business District
- C.) INFORMATION DISCUSSION – Set Public Hearing – Z-3-2016; Lake Trust Site, “D-1” Professional Office and “F” & “F-1” Commercial to “G-1” Business
- D.) INFORMATION/DISCUSSION – Z-2-2016; Vacant Lot west of 3000 Dunkel Road; “CUP” Community Unit Plan to “F” Commercial District
- E.) INFORMATION/DISCUSSION - Brownfield Compliance and FOIA Regarding Sky Vue
- F.) RESOLUTION – Moratorium on PILOTS

**5) Other**

**6) Adjourn**





## **MINUTES**

### **Committee on Development and Planning Thursday, April 28, 2016 @ 11:00 a.m. 10<sup>th</sup> Floor Conference Room, City Hall**

#### **CALL TO ORDER**

The meeting was called to order at 11:04 a.m.

#### **ROLL CALL**

Council Member Jody Washington, Chair  
Council Member Jessica Yorko, Vice Chair  
Councilmember Judi Brown Clarke, Member.

#### **OTHERS PRESENT**

Sherrie Boak, Council Staff  
Susan Stachowiak, Planning & Neighborhood Development  
Council Member Carol Wood  
Karl Dorshimer, LEAP  
Steve Willobee, LEAP  
Mark Mello, UAW Local 7 Sheet Metal Workers  
Price Dobernack, UAW 333  
Fred Frederickson  
Robert Long  
Ken Jones, Studio Intrigue Architects  
Chris Weir, Studio Intrigue Architects  
Brian Brannick, Michigan Building Trades  
Brett Stont, ATK Peerless  
Joseph Abood, Interim City Attorney

#### **MINUTES**

Action on the April 14, 2016 minutes was moved to the next meeting.

#### **DISCUSSION/ACTION**

RESOLUTION- Set Public Hearing – SLU-1-2016, 2101 E. Mt Hope Avenue; Wireless Communication Tower in “A” Residential District – 100 year Flood Plain

Ms. Stachowiak noted the tower will be 700 ft. away from properties, surrounded by trees, however in the 100 year flood plan so it will require the DEQ permit. Council Member Washington asked what the need for the tower was for, and Ms. Stachowiak assured the Committee it was for additional coverage for Verizon for stronger coverage and the FCC allows them to also provide for 3 co-locations. Council Member Wood asked if the City would receive

revenue since it was on Krego Park. Ms. Stachowiak confirmed however did not have the exact amount, stating that would be know when the applicant goes thru the required ACT application process. This ACT will not require a public hearing though, and that is why they are doing this SLU first.

Council Member Washington reminded the public that just because the Committee agrees to set any public hearings it does not mean it is approved or coming back out of Committee after the hearing.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR JUNE 13, 2016 FOR SLU-1-2016; 2101 E. MT. HOPE AVENUE. MOTION CARRIED 3-0.

RESOLUTION – Set Public Hearing – Z-4-2016; South Edge Development, Rezoning from “DM-4” Residential; “F-1” Commercial & “D-1” Professional Office to “G-1” Business District

Ms. Stachowiak outlined the location, noting the area of the property, noting the City had rezoned the southeast to G-1 a year ago. The proposed mixed use project has grown and now the owner was able to obtain more area and expand the project. It was noted that G-1 allows the greatest density, no height limitations, no setbacks, and no parking requirements other than what needs to be required for employees, customers and residents.

Mr. Jones displayed a rendering that depicted maintain two of the historical homes already on the property, one being the Blake House. Everything in the project will be rented and planned for \$1.25 - \$1.75 per square foot, so market rate housing.

Council Member Wood asked about the F-1 zoning. Ms. Stachowiak clarified that this rezoning to all G-1 would put the whole area in G-1. Council Member Wood then asked if Medical Marihuana dispensaries would be allowed under the current ordinance they are drafting and Ms. Stachowiak noted they would not be allowed.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR JUNE 13, 2016 FOR Z-4-2016; SOUTH EDGE DEVELOPMENT. MOTION CARRIED 3-0.

INFORMATION DISCUSSION – Set Public Hearing – Z-3-2016; Lake Trust Site, “D-1” Professional Office and “F” & “F-1” Commercial to “G-1” Business

Ms. Stachowiak noted that ironically this application was for the block north of the previous request, Z-4-2016, and is the site currently owned by Lake Trust. The purpose is to rezone consistent with the area for G-1 and allowed the development to be marketed. This was done at the property of Oliver Towers also. It was noted that the Planning Department believes G-1 is the appropriate zone regardless of if there was already a plan or not, it allows for development consistent for what the City wants to see there. The Planning Department recommends approval. The concept drawings in the packet are potentially how it can be developed which allows for the building on the front property line, parking behind, mixed use with highest density, no limits on setback, height or parking. Currently the site is 80% surface parking.

Council Member Washington asked why rezone if there is currently no planned project, and Ms. Stachowiak stated this will fill the gap cause rest of block at and are south is already G-1.

Council Member Brown Clarke recommended not showing rendering of what might be because it creates the mind the intent and if Lake Trust is not proposing the development it should be left out.

Council Member Wood asked who was asking for the rezoning since Studio Intrigue is the applicant but not the owner. Ms. Stachowiak clarified they are acting on behalf of Lake Trust and it is documented in the application.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR JUNE 13, 2016 FOR Z-3-2016; LAKE TRUST SITE. MOTION CARRIED 3-0.

INFORMATION/DISCUSSION – Z-2-2016; Vacant Lot west of 3000 Dunkel Road; “CUP” Community Unit Plan to “F” Commercial District

Ms. Stachowiak gave location details that noted the vacant lot location is next to the gas station on Jolly and Dunkel. It is currently zoned CUP which is an obsolete zoning designation in the City now. This property is owned by the same people as the station, and they wish to move the current Taco Bell out of the gas station into their own larger area with additional commercial opportunities. Council Member Washington asked if Zoning is looking at other CUP site to get rezoned, and Ms. Stachowiak noted that there are opportunities but the land owner has to request the rezoning.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR JUNE 13, 2016 FOR Z-2-2016; VACANT LOT WEST OF 3000 DUNKEL ROAD. MOTION CARRIED 3-0.

RESOLUTION – Moratorium on PILOTS

Council Member Washington referenced the 2002 and 2003 Resolution on Moratorium and her recent draft resolution to enact a moratorium on PILOT for 9 months. This would give the City time to determine the number of units now, vacancies, how they are being cared for, if they are meeting their obligations and the financial return. This would also allow time for research into a regional aspect. Council Member Washington noted for the record that this moratorium does not mean there will be no more PILOTS, but this will allow Council to look at what is currently on the books, what is taken care of and what to do in the future. The nine months will begin May 9<sup>th</sup> and could end sooner. Mr. Abood acknowledged his familiarity with the 2002 and 2004 Resolutions and will review her draft. He noted that in 2002 and 2003 there were law suits from that moratorium so he will want to make sure this resolution is carefully drafted. Council Member Washington advised Mr. Abood that if the City has to make an exception for senior or ADA it can be brought back. Mr. Abood noted he would be looking at the HUD definitions to reflect on senior housing and ADA. The Committee agreed to meet on Monday, May 9<sup>th</sup> at 5:15 p.m. to finalize the Resolution to send out of Committee and recommend adoption that night at the Council meeting. Mr. Abood was advised to provide the final resolution for adoption to Council Member Washington the week of May 2, 2016 so that she can forward to the other Committee members.

INFORMATION/DISCUSSION - Brownfield Compliance and FOIA Regarding SkyVue

Mr. Mello informed the Committee he had spoken to LEAP with questions on SkyVue and was advised to request the information in a FOIA. The FOIA was submitted to the Mayor's office on February 23, 2016. Mr. Mello then went on to speak on the need for accountability regarding the project Brownfield and tax incentive. Mr. Mello asked for site cleanup information, the asbestos report from the buildings, and wants to see the five (5) temporary wells on site and the

reports from the monitoring of those wells. Mr. Mello concluded that he opposes LEAP and their funding and spending, he is opposed to out of town contractors and developers.

Council Member Washington informed the Committee that she had spoken to LEAP, and is aware the City of Lansing historically had been a manufacturing City which might not have been environmentally responsible, so this may require more clean up. Council needs to be assured that sites are being cleaned up, and since they are not sure if land getting cleaned up they need to be able to view that DEQ has signed off. Therefore LEAP needs to educate the City and prove that they are sure this site has been cleaned and DEQ has signed off. Council Member Washington went onto note her belief that the FOIA is being overused, and apologized to Mr. Mello that he felt this reflects lack of transparency.

Mr. Willobee noted that LEDC and LEAP first and foremost want to make sure the sites are use able and back on the tax rolls. It was then stated that Mr. Dorshimer and Mr. Willobee never saw the FOIA request from Mr. Mello.

Council Member Brown Clarke asked what the process for remediation entailed to be complete. Mr. Willobee outlined the process as when the developer addresses a site there are environmental reports and over a matter of months they evaluate them on what to do, and based on that it will determine what they can propose as their project. The Brownfield is not to remediate the whole site, but to minimize what can be done to allow the redevelopment. If they tried to remove all it would be an added cost that could go thru the roof. They go in and address conditions to make the development and not exasperate conditions or increase costs thru the roof. Council Member Brown Clarke asked if at some point of level of remediation is complete is there a report that is checked off with status of occurrence and compliance. Mr. Willobee that is signed off by DEQ and the State before they even can move forward on the project, they are involved from the beginning.

Council Member Wood moved back to the topic of the FOIA request and asked Mr. Abood why LEAP/LEDC did not see it. Mr. Abood stated he would have to speak to his FOIA Coordinator. Mr. Willobee wanted it known that LEAP/LEDC is not skirting providing the information, and presented the Committee with the ACT 381 Work Plan for SkyVue and the AKT Peerless Baseline Environmental Assessment. The information Mr. Mello requested is also on file as public record at DEQ since December 2015. Council Member Wood asked Mr. Willobee to place the information on their website or at least a link to the information.

Council Member Brown Clarke took the discussion back to the check off list, and asked if DEQ permits require that. Mr. Stonts went thru the steps that SkyVue followed beginning when they came in as a potential user, and filed the Phase 1 report which is in the ACT 381 plan. At this point they do not go into the soil ground water samples, but look at historical date of the site to identify any risk. They also look at the surrounding areas that might result in contamination. If that report concludes a material threat, to maintain liability exemption they then complete Phase 2, which SkyVue did. At this point they then soil sample and test ground water. The tests are based on contaminates found during the historical review of the use. Depending on what they find, the DEQ then sets forth certain requirements. Some requirements might require immediate response which is a check list. If the situation of contamination the State does not require clean up and not immediate response they are not require immediate action or a check off list. That is the case at SkyVue. They have metals above residential criteria and a solvent in the ground and the DEQ criteria is set forth based on exposed pathways. The DEQ looks at contaminate as for ingestion. What a new user of the property has to then do if no mandated policies, is they have to make sure how they use the site is done to meet the State guidelines, which is called due care. In the case of SkyVue there was no clean up mandated by the State

to provide a report to check off. SkyVue has done an assessment for the BEA which lies out contaminates on the site.

Council Member Yorke stepped away from the meeting at 11:50 a.m.

They then review the ACT 381 work plan and conditions on site, then propose how to redevelop the site. The State then reviews and gives their formal approval. This can be provided to Council. The developer then makes sure that they take measures to protect human health. In the SkyVue project risks that are direct contact include the parking lot that was there and any ground cover that will not be covered by the new building and parking lot. Council Member Brown Clarke asked how the utility workers and future utility workers will be made aware of the findings. Mr. Stonts noted that the documentation plan comes into effect once the construction is done, and the plan is maintained on site. During construction the environmental construction management plan lays out the protocols. ATK Peerless will write it and give to the general contractor to inform their employees and subs. They also do health and safety oversight. It was stated again that there is no State clean up requirement and no contamination on the site. There was some soil taken off site, not because it was required, but to develop the site they need to remove some soil for the structure and parking. When soil is taken off site it is tracked and logged. This is signed off by the State, and the ACT 381 Plan outlines the responsible activities. Once the project is complete, the developer has to submit to the Brownfield Authority to be reimbursed. The manifests of removal of the soils have to be invoiced and the paid documentation has to be provided.

Council Member Wood asked if there is periodic verification and checking to make sure the soil goes to where it is suppose to go. Mr. Stonts noted that the manifest is chain of custody, and the landfill signs off when it arrives. The truck is indentified at the site, signed off when loading, then later in the day the same truck is verified and signed off at the land fill.

Council Member Yorke returned to the meeting at 11:56 a.m. and stated she needs to leave.

Mr. Willobee asked Mr. Stonts if there is any interaction at the landfill. Mr. Stonts there is direct communication with the landfill to set up delivery, and they then they provide the land fill manifest. Any departure from that would be fraud. Council Member Brown Clarke asked if there are any quality controls and audit processed. It was confirmed the site has health and safety protocols maintained on site.

Mr. Mello agreed he witnessed the soil testing, but wanted to still know where the 5 wells are and what their results are. In addition he asked for the clean-up info, and information on the asbestos identification. Mr. Mello then continued to argue that LEAP should have been required to fill the FOIA. Council Member Washington asked Mr. Abood to make sure all FOIA request make it to LEAP, and Mr. Abood stated he would follow up. Council Member Wood asked Mr. Mello to provide his letter of request for information to Mr. Willobee. Mr. Mello provided the letter. Mr. Willobee wanted it noted on the record that his office understands they take all projects personally because they are imbedded into the community and the City of Lansing and thru checks and balances internally and making sure what is required by the law. At the end LEAP engages another engineer to consult on the project that has been separate from the development to verify everything. Council Member Washington stated to Mr. Willobee they are not targeting LEAP but want transparency, and it was suggested again they pursue placing the information on their website.

Mr. Willobee reminded the group there is no contaminate of the water on the site and asked Mr. Stont to explain the water testing process. Mr. Stont outlined the process of five (5) temporary water monitoring well, which is part of Phase 2 of the ACT 381 plan. They temporarily drill with

a geo probe and go 20 ft underground and hit saturation at 15ft. where they then took samples. To do this they take a PVC sleeve with screen and push it 20 feet, then the water percolates thru a screen to collect samples. The fill dirt from the boring is used to fill in the hole. Therefore this temporary process is open only for the duration of the sample, so you cannot see the wells now. The water was found in a the shallow aquifer and in Lansing after the 15ft there is 85 ft of clay and shale, then below that is the Saginaw Formation which is where the City drinking water. Mr. Mello asked for those reports and Mr. Willobee referenced Phase 2 of the ACT 381 plan. Mr. Stont went onto note there was one well that noted 3 micrograms per liter of lead. 4 micrograms per liter is the limit on lead. This was found in surface water not in the drinking water the quantities are from the isolated area, and not hydro radiate south. These are conditions were on site before SkyVue started. Again it was noted this test was in the surface water not connected to the aquifer. If there was a connection reported then steps are taken. It was confirmed this is reported to the DEQ.

Mr. Mello asked for the asbestos report, and he was referred to the demolition contractor. Mr. Mello then asked why there are no local contractors on the project and Council Member Washington redirected him because it was a separate issue.

Council Member Wood went back to the FOIA request and the letter Mr. Mello gave Mr. Willobee and asked when it would be made available to Mr. Mello. Mr. Willobee asked to be given until Monday, May 2, 2016. He will also talk to his website company about placing items on the website.

Mr. Brannick spoke in opposition to non local workers and union workers on the SkyVue project. Mr. Willobee acknowledged they are currently working on a process but right now there is no system for onsite inspections of workers. Council Member Washington also acknowledged her involvement with a group that is meeting on the transparency of bidding.

Mr. Abood encouraged the Committee to consider using the FOIA process for any requests for information because it provides a chain of custody of a paper trail. Mr. Willobee stated again that some of the information requested is already available on the website of the DEQ, the State and MEDC. He did agree that there could be a better pathway to get information.

Adjourn at 12:26 p.m.

Submitted by,

Sherrie Boak, Recording Secretary,  
Lansing City Council

Approved by the Committee on May 12, 2016

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## MINUTES

**Committee on Development and Planning  
Thursday, April 14, 2016 @ 10:00 a.m.  
10<sup>th</sup> Floor Conference Room, City Hall**

### **CALL TO ORDER**

The meeting was called to order at 10:00 a.m.

### **ROLL CALL**

Council Member Jody Washington, Chair  
Council Member Jessica Yorko, Vice Chair- left at 11:11 a.m.  
Councilmember Judi Brown Clarke, Member.

### **OTHERS PRESENT**

Sherrie Boak, Council Staff  
Joseph Abood, Interim City Attorney  
Pat Lindemann, Drain Commissioner  
Paul Pratt, Drain Commissioner Office  
Susan Stachowiak, Planning and Neighborhood Development  
Bill Rieske, Planning and Neighborhood Development  
Kathy Miles  
Jon Miles  
Michael Woodworth, Woodworth Law  
Gina Woodworth, Woodworth Law  
Dave VanHaaren, Potter Flats  
Joel Ferguson, Ferguson Development  
Council Member Wood

Council Member Washington spoke to the group and Committee Members assuring them that she is well aware of what occurs at the Committee and Brownfields and reports on behalf of the Committee at the Council meeting. The confusion that occurred at the last Council meeting was due to poor communication between Council Staff providing information and what was listed on the agenda.

### **MINUTES**

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE MINUTES FROM MARCH 24, 2016 AS PRESENTED. MOTION CARRIED 3-0.

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## **DISCUSSION/ACTION**

### **RESOLUTION – INGHAM COUNTY DRAIN COMMISSIONER MONTGOMERY DRAIN DRAINAGE DISTRICT EASEMENTS**

Mr. Woodworth provided the Committee with a Resolution that he stated his office wrote and had spoken to the City Attorney on. Council Member Yorke asked for clarification on why there were two hearings, and Council Member Brown Clarke asked for clarification on the language.

Mr. Abood arrived at 10:06 a.m. and distributed his version of a proposed resolution. Mr. Abood then walked the Committee thru his resolution and highlighted the differences between the two resolutions. Mr. Woodworth voiced a concern with the sunset provision in Mr. Abood's resolution and the notes of limited access.

Mr. Rieske stated to the Committee that after discussion with City Departments and review of ACT 33, and he was directed that the Department wants the Conservation Easement with a sunset period at the end of the monitoring period. Also, similar to the park, we don't need the description of the entire easement to describe the access provided within the park. Mr. Woodworth stated again that the sunset item was an issue, and does not believe anyone with the made contact with the DEQ to determine if that is what they want. In terms of having accessibility for the DEQ, Mr. Woodworth stated it should not be a problem in allowing them access. Mr. Lindemann assured the Committee that DEQ puts easements in and monitoring timeline is spelled out. Access to it is for monitoring for the DEQ staff. Mr. Woodworth pointed out to Mr. Abood issues that the "Be it resolved" in his resolution refers only to the Conservation Easement. Mr. Abood stated he would make it reflect the appropriate easements. Mr. Rieske informed the Committee he was directed that Mr. Gamble wanted to address the other easements in separate resolutions. Mr. Lindeman was informed by Mr. Pratt that their DEQ consultant just informed Mr. Pratt that any change to the conservation easement is a no go. Discussions continued on the difference between the two proposed resolutions.

Council Member Washington stated her opinion that she was not comfortable taking action on a Resolution with pending issues between the applicant's attorney's resolution and one that the City Attorney office presented. A Committee meeting can be set for Monday night before the Council meeting if need be. Mr. Lindemann assured them that Mr. Woodworth had been talking to Mr. Abood, however his group had not seen the Resolution proposed by Law until this meeting. Council Member Washington then asked if Law could work with Mr. Woodworth and make any changes immediately. Mr. Abood acknowledged also that he had been speaking with Mr. Woodworth for days and Mr. Woodworth resolution is appropriate. Mr. Abood also added that he wanted Law to draft a resolution and they did work with Public Service.

The Committee discussed the cost, and it was reiterated from earlier presentations that it will be up to Council on how it gets paid, however currently Ingham County does not know the entire cost of the project.

Council Member Brown Clarke asked for affirmation that once this resolution for easements is approved by Council, wills the Council have any other opportunity to approve or deny the project. Mr. Lindemann assured her there will be public scope hearings and they will bring the plan to Council when it is 60-65% done for their input and the Drain Commissioner will listen to their input and consider their suggestions and entertain any suggested changes. The plans have to be approved by the Drain Office. Before approval there will be one hearing at Foster, one presentation at Council, Townships, East Lansing, MDOT, and the County. Then the last part of the design is to take into consideration all the comments. Chapter 20 provides for options of payment of the assessments. Mr. Lindemann noted that the petition has been

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processes, the hearings have been held, and they have been deemed the authority to assess. Council Member Brown Clarke reiterated for the Committee and all present that Council needs to look into the future to make sure there are opportunities for consideration when there are issues.

Council Member Yorke noted her understanding that Law does not want a financial risk.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR THE MONTGOMERY DRAIN DRAINAGE EASEMENTS AS PRESENTED BY MR. WOODWORTH WITH THE CAVAET THAT THE CITY CAN BE ASSURED THERE WILL BE SOMETHING TO ADDRESS THE FINANCIAL RISK.

Council Member Washington asked Mr. Abood and Mr. Woodworth to work together to present a resolution for action Monday night. Council understands they cannot tie DEQ and cannot add financial pieces, and each easement needs to be addressed.

COUNCIL MEMBER YORKO WITHDREW HER MOTION.

Mr. Woodworth noted he would work with the City Attorney, however he is not positive that there can be an agreement to write the resolution to address the impacts of the financial decision.

Mr. Abood acknowledged he did not have the time to thoroughly vet the resolution from his office, but is confident with the resolution by Mr. Woodworth. Mr. Abood admitted however that he did still have a concern about the financial item. Council Member Washington asked Mr. Abood if he could sign off on the resolution submitted by Mr. Woodworth, and Mr. Abood stated he could.

Mr. Abood then presented the Committee with a copy of a will for Ranney Park when it was dedicated to the City because of concern he wanted to make sure the City did not lose the park. Mr. Woodworth submitted his legal opinion that addressed it, and no lose. Council Member Yorke requested that the park remain a recreational use. Mr. Abood assured them that the language in the easement itself contains the correct language, and he feels comfortable with this also.

Mr. Gamble acknowledged the collaboration between the City, the Council and the Ferguson Group towards protecting future right of ways and blending the Red Cedar Renaissance. The Drain Commissioner has assured the City Administration he will work collaboratively on the designs, this Resolution will clear the way for the Drain Office to start the design, and this is the last formal approve that allows that to begin.

Council Member Brown Clarke recapped for Mr. Gamble the discussion that occurred before he arrived that brought to their attention his request for separate resolutions for each easement. Mr. Gamble admitted there were language issues that were resolved and any concerns addresses by the resolution presented by Mr. Woodworth. Therefore he admitted the Woodworth Resolution was satisfactory to the Administration.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR THE MONTGOMERY DRAIN DRAINAGE EASEMENTS.

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Council Members Brown Clarke and Washington recapped for Mr. Lindemann to assure them that this is the final process and the next steps will be the public hearings and presentations but no other formal opportunity for change. Mr. Lindemann agreed, adding that during the hearings and input he will listen, however if they are not happy Council can appeal. Mr. Woodworth added there is an appeal process to challenge the assessments.

Council Member Washington recapped the Motion on the floor which was to approve the resolution presented by Mr. Woodworth and signed off by Mr. Abood.

MOTION CARRIED 3-0.

Council Member Wood asked if Ranney Park will be similar to the project at Bancroft Park, and Mr. Lindemann noted the recreation will be enhanced.

Mr. Lindemann then asked the Committee to consider granting a resolution of support for a recent grant they are going to apply for National Parks and Recreation Association- Great Urban Parks Grant. Mr. Lindemann was asked for the deadline on the grant and information on it before they would add it to the Special Council Meeting on April 18, 2016. Mr. Lindemann stated the deadline was the end of the week of April 18<sup>th</sup>. Mr. Abood suggested a Resolution of Support not a letter since Council speaks thru Resolutions.

## **RESOLUTION- BROWNFIELD #65; POTTER FLATS REDEVELOPMENT PROJECT**

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR THE BROWNFIELD #65; POTTER FLATS REDEVELOPMENT PROJECT.

Council Member Wood asked the representative about the status of the Green Initiative grant that was awarded to South Street in 2012 for \$427,535.

Council Member Yorke left the meeting at 11:11 a.m.

And how does this play into the recent Brownfield request. Mr. Van Haaran could not verify how all the funds were spent but it was used on the existing property not on the new project, however he can look into it. That tax ID does have at least two major structures. Council Member Wood asked for the answer before April 25<sup>th</sup>.

MOTION CARRIED 2-0.

## **ORDINANCE – REPEALING THE EXISTING ABIGAIL ORDINANCE PILOT**

Council Member Washington noted for the group that the owners/applicants have moved forward with a new PILOT with MSHDA in order to continue with the project at a 10% PILOT, therefore this one needs to be repealed.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE ORDINANCE TO REPEAL THE EXISTING ABIGAIL PILOT ORDINANCE.

Mr. Abood added to the discussion that the developer is repealing this ordinance because it is a bad ordinance, and they plan to provide a resolution of support to the Council to consider in support of their 10% application that they can submit to MSHDA. Mr. Abood advised the Committee they do not have to approve this resolution but it would help their MSHDA scoring. The Resolution can also come from the administration. Council Member Washington clarified that she is not opposed to it but if Council does it then they are setting precedence so she is

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hesitant about broaching the subject. She then asked for reassurance from Mr. Abood that these types of resolutions will be no required, and Mr. Abood assured her. Council Member Brown Clarke reiterated what the MSHDA representative told the Council about ratings and points, and that they could score higher if they had local support. The question then was asked "what is local support". Could it be Council, Administration, and Ingham County, basically anyone who has buy in to their vision. Mr. Abood noted the question was asked and his opinion that the Administration could write a letter of support for the "local support", however he noted a concern since the PILOT is a legislative function. Council Member Washington reminded Mr. Abood that with their proposed 10% PILOT they do not come thru Council, so in this case they can go thru Administration.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE ORDINANCE TO REPEAL THE EXISTING ABIGAIL PILOT ORDINANNCE. MOTION CARRIED 2-0.

### **RESOLUTION – SET THE PUBLIC HEARING FOR Z-5-2015; 222 W GENESEE STREET FROM DM-3 RESIDENTIAL TO D-1 PROFESSIONAL**

Mr. Swope informed the Committee that during his review of the codified ordinance it was brought to his attention that there was an error in the ordinance for this rezoning, even though the public hearing and notices were correct. After discussion with the City Attorney office they suggested a corrective action with a new hearing. The original ordinance even though adopted was null and void. Ms. Stachowiak confirmed the Zoning Board did see the correct document.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO SET THE PUBLIC HEARING FOR MAY 23, 2106 FOR Z-5-2015; 222 W GENESEE FROM DM-3 RESIDENTIAL TO D-1 PROFESSIONAL. MOTION CARRIED 2-0.

Adjourn at 11:25 a.m.

Submitted by,

Sherrie Boak, Recording Secretary,

Lansing City Council

Approved by the Committee on \_\_\_\_\_



**OFFICE OF THE MAYOR**

9th Floor, City Hall  
124 W. Michigan Avenue  
Lansing, Michigan 48933-1694  
(517) 483-4141 (voice)  
(517) 483-4479 (TDD)  
(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers  
FROM: Mayor Virg Bernero  
DATE: 4-7-16  
RE: SLU-1-2016, 2101 E. Mt. Hope Avenue - Cell Tower

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The attached correspondence is forwarded for your review and appropriate action.

VB/rh  
Attachment



**City of Lansing**  
**Inter-Departmental**  
**Memorandum**



To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM  
SLU-1-2016, 2101 E. Mt. Hope Avenue - Cell Tower

Date: April 6, 2016

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The Lansing Planning Board, at its regular meeting held on April 5, 2016, voted (5-0) to recommend approval of Verizon Wireless to construct a new, 150 foot high, telecommunications tower on the property at 2101 E. Mt. Hope Avenue (Crego Park) that would be located within the 100 year floodplain. Telecommunication towers are permitted in the “A” Residential district, which is the zoning designation of the property, if a special land use permit is approved by the Lansing City Council.

The Planning Board found, based on testimony, evidence and the staff report, that the proposed Special Land Use complies with all of the criteria established by Section 1282.02(f)(1-9) of the Zoning Ordinance for granting special land use permits. Based upon these findings, the Planning Board recommended approval of SLU-1-2016, with the following conditions:

1. The proposed monopole tower shall provide for a co-location of at least 3 antennas, and
2. The tower shall not interfere with telemetry communications of local hospitals and emergency services.
3. A permit from the Michigan Department of Environmental Quality is obtained to construct the tower within the 100 year floodplain of the Red Cedar River.

At the Planning Board public hearing held on April 5, 2016, the applicant’s representatives spoke in favor of the request and no other comments were received.

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

“Equal Opportunity Employer”

**GENERAL INFORMATION**

**APPLICANT:** Kathie Haycs, Jacobs, Representing Verizon Wireless  
P.O. Box 2297  
Southgate, MI 48195

**OWNER:** City of Lansing  
124 W. Michigan Avenue  
Lansing, MI 48933

**STATUS OF APPLICANT:** Lessee

**REQUESTED ACTION:** Special Land Use permit to construct a new telecommunication tower at 2101 E. Mt. Hope Avenue (Crego Park) in the 100 year floodplain

**EXISTING LAND USE:** Crego Park

**EXISTING ZONING:** "A" Residential District

**PROPERTY SIZE & SHAPE:** Irregular – 189.290 acres

**SURROUNDING LAND USE:** N: Vacant, Industrial  
S: Cemetery, vacant, office, residential  
E: Residential  
W: Township

**SURROUNDING ZONING:** N: "A" Residential & "H" Light Industrial Districts  
S: "A" Residential, "D-1" Professional Office & "E-1" Apartment Shop Districts  
E: Township  
W: "A" Residential District

**MASTER PLAN DESIGNATION:** The Design Lansing Comprehensive Plan designates the subject property for "Open-Space - Dedicated Park". E. Mt. Hope Avenue is designated as a minor arterial.

**APPLICANT'S PROPOSAL:**

This is a request by Verizon Wireless to construct a new, 150 foot high, telecommunications tower on the property at 2101 E. Mt. Hope Avenue (Crego Park) that would be located within the 100 year floodplain. Telecommunication towers are permitted in the "A" Residential district, which is the zoning designation of the property, if a special land use permit is approved by the Lansing City Council. A special land use permit is also required for new construction within the 100 year floodplain on a parcel of land that is greater than ½ acre in size. The subject property contains 189 acres.

AGENCY RESPONSES:

BWI:	See attached.
Building Safety:	The BSO has no objections. Project will be subject to the requirements of the site plan and building plan reviews.
Development:	The Development Office has no comments.
Fire Marshal:	The Fire Marshal's Office has no comments for SLU-1-2016.
Parks & Recreation:	This has passed park board and we are supportive of the plan and still need to negotiate lease terms
Public Service:	We have no issues or objections with the SLU request. A site plan as well as a Soil Erosion and Sedimentation Control (SESC) Plan is required. A SESC permit will be required for this site.
Transportation:	No comments or requirements.

ANALYSIS

**Section 1282.03(f)(1)-(9) 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 tower is not anticipated to have any negative impacts on the surrounding area. The tower will be located in the middle of a large, 189 acre park that is surrounded by vacant, light commercial and low density residential uses. The base of the tower and the compound area will be well buffered by existing and very dense vegetation and will therefore, not even be visible to the adjoining properties.

The facility will be unlit and unmanned, except for occasional inspection and maintenance activities. In addition, the monopole design of the tower ensures that it will keep a low profile to the greatest extent possible. The design, construction, and operation should, therefore, be in harmony with the character of the surrounding area.

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

Since the tower will be a monopole design, it will have a relatively innocuous impact on views. In fact, the base of the tower will be located in an area that is surrounded by dense

vegetation and will therefore, not be visible to any of the surrounding properties.

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

The proposed special land use will not interfere with the enjoyment of adjacent properties. The tower will be located in an area of the site that is relatively unused and is obscured from view of the surrounding properties.

**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?**

While the special land use may not necessarily be construed as an improvement to the use or character of the property or surrounding area, it does provide a benefit to the public in general, by improving stronger cellular signals within the service area. Furthermore, the impact on the neighboring land uses is insignificant, given the proposed location of the tower.

**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 impacts such as dust, fumes, noise, vibration, smoke, or light glare are anticipated as a result of this proposal. With the exception of emergency lighting, there will be no lighting on the tower or in the leased area, unless required by FAA. There will be no generators or air conditioning units on site as the facility is served only with electric and telephone.

In addition, the proposal will not generate any hazardous conditions. Cellular towers do not emit harmful rays that can compromise the health, safety or welfare of human beings or animals. Furthermore, should the tower fall, it is designed to crimp over on itself so it will not fall on adjoining properties.

**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?**

The subject property is currently served by all necessary public services and utilities needed to accommodate a telecommunications tower. No negative comments have been received from any of the reviewing departments or agencies.

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

No excessive demand on public services has been noted from any of the reviewing departments or agencies.

**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 site is zoned "A" Residential and the Design Lansing Comprehensive Plan designates the entire site for parks and open space. Telecommunication towers are permitted as a special land use in all zoning districts, if the criteria established in the ordinance can be met. The intent of both the Zoning Ordinance and Comprehensive Plan is to permit towers in locations that have the least amount of impact, particularly from an aesthetic standpoint, on surrounding properties. In this case, the tower is located in a very discreet area on the site where it will have no impact on the surrounding properties.

**9. Will the proposed special land use meet the dimensional requirements of the district in which the property is located?**

The use exceeds the setback requirements of the Zoning Code. The site is zoned "A" Residential which has a height limitation of 30 feet. The applicant has applied to the Board of Zoning Appeals for a variance to permit a height of 150 feet for the tower. This case will be considered at the March 10, 2016 BZA meeting.

### **FLOODPLAIN**

Section 1288.06 of the Zoning Ordinance requires a Special Land Use permit before a structure can be erected in the 100 year floodplain on a parcel that is one-half acre or greater in size. The subject property is almost 2 acres in size. The property is located entirely within the 100 year floodplain of the Red Cedar River. The base (100 year) flood elevation for this property is 835 feet above sea level. The base of the proposed tower will have an elevation of 831.25 feet above sea level. Since the structure is merely a cell tower and not an occupied or finished building, it is not required to be elevated above the base flood elevation.

The City must be provided with a copy of the permit from the Michigan Department of Environmental Quality/Natural Resources before a building permit can be approved.

### **OTHER**

Several years ago, when cell phone towers were first being constructed in the City, the Planning Board and BZA, as a matter of policy, developed a list of conditions for all towers in the City. What follows are the conditions and how they relate to this specific request.

**1. The tower shall be "monopole" type.**

The request is for the construction of a monopole communication tower.

**2. The proposed monopole tower provide for a co-location of antennas:**

There are no existing telecommunication towers to co-locate on in the area. The proposed tower is designed to handle at least three additional cellular carriers.

3. **The tower shall not interfere with telemetry communications of local hospitals and emergency services.**

This should be a condition of approval, even though there are no hospitals, medical facilities or emergency service agencies located near the site.

4. **Landscaping be added around the base of the tower to buffer the view of the base from surrounding properties.**

The proposed tower will be located in the middle of densely wooded park and therefore the base of the tower will not be visible to any of the surrounding properties.

5. **The tower be appropriately accessible and fenced for security.**

The tower/compound area will be accessed via the gravel/dirt path that already exists of the property. The tower and the compound area for the mechanical equipment will be surrounded by a 6 foot high chain-link fence with 3 strands of barbed wire atop the fence.

6. **The tower and any mechanical equipment shed be consolidated and placed in locations as far away from surrounding residential units so as to minimize the visual impact.**

The proposed tower is located in a very discreet location and will have no impacts, aesthetic or otherwise, on any of the surrounding properties. .

### **Wireless Communication Tower Ordinance Requirements**

The new ordinance governing cell phone towers requires the following setbacks, based upon the adjoining land uses:

	Required	Proposed
North:	112.5 feet	500 feet +/-
South:	112.5 feet	1000 feet +/-
East:	112.5 feet	500 feet +/-
West:	112.5 feet	1000 feet +/-

The new ordinance also requires a 1,500 foot separation distance between towers. There are no towers within 1,500 feet of 2101 E. Mt. Hope Avenue. The applicant's proposal, therefore, complies with all dimension requirements of the Zoning Ordinance with the exception of the height limitation. As noted above, the applicant is seeking a variance to the 30 foot height limitation to permit a 150 foot high tower.

### **SUMMARY**

This is a request by Verizon Wireless to construct a new, 150 foot high, telecommunications tower on the property at 2101 E. Mt. Hope Avenue (Crego Park) that would be located within the 100 year floodplain. Telecommunication towers are permitted in the "A" Residential district, which is the zoning designation of the property, if a special land use permit is approved by the Lansing City Council. A special land use permit is also required for new construction within the 100 year floodplain on a parcel of land that is greater than ½ acre in size. The subject property contains 189 acres.

No impacts of any significance were identified with respect to traffic, public facilities, or the environment. Furthermore, the proposed tower is consistent with the dimensional requirements of the Zoning Code, with the exception of the 30 foot height limit within the "A" Residential district. The Board of Zoning Appeals will consider the requested height variance at its March 10, 2016 meeting.

The proposal 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 designations of the Zoning Code and the Design Lansing Comprehensive Plans.
9. The proposed Special Land Use will comply with the dimensional requirements of the Zoning Ordinance.

### **RECOMMENDATION**

Staff recommends approval of SLU-1-2016, a special land use permit to allow a 150' high, telecommunications tower at 2101 E. Mt. Hope Avenue, as depicted on the site plan dated 1/27/16, based upon the findings of fact as outlined in this staff report, subject to approval of the height variance by the Board of Zoning Appeals and with the following conditions:

1. The proposed monopole tower shall provide for a co-location of at least 3 antennas, and
2. The tower shall not interfere with telemetry communications of local hospitals and emergency services.
3. A permit from the Michigan Department of Environmental Quality is obtained to construct the tower within the 100 year floodplain of the Red Cedar River.

**Respectfully Submitted,**

**Susan Stachowiak  
Zoning Administrator**



## BOARD OF WATER AND LIGHT MEMO

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March 7, 2016

TO: City of Lansing – Planning Department – Susan Stachowiak  
FROM: John Folino, Supervisor of Customer Projects, Marketing & Development- 517-702-6708  
RE: SLU-1-2015 - Agency Referral

### LBWL Electric Comments:

Accepted as proposed with the following comments:

- There are no apparent conflicts with the proposed development and the existing BWL electric distribution facilities.
- The BWL can provide an underground and/or overhead electric line extension 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 the owner/developer.
- Owner/developer must contact BWL Customer Projects Department, Jerry Wheeler @ 517-702-6644, to initiate the Service Agreement process.

### LBWL Water and Steam Distribution Department – Water Distribution

#### APPROVED

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

- Water service is available at the north end of Fidelity Lane. If this project requires water service, then the customer must submit an application to the LBWL Utility Service Department at 517-702-6700. The customer will be required to enter a service agreement, meet LBWL 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/>. Customer is responsible for all water service construction costs.
- Should water service be required, the customer is responsible for determining demand requirements for their own applications, and for determining the size of service to meet those requirements. Should pressures requirements exceed delivery pressure at required demand, then the customer is responsible for the sizing and installation of pressure boosting equipment (e.g., pressure tanks, or booster pumps).
- Should water service be required, the customer will be responsible for granting an easement for the purposes of extending water service to the site.
- The customer is responsible for configuring piping to prevent cross connections.
- Any questions about specific water service requirements may be directed to the LBWL Water Distribution Department Engineer; Mike Schorsch @ (517) 930-5791, or via e-mail at [mrs1@lbwl.com](mailto:mrs1@lbwl.com)

Note that any site plan approval does not constitute an agreement for service, and is limited exclusively to the LBWL's Water Distribution utility. All customers must meet LBWL requirements and enter a service agreement prior to receiving service.

### LBWL Water and Steam Distribution Department – District Energy

#### APPROVED

This approval is subject to the following conditions:

- The project is located outside of the LBWL's district energy service territory.
- Any questions about specific district energy service requirements may be directed to the LBWL Water and Steam Distribution Department Engineer; Michael Schorsch @ (517) 702-6369, or via e-mail at [mrs1@lbwl.com](mailto:mrs1@lbwl.com).

Note that any site plan approval does not constitute an agreement for service, and is limited exclusively to the LBWL's district energy (steam and chilled water) utilities. All customers must meet LBWL requirements and enter a service agreement prior to receiving service.

**LBWL Environmental:**

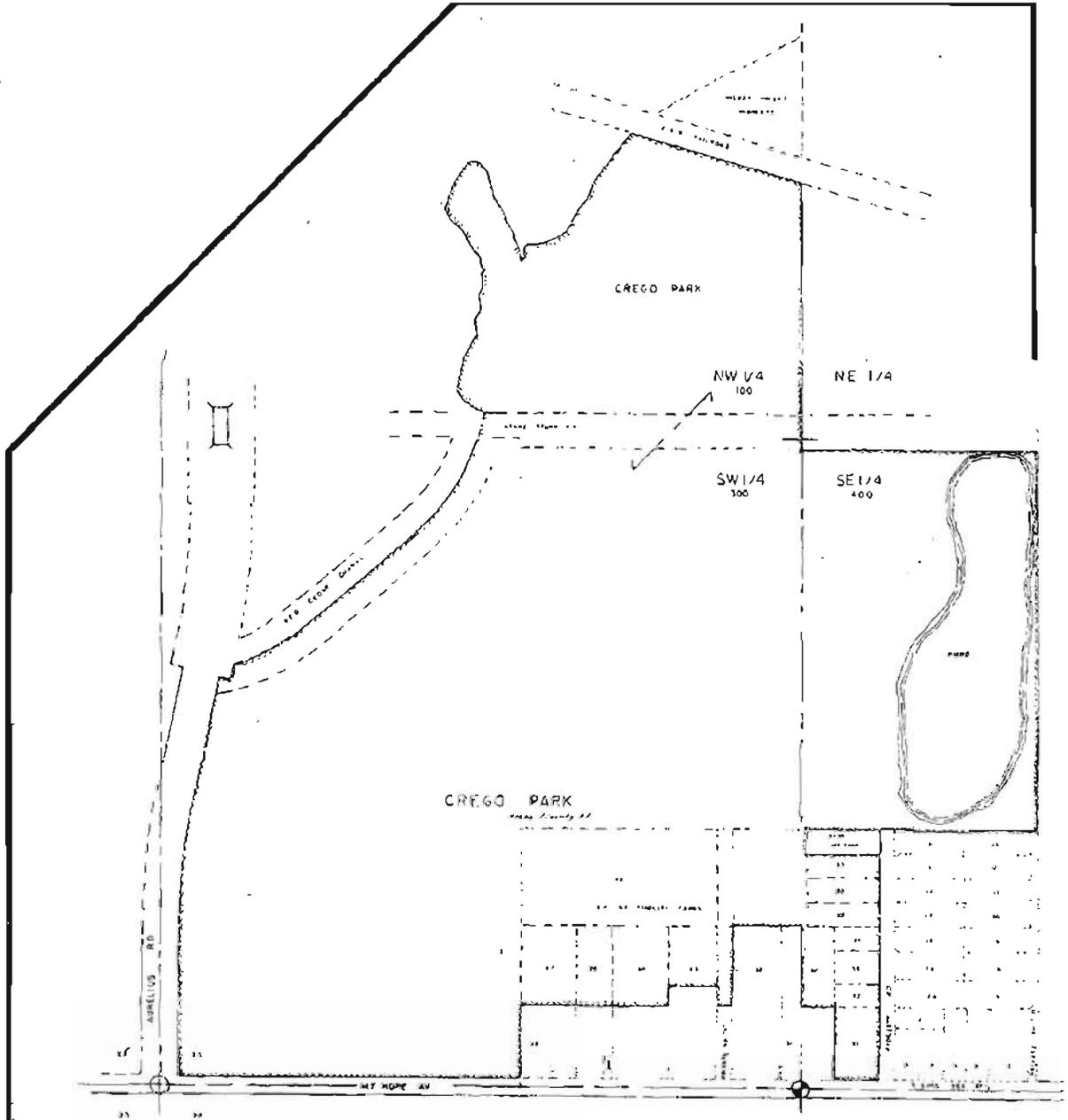
This project is lies within the Board of Water & Light Wellhead Protection Area. Care must be exercised during construction to minimize the exposure of contaminated soils to weather and subsequent loss to the groundwater. Construction machinery should be parked on paved areas when not in use, and leakage 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.







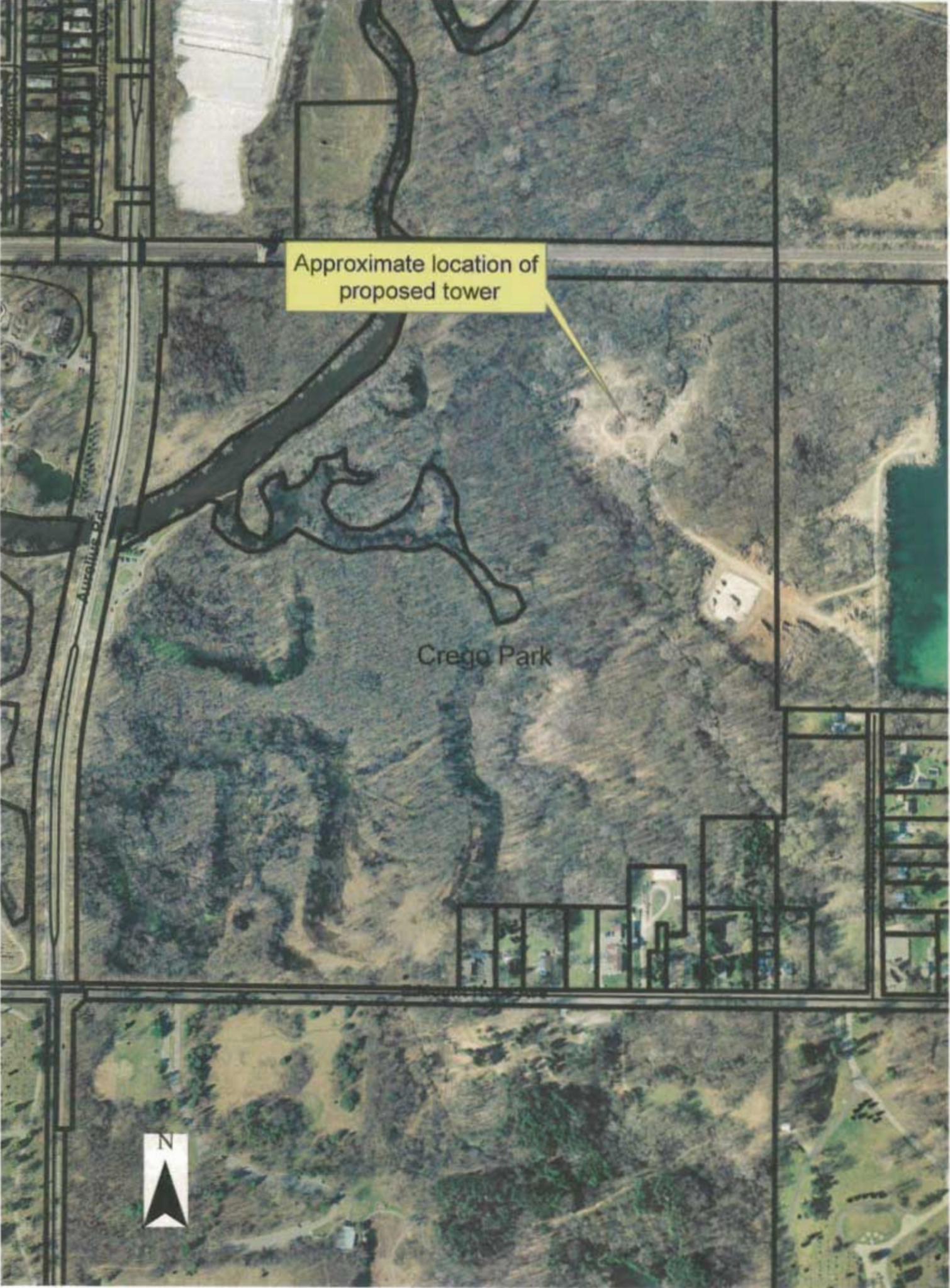
Image/SiteSearch/Parcel/33-01-01-23-351-002



Approximate location of proposed tower

Crego Park

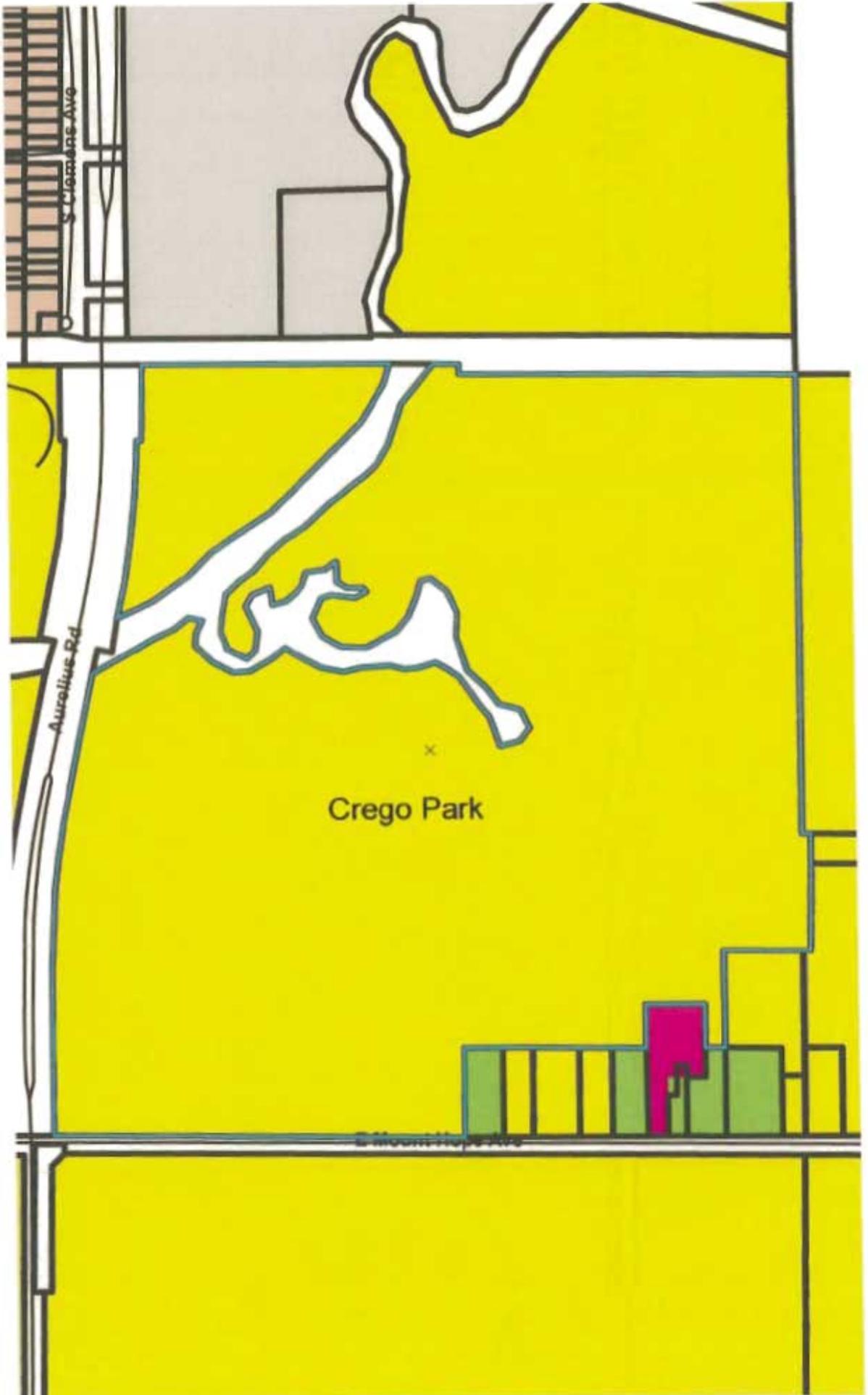
Aurcolius Rd



# City of Lansing Zoning Map

## Legend

-  roads\_final
-  Tax Parcels
-  A Residential-Single
-  B Residential-Single
-  C Residential-2 Unit
-  NONE
-  CUP Community Unit Plan
-  D-1 Professional Office
-  D-2 Residential/Office
-  DM-1 Residential-Multiple
-  DM-2 Residential-Multiple
-  DM-3 Residential-Multiple
-  DM-4 Residential-Multiple
-  E-1 Apartment Shop
-  E-2 Local Shopping
-  F Commercial
-  F-1 Commercial
-  G-1 Business
-  G-2 Wholesale
-  H Light Industrial
-  I Heavy Industrial
-  J Parking
-  ROW Right of Way



BY THE COMMITTEE ON DEVELOPMENT & PLANNING  
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, \_\_\_\_\_, 2016, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving or opposing the Ordinance for rezoning:

SLU-1-2016: Special Land Use Permit, 2101 E. Mt. Hope Avenue, Wireless Communication Tower in the "A" Residential District

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING  
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

SLU-1-2016

2101 E. Mt. Hope Avenue (Crego Park)

Wireless Communications Tower in the "A" Residential District

WHEREAS, the applicant, Verizon Wireless, has requested a Special Land Use permit (SLU-1-2016) to construct a wireless communication tower at 2101 E. Mt. Hope Avenue (Crego Park) within the 100 year floodplain of the Red Cedar River, and has provided all information required by Section 1298.07 of the Zoning Ordinance; and

WHEREAS, the property is zoned "A" Residential District where wireless communication towers are permitted subject to obtaining a special land use permit; and

WHEREAS, Section 1288.06 of the Zoning Ordinance requires a Special Land Use permit for new construction in the 100 year floodplain on a parcel of land in excess of ½ acre in size; and

WHEREAS, a review was completed by staff evaluating the character, location and impact this proposal would have on the surrounding area and the impact on the environment, utilities, services and compliance with the Zoning Code and objectives of the Comprehensive Plan; and

WHEREAS, the Planning Board held a public hearing on April 5, 2016, at which time the applicant's representative spoke in favor of the request and no other comments were received; and

WHEREAS, the Planning Board (based upon testimony, evidence and the staff report) at its April 5, 2016 meeting, voted unanimously (5-0) to recommend approval of SLU-1-2016 to permit a wireless communication tower at 2101 E. Mt. Hope Avenue, with certain conditions; and

WHEREAS, the City Council held a public hearing regarding SLU-1-2016 on \_\_\_\_\_, 2016; and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board and concurs therewith; and

NOW THEREFORE BE IT RESOLVED that the Lansing City Council hereby approves SLU-1-2016, to permit a wireless communication tower at 2101 E. Mt. Hope Avenue within the 100 year floodplain of the Red Cedar River, as depicted on the plans dated 1/27/16, with the following conditions:

1. The proposed monopole tower shall provide for a co-location of at least 3 antennas, and

2. The tower shall not interfere with telemetry communications of local hospitals and emergency services.
3. A permit from the Michigan Department of Environmental Quality is obtained to construct the tower within the 100 year floodplain of the Red Cedar River.

BE IT FURTHER RESOLVED that this Special Land Use permit shall remain in effect only so long as the petitioner fully complies with this resolution, and if the petitioner fails to comply, the Special Land Use permit may be terminated by City Council Resolution.

BE IT FINALLY RESOLVED that in granting this request with conditions, the City Council has considered the factors listed in Section 1298.07(B)(2), and determines the following:

1. The proposed wireless communication tower is compatible with the essential character of the surrounding area, as designed.
2. The proposed wireless communication tower will not change the essential character of the surrounding area.
3. The proposed wireless communication tower will not interfere with the general enjoyment of adjacent properties.
4. The proposed wireless communication tower will not impact adjacent properties as it will not be detrimental to the use or character of the property under consideration.
5. The proposed wireless communication tower will not impact the health, safety and welfare of persons or property in the surrounding area.
6. The proposed wireless communication tower can be adequately served by essential public facilities and services.
7. The proposed wireless communication tower will not place any demands on public services and facilities in excess of current capacities.
8. The proposed wireless communication tower is consistent with the intent and purposes of the Zoning Code and in conformance with the Master Plan.
9. The proposed wireless communication tower will comply with the requirements of the "A" Residential District.



**OFFICE OF THE MAYOR**

9th Floor, City Hall  
124 W. Michigan Avenue  
Lansing, Michigan 48933-1694  
(517) 483-4141 (voice)  
(517) 483-4479 (TDD)  
(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers  
FROM: Mayor Virg Bernero  
DATE: 4-7-16  
RE: Z-4-2016, South Edge Development Rezoning

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The attached correspondence is forwarded for your review and appropriate action.

VB/rh  
Attachment



**City of Lansing**  
**Inter-Departmental**  
**Memorandum**



To: Virg Bernero, Mayor  
From: Susan Stachowiak, Zoning Administrator  
Subject: CITY COUNCIL AGENDA ITEM - Z-4-2016, South Edge Development Rezoning  
Date: April 6, 2016

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The Lansing Planning Board, at its regular meeting held on April 5, 2016, voted (5-0) to recommend approval of a request by Studio Intrigue Architects to rezone the block bounded by W. Hillsdale Street to the north, W. St. Joseph Street to the south, S. Capitol Avenue to the west and S. Washington Avenue to the east, with the exception of 605 S. Capitol Avenue, 105 W. Hillsdale Street and 616 S. Washington Avenue, from “DM-4” Residential, “F-1” Commercial & “D-1” Professional Office District to “G-1” Business District. The purpose of the rezoning is to allow for future mixed use development of the subject property.

The Planning Board found, based on testimony, evidence and the staff report, that the proposed rezoning will be consistent with the existing land use patterns in the area and with goals of the future land use pattern being advanced in the Design Lansing Comprehensive Plan. The Board also found that the proposed rezoning will have no negative impacts on traffic patterns, the environment or future patterns of development in the area.

At the Planning Board public hearing held on April 5, 2016, the applicant’s representatives spoke in favor of the request and no other comments were received.

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

**Attachments**

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**GENERAL INFORMATION**

**APPLICANT:** Studio Intrigue Architects, LLC  
 1114 S. Washington Avenue, Suite 100  
 Lansing, MI 48910

**OWNERS:** 608 S. Washington Properties, LLC  
 611 S. Capitol Properties, LLC  
 615 S. Capitol Properties, LLC  
 617 S. Capitol Properties, LLC  
 616 S. Washington Properties, LLC  
 608 S. Washington Properties, LLC

**REQUESTED ACTIONS:** Rezone from "F-1" Commercial, "D-1" Professional Office & "DM-4" Residential to "G-1" Business District

**EXISTING LAND USE:** Offices, Parking Lots & Multi-Family Residential Uses

**EXISTING ZONING:** "F-1" Commercial, "D-1" Professional Office & "DM-4" Residential Districts

**PROPOSED ZONING:** "G-1" Business District

**PROPERTY SIZE:** 1.09 acres -- total area to be rezoned

**SURROUNDING LAND USE:**
 N: Parking Lots/Lake Trust Credit Union  
 S: I-496/Industrial  
 E: Office Building  
 W: Office/Doggy Day Care

**SURROUNDING ZONING:**
 N: "D-1" Professional Office, "F" & "F-1" Commercial Districts  
 S: "C" Residential & "I" Heavy Industrial District  
 E: "F-1" Commercial District  
 W: "D-1" Professional Office & "F-1" Commercial Districts

**MASTER PLAN:** The Central Lansing Comprehensive Plan designates the subject property for retail/commercial with upper floor mixed use. The Design Lansing Master Plan designates the subject property for Downtown Mixed-Use Center: Core. S. Washington and E. St. Joe are designated as minor arterials. S. Capitol is designated as a major arterial and Hillsdale is designated as a local road.

**DESCRIPTION:**

This is a request Studio Intrigue Architects to rezone the block bounded by W. Hillsdale Street to the north, W. St. Joseph Street to the south, S. Capitol Avenue to the west and S. Washington Avenue to the east, with the exception of 605 S. Capitol Avenue, 105 W. Hillsdale Street and 616 S. Washington Avenue, from "DM-4" Residential, "F-1" Commercial & "D-1" Professional Office District to "G-1" Business District. The purpose of the rezoning is to allow for future mixed use development of the subject property.

The property at 616 S. Washington Avenue was rezoned to "G-1" Business in 2014.

**AGENCY RESPONSES**

BWL:	See attached.
Building Safety:	The BSO has no objections.
Development Office:	The Development Office has no comments.
Fire Marshal:	
Parks & Recreation:	No comment.
Public Service:	Regarding the rezoning request associated with this proposed mixed-use development, Public Service Dept. has no issues or objections with this request. However, we should note that, due to flow impacts from wet weather, the local sanitary sewer capacity is somewhat limited in this part of the service area. Consequently, depending upon a completed analysis of the proposed sanitary sewage flows, on-site sanitary sewage flow equalization/storage MAY be required for this development during the site plan review process.
Traffic Engineer:	The Transportation and Non-Motorized has no comments or requirements relative to the rezoning request. The request was reviewed for the rezoning only and does not constitute review or approval of the site plan or any other action or process required for the proposed improvements to the property.

**REZONING ANALYSIS****COMPATIBILITY WITH SURROUNDING LAND USE:**

The proposal is to rezone the block bounded by W. Hillsdale Street to the north, W. St. Joseph Street to the south, S. Capitol Avenue to the west and S. Washington Avenue to the east, with the exception of 605 S. Capitol Avenue, 105 W. Hillsdale Street and 616 S. Washington Avenue, to "G-1"

Business district. 616 S. Washington was rezoned to "G-1" Business in 2014. The properties at 105 W. Hillsdale and 605 S. Capitol are not part of the proposed development.

The purpose of the rezoning is to permit the subject properties, in combination with 616 S. Washington Avenue, to be used for a mix of office and residential uses. The development would consist of a 2 story, 13,531 square foot office building at the northwest corner of St. Joe and S. Washington Avenue, with an attached 4 story, 52 unit, multiple family residential building to its west. The architecturally and historically significant "Blake House" at 118 W. St. Joe will be preserved and incorporated into the proposed development. The proposed number of units is well within the allowable density for the "G-1" Business district.

The subject property is located in an area that is comprised of office, commercial and residential uses. The proposed mixed use development will provide a renewed sense of vitality to an area that is somewhat devoid of activity outside of normal working hours. In fact, the site is a strategic location for the realization of the overall mixed-use pattern being advanced in the Master Plans for this area.

The residential component of the project 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 and has convenient access to public transportation.

The "G-1" Business district is the most appropriate zoning designation to facilitate the proposed mixed use development. The "G-1" district allows for a mix of office, commercial and residential uses to the highest density permitted under the Zoning Ordinance (up to 87 dwelling units per acre). It also has no setback, height or parking requirements which is why it is the overwhelming majority of the land in and around the core downtown area is currently zoned "G-1" Business.

#### **COMPLIANCE WITH MASTER PLAN:**

The Central Lansing Comprehensive Plan designates the subject property for retail/commerce with upper floor mixed use and the Design Lansing Master Plan designates the subject property for Downtown Mixed-Use Center: Core. The Plan specifies the following for residential use:

"Typical densities/building heights: Minimum height of 2 stories. For Washington Square between Michigan Avenue and St. Joseph Street the maximum building height should be 6 stories to maintain the intimate pedestrian character of this corridor. The remaining parts of this district do not have a height limitation. Base density/height and bonuses for residential, mixed-income housing, ground floor retail, open space and other desired development features will need to be determined. Residential densities should range between 60-100 dwelling units per acre."

With respect to placemaking characteristics, the Plan states that:

"Buildings should be located at the sidewalk edge with a nearly continuous street facade and a clearly defined primary entrance oriented to the street. Minimum ground floor transparency (windows and doors) should be established. Ground floor retail storefronts are encouraged.

Building base and top should be articulated. Façade articulation into vertical units replicating traditional downtown building widths (e.g., at 30-foot intervals) should be considered. Materials standards should be considered. Surface parking is discouraged with deck parking underground, on-site above the ground floor and/or in the interior of the block, or in publicly-owned structures (funded in part by payments in lieu of parking). Parking ratio maximums should be considered.”

The G-1 Business district is the zoning designation that is most consistent with the mixed use development strategy being advanced in both the Central Lansing and Design Lansing Master Plans. It is specifically designed for the downtown in that it allows for development at the front property line; parking can be accommodated via shared public facilities; and mixed uses of retail, office, and high density residential are permitted by right.

As evidenced by the attached plans, the proposed development is consistent with the density and placemaking characteristics described in the Master Plans. The proposed density is 47.7 dwelling units per acre and the building would be located at or very near the front property lines along both S. Capitol, St. Joseph and S. Washington. In addition, parking on the site would be located behind the proposed building.

#### **IMPACT ON VEHICULAR AND PEDESTRIAN TRAFFIC:**

The proposed development is anticipated to generate additional pedestrian traffic which is very positive for the area. Furthermore, by providing residential units in the downtown area on a major bus route (Capitol Avenue), the occupants of the units can be less dependent on automobiles. The current pedestrian walkway system and traffic controls in the area are designed to accommodate large volumes of pedestrian traffic in a safe manner. With respect to vehicular traffic, access to the site will be from E. Hillsdale, S. Capitol and S. Washington Avenue. S. Capital Avenue is designated as a principal arterial and S. Washington Avenue is designated as a minor arterial, both of which are designed to carry a high volume of traffic.

Although no on-site parking is required to be provided under the “G-1” Business zoning, the applicant is proposing to construct 96 surface parking spaces. The applicant has provided a parking analysis (see attached) demonstrating that the proposed 96 parking spaces will be adequate to accommodate the needs of the proposed building since the parking demands for the office use will primarily occur during typical business hours while the parking demands for the residential component of the project will occur beyond typical business hours.

#### **IMPACT ON PUBLIC FACILITIES:**

New development will require site plan review at which time the adequacy of the utility systems to accommodate the proposed development will be evaluated.

#### **ENVIRONMENTAL IMPACT:**

Given the amount of human intervention already occurring on this site, the zoning proposal will have little impact on the physical environment. The proposed development will be required to go through

an administrative site plan approval process, during which the drainage system as well as all other physical aspects of the development will be reviewed for compliance with city codes. Furthermore, Capitol Avenue is a major bus route which allows residents of the area to be less dependent on private transportation. Reducing motorized traffic has a positive impact on the environment since less traffic results in less pollution created by the greenhouse gas emissions that motorized vehicles produce and less wear and tear on the roads.

#### **IMPACT ON FUTURE PATTERNS OF DEVELOPMENT:**

The proposal is considered to have a positive impact on future development patterns in the area. The "G-1" zoning classification will facilitate the mixed use development pattern of commercial and residential uses being advanced in the Central Lansing and Design Lansing Comprehensive Plans. Furthermore, the proposed project may encourage more redevelopment projects in the area that will further the goals of the Master Plans to create a vibrant downtown.

This site is a strategic location for the realization of the overall land use pattern being advanced in the Master Plans for this area. A mixed use development at this location would strengthen the linkage between the core downtown to the north and the area south of E. Hillsdale that is currently comprised of mostly office uses. The proposed development will provide convenient housing for people who work and attend the various educational institutions in Lansing's downtown. In addition, the occupants of the residential units will provide a strong customer base for the commercial uses in the core downtown area (Washington Square).

#### **SUMMARY**

This is a request Studio Intrigue Architects to rezone the block bounded by W. Hillsdale Street to the north, W. St. Joseph Street to the south, S. Capitol Avenue to the west and S. Washington Avenue to the east, with the exception of 605 S. Capitol Avenue, 105 W. Hillsdale Street and 616 S. Washington Avenue, from "DM-4" Residential, "F-1" Commercial & "D-1" Professional Office District to "G-1" Business District. The purpose of the rezoning is to allow for future mixed use development of the subject property.

The findings of fact as outlined in this staff report support a positive recommendation for the requested rezoning. The proposed rezoning will be consistent with the existing land use patterns in the area and with the future land use pattern being advanced in the City Comprehensive Plans. Additionally, the proposed rezoning will have no negative impacts on traffic patterns, the environment or future patterns of development in the area.

**RECOMMENDATIONS**

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

Z-4-2014 be approved to rezone the property bounded by W. Hillsdale Street to the north, W. St. Joseph Street to the south, S. Capitol Avenue to the west and S. Washington Avenue to the east, with the exception of 605 S. Capitol Avenue, 105 W. Hillsdale Street and 616 S. Washington Avenue, from "DM-4" Residential, "F-1" Commercial & "D-1" Professional Office District to "G-1" Business District.

**Respectfully Submitted,**

**Susan Staehowiak  
Zoning Administrator**



## BOARD OF WATER AND LIGHT MEMO

---

February 23, 2016

TO: City of Lansing – Planning Department – Susan Stachowiak

FROM: John Folino, Supervisor of Customer Projects, Marketing & Development- 517-702-6708

RE: Z-4 2016: Rezoning for South Edge Lofts Development

**LBWL Electric:**

**Approved**

- The Board of Water and Light Electric Utility has no objection to the re-zoning.
- Contact person: Tim Rowden, ph: 517-702-6101

**LBWL Water and Steam Distribution Department – Water:**

**Approved**

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

- LBWL Water has no objection to re-zoning the referenced parcels.
- Prior to receiving water service, the customer must submit an application to the LBWL Utility Service Department at 517-702-6700 for any new service or alterations to existing services or metering. The customer will be required to enter a service agreement, meet LBWL 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/>
- Any questions about specific water service requirements may be directed to the LBWL Water Distribution Department Engineer, Derek Ambis @ (517) 702-6417, or via e-mail at [dra@lbwl.com](mailto:dra@lbwl.com)

Note that any 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.

**LBWL Environmental – 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.

# PARKING ANALYSIS FOR SOUTH EDGE LOFTS

14.053 (12/18/15)

## Parking Demand

### Spaces required by City of Lansing:

608 S. Washington (Zone F-1 - Proposed G-1, Existing Offices)

Basement (Lab): 1,484 S.F.  
 1<sup>st</sup>: 4,675 S.F.  
 2<sup>nd</sup>: 4,675 S.F.  
**Total:** 10,834 S.F. \* (.65) = 7042.1 Usable S.F. / 200 S.F. per space = **35.2 Spaces**

611 S. Capitol (Zone D-1 - Proposed G-1, Existing Mixed Use)

Office: 548 S.F. \* (.65) = 356.2 Usable S.F. / 200 S.F. per space = 1.8 Spaces  
 Apts.: (1) 01 Bedroom x 1.5 spaces = 1.5 Spaces  
 (1) 03 Bedroom x 2 spaces = 2 Spaces  
**Total** = **5.3 Spaces**

### Spaces not required but desired for new building (Zoned G-1):

Proposed development (office portion) (Zoned G-1)

First Floor  
 Office: 6,060 S.F. \* (.65) = 3,939 Usable S.F. / 200 S.F. per space = 20 Spaces  
 Second Floor  
 Office: 6,121 S.F. \* (.65) = 3,979 Usable S.F. / 200 S.F. per space = **20 Spaces**

Proposed development (residential portion) (Zoned G-1/Proposed G-1)

Apts.: (04) Studio x 1 space = 04 Spaces  
 (22) 01 Bedroom x 1.5 spaces = 33 Spaces  
 (06) Loft (01 Bedroom) x 1.5 spaces = 09 Spaces  
 (20) 02 Bedroom x 2 spaces = 40 Spaces  
**Total apartment parking** = **86 Spaces**

**Total Demand prior to factoring in Peak Demand hours (including spaces not required) = 167 Spaces**

### Total Peak Demand (including spaces not required)\*:

USE	Weekday 8am-6pm	Weekday 6pm-12am	Weekend 8am-6pm	Weekend 6pm-12am	Nighttime 12am-6am
Office Demand:	62 Spaces (.80)	16 Spaces (.20)	08 Spaces (.10)	04 Spaces (.05)	0 Spaces (.00)
Apartment Demand:	18 Spaces (.20)	72 Spaces (.80)	68 Spaces (.75)	68 Spaces (.75)	81 Spaces (.90)
<b>Total Peak Demand =</b>	<b>90 Spaces</b>	<b>88 Spaces</b>	<b>76 Spaces</b>	<b>72 Spaces</b>	<b>81 Spaces</b>

\*Peak demand reductions based on review of peak parking demand at three Lansing area developments and peak parking demand experienced in other U.S. cities, including examples cited in "Parking Spaces / Community Places – Finding the Balance through Smart Growth Solutions" published by the U.S. Environmental Protection Agency, January 2006.

## **PARKING ANALYSIS FOR SOUTH EDGE LOFTS**

14.053 (12/18/15)

### **Parking Provided (includes existing and proposed parking)**

608 S. Washington (including adjacent lot owned by same owner)	<b>= 44 Spaces</b>
611 S. Capitol (including adjacent lots owned by same owner)	<b>= 03 Spaces</b>
616 S. Washington, 615 S. Capitol and 118 W. Saint Joseph St	<b>= 49 Spaces</b>
<b>Total Provided</b>	<b>= 96 Spaces</b>

### **Parking Summary**

<b>Total Peak Parking Demand</b>	<b>= 90 Spaces</b>
<b>Total Parking Provided (on site)</b>	<b>= 96 Spaces</b>



## LOOKING NORTHWEST

S. WASHINGTON AND W. ST. JOSEPH ST.

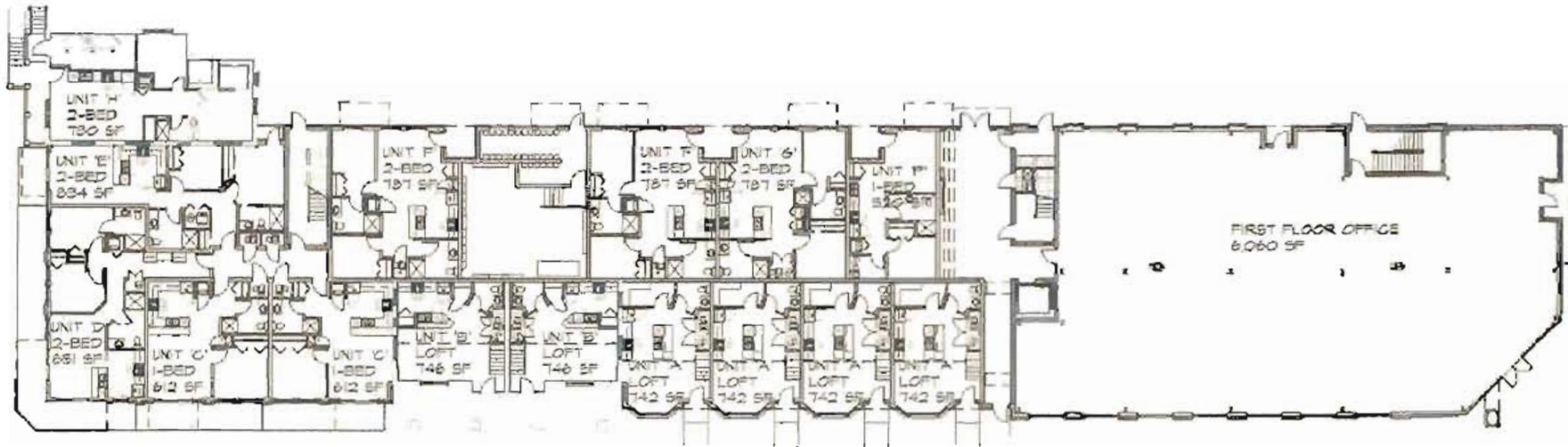
#14.053  
01.28.16



# LOOKING NORTHEAST

S. WASHINGTON AND W. ST. JOSEPH ST.





## SOUTH EDGE DEVELOPMENT - 1ST FLOOR PLAN

■ ■ ■ COPYRIGHT ©2016 STUDIO [INTRIGUE] ARCHITECTS, LLC



NTS  
#14,033  
01.29.16

1ST FLOOR TOTAL UNITS	
APARTMENT TYPES	
LOFTS:	6 UNITS
STUDIOS:	0 UNITS
1-BEDROOM:	5 UNITS
2-BEDROOM:	6 UNITS
TOTAL UNITS	15 UNITS

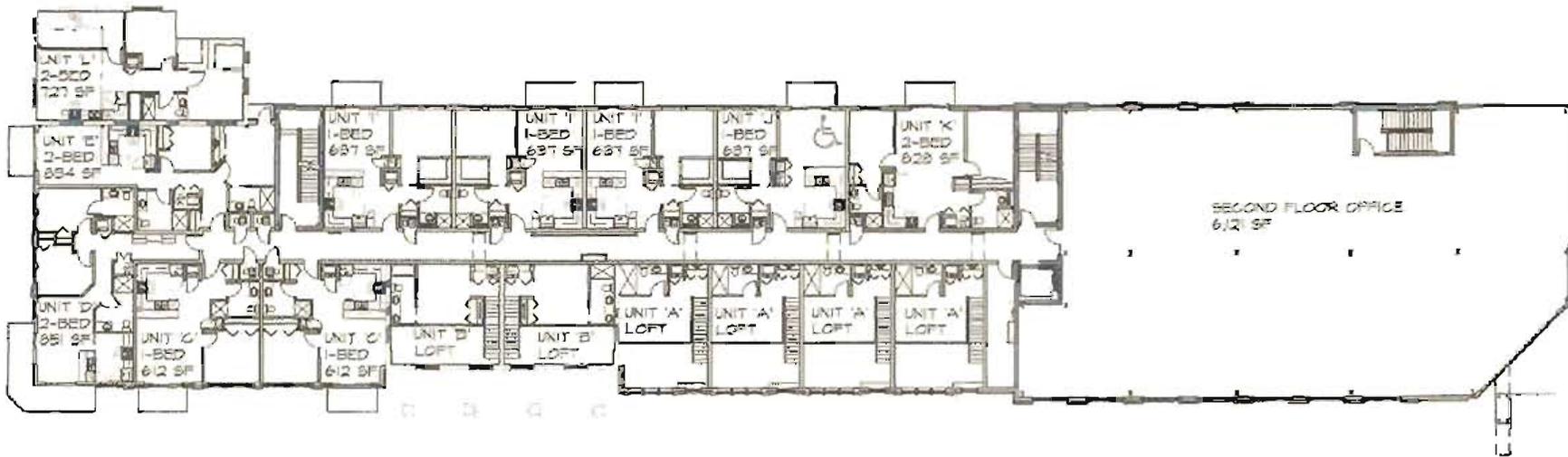
3RD FLOOR TOTAL UNITS	
APARTMENT TYPES	
LOFTS:	0 UNITS
STUDIOS:	2 UNITS
1-BEDROOM:	7 UNITS
2-BEDROOM:	5 UNITS
TOTAL UNITS	14 UNITS

TOTAL UNITS	
APARTMENT TYPES	
LOFTS:	06 UNITS
STUDIO:	04 UNITS
1-BEDROOM:	22 UNITS
2-BEDROOM:	20 UNITS
TOTAL UNITS	52 UNITS

2ND FLOOR TOTAL UNITS	
APARTMENT TYPES	
LOFTS:	0 UNITS
STUDIOS:	0 UNITS
1-BEDROOM:	6 UNITS
2-BEDROOM:	4 UNITS
TOTAL UNITS	10 UNITS

4TH FLOOR TOTAL UNITS	
APARTMENT TYPES	
LOFTS:	0 UNITS
STUDIOS:	2 UNITS
1-BEDROOM:	6 UNITS
2-BEDROOM:	5 UNITS
TOTAL UNITS	13 UNITS





## SOUTH EDGE DEVELOPMENT - 2ND FLOOR PLAN

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1ST FLOOR TOTAL UNITS	
APARTMENT TYPES	
LOFTS:	6 UNITS
STUDIOS:	0 UNITS
1-BEDROOM:	3 UNITS
2-BEDROOM:	6 UNITS
<b>TOTAL UNITS</b>	<b>15 UNITS</b>

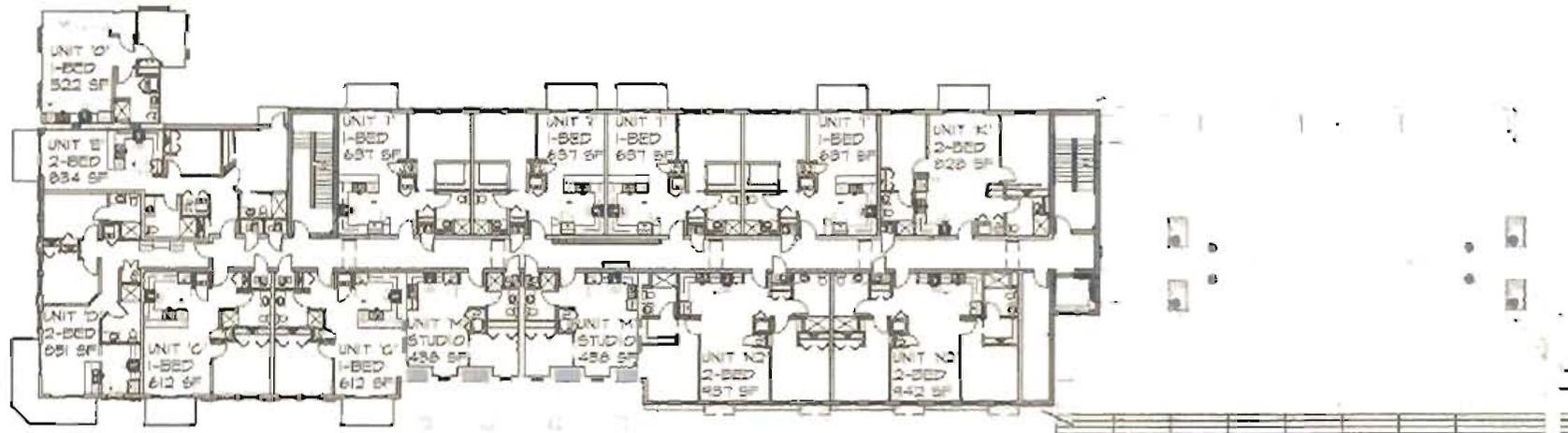
3RD FLOOR TOTAL UNITS	
APARTMENT TYPES	
LOFTS:	0 UNITS
STUDIOS:	2 UNITS
1-BEDROOM:	7 UNITS
2-BEDROOM:	5 UNITS
<b>TOTAL UNITS</b>	<b>14 UNITS</b>

TOTAL UNITS	
APARTMENT TYPES	
LOFTS:	06 UNITS
STUDIO:	04 UNITS
1-BEDROOM:	22 UNITS
2-BEDROOM:	20 UNITS
<b>TOTAL UNITS</b>	<b>52 UNITS</b>

2ND FLOOR TOTAL UNITS	
APARTMENT TYPES	
LOFTS:	0 UNITS
STUDIOS:	0 UNITS
1-BEDROOM:	6 UNITS
2-BEDROOM:	4 UNITS
<b>TOTAL UNITS</b>	<b>10 UNITS</b>

4TH FLOOR TOTAL UNITS	
APARTMENT TYPES	
LOFTS:	0 UNITS
STUDIOS:	2 UNITS
1-BEDROOM:	6 UNITS
2-BEDROOM:	3 UNITS
<b>TOTAL UNITS</b>	<b>3 UNITS</b>





## SOUTH EDGE DEVELOPMENT - 3RD FLOOR PLAN

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NTS  
#14.055  
01.29.16

1ST FLOOR TOTAL UNITS	
APARTMENT TYPES	
LOFTS:	6 UNITS
STUDIOS:	0 UNITS
1-BEDROOM:	9 UNITS
2-BEDROOM:	6 UNITS
TOTAL UNITS	15 UNITS

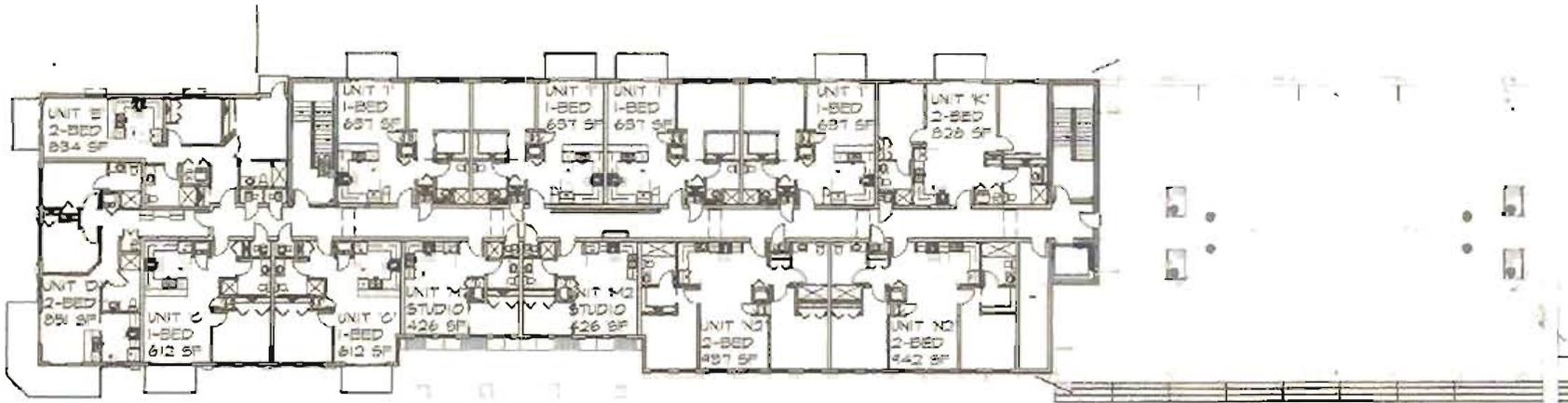
3RD FLOOR TOTAL UNITS	
APARTMENT TYPES	
LOFTS:	0 UNITS
STUDIOS:	2 UNITS
1-BEDROOM:	7 UNITS
2-BEDROOM:	5 UNITS
TOTAL UNITS	4 UNITS

TOTAL UNITS	
APARTMENT TYPES	
LOFTS:	06 UNITS
STUDIO:	04 UNITS
1-BEDROOM:	22 UNITS
2-BEDROOM:	20 UNITS
TOTAL UNITS	52 UNITS

2ND FLOOR TOTAL UNITS	
APARTMENT TYPES	
LOFTS:	0 UNITS
STUDIOS:	0 UNITS
1-BEDROOM:	6 UNITS
2-BEDROOM:	4 UNITS
TOTAL UNITS	10 UNITS

4TH FLOOR TOTAL UNITS	
APARTMENT TYPES	
LOFTS:	0 UNITS
STUDIOS:	2 UNITS
1-BEDROOM:	6 UNITS
2-BEDROOM:	5 UNITS
TOTAL UNITS	13 UNITS





## SOUTH EDGE DEVELOPMENT - 4TH FLOOR PLAN

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N75  
#14.058  
01.29.16

### 1ST FLOOR TOTAL UNITS

APARTMENT TYPES	
LOFTS:	6 UNITS
STUDIOS:	0 UNITS
1-BEDROOM:	3 UNITS
2-BEDROOM:	6 UNITS
<b>TOTAL UNITS</b>	<b>15 UNITS</b>

### 3RD FLOOR TOTAL UNITS

APARTMENT TYPES	
LOFTS:	0 UNITS
STUDIOS:	2 UNITS
1-BEDROOM:	7 UNITS
2-BEDROOM:	5 UNITS
<b>TOTAL UNITS</b>	<b>14 UNITS</b>

### TOTAL UNITS

APARTMENT TYPES	
LOFTS:	06 UNITS
STUDIOS:	04 UNITS
1-BEDROOM:	22 UNITS
2-BEDROOM:	20 UNITS
<b>TOTAL UNITS</b>	<b>52 UNITS</b>

### 2ND FLOOR TOTAL UNITS

APARTMENT TYPES	
LOFTS:	0 UNITS
STUDIOS:	0 UNITS
1-BEDROOM:	6 UNITS
2-BEDROOM:	4 UNITS
<b>TOTAL UNITS</b>	<b>10 UNITS</b>

### 4TH FLOOR TOTAL UNITS

APARTMENT TYPES	
LOFTS:	0 UNITS
STUDIOS:	2 UNITS
1-BEDROOM:	6 UNITS
2-BEDROOM:	5 UNITS
<b>TOTAL UNITS</b>	<b>13 UNITS</b>





W Hillsdale St

W Saint Joseph St

S Washington Ave



0

535

605

105

608

611

616

118

# City of Lansing Zoning Map

## Legend

roads\_final

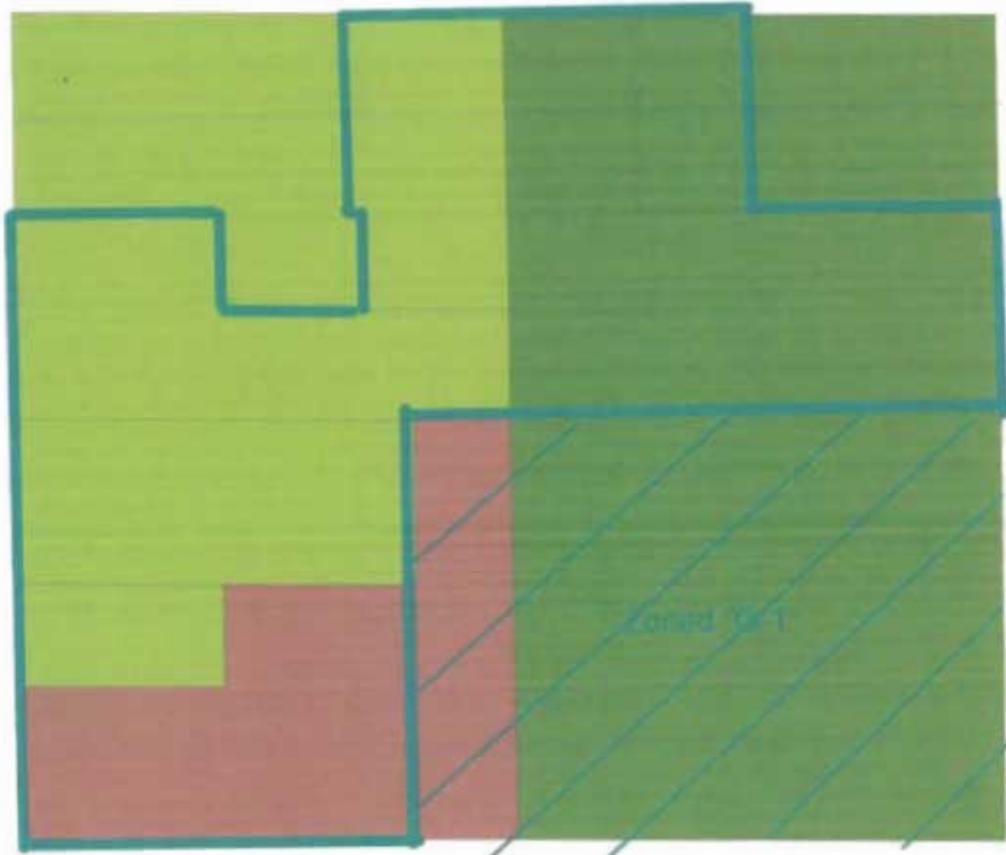
## Vector.GIS.Zoning

Representation: Vector.GIS.Zoning\_Rep

-  A Residential-Single
-  B Residential-Single
-  C Residential-2 Unit
-  NONE
-  CUP Community Unit Plan
-  D-1 Professional Office
-  D-2 Residential/Office
-  DM-1 Residential-Multiple
-  DM-2 Residential-Multiple
-  DM-3 Residential-Multiple
-  DM-4 Residential-Multiple
-  E-1 Apartment Shop
-  E-2 Local Shopping
-  F Commercial
-  F-1 Commercial
-  G-1 Business
-  G-2 Wholesale
-  H Light Industrial
-  I Heavy Industrial
-  J Parking
-  ROW Right of Way



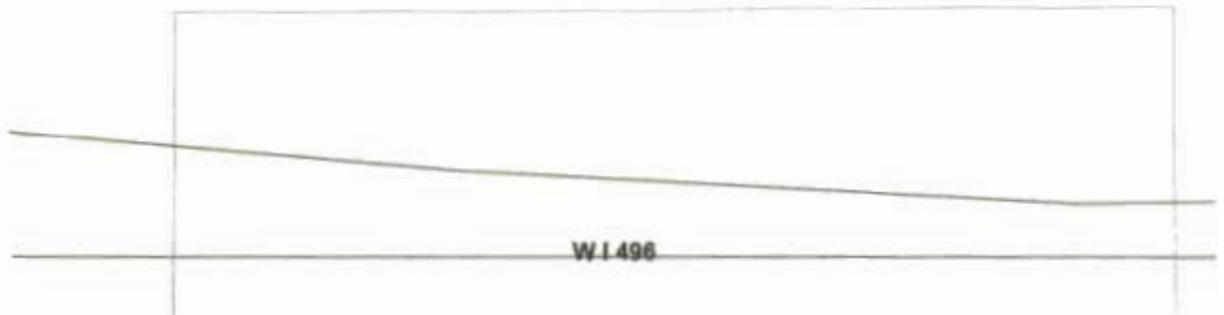
W Hillsdale St



W Saint Joseph St



W I 496



BY THE COMMITTEE ON DEVELOPMENT & PLANNING  
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, \_\_\_\_\_, 2016, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-4-2016, Block bounded by W. Hillsdale Street to the north, W. St. Joseph Street to the south, S. Capitol Avenue to the west and S. Washington Avenue to the east, with the exception of the properties at 605 S. Capitol Avenue, 105 W. Hillsdale Street and 616 S. Washington Avenue, from "DM-4" Residential, "F-1" Commercial & "D-1" Professional Office District to "G-1" Business District.

ORDINANCE # \_\_\_\_\_

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification of the property described as follows:

Case Number: Z-4-2016

Parcel Number's: 33-01-01-16-384-011/-021/-031/-041/-061/081/092

Legal Descriptions: Block 158, Original Plat, except the east 85 feet of Lot 1, Lots 3, 4, the East 2 Rods of Lots 5 & 6 and Commencing at the Northwest Corner of Lot 8, Thence South 68 Feet, East 66 Feet, South 31 Feet, East 49 Feet, North 31 Feet, West 3 Feet, North 68 Feet, West 112 Feet to the point of beginning, City of Lansing, Ingham County, MI, from "D-1" Professional Office, "F-1" Commercial & "DM-4" Residential Districts to "G-1" Business District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance was duly adopted by the Lansing City Council on \_\_\_\_\_, 2016, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

Section 4. This ordinance shall take effect upon the expiration of seven (7) days from the date this notice of adoption is published in a newspaper of general circulation.



**OFFICE OF THE MAYOR**

9th Floor, City Hall  
124 W. Michigan Avenue  
Lansing, Michigan 48933-1694  
(517) 483-4141 (voice)  
(517) 483-4479 (TDD)  
(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers  
FROM: Mayor Virg Bernero  
DATE: 4-7-16  
RE: Z-3-2016, Rezoning, Lake Trust Site

---

The attached correspondence is forwarded for your review and appropriate action.

VB/rh  
Attachment



**City of Lansing**  
**Inter-Departmental**  
**Memorandum**



To: Virg Bernero, Mayor  
From: Susan Stachowiak, Zoning Administrator  
Subject: CITY COUNCIL AGENDA ITEM - Z-3-2016, Rezoning, Lake Trust Site  
Date: April 6, 2016

---

The Lansing Planning Board, at its regular meeting held on April 5, 2016, voted (5-0) to recommend approval of a request by Studio Intrigue Architects, LLC on behalf of Lake Trust Credit Union to rezone the south 132 feet of the property block bounded by W. Lenawee Street to the north, W. Hillsdale Street to the south, S. Capitol Avenue to the west and S. Washington Square to the east from “D-1” Professional Office and “F” & “F-1” Commercial Districts to “G-1” Business District. The purpose of the rezoning is to permit a mixed use (office/commercial/residential) development of the property.

The Planning Board found, based on testimony, evidence and the staff report, that the proposed rezoning will be consistent with the existing land use patterns in the area and with goals of the future land use pattern being advanced in the Design Lansing Comprehensive Plan. The Board also found that the proposed rezoning will have no negative impacts on traffic patterns, the environment or future patterns of development in the area.

At the Planning Board public hearing held on April 5, 2016, the applicant’s representatives spoke in favor of the request and no other comments were received.

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

**Attachments**

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**GENERAL INFORMATION**

**APPLICANT:** Studio Intrigue Architects, LLC  
 1114 S. Washington Avenue, Suite 100  
 Lansing, MI 48910

**OWNERS:** Lake Trust Credit Union  
 4605 S. Old US Highway 23  
 Brighton, MI 48114-7521

**REQUESTED ACTIONS:** Rezone from F" & "F-1" Commercial & "D-1" Professional Office to "G-1" Business District

**EXISTING LAND USE:** Offices, Parking Lots & Multi-Family Residential Uses

**EXISTING ZONING:** "F-1" Commercial, "D-1" Professional Office & "DM-4" Residential Districts

**PROPOSED ZONING:** "G-1" Business District

**PROPERTY SIZE:** 130,680 square feet - 3 acres - total site  
 43,560 square feet - 1 acre - area to be rezoned

**SURROUNDING LAND USE:** N: Offices  
 S: Offices  
 E: Offices  
 W: Offices

**SURROUNDING ZONING:** N: "G-1" Business District  
 S: "D-1" Professional Office & "F-1" Commercial Districts  
 E: "G-1" Business District  
 W: "G-1" Business & "D-1" Professional Office Districts

**MASTER PLAN:** The Central Lansing Comprehensive Plan designates the subject property for retail/commercial with upper floor mixed use. The Design Lansing Master Plan designates the subject property for Downtown Mixed-Use Center. Core, S. Washington and W. Lenawee are designated as minor arterials. S. Capitol is designated as a major arterial and W. Hillsdale is designated as a local road.

**DESCRIPTION:**

**Z-3-2016:** This is a request by Studio Intrigue Architects, LLC on behalf of Lake Trust Credit Union to rezone the south 132 feet of the property block bounded by W. Lenawee Street to the north, W. Hillsdale Street to the south, S. Capitol Avenue to the west and S. Washington Square to the east from "D-1" Professional Office and "F" & "F-1" Commercial Districts to "G-1" Business District. The purpose of the rezoning is to permit a mixed use (office/commercial/residential) development of the property.

**AGENCY RESPONSES**

BWL:	See attached.
Building Safety:	The Building Safety Office has no objections.
Development Office:	The development Office has no comments.
Fire Marshal:	
Parks & Recreation:	No comment
Public Service:	Public Service Dept. has no issues or objections with the request for rezoning. However, we should note that, due to flow impacts from wet weather, the local sanitary sewer capacity is somewhat limited in this part of the service area. Consequently, depending upon a completed analysis of the proposed sanitary sewage flows, on-site sanitary sewage flow equalization/storage MAY be required for this development during the site plan review process.
Traffic Engineer:	The Transportation and Non-Motorized has no comments or requirements relative to the rezoning request. The request was reviewed for the rezoning only and does not constitute review or approval of the site plan or any other action or process required for the proposed improvements to the property. If the entire property is developed as shown, a traffic study may be needed. Applicant is also advised that the City is considering converting Capitol Avenue to two-way traffic, so any design should take this possibility into account.

**REZONING ANALYSIS****COMPATIBILITY WITH SURROUNDING LAND USE:**

Lake Trust Credit Union owns all of the parcels bounded by W. Lenawee Street to the north, W.

---

Hillsdale Street to the south, S. Capitol Avenue to the west and S. Washington Street to the east. The north 264 feet of this block is already zoned "G-1" Business district. The current proposal is to rezone the south 132 of the block from "D-1" Professional Office and "F" & "F-1" Commercial Districts to "G-1" Business District.

The property, in its current state, is extremely underutilized and detracts rather than contributes to the vibrancy of the surrounding area. As evidenced by the attached aerial photograph, approximately 85% of the Lake Trust Credit Union property is just a surface parking lot. While there is no specific proposal for redevelopment of the site at this time, the purpose of the rezoning is to have the proper zoning in place to accommodate future development of the site in accordance with the Design Lansing Master Plan which designates the subject property for a mix of commercial, office and residential uses. The proposed "G-1" district is the most appropriate zoning designation to facilitate such development since it permits a mix of uses including residential use to the highest density permitted under the Zoning Ordinance (up to 87 dwelling units per acre). The "G-1" district is the predominant zoning classification for properties in the downtown since it not only allows for mixed use development but has no building height, setback or on-site parking requirements.

The subject property is located in an area that is comprised mostly of office uses. Redevelopment of the site to include commercial and residential uses would provide a renewed sense of vitality to an area that is devoid of activity outside of normal business hours. In fact, the site is a strategic location for the realization of the overall mixed land use pattern being advanced in the Master Plans for this area. The residential component of the project 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 convenient access to public transportation also makes the site desirable for residential use.

The block to the south of the Lake Trust Credit Union property is also currently in the process of being rezoned to the "G-1" Business district to accommodate a mix of residential and office uses. If approved, the subject property will be completely surrounded on all four sides by "G-1" zoning, with the exception of two small parcels at the northwest corner of Capitol and Hillsdale.

#### **COMPLIANCE WITH MASTER PLAN:**

The Central Lansing Comprehensive Plan designates the subject property for retail/commerce with upper floor mixed use and the Design Lansing Master Plan designates the subject property for Downtown Mixed-Use Center: Core. The Plan specifies the following for residential use:

"Typical densities/building heights: Minimum height of 2 stories. For Washington Square between Michigan Avenue and St. Joseph Street the maximum building height should be 6 stories to maintain the intimate pedestrian character of this corridor. The remaining parts of this district do not have a height limitation. Base density/height and bonuses for residential, mixed-income housing, ground floor retail, open space and other desired development features will need to be determined. Residential densities should range between 60-100 dwelling units per acre."

With respect to placemaking characteristics, the Plan states that:

“Buildings should be located at the sidewalk edge with a nearly continuous street facade and a clearly defined primary entrance oriented to the street. Minimum ground floor transparency (windows and doors) should be established. Ground floor retail storefronts are encouraged. Building base and top should be articulated. Façade articulation into vertical units replicating traditional downtown building widths (e.g., at 30-foot intervals) should be considered. Materials standards should be considered. Surface parking is discouraged with deck parking underground, on-site above the ground floor and/or in the interior of the block, or in publicly-owned structures (funded in part by payments in lieu of parking). Parking ratio maximums should be considered.”

While there is no development plan for the subject property at this time, the G-1 Business district is the zoning designation that is most consistent with the mixed use development strategy being advanced in both the Central Lansing and Design Lansing Master Plans. It is specifically designed for the downtown in that it allows for development at the front property line; parking can be accommodated via shared public facilities; and mixed uses of retail, office, and high density residential are permitted by right.

#### **IMPACT ON VEHICULAR AND PEDESTRIAN TRAFFIC:**

A mixed use development on the subject property would generate additional pedestrian traffic which is very positive for the area. Furthermore, by providing residential units in the downtown area on a major bus route (Capitol Avenue), the occupants of the units can be less dependent on automobiles. The current pedestrian walkway system and traffic controls in the area are designed to accommodate large volumes of pedestrian traffic in a safe manner. With respect to vehicular traffic, Washington and W. Lenawee are designated as minor arterials while S. Capitol is designated as a major arterial. All of these roads are designed to carry a relatively high volume of traffic.

Although no on-site parking is required to be provided under the “G-1” Business zoning, from a practical standpoint, the applicant will have to provide some on-site parking, at least for any future residential units.

#### **IMPACT ON PUBLIC FACILITIES:**

New development will require site plan review at which time the adequacy of the utility systems to accommodate the proposed development will be evaluated.

#### **ENVIRONMENTAL IMPACT:**

Given the amount of human intervention already occurring on this site, new development will have little impact on the physical environment, particularly since the site is almost 100% covered by impervious surface. The proposed development will be required to go through an administrative site plan approval process, during which the drainage system as well as all other physical aspects of the development will be reviewed for compliance with city codes. Furthermore, Capitol Avenue is a major bus route which allows residents of the area to be less dependent on private transportation. Reducing motorized traffic has a positive impact on the environment since less traffic results in less

pollution created by the greenhouse gas emissions that motorized vehicles produce and less wear and tear on the roads.

### **IMPACT ON FUTURE PATTERNS OF DEVELOPMENT:**

The proposed rezoning "G-1" zoning classification will facilitate the mixed use development pattern of commercial and residential uses being advanced in the Central Lansing and Design Lansing Comprehensive Plans. Furthermore, the proposed project may encourage more redevelopment projects in the area that will further the goals of the Master Plans to create a vibrant downtown.

This site is a strategic location for the realization of the overall land use pattern being advanced in the Master Plans for this area. A mixed use development at this location would strengthen the linkage between the core downtown to the north and the area south of Lenawee Street that is currently comprised of mostly office uses. While there is not a specific development proposal for the property at this time, a mixed use development would provide convenient housing for people who work and attend the various educational institutions in Lansing's downtown. In addition, new residential units would provide a strong customer base for the commercial uses in the core downtown area (Washington Square).

### **SUMMARY**

This is a request by Studio Intrigue Architects, LLC on behalf of Lake Trust Credit Union to rezone the south 132 feet of the property block bounded by W. Lenawee Street to the north, W. Hillsdale Street to the south, S. Capitol Avenue to the west and S. Washington Square to the east from "D-1" Professional Office and "F" & "F-1" Commercial Districts to "G-1" Business District. The purpose of the rezoning is to permit a mixed use (office/commercial/residential) development of the property.

The findings of fact as outlined in this staff report support a positive recommendation for the requested rezoning. The proposed rezoning will be consistent with the existing land use patterns in the area and with the future land use pattern being advanced in the City Comprehensive Plans. Additionally, the proposed rezoning will have no negative impacts on traffic patterns, the environment or future patterns of development in the area.

### **RECOMMENDATIONS**

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

Z-3-2014 be approved to rezone the south 132 feet of the property block bounded by W. Lenawee Street to the north, W. Hillsdale Street to the south, S. Capitol Avenue to the west and S. Washington Square to the east from "D-1" Professional Office and "F" & "F-1" Commercial Districts to "G-1" Business District.

**Respectfully Submitted,**

**Susan Stachowiak  
Zoning Administrator**

## BOARD OF WATER AND LIGHT MEMO

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February 29, 2016

TO: City of Lansing – Planning Department – Susan Stachowiak

FROM: John Folino, Supervisor of Customer Projects, Marketing & Development- 517-702-6708

RE: Z-3-2016 Lake Trust Credit Union Property

**LBWL Electric:**

Approved

LBWL Electric Utility approves the rezoning request with no comments

**LBWL Water and Steam Distribution Department – Water Distribution**

Approved

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

- Any alteration to the LBWL Water Distribution System is subject to review by the LBWL. Alterations may include installation of new services, relocation or removal of existing water distribution facilities, or any meter work. The owner is responsible for the costs of any alteration to these facilities.
- Any work on the site that exposes, disturbs, or otherwise carries the risk of damage to existing LBWL Water Distribution facilities, including change of soil cover, is subject to review by the LBWL. 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 LBWL.
- The LBWL owns and maintains all Water Distribution Facilities up to and including the water meters. All work on these facilities shall be performed in accordance to the LBWL Rules and Regulations for service. A copy of the Rules and Regulations can be found online at: <http://www.lbwl.com/Commercial-Services/>
- Prior to receiving water service, the customer must submit an application to the LBWL Utility Service Department at 517-702-6700 for any new service or alterations to existing services or metering. The customer will be required to enter a service agreement, meet LBWL 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/>

**LBWL Water and Steam Distribution Department – District Energy**

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

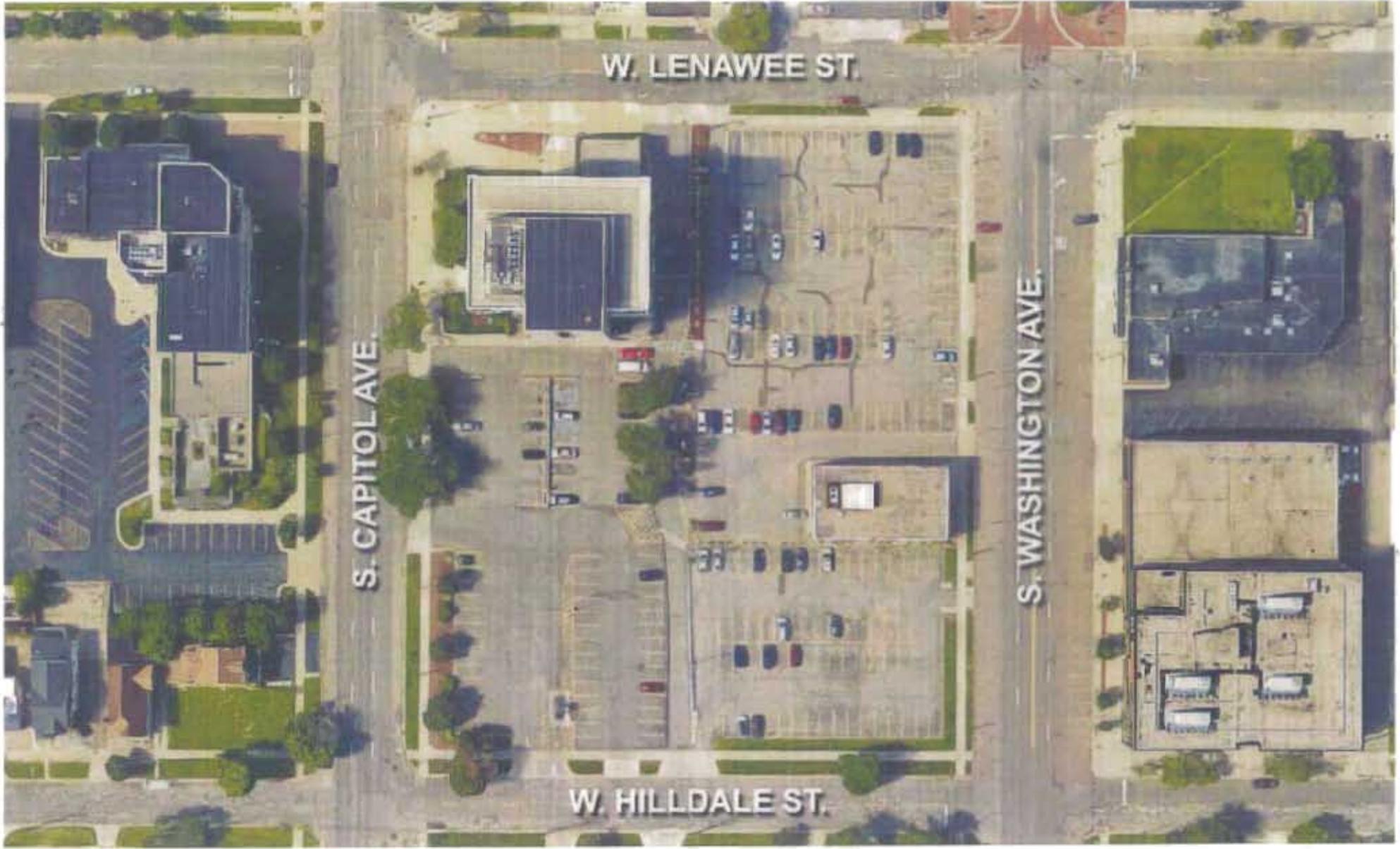
- The LBWL operates an existing steam main running through the center of this property. Any proposed development must include provisions to provide access to, and maintenance of this main.
- Any alteration to the LBWL District Energy System is subject to review by the LBWL. Alterations may include installation of new services, relocation or removal of existing District Energy facilities, or any meter work. The owner is responsible for the costs of any alteration to these facilities.
- Any work on the site that exposes, disturbs, or otherwise carries the risk of damage to existing LBWL District Energy facilities, including change of soil cover, is subject to review by the LBWL. 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 LBWL.
- The LBWL owns and maintains all District Energy Facilities up to and including the first building shut-off valve, and the metering. All work on these facilities shall be performed in accordance to the LBWL Rules and Regulations for service. A copy of the Rules and Regulations can be found online at: <http://www.lbwl.com/Commercial-Services/>
- Prior to receiving water service, the customer must submit an application to the LBWL Utility Service Department at 517-702-6700 for any new service or alterations to existing services or metering. The customer will be required to enter a service agreement, meet LBWL 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/>

Note that any 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.

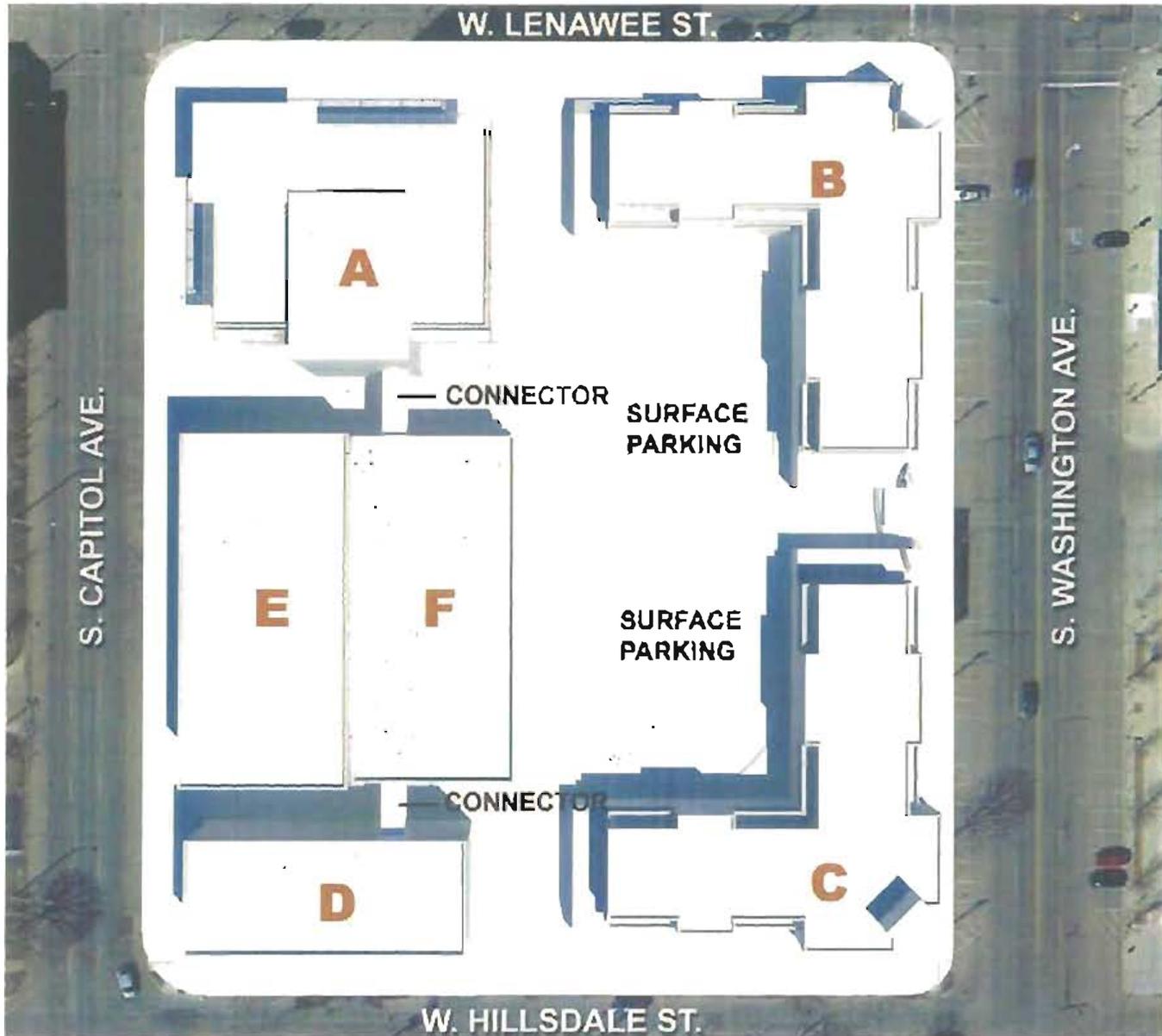
Any questions about specific Water Distribution or District Energy service requirements may be directed to the LBWL Water Distribution Department Engineer; *Mike Schorsch* @ (517) 930-5791, or via e-mail at [mrs1@lbwl.com](mailto:mrs1@lbwl.com).

**LBWL Environmental:**

This project is 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.



**EXISTING SITE**



**PRELIMINARY DENSITY/ MIX STUDY**

- A** Existing 6 Story Office Building  
61,000 SF Total
- B** 3 Story Mixed-Use Building  
1st Floor 25,000 SF Commercial  
2nd Floor 16,000 SF Residential  
3rd Floor 16,000 SF Residential
- C** 3 Story Mixed-Use Building  
1st Floor 25,000 SF Commercial  
2nd Floor 16,000 SF Residential  
3rd Floor 16,000 SF Residential
- D** 4 Story Office Building  
40,000 SF Total
- E** 5 Story Office Building  
80,000 SF Total
- F** 4 Story Parking Structure  
64,000 SF Total



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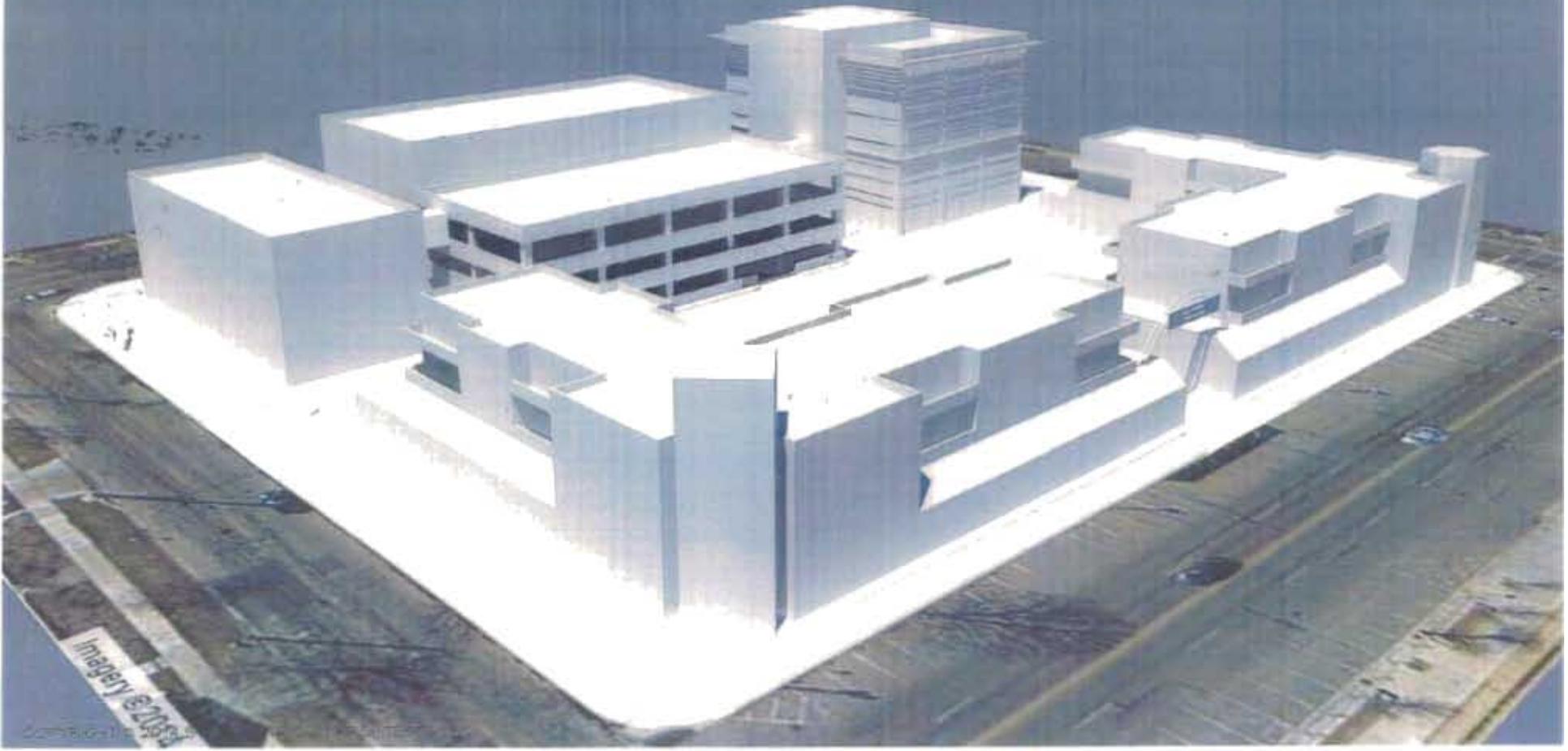




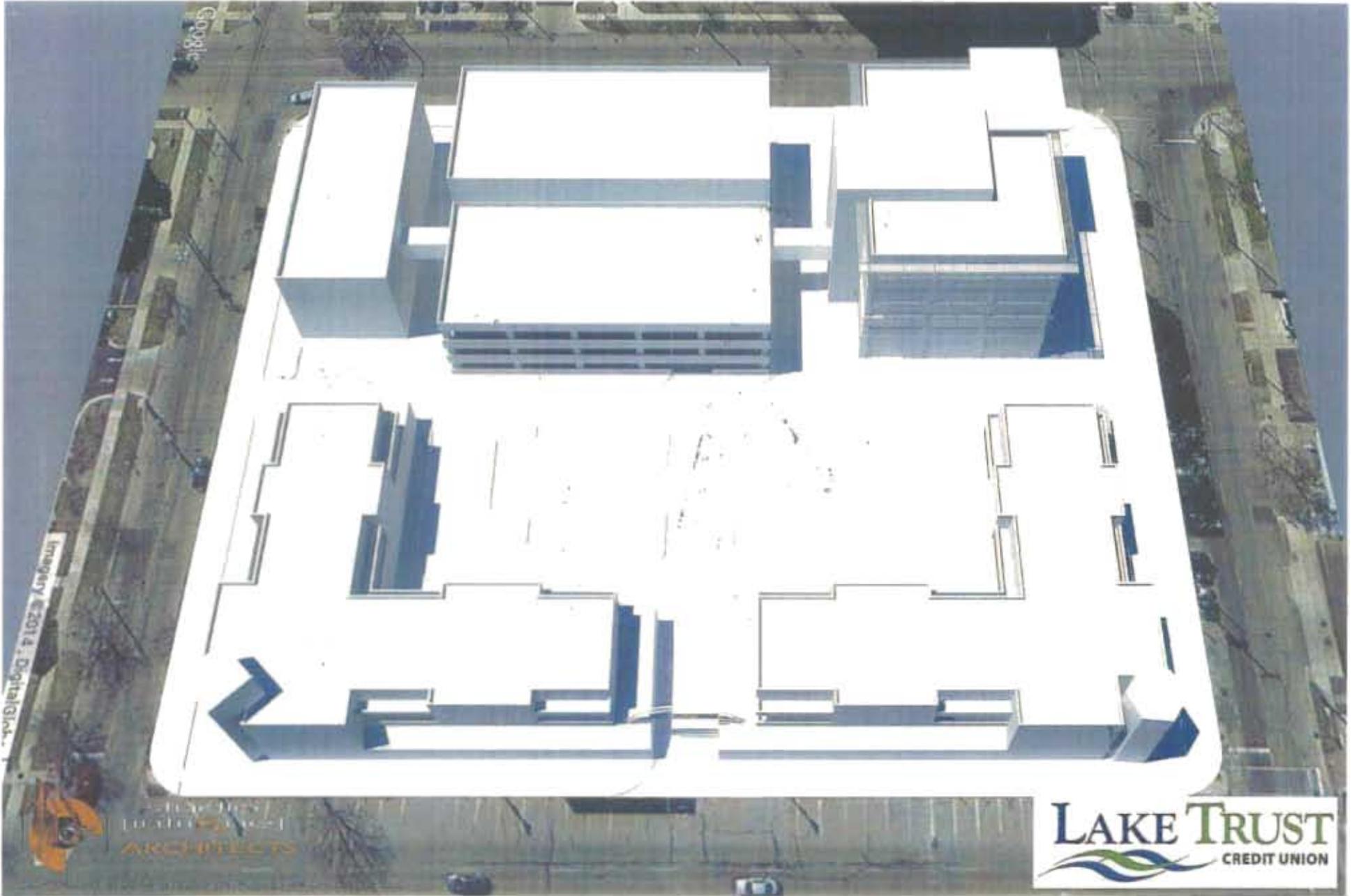
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**LAKE TRUST**  
CREDIT UNION

STUDIO  
ARCHITECTS



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Google

Imagery ©2014 DigitalGlobe



THE ARCHITECTS





S Capitol Ave

S Washington Sq

W Lenawee St

S Washington Ave

Area to be

501

520

535

605

105

608



W Hillside St

S Washington Ave

**Legend**

- roads\_final
- ▭ Parcels\_2013

**Vector.GIS.Zoning**

Representation: Vector.GIS.Zoning\_Rep

- A Residential-Single
- B Residential-Single
- C Residential-2 Unit
- NONE
- CUP Community Unit Plan
- D-1 Professional Office
- D-2 Residential/Office
- DM-1 Residential-Multiple
- DM-2 Residential-Multiple
- DM-3 Residential-Multiple
- DM-4 Residential-Multiple
- E-1 Apartment Shop
- E-2 Local Shopping
- F Commercial
- F-1 Commercial
- G-1 Business
- G-2 Wholesale
- H Light Industrial
- I Heavy Industrial
- J Parking
- ROW Right of Way

# City of Lansing Zoning Map



BY THE COMMITTEE ON DEVELOPMENT & PLANNING  
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, \_\_\_\_\_, 2016, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-3-2016, South 132 feet of the property block bounded by W. Lenawee Street to the north, W. Hillsdale Street to the south, S. Capitol Avenue to the west and S. Washington Square to the east from "D-1" Professional Office and "F" & "F-1" Commercial Districts to "G-1" Business District.

ORDINANCE # \_\_\_\_\_

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification of the property described as follows:

Case Number: Z-3-2016

Parcel Number's: 33-01-01-16-381-011/-021/-031/-043 and the South 132 Feet of Parcel 33-01-01-16-381-001

Legal Descriptions: Lots 5, 6, 7 & 8, Block 149, Original Plat, City of Lansing, Ingham County, MI, from "D-1" Professional Office, "F" & "F-1" Commercial Districts to "G-1" Business District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance was duly adopted by the Lansing City Council on \_\_\_\_\_, 2016, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

Section 4. This ordinance shall take effect upon the expiration of seven (7) days from the date this notice of adoption is published in a newspaper of general circulation.



**OFFICE OF THE MAYOR**

9th Floor, City Hall  
124 W. Michigan Avenue  
Lansing, Michigan 48933-1694  
(517) 483-4141 (voice)  
(517) 483-4479 (TDD)  
(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers  
FROM: Mayor Virg Bernero  
DATE: 4-7-16  
RE: Z-2-2016, Vacant Property West of 3000 Dunckel Road - Rezoning

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The attached correspondence is forwarded for your review and appropriate action.

VB/rh  
Attachment



**City of Lansing**  
**Inter-Departmental**  
**Memorandum**



To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM  
Z-2-2016, Vacant Property West of 3000 Dunckel Road - Rezoning

Date: April 6, 2016

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The Lansing Planning Board, at its regular meeting held on April 5, 2016, voted (5-0) to recommend approval of a request by Markham Properties II to rezone the vacant parcel of land located immediately west of the property at 3000 Dunckel Road from “CUP” Community Unit Plan to “F” Commercial District. The purpose of the rezoning is to permit commercial development of the site including a Taco Bell Restaurant with a drive-through.

The Planning Board found, based on testimony, evidence and the staff report, that the proposed rezoning will be consistent with the existing land use patterns in the area and with goals of the future land use pattern being advanced in the Design Lansing Comprehensive Plan. The Board also found that the proposed rezoning will have no negative impacts on traffic patterns, the environment or future patterns of development in the area.

At the Planning Board public hearing held on April 5, 2016, the applicant’s representatives spoke in favor of the request and no other comments were received.

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

**Attachments**

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**GENERAL INFORMATION**

APPLICANT/OWNER: Michael G. Mitchell  
 Randolph G. Markham  
 Markham Properties II  
 P.O. Box 406 Williamston, MI 48895

REQUESTED ACTIONS: Rezone the vacant parcel located immediately west of 3000 Dunckel Road from "CUP" Community Unit Plan to "F" Commercial District

EXISTING LAND USE: Vacant

EXISTING ZONING: "CUP" Community Unit Plan

PROPOSED ZONING: "F" Commercial District

PROPERTY SIZE: 5.39 acres

SURROUNDING LAND USE: N: Vacant  
 S: Multiple Family Residential  
 E: Gas Station/Restaurant, Multiple Family Residential  
 W: Multiple Family Residential

SURROUNDING ZONING: N: "A" Residential District  
 S: "CUP" Community Unit Plan  
 E: "F" Commercial & "CUP" Community Unit Plan  
 W: "CUP" Community Unit Plan

MASTER PLAN: The Design Lansing Comprehensive Plan designates the subject property for "Suburban commercial" land use. Dunckel Road is designated as a minor arterial.

**DESCRIPTION:**

**Z-2-2016:** This is a request by Markham Properties II to rezone the vacant parcel of land located immediately west of the property at 3000 Dunckel Road from "CUP" Community Unit Plan to "F" Commercial District. The purpose of the rezoning is to permit commercial development of the site including a Taco Bell Restaurant with a drive-through.

The subject property is located in an area that was zoned "CUP" Community Unit Plan in the late 1960's and early 1970's to accommodate multiple family residential use. When the Zoning Ordinance was rewritten in 1983, the "CUP" district was removed from the ordinance, although there are several parcels of land in the City that still have this designation. A "CUP" is similar to a "PRD", Planned Residential Development in that it allows for a specific development on a particular parcel

of land. However, unlike a "PRD" approval, a CUP actually resulted in a rezoning of the land, for a specific development. Now that this district is obsolete, any new construction on a parcel zoned "CUP" must be rezoned to a zoning designation that is included in the current Zoning Ordinance.

#### AGENCY RESPONSES

BWL:	See attached.
Building Safety:	The BSO has no objections. Project will be subject to the requirements of the site plan and building plan reviews.
Development Office:	The Development Office has no comments.
Fire Marshal:	The Fire Marshal's Office has no comments concerning Z-2-2016.
Parks & Recreation:	No comment.
Public Service:	We have no objections or issues with the proposed zoning change. A site plan review will be required for this site.
Traffic Engineer:	The Transportation and Non-Motorized has no comments or requirements relative to the rezoning request. The request was reviewed for the rezoning only and does not constitute review or approval of the site plan or any other action or process required for the proposed improvements to the property.

#### COMPATIBILITY WITH SURROUNDING LAND USE:

The subject property is directly adjacent to an existing parcel of land zoned "F" Commercial and will therefore, not result in a "spot zone". The adjoining parcel contains a Sunoco Gasoline Station, car wash and a building that includes a convenience store, Taco Bell and Subway. The proposal is to rezone the vacant parcel to the west of this commercial site for the purpose of constructing a freestanding Taco Bell Restaurant and possibly other convenience type commercial uses as well. The site is a logical location for expansion of the commercial site to the east which draws a significant amount of customers on a regular basis. The current "CUP" Community Unit Plan zoning essentially renders the property useless as it only allows for additional multi-family residential buildings. Given the location of the subject property, it is highly unlikely that it would ever be used for that purpose. Therefore, the "F" Commercial district seems to be the most appropriate zoning classification for the subject property.

The property to the west and east of the subject property is zoned "CUP" Community Unit Plan and contains a multiple family residential apartment complex (Trapper's Cove). As evidenced by the attached aerial photograph, the site is densely wooded by mature trees. There are 2 apartment buildings to the southwest of the subject property. If approved, the applicant should be required to

retain enough of the mature trees along the south/west property lines to protect the privacy of the residents living in the adjoining apartment buildings and to mitigate any negative impacts of the proposed development such as noise, light glare and trespassing.

#### **COMPLIANCE WITH MASTER PLAN:**

The Design Lansing Comprehensive Plan designates the subject property for "Suburban Commercial" land use. The Plan specifies the following for this land use classification:

"To allow for general retail and commercial use, including large footprint and automobile-oriented uses, in a suburban development format that also encourages a mix of uses and accommodates pedestrians, cyclists and transit users."

The Design Lansing Comprehensive Plan establishes the following placemaking characteristics for the "Suburban Commercial" land use category:

"Buildings located close to the street (with parking located to the side and rear) should be encouraged at major intersections; otherwise, parking should be permitted between buildings and the street. Buildings should be oriented toward the street with a clearly-defined primary entry. Landscaped setbacks should be required to screen parking from the street. Interior parking lot landscaping should be required to provide pedestrian access routes, define vehicular circulation patterns and provide for tree planting and stormwater management. Shared driveways and connections between parking lots on adjacent parcels should be encouraged to limit driveway curb cuts. Sidewalks should be required."

The "F" Commercial district is the most appropriate zoning designation to facilitate the "Suburban Commercial" land use development strategy being advanced in Design Lansing Master Plan as described above. It allows for restaurants, retail stores, gasoline stations, car washes and other general commercial uses as well as automobile-oriented site design regulations.

#### **IMPACT ON VEHICULAR AND PEDESTRIAN TRAFFIC:**

As depicted on the attached photograph, there is an existing curb cut on the subject property that will provide primary access to the subject property. The adjoining site to the east, which is under the same ownership as the subject property, has a stub access at the west end of the parking lot to provide for a future connection between the 2 sites. It is highly unlikely that a second curb cut will be permitted along Dunckel Road and therefore, the connection between the 2 sites will not only provide an alternate means of access to the subject property but will make it easier and safer for motorists to utilize both sites.

The proposed development may generate some additional vehicular traffic in the area. Dunckel Road, however, is a minor arterial which is designed to accommodate a high volume of traffic. Much like the commercial site to the east, many of the customers to the proposed commercial development will likely be motorists that have gotten off the freeway for the sole purpose of visiting the site and will get back on the freeway immediately afterwards. Therefore, any additional traffic generated by the development is not anticipated to have much, if any impact on the surrounding residential area.

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**IMPACT ON PUBLIC FACILITIES:**

New development will require site plan review at which time the adequacy of the utility systems to accommodate the proposed development will be evaluated.

**ENVIRONMENTAL IMPACT:**

The proposed development will be required to go through an administrative site plan approval process, during which the drainage system as well as all other physical aspects of the development will be reviewed for compliance with all City Ordinances and Codes. There is a significant amount of mature trees on the subject property that provide a nice buffer between the residential development to the south and the subject property. While it is recognized that the majority of the trees will have to be removed to accommodate development of the property, a substantial buffer of mature trees along the south/southwest property lines must be preserved to protect the quality of life for the adjoining residents.

**IMPACT ON FUTURE PATTERNS OF DEVELOPMENT:**

The proposed "F" Commercial zoning is not anticipated to have any negative impacts on future patterns of development in the area. The surrounding area is already completely developed with the exception of the MSU recreational property to the north, which is not likely to be developed at any time in the foreseeable future.

**SUMMARY**

This is a request by Markham Properties II to rezone the vacant parcel of land located immediately west of the property at 3000 Dunckel Road from "CUP" Community Unit Plan to "F" Commercial District. The purpose of the rezoning is to permit commercial development of the site including a Taco Bell Restaurant with a drive-through.

The findings of fact as outlined in this staff report support a positive recommendation for the requested rezoning. The proposed rezoning will be consistent with the existing land use patterns in the area and with the future land use pattern being advanced in 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.

**RECOMMENDATIONS**

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

Z-2-2016 be approved to rezone the 5.39 acre parcel of land located directly west of 3000 Dunckel Road from "CUP" Community Unit Plan to "F" Commercial District.

**Respectfully Submitted,**

**Susan Stachowiak  
Zoning Administrator**



## BOARD OF WATER AND LIGHT MEMO

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March 7, 2016

TO: City of Lansing – Planning Department – Susan Stachowiak  
FROM: John Folino, Supervisor of Customer Projects, Marketing & Development- 517-702-6708  
RE: Z-2-2016; Property directly west of 3000 Dunkel

### LBWL Water and Steam Distribution Department – Water

#### Approved

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

- The LBWL water currently serves the existing building at 3000 Dunkel Road with a 2-inch domestic service. It does not appear there are any proposed changes to the existing water service to this building.
- The LBWL owns and maintains all Water Distribution Facilities up to and including the water meters. All work on these facilities shall be performed in accordance to the LBWL Rules and Regulations for service. A copy of the Rules and Regulations can be found online at: <http://www.lbwl.com/Commercial-Services/>
- Any alteration to the LBWL Water Distribution System is subject to review by the LBWL. Alterations may include installation of new services, relocation or removal of existing water distribution facilities, or any meter work. The owner is responsible for the costs of any alteration to these facilities.
- Any work on the site that exposes, disturbs, or otherwise carries the risk of damage to existing LBWL Water Distribution facilities, including change of soil cover, is subject to review by the LBWL. 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 LBWL.
- Per LBWL Rules and Regulations for Service, water service to the parcel in question must be created by a new main tap for this parcel. Water service from adjacent parcels shall not be acceptable by the LBWL.
- Please note that all services up to and including the meter are part of the water system and cannot be installed or altered without a LBWL Water Service Agreement in place. For any new services or alterations to the existing service, the customer shall contact the LBWL water distribution engineer (Mike Schorsch) at 517-930-5791. The customer is responsible for all costs related to proposed water service and/or meter setting modifications.
- Any questions about specific water service requirements may be directed to the LBWL Water Distribution Department Engineer; Mike Schorsch @ (517) 930-5791, or via e-mail at [mrs1@lbwl.com](mailto:mrs1@lbwl.com)

Note that any site plan approval does not constitute an agreement for service, and is limited exclusively to the LBWL's Water Distribution utility. All customers must meet LBWL requirements and enter a service agreement prior to receiving service.

### LBWL Water and Steam Distribution Department – District Energy

#### APPROVED

This approval is subject to the following conditions:

- The project is located outside of the LBWL's district energy service territory.
- Any questions about specific district energy service requirements may be directed to the LBWL Water and Steam Distribution Department Engineer; Michael Schorsch @ (517) 702-6369, or via e-mail at [mrs1@lbwl.com](mailto:mrs1@lbwl.com).

Note that any site plan approval does not constitute an agreement for service, and is limited exclusively to the LBWL's district energy (steam and chilled water) utilities. All customers must meet LBWL requirements and enter a service agreement prior to receiving service.

**LBWL Environmental:**

This project is 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.

**LBWL Electric:**

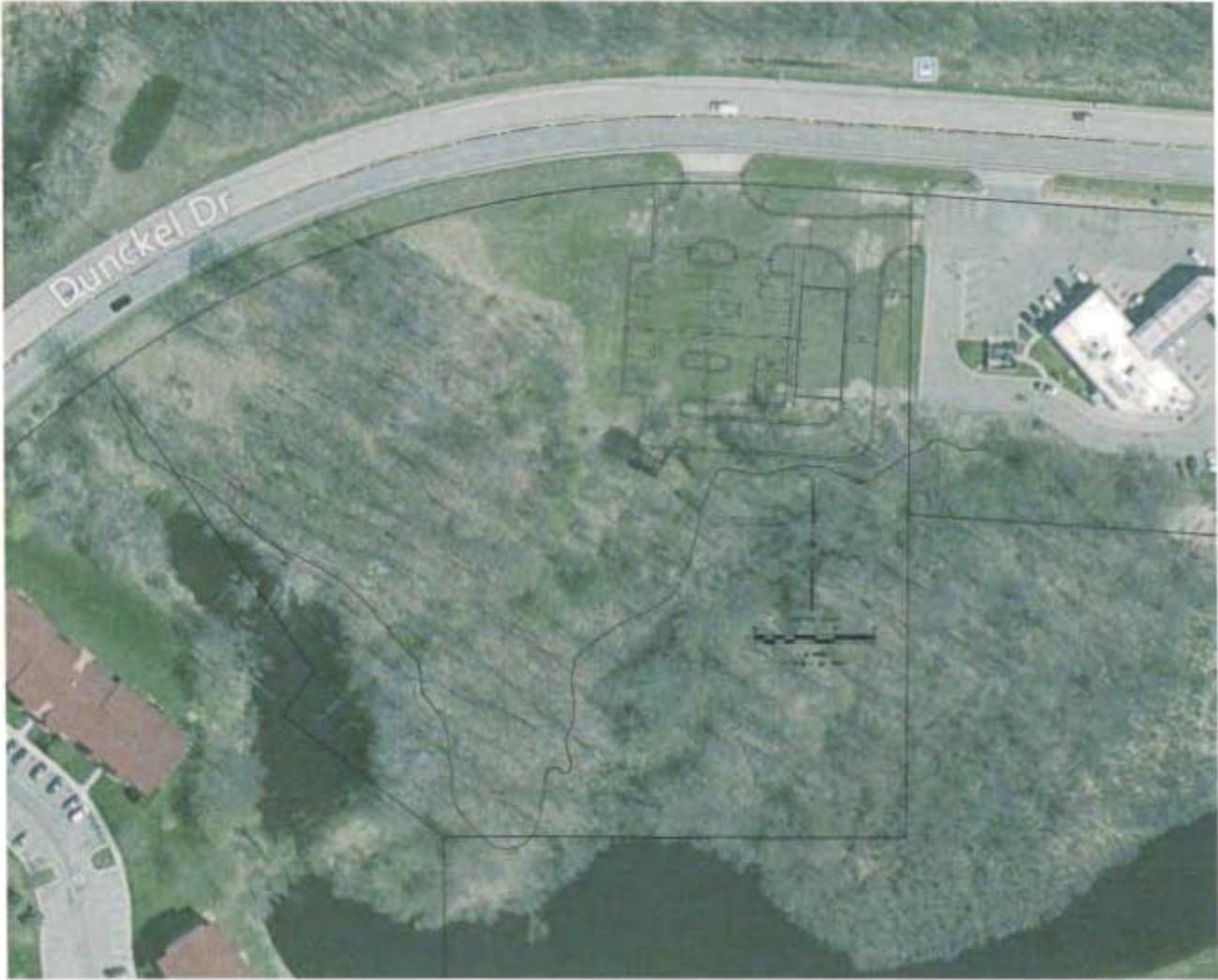
**Approved with the following comments**

- The BWL can provide an overhead or underground 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. The drawings provided for this site plan review are not adequate for doing this.
- Owner/ developer must contact BWL Customer Projects Department, Randy Plaunt @ 517 702-6067 to initiate the service agreement process.
- There are no apparent conflicts with the proposed development and the existing BWL electric distribution facilities.

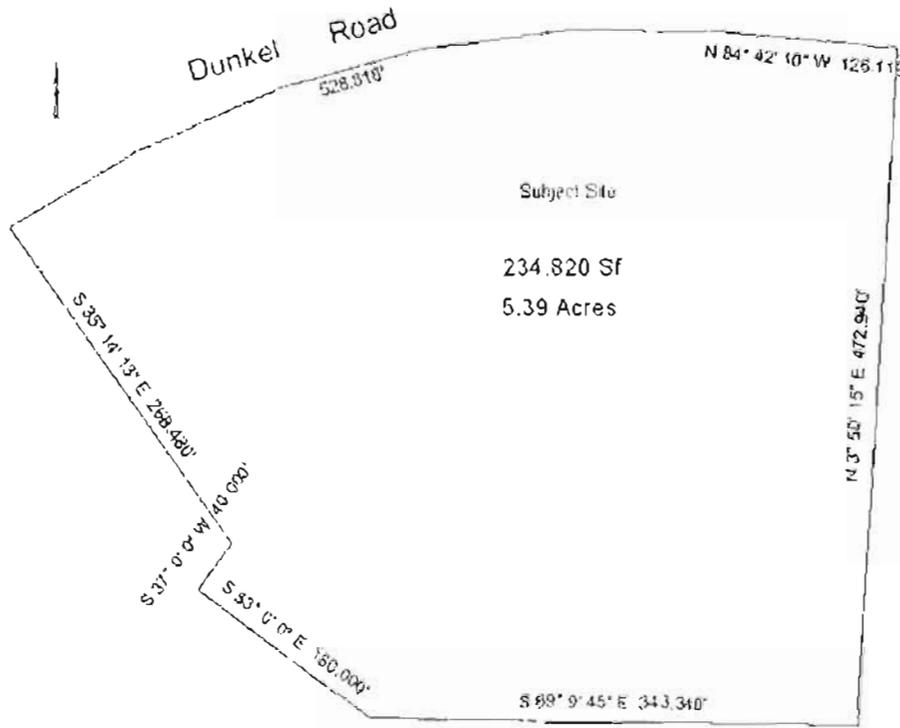


Jul 2011





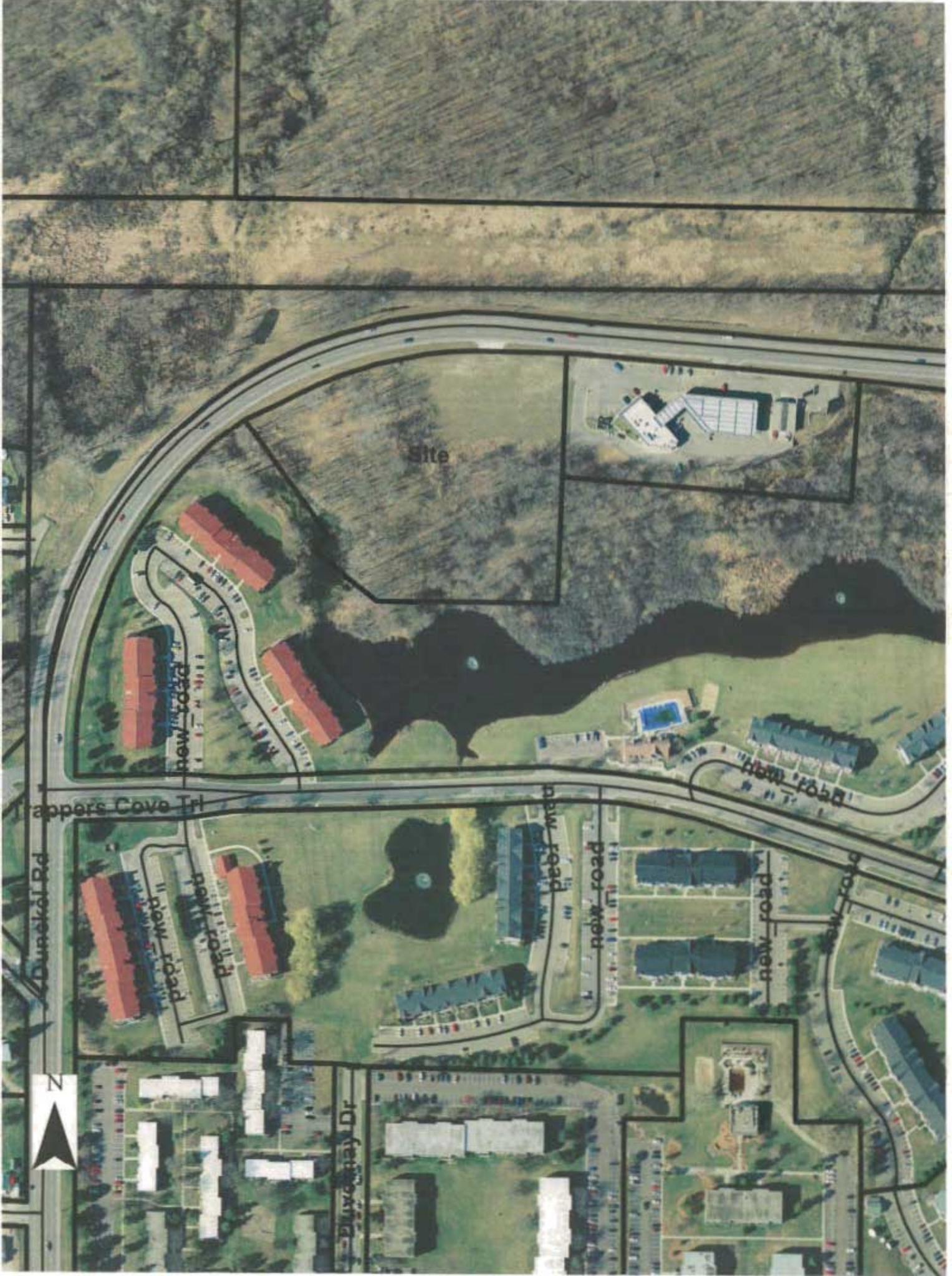
### Image/Sketch for Parcel: 33-01-01-35-401-050



Sketch by Apex, Inc.

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site

Happers Cove Trl

Dunkle Rd

Peof road

Peof road

Peof road

new road

new road

new road



Playway Dr

# City of Lansing Zoning Map

## Legend

-  mch\_final
-  A Residential-Single
-  B Residential-Single
-  C Residential-2 Unit
-  NONE
-  CUP Community Unit Plan
-  D-1 Professional Office
-  D-2 Residential/Office
-  DM-1 Residential-Multiple
-  DM-2 Residential-Multiple
-  DM-3 Residential-Multiple
-  DM-4 Residential-Multiple
-  E-1 Apartment Shop
-  E-2 Local Shopping
-  F Commercial
-  F-1 Commercial
-  G-1 Business
-  G-2 Wholesale
-  H Light Industrial
-  I Heavy Industrial
-  J Parking
-  ROW Right of Way



BY THE COMMITTEE ON DEVELOPMENT & PLANNING  
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, \_\_\_\_\_, 2016, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-2-2016, Vacant Property West of 3000 Dunckel Road, Rezoning from "CUP" Community Unit Plan to "F" Commercial District

ORDINANCE # \_\_\_\_\_

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification of the property described as follows:

Case Number: Z-2-2016

Address: Vacant Property West of 3000 Dunckel Road

Parcel Number: PPN: 33-01-01-35-401-050

Legal Descriptions: That part of the Southeast  $\frac{1}{4}$  of Section 35 lying South of the South line of the Dunckel Road Right-of-Way, Easterly of the Northerly line of Lot 1, Trappers Cove Subdivision No. 1 and North of the Northerly line of Lot 7, Trappers Cove Subdivision No. 5, Except the Easterly 550 Feet Thereof; Section 35, T4N R2W, City of Lansing, Ingham County, MI, from "CUP" Community Unit Plan to "F" Commercial District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance was duly adopted by the Lansing City Council on \_\_\_\_\_, 2016, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

Section 4. This ordinance shall take effect upon the expiration of seven (7) days from the date this notice of adoption is published in a newspaper of general circulation.

RESOLUTION # 0556 Passed by Council on October 28, 2002  
BY THE COMMITTEE OF THE WHOLE  
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the State of Michigan enacted the State Housing Development Authority Act in 1966 to provide housing for its residents of low income and to encourage the development of such housing through rehabilitation by providing for tax breaks, specifically a payment in lieu of taxes (PILOT), as an option for local communities to enhance the likelihood of those developments; and

WHEREAS, the Lansing City Council, acknowledging that the construction and rehabilitation of such housing for persons of low income is a public necessity and believing that the City would be benefitted and improved by such housing, enacted ordinances to grant PILOTs for the development of low-income elderly persons and multi-family dwelling projects; and

WHEREAS, the Lansing City Council has approved over 25 requests from developers for PILOTs to help finance the building or the rehabilitation of low income housing since 1978; and

WHEREAS, the Lansing City Council desires to analyze whether the existing PILOTs have met or are meeting the expectations and justifications for the PILOT program and effect of future PILOTs;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby establishes that a six-month moratorium on PILOTs beginning January 1, 2003, to enable the Council to analyze the impact PILOTs in Lansing.

BE IT FURTHER RESOLVED that the Administration is requested to provide information that is necessary to expedite the completion of the analysis at or before the time period of this moratorium.

By Vice President Carol Wood to accept the Substitute Resolution

Yeas: 7

Nays: 0

Absent: 1 (Councilmember Allen)

**RESOLUTION #328**  
BY THE COMMITTEE OF THE WHOLE  
Resolved by the City Council of the City of Lansing

WHEREAS, the Lansing City Council adopted a temporary moratorium in order to study the effectiveness of PILOTS on housing needs for the community. After an extensive review of Payments in Lieu of Taxes (PILOTs) to determine whether they were meeting the goals of Council, it was concluded that not only did the use of PILOTS provide housing for the low to moderate incomes, but they have a positive affect on crime in the area and improves the affected property values; and

WHEREAS, the Committee of the Whole met to discuss the findings of the study that indicated that PILOTS are a tool that may be used to improve properties through rehabilitation, helping to make a project affordable to justify extensive improvement cost instead of maintaining the status quo. Without this tool, it is likely some significant rehabilitation projects would not occur within the community and organizations that utilize PILOTS for rehab projects would seek work elsewhere; and

WHEREAS, the Committee of the Whole met on June 19, 2003 to review the PILOT policy and process and endorsed it;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council adopts the June 19, 2003 PILOT Policy and process for PILOTS filed June 20, 2003 with the City Clerk to become effective July 1, 2003.

BE IT FINALLY RESOLVED, that new developments be restricted to the 10% PILOTS, while PILOTS for less than 10% be available on a case by case basis utilizing the June 19, 2003 PILOT Policy.

By Councilmember Jeffries

Carried Unanimously

**PILOT Policy  
June 19, 2003**

**PILOT PROPOSAL**

**0-9% PILOT**

Criteria for Analysis:

1. Project is for rehabilitation, conversion or adaptive reuse of existing building and will be to develop affordable housing or shelter facility.
2. Project is located in approved City target area such as a CDBG eligible area, Neighborhood Strategy Area or Renaissance Zone qualified area. Develop a map.
3. Project is part of and supported by an overall neighborhood improvement or revitalization plan or strategy as recognized by the City. Examples include a Neighborhood Preservation Program plan, City Master Plan or other City development plan such as the Seven Block Plan. Development of such plan shall have included a Citizen participation process.
4. Application for PILOT shall include the following:
  - a. Request and description of project
  - b. Description of organization, list of board members and/or partners and information about development background and experience
  - c. Construction and operating proformas for project
  - d. Tax Credit application including market study
  - e. Proposed time line for project
  - f. Capital improvements schedule for project over life of PILOT
5. Recommendation from Administration on % and term based on analysis of the above and need for PILOT. Review by Finance, Law, Planning and Development.
6. Requirement that developer provide to City annual report and audit of project prepared for MSHDA or other mortgage entities.

**10% PILOT**

Automatically available for all other affordable housing projects not meeting above criteria.

**OTHER CONSIDERATIONS**

1. Consider granting 0-9% PILOTs for a shorter period, say 10 years, and then re-evaluate performance and need for possible extension thereafter.
2. Grant a better % as an incentive to promote mixed income housing in association with new construction. For example: projects with 15% of the units reserved for market rents would be eligible to receive an 8% PILOT; projects with 30% reserved, 6% PILOT; projects with 45% reserved, 4%.

**CURRENT PILOT STATS (Approximate)**

Current Pilot Units - 3664 (6.7% of total units in City)  
1235 - elderly (34%)  
885 - LHC (24%)

2579 - 4% PILOT or less  
1065 - greater than 4% PILOT

## PILOT Process

### Flow Chart

1. City Council receives request
2. City Council refers request & information to distribution agency and law office for legal document preparation.
3. Distribution agency reviews information supplied for completeness and request further info as necessary. Once complete information is received then:
4. Distribution agency refers the application to necessary agencies for comment & preparation of paperwork (Finance, Development, Planning, Code Compliance, Police, Fire Marshall)
5. Public hearing is set by City Council
6. Public hearing is held & PILOT referred to committee
7. Comments are received by reviewing agencies (3-4 weeks)
8. Comments are summarized and supplied to City Council through the administration with any recommendation.
9. Council committee considers request and information received and makes recommendation.
10. Council takes actions.

Time frame is approximately 60 days

**PILOT REQUEST  
AGENCY REFERRAL SHEET**

**FROM:**

**FILE:**

**DATE:**

- Development Office
- Code Compliance
- Police
- Fire Marshal
- City Attorney
- Finance
- Planning

Other \_\_\_\_\_

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The following request has been submitted to City Council for consideration. We invite your comments, requirements and recommendations for this proposal relative to your official function and in relation to the attached policy.

**PROPOSAL:**

**LOCATION:**

This is a request by for a \_\_\_\_% PILOT (Payment in Lieu of Taxes) for the property at \_\_\_\_\_. The applicant intends to rehabilitate the \_\_\_\_ unit residential property. Attached, please find the application and supportive information supplied by the applicant.

Please provide your remarks in the space provided below, and return this sheet to the Planning Office by \_\_\_\_\_ 5:00 p.m. or fax to 483-6036 or e-mail to \_\_\_\_\_@ci.lansing.mi.us

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\_\_\_\_\_  
Representative

\_\_\_\_\_  
Date