AGENDA
Committee on Development and Planning
Thursday, June 23, 2016 @ 10:00 a.m.
10th Floor Conference Room, City Hall

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

1. **Call to Order**
2. **Public Comment on Agenda Items**

3. **Minutes**
   - June 9, 2016

4. **Discussion/Action:**

A.) RESOLUTION- SLU-1-2016, 2101 E. Mt Hope Avenue; Wireless Communication Tower in "A" Residential District – 100 year Flood Plain
B.) ORDINANCE – Z-2-2016; Vacant Lot west of 3000 Dunkel Road; "CUP" Community Unit Plan to "F" Commercial District
C.) ORDINANCE – Z-3-2016; Lake Trust Site, "D-1" Professional Office and "F" & "F-1" Commercial to "G-1" Business
D.) ORDINANCE – Z-4-2016; South Edge Development, Rezoning from "DM-4" Residential; "F-1" Commercial & "D-1" Professional Office to "G-1" Business District
E.) RESOLUTION – ACT-5-2014; Sale of Grand Woods Park, W. Willow Hwy. and Grand Woods Park Drive
F.) RESOLUTION – Set a Public Hearing; Z-5-2016; 2918 N East Street; AVMM, LLC Marco's Pizza; "A" Residential District to "F" Commercial District
G.) RESOLUTION – Set a Public Hearing; ACT-7-2012; Sale of Former Fire Station #3; 629 W Hillsdale Street
H.) RESOLUTION – Set a Public Hearing; SLU-2-2016; Special Land Use Permit, Church in "F" Commercial & "D-1" Professional Office Districts at 5606 S. Martin Luther King, Jr. Blvd.

5) **Other**
   - SkyVue Development Question and Answers (City Attorney)
   - Communication; M. Harrison RE: Z-2-2016

6) **Adjourn**

MINUTES
Committee on Development and Planning
Thursday, June 23, 2016 @ 10:00 a.m.
10th 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- arrived at 10:02 a.m.
Councilmember Judi Brown Clarke, Member

OTHERS PRESENT
Sherrie Boak, Council Staff
Kristen Simmons, Assistant City Attorney
Brett Kaschinske, Parks and Recreation Director
Susan Stachowiak, Planning & Neighborhood Development
Council Member Wood
Bill Rieske, Planning & Neighborhood Development
Mark Mello, Union
Price Dobernick, UAW 333
Eric Farrington, Sheet Metal Workers Local 7
Mark Nelson
Chris Weir, LTCU
Zach Russell, Parks and Recreation

PUBLIC COMMENT
No Comments

MINUTES
MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE MINUTES FROM JUNE 9, 2016. MOTION CARRIED 2-0.

DISCUSSION/ACTION

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

Ms. Stachowiak confirmed that the SLU was not only to allow the tower but also to construct in the flood plain. The DEQ permits have been received, and variances have been issued for the height.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RESOLUTION FOR THE SLU-1-2016; 2101 E. MT. HOPE; WIRELESS COMMUNICATOIN TOWNER IN "A" RESIDENTIAL DISTRICT – 100 YEAR FLOOD PLAIN. MOTION CARRIED 2-0.

ORDINANCE – Z-2-2016; Vacant Lot west of 3000 Dunkel Road; "CUP" Community Unit Plan to "F" Commercial District

Council Member Washington detailed the site as the proposed Taco Bell site that will expand into its own location along with the rezoning will clear up the no longer valid "CUP" zoning.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE ORDINANCE FOR Z-2-2016; REZONING FROM "CUP" COMMUNITY UNIT PLAN TO "F" COMMERCIAL DISTRICT. MOTION CARRIED 3-0.

Council Member Washington clarified to the public present the reason there was no long discussion on the topics is because the Committee has seen all the applications before, they have had their required public hearings and this is now for approval or denial.

ORDINANCE – Z-3-2016; Lake Trust Site, "D-1" Professional Office and "F" & "F-1" Commercial to "G-1" Business

Council Member Washington noted to that this rezoning would be to bring the property into conformance with the rest of the area and marketable for mixed use. Ms. Stachowiak agreed noting that it is only the south 132' of the property because the north portion is already "G-1".

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE ORDINANCE FOR Z-3-2016; REZONING FROM "D-1" PROFESSIONAL OFFICE AND "F" & "F-1" CCOMMERCIAL DISTRICT TO "G-1" BUSINESS. MOTION CARRIED 3-0.

ORDINANCE – 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 recalled for the Committee that this was part of project the Committee had already seen that is located south of Lake Trust, and where they plan to incorporate the existing historic buildings into the development. It is supported as a great proposal of mixed use and will include parking behind the buildings.

MOTION BY COUNCIL BROWN CLARKE TO APPROVE THE ORDINANCE FOR Z-2-2016; REZONING FROM "CUP" COMMUNITY UNIT PLAN TO "F" COMMERCIAL DISTRICT. MOTION CARRIED 3-0.

RESOLUTION – ACT-5-2014; Sale of Grand Woods Park, W. Willow Hwy. and Grand Woods Park Drive

Council Member Washington acknowledged the sale price of $600,000 payable to the City in four (4) installments. Mr. Kaschinske clarified it will be five (5) installments with the 1stin 2016. The resolution does clarify the funds will go into the parks land acquisition funds.

Council Member Brown Clarke asked the Parks Department and Council to consider being proactive in the future with funds and a funding model for the Lugnuts/Cooley Stadium.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE ACT-5-2014; SALE OF GRAND WOODS PARK, W. WILLOW HWY., AND GRAND WOODS PARK DRIVE. MOTION CARRIED 3-0.

RESOLUTION – Set a Public Hearing; Z-5-2016; 2918 N East Street; AVMM, LLC Marco's Pizza; "A" Residential District to "F" Commercial District

Ms. Stachowiak identified the property stating it has always been a commercial use, and the office is not sure why it was zoned Residential. This rezoning would bring the property into conformance with the zoning.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR JULY 25, 2016 FOR Z-5-2016; 2918 N EAST STREET, AVMM, LLC MARCOS PIZZA, "A" RESIDENTIAL DISTRICT TO "F" COMMERCIAL DISTRICT. MOTION CARRIED 3-0.

RESOLUTION – Set a Public Hearing; ACT-7-2012; Sale of Former Fire Station #3; 629 W Hillsdale Street

Mr. Rieske noted that the property had been before the Planning Board four (4) years ago at which point they had acknowledged it to be marketed for sale. It is zoned D-1, which is professional zoning and would not make it eligible for any future marihuana facility. There has been an offer on the property, and therefore that is why the staff is bringing to the City Council at this time to set the public hearing. There is no staff knowledge of what the buyers plan to use the property for, however any information will be brought back after the hearing to the Committee.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR JULY 11, 2016 FOR ACT-7-2012; SALE OF FORMER FIRE STATION #3; 629 W HILLSDALE STREET. MOTION CARRIED 3-0.

RESOLUTION – Set a Public Hearing; SLU-2-2016; Special Land Use Permit, Church in "F" Commercial & "D-1" Professional Office Districts at 5606 S. Martin Luther King, Jr. Blvd.

Council Member Yorko updated the Committee on her communication with the Church, telling them the Church has a Bread House in ReoTown and a Bread House South. They also continue to do outreach to the neighborhood. Council Member Washington added that even if the public hearing is set, they are still in violation of the zoning ordinance, in addition that the Planning Board denied them and it does not meet the Master Plan. Council Member Brown Clarke recapped the Planning Board meeting where the Associate Minister spoke the Planning Board did not know they were actively providing services, and they still rejected them. They are out of compliance right now, so the Committee should not move the Council process until as a committee they discuss where they are doing. Ms. Stachowiak confirmed the Planning Board did not know at the time they were offering the services, and once staff was informed they were told to apply for the SLU, and that is was instigated this application. They are still holding services, and they could ask them to cease, however at this time are just asking for the public hearing to be set.

Council Member Wood brought it to Ms. Stachowiak attention of the new Canabas Church at 918 Southland with services on Sunday. Council Member Washington asked Ms. Stachowiak about the status of the temple on MLK, and Ms. Stachowiak acknowledged they had not done anything and they have been cited for the nuisances.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR JULY 25, 2016 FOR SLU-2-2016; 5606 S. MARTIN LUTHER KING JR. BLVD., CHURCH IN "F" COMMERCIAL & "D-1" PROFESSIONAL OFFICE DISTRICT. MOTION FAILED 1-2.

Council Staff will contact the property owners and invite them to the next Committee meeting for questions and answers. Ms. Stachowiak informed the Committee that the Planning Board has already denied the SLU.

OTHER

- SkyVue Development Question and Answers (City Attorney)

Mr. Mello informed the Committee and Law of the FOIA requests he had submitted regarding the SkyVue Project, with no response. Mr. Dobernick introduced himself. Mr. Mello noted that one recent FOIA request was for a list of contractors and contractor's names so he could research to see if permits were completed and clean up was done. Mr. Mello continued to voice his concern that his opinion was that Law was not responding and he was being ignored. His request for information from LEAP was provided, however it did not tell him what he needed, and had paid his legal services to review it.

Ms. Simmons referenced a letter her office had from the FOIA request to LEAP that confirmed the information had been provided. Ms. Simmons continued to inform Mr. Mello there is some information the City does not have, and some information might be in another entity. Mr. Mello was asked to forward all dates of his FOIA request to Ms. Simmons for her to follow up with the FOIA coordinator on.

Council Member Yorko asked Ms. Stachowiak if there is demolition on a project if they submit documentation to the Planning and Neighborhood Development office, but Ms. Stachowiak stated it is not handled in her office, but in Building Safety. Council Staff was asked to contact Building Safety to obtain information on how the process works, who does what and how the City ensures outside workers are paying taxes. Council Member Brown Clarke asked if Mr. Mello had checked with the DEQ since the building supervisor on the project is supposed to have those documents on site, and if not they would not be in compliance with the DEQ permit.

Council Member Wood asked Council Member Washington to invite the SkyVue developer in for questions, and Council Member Washington stated she could also invite Steve Willobee and the engineer from the last meeting on this topic.

Mr. Dobernick asked for the status of the FOIA's. Ms. Simmons again asked for the dates they submitted the requests. Council Member Brown Clarke informed the Committee that the Committee of the Whole will review the FOIA Policy at the June 27, 2016 meeting.

Council Member Brown Clarke asked Ms. Simmons why some documents is housed at the LEAP offices and not the City. Ms. Simmons confirmed it depended on what the documents are, and what surrounds them on what is kept at the City.

Council Member Wood asked if the Committee could see the contract between the City and LEAP, and if they can be required to provide the files in the City for them to receive their funding from the City.

Council Member Washington suggested a continued discussion on the topic at the July 14th, 2016 meeting.

- Communication; M. Harrison RE: Z-2-2016- place on file.

Adjourn at 10:46 a.m.
Submitted by,
Sherrie Boak, Recording Secretary,
Lansing City Council
Approved by the Committee on July 14, 2016

DRAFT

MINUTES
Committee on Development and Planning
Thursday, June 9, 2016 @ 10:15 a.m.
10th Floor Conference Room, City Hall

CALL TO ORDER
The meeting was called to order at 10:17 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
Joseph Abood, Deputy City Attorney
Bill Rieske, Planning & Neighborhood Development
Paul Furtan, Bergmann
John Peiffer, Community Mental Health, CEI

PUBLIC COMMENT
No Comments

MINUTES
MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE MINUTES FROM MAY 12, 2016. MOTION CARRIED 3-0.

DISCUSSION/ACTION
ORDINANCE – Z-5-2015; 222 W Genesee Rezoning "DM-3" Residential to "D-1" Professional Office
MOTION BY COUNCIL MEMBER YORKO TO APPROVE ORDINANCE Z-5-2015 MOTION CARRIED 3-0.

RESOLUTION – Set a Public Hearing; SLU-2-2016; Special Land Use Permit; 5606 S Martin Luther King Jr. Blvd.
Council Member Brown Clarke outlined what was presented at the Planning Board meeting, where the applicants stated they had two locations, and at this location they hoped to open a Bread Pantry and increase their services for clothing and food distribution. Their other location currently offers these services, but they were hoping to expand. The Planning Board does not recommend approval of the SLU based on the foot traffic patterns for this and on the fact that

that the proposed use of this building is not in keeping with the master plan. Council Member Yorko noted her research which confirmed what they are requesting they are already doing at the site of 5606 S Martin Luther King Jr. Blvd. without this approval. Mr. Rieske noted that it is not zoned for these services and therefore they would need this SLU. Council Member Washington confirmed then that they were in violation of the zoning ordinance and asked the Planning and Neighborhood Development office to investigate and report back.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO TABLE THE REQUEST UNTIL MORE INFORMATION AND CLARIFICATION ON THE CURRENT ACTIVITIES ON THE SITE AS IT RELATES TO CURRENT ZONING STATUS IS PROVIDED. MOTION CARRIED – 3-0.

Council Member Washington asked Mr. Rieske to have Ms. Stachowiak research and provide the information back to the Committee. A letter should also be sent to the owners.

RESOLUTION – ACT – 6-2016; 812 E Jolly Road; Sewer Easements

Mr. Peiffer outlined the project and the need to move the sewer lines and some storm lines due to the proposed building on site of Community Mental Health. This request is to change language in the easements to address these moves. Site play layouts were provided to the Committee by Mr. Rieske which detailed the current layout and the proposed. Mr. Peiffer confirmed they have also been working with the Department of Public Services and Ingham County and both parties are on board with the proposed plan. This proposed relocation is being paid for by Community Mental Health, will be done during regular hours and should take up to a week for the sanitary sewer. Details of the construction include repiping, and then once the new piping is reconnected they will cut and abandoned the old.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR ACT-6-2016 FOR 812 E. JOLLY ROAD, SEWER EASEMENTS. MOTION CARRIED 3-0.

OTHER

Adjourn at 10:33 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

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

VB/rh
Attachment

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

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

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.

GENERAL INFORMATION

APPLICANT:	Kathie Hayes, 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:

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:	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 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 is 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 feet 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

Hometown People. Hometown Power.

BOARD OF WATER AND LIGHT MEMO

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

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.

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.

NOTE

BENCH MARK

LEGEND

TREE LEGEND

SCALE: 1" = 50'

PROPERTY INFORMATION

OVERALL PARCEL SKETCH

MOUNT HOPE AVENUE (66' WIDE)

VICINITY SKETCH

LOCATION

LONGITUDE: 84° 36' 54.2"
LATITUDE: 42° 45' 00.0"
GROUND ELEV. @ TOWER BASE - 831.25

LEGAL DESCRIPTION OF LEASE PARCEL

PREPARED BY:
MONSON LAW CONSULTING, LLC

APPLICANT/LESSEE:
MIDWESTERN

verizon

SITE #474 – "MT. HOPE M99"

CITY OF LANSING, INGHAM COUNTY, MICHIGAN
SITE SURVEY, GENERAL INFORMATION

1

94044-474

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GENERAL NOTES:

[illegible]

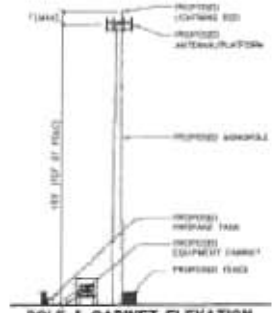
LEGEND

- CONT. CONTOUR
- PROP. CONTOUR
- 821.5 EXIST. SPOT ELEVATION
- 821.5 PROP. SPOT ELEVATION
- EXIST. UTILITY POLE
- GUY WIRE
- SIGN
- TELEPHONE POLE
- ELECTRIC METER
- POST
- FENCE
- GUARDRAIL
- TREE OR SHRUB LINE
- SECTION CORNER
- FOUND MONUMENT
- CONTROL PT.
- LIMITS WETLAND

TREE LEGEND

- CHERRY
- COTTONWOOD
- OAK
- PINE

EVERGREEN TREE PLANTING DETAIL



POLE & CABINET ELEVATION

HIDWESTERN

APPLICANT/LESSEE

verizon

SITE #474 – "MT. HOPE M99"

CITY OF LANSING, INGHAM COUNTY, MICHIGAN

SITE PLAN DETAIL

2

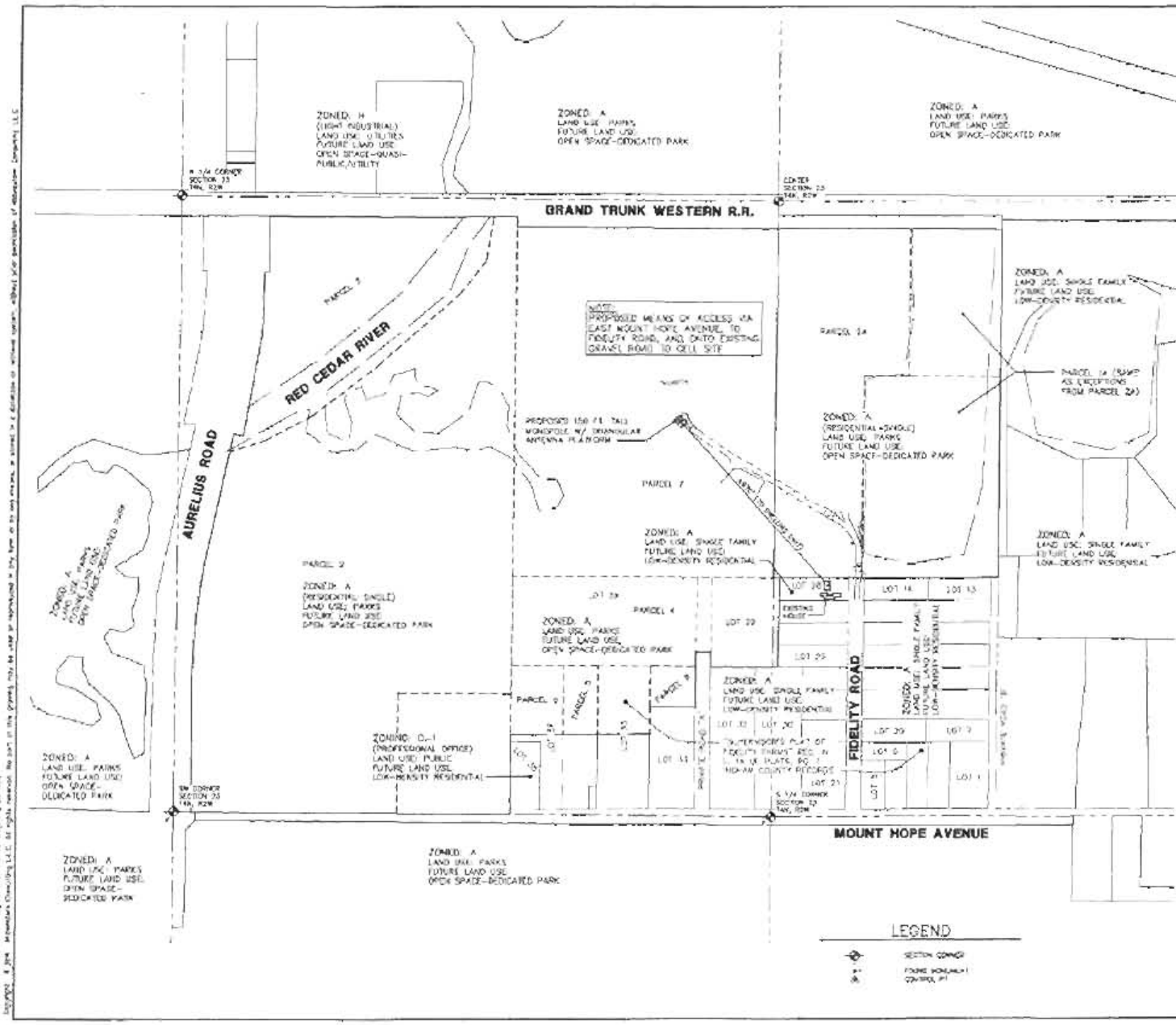
JOB No. 94044-474

REV. JOB

DATE: 1/28/14

SHEET 1 OF 2

REVISIONS



LEGAL DESCRIPTION OF OVERALL PARCELS

(Taken from Title Commitment)

Land situated in the City of Lansing, County of Ingham, State of Michigan, described as follows:

Tax Parcel [illegible]

Parcel 1

The South 335 feet of the East 800 feet of the West 1/2 of the West 1/2 of Section 23, lying South of Cedar River, West of the East 50 acres, in the Southwest 1/4 of Section 23, Township 4 North, Range 2 West, more specifically described as beginning at a point on the South line of Section 23, South 89°54' East 341.5 feet from the Southwest corner of said Section 23, Town 4 North, Range 2 West, Lansing Township, Ingham County, Michigan; thence S.or North 3.33 feet; thence South 89°54' East 330 feet; thence due South 33 feet to the South line of Section 23; thence West 330 feet; thence North 33 feet to the point of beginning.

Parcel 2

That part of the Northwest 1/4 of Section 23, Township 4 North, Range 2 West, City of Lansing, Ingham County, Michigan, beginning on the South Section Line at a point South 89°54' East 75.0 feet from the Southwest corner of said Section 23; thence along the East right of way line of Aurelius Road the following three courses: North 00°03'34" West 58.87 feet parallel with the West Section line to a point of curvature; thence Northeasterly 164.29 feet along the arc of a 2789.72 foot radius curve to the right whose chord bears North 01°58'39" East 349.22 feet to a point of tangency; thence North 03°53'43" East 426.28 feet to a point on the South bank of the Red Cedar River, said point being 42 feet from the water's edge; thence meandering said South bank the following 24 courses: North 71°57'00" East 156.58 feet; thence North 87°30'01" East 420.44 feet; thence North 81°30' East 276.07 feet; thence North 48°15'50" East 498.88 feet; thence North 37°40'48" East 100.31 feet; thence North 81°19' East 198.00 feet; to the South line of the Grand Trunk Western Railroad right of way, said line being 50 feet South of the centerline of the West bound track; thence along said right of way line South 89°43'57" East 104.07 feet; thence along the West line of Supervisor's Plat of Fidelity Farms, as recorded in Liber 16 of Plats on Page 1, Ingham County Records, and it's northerly projection South 2°15'05" West, thence North 89°30' West 1042.7 feet; thence with the South section line, thence parallel with the West line of said Plat South 530.4 feet to the South Section line; thence North 89°30' West 905.35 feet to the point of beginning, said tract being between the above described meander line and the parallel centerline of the Red Cedar River, South of the Grand Trunk Western Railroad right of way and East of the East right of way of Aurelius Road.

Parcel 3

All that part of the West half (1/2) of Section Twenty-Three (23) of Township 4 North, Range 2 West, Ingham County, Michigan lying South of the Grand Trunk Railroad right of way and North and West of the Cedar River.

Parcel 4

The following described parcel of land situated in the City of Lansing, County of Ingham, and State of Michigan, to wit: Lots 24, 25, the North 30 feet of Lot 29 and North 30 feet of Private Road "A", Supervisor's Plat of Fidelity Farms, located as part of the Southwest 1/4 of Southeast 1/4 and Southeast 1/4 of Southwest 1/4 of Section 23, Township 4 North, Range 2 West, City of Lansing, Ingham County, Michigan according to the recorded plat of record.

Parcel 5

The North 350 feet of Lot 30, Supervisor's Plat of Fidelity Farms, City of Lansing, Ingham County, Michigan.

Parcel 6

The North 350 feet of Lot 31, Supervisor's Plat of Fidelity Farms, City of Lansing, Ingham County, Michigan.

Parcel 7

The South 150.1 feet of the North 1040 feet of the East 165 feet of the Southeast 1/4, Section 23, Town 4 North, Range 2 West, City of Lansing, Ingham County, Michigan.

Parcel 8

The North 890 feet of Lot 31, Supervisor's Plat of Fidelity Farms, according to the recorded plat thereof.

Tax Parcel [illegible]

Parcel 10

A parcel of land in the Southeast 1/4 of Section 23, Town 4 North, Range 2 West, City of Lansing, Ingham County, Michigan, described as: Beginning at a point North 89°30' East along the South line of said Section 23 a distance of 997.8 feet and North 00°30' West along the east line of "Supervisor's Plat of Fidelity Farms" as recorded in Liber 16 of Plats, Page 1, Ingham County Records, a distance of 1074.7 feet to the northeast corner of said Supervisor's Plat of Fidelity Farms, thence South 1°15' West of said Supervisor's Plat of Fidelity Farms, thence South 1°15' West a distance of 1551 feet; thence South 89°30' West a distance of 1905 feet; thence North 89°30' East a distance of 330 feet; thence South 89°30' East a distance of 853 feet; thence South 89°30' West a distance of 330 feet; thence South 89°30' East a distance of 330 feet; thence North 89°30' West a distance of 905 feet to the point of beginning.

Parcel 2A

The South 1551 feet of the North 1840 feet of the West 80 acres of the Southeast 1/4, except the East 165 feet of the North 811 feet and the East 800 feet of the South 330 feet, Section 23, Town 4 North, Range 2 West, City of Lansing, Ingham County, Michigan.

NIOWESTERN

MAPPING/CAD/IT/LEASE

NEW ERA A DIVISION OF NEW ERA WIRELESS
INC. NEW ERA WIRELESS
2900 LOFTHOUSE HIGHWAY
SOUTHWICK, MASSACHUSETTS 01077
PHONE: (413) 569-3000

verizon

SITE #474 - "MT. HOPE MSO"

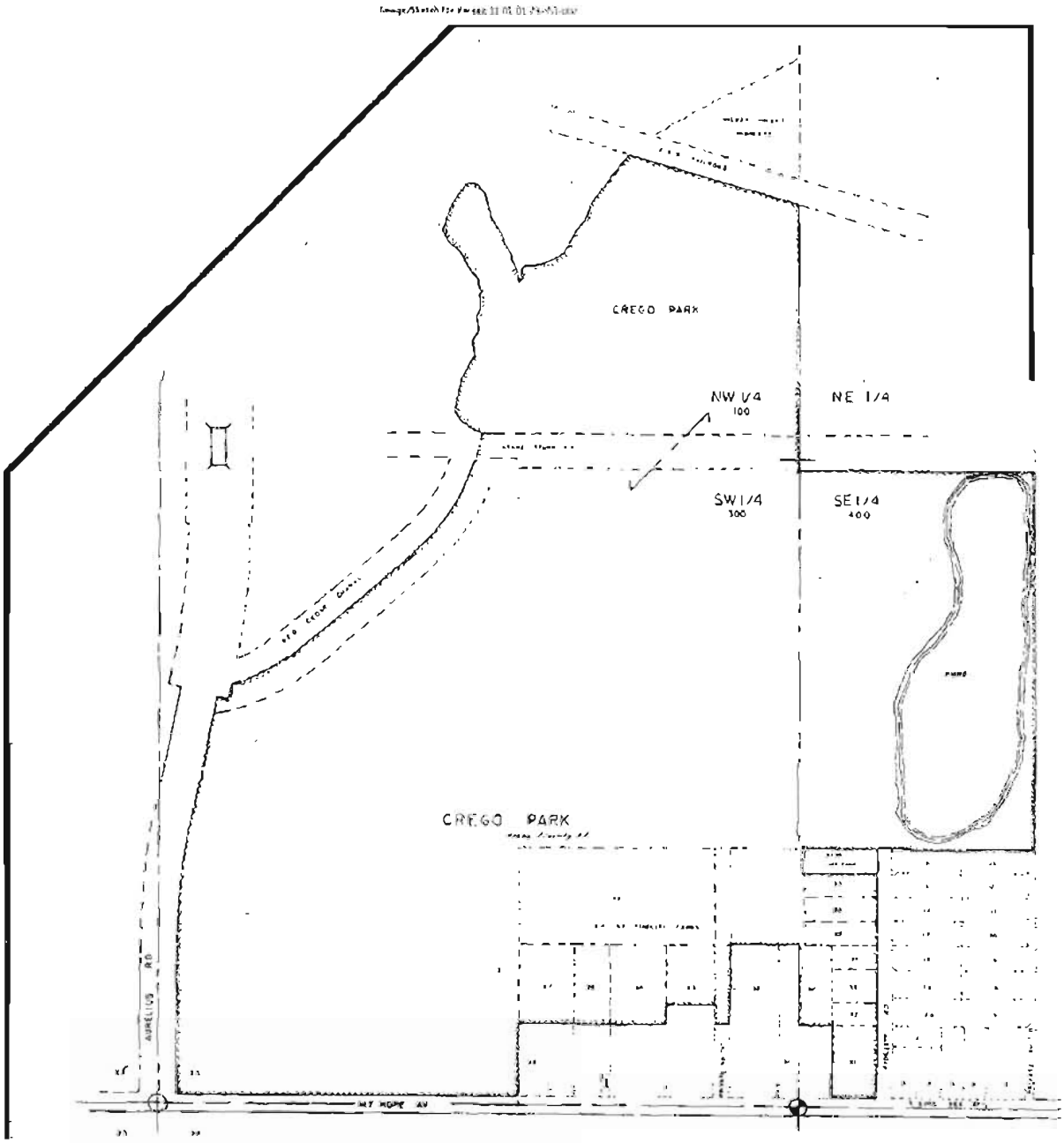
CITY OF LANSING, INGHAM COUNTY, MICHIGAN
OVERALL LAND USE AND ZONING PLAN

3

JOB NO. 94044-474

DATE: 10/20/94

REVISIONS
1 - 10/20/94 - ADD LEGEND
2 - 12/12/94 - ADD LEGEND
3 - 12/12/94 - ADD LEGEND
4 - 12/12/94 - ADD LEGEND
5 - 12/12/94 - ADD LEGEND
6 - 12/12/94 - ADD LEGEND
7 - 12/12/94 - ADD LEGEND


CREGO PARK
NW 1/4
100
NE 1/4
SW 1/4
300
SE 1/4
400
CREGO PARK
AURELIUS RD
MT HOPE AV

Approximate location of proposed tower
Crego Park
N

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

N

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-2-2016, Vacant Property West of 3000 Dunckel Road - Rezoning

---

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

VB/rh
Attachment

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

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

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

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 to 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 rezoning 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.

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 matures 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

Hometown People. Hometown Power.

BOARD OF WATER AND LIGHT MEMO

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 Dunckel

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 Dunckel 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

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.

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:

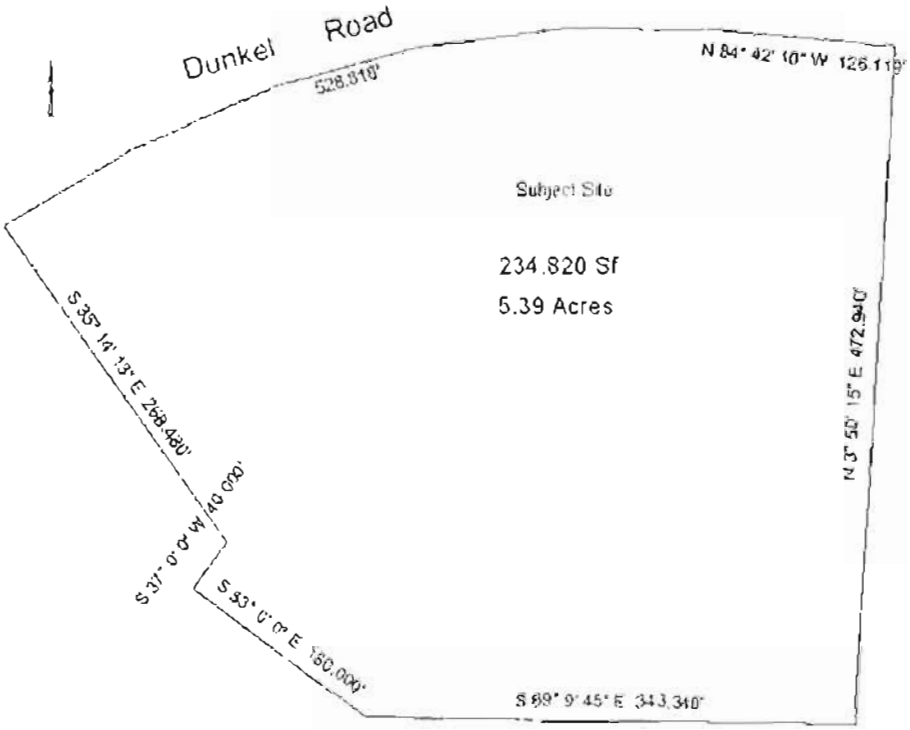
Approved with the following comments

- 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

Dunckel Dr

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



Sketch by Apex IV™

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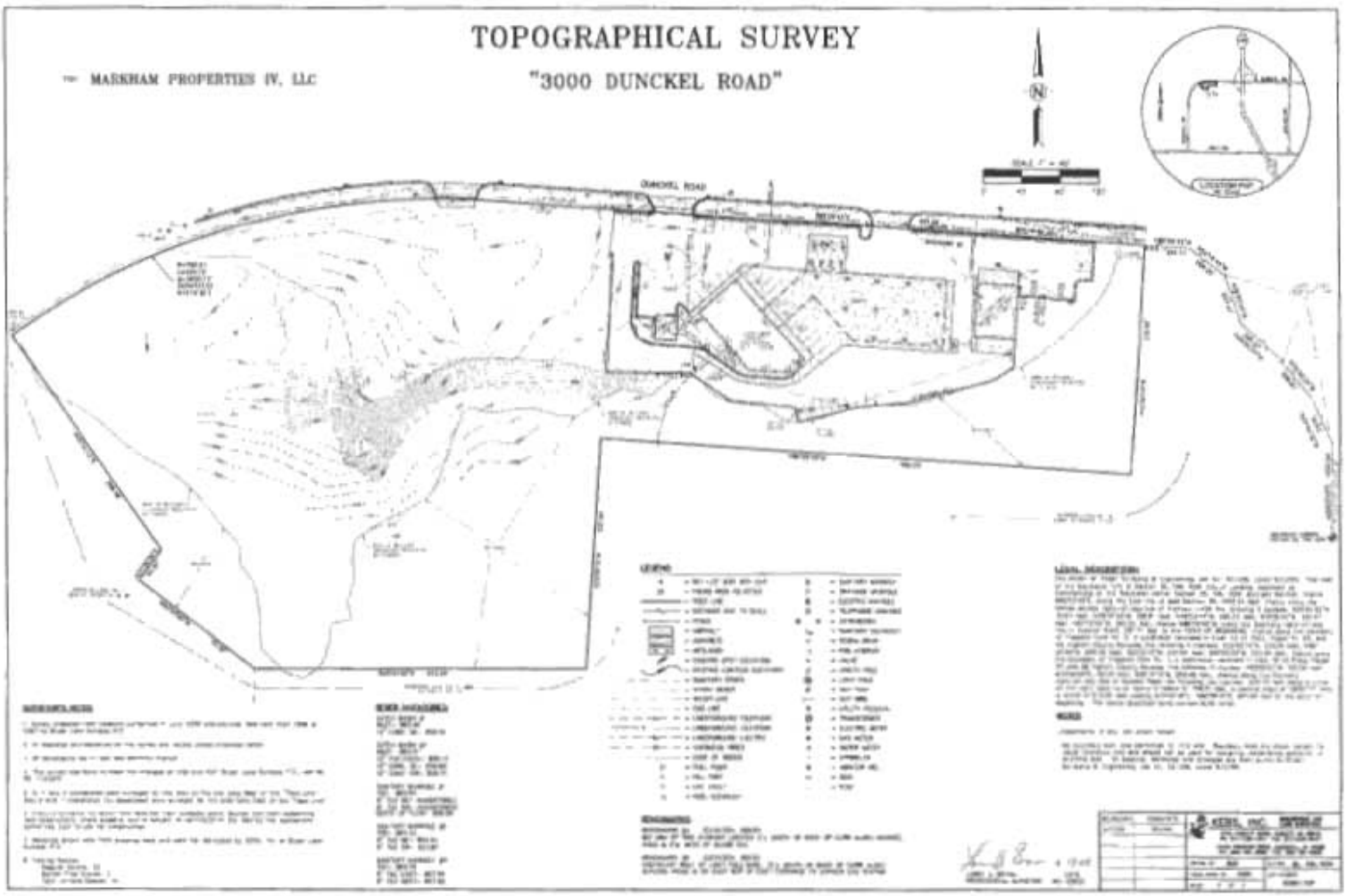
TOPOGRAPHICAL SURVEY

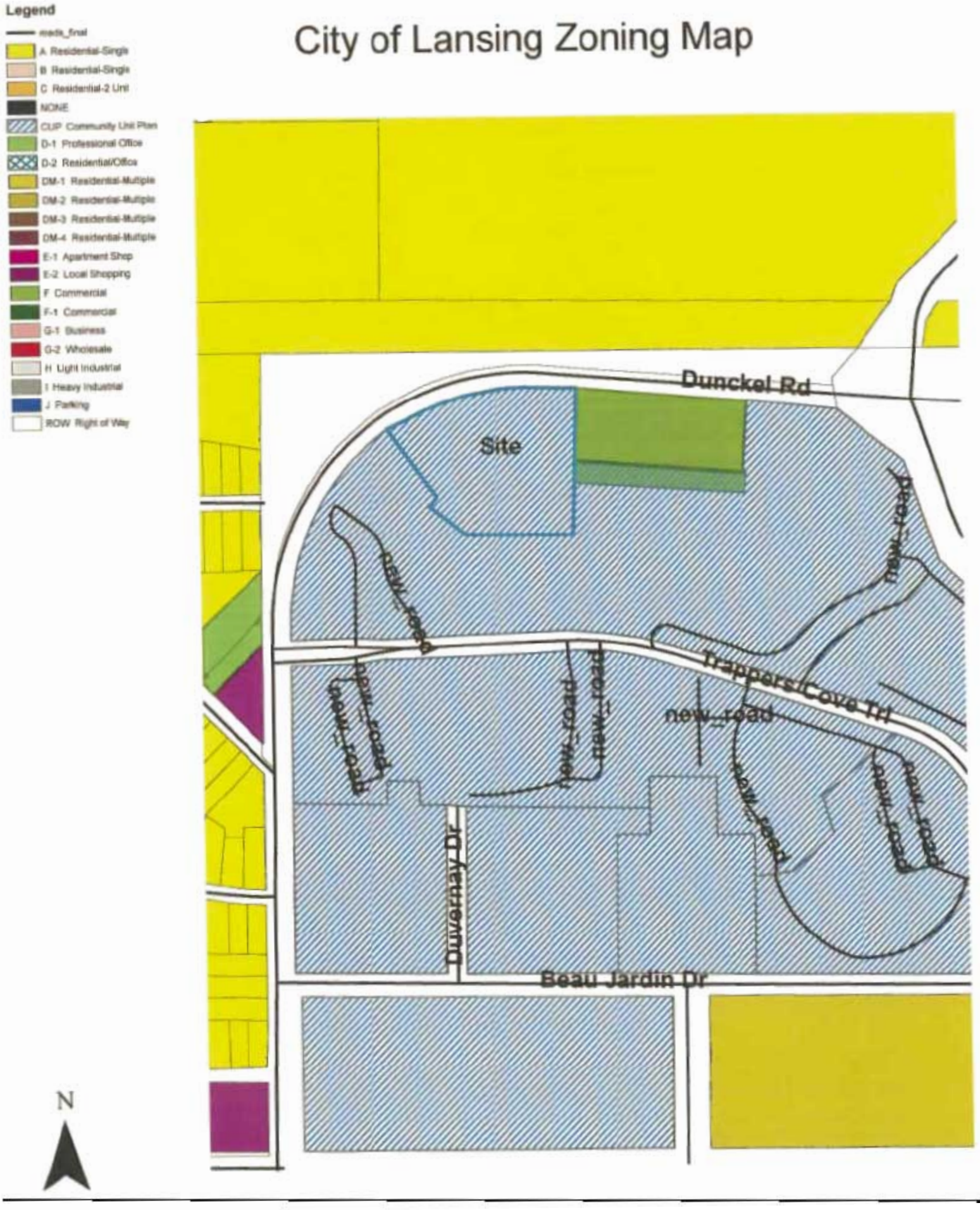
MARKHAM PROPERTIES IV, LLC

"3000 DUNCKEL ROAD"



Site
Trappers Cove Trl
Dunakoff Rd
new_road
new_road
new_road
new_road
new_road
new_road
new_road
new_road
N

City of Lansing Zoning Map



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 ¼ 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.

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

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

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

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

Hometown People. Hometown Power.

BOARD OF WATER AND LIGHT MEMO

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/

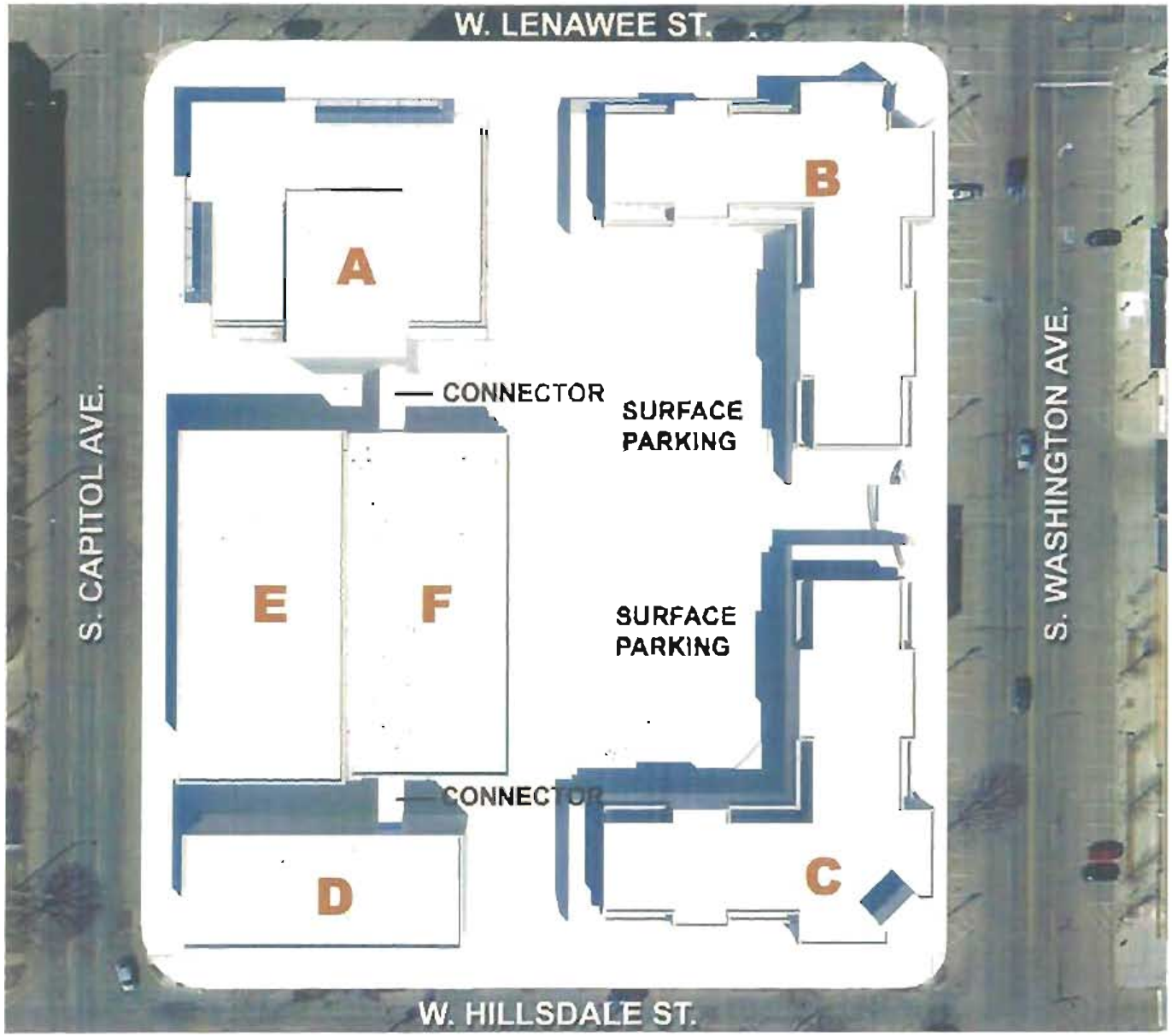
Note that any site plan approval does not constitute an agreement for service. All customers must meet LBWL requirements and enter a service agreement prior to receiving service.

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.

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 contarminants into local groundwater.

EXISTING SITE



A Existing 6 Story Office Building
61,000 SF Total

B 3 Story Mixed-Use Buiding
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 Buiding
80,000 SF Total

F 4 Story Parking Structure
64,000 SF Total

studio [intrigue] ARCHITECTS

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LAKE TRUST CREDIT UNION

PRELIMINARY DENSITY/ MIX STUDY

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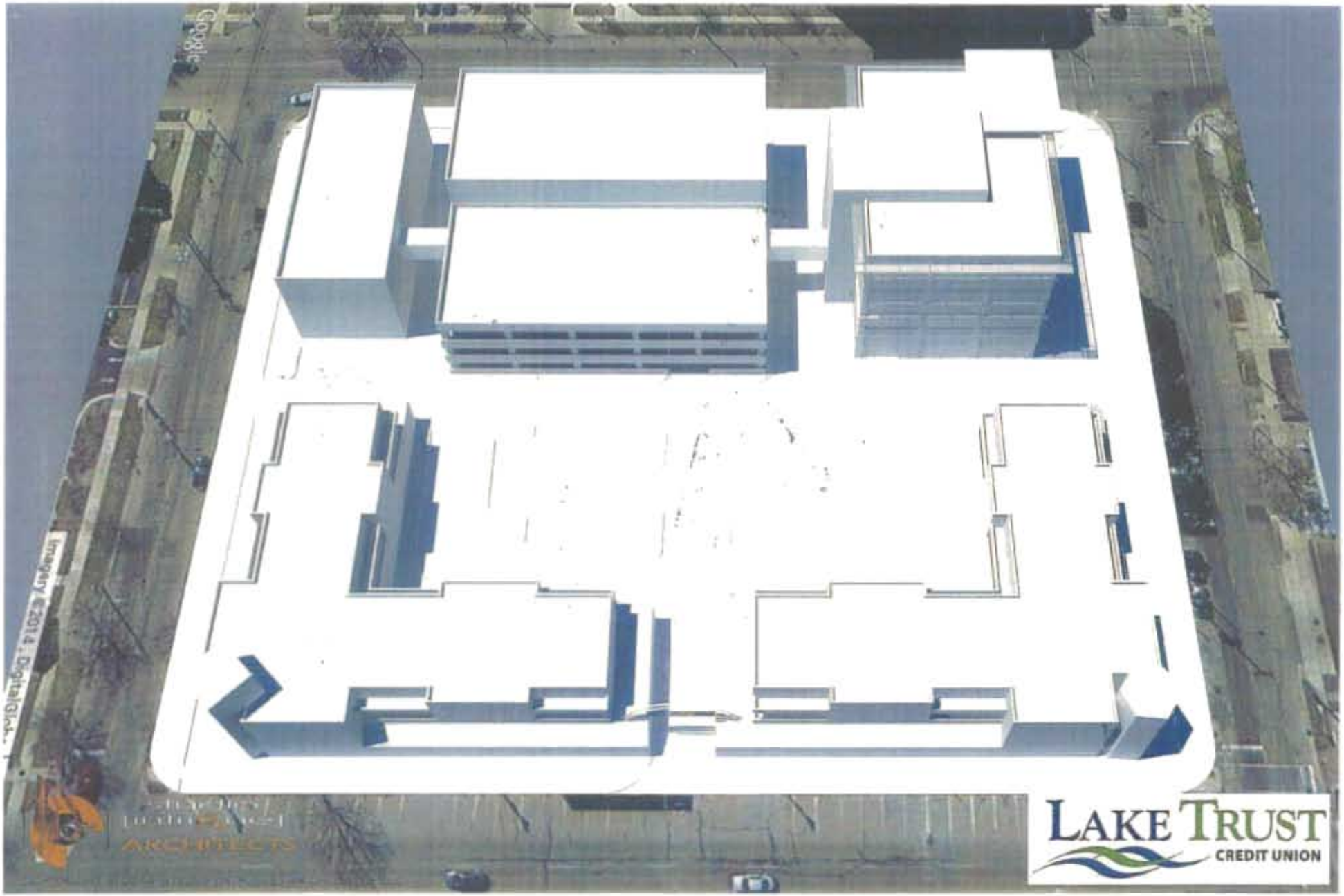

Google
Imagery ©2014 DigitalGlobe
LAKE TRUST
CREDIT UNION

W Lenawee St
S Washington Sq
S Capitol Ave
S Washington Ave
501
520
Area to be
535
W Hillsdale St
606
105
608
N

City of Lansing Zoning Map

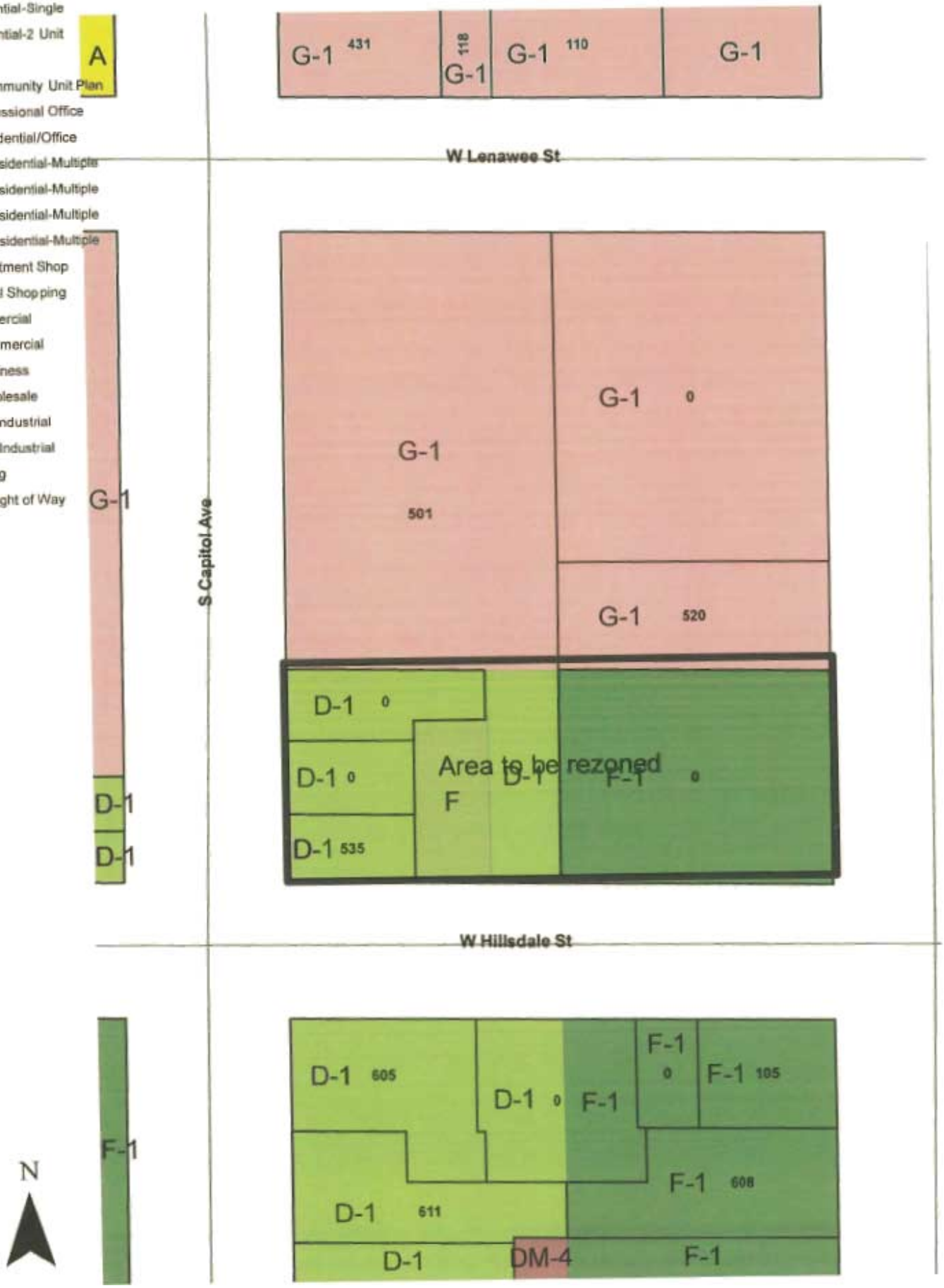
Legend

- 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



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-4-2016, South Edge Develompent Rezoning

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

VB/rh
Attachment

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM - Z-4-2016, South Edge Develompent Rezoning

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 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

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 not 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 Stachowiak
Zoning Administrator

Hometown People. Hometown Power.

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 Ambs @ (517) 702-6417*, or via e-mail at 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 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.

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.
1st: 4,675 S.F.
2nd: 4,675 S.F.
Total: 10,834 5.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)
Total Peak Demand =	**90 Spaces**	88 Spaces	76 Spaces	72 Spaces	81 Spaces

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

Parking Summary

Total Peak Parking Demand	**= 90 Spaces**
Total Parking Provided (on site)	**= 96 Spaces**

LOOKING NORTHWEST

S. WASHINGTON AND W. ST. JOSEPH ST.

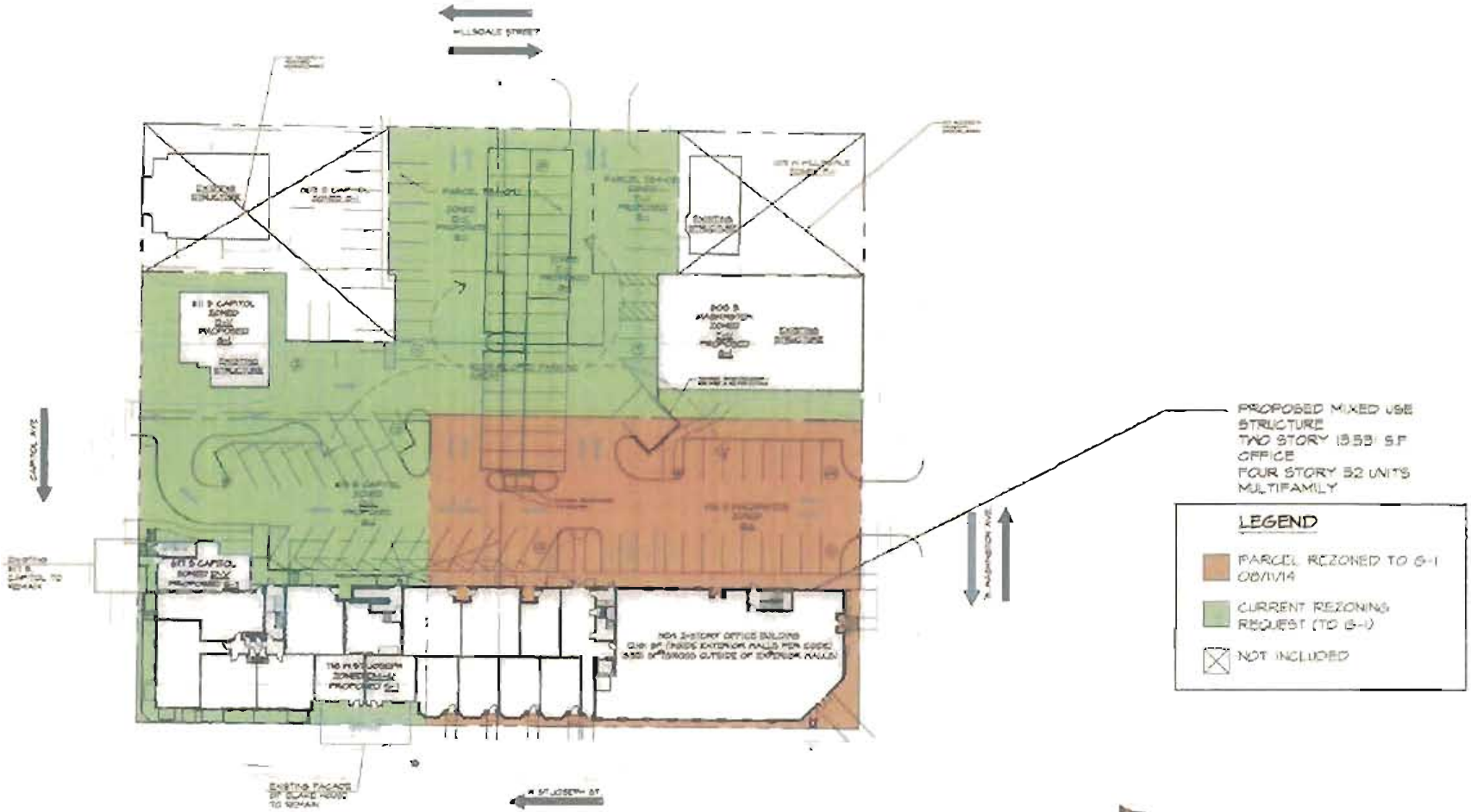
#14.053
01.28.16

studio [intrigue] ARCHITECTS

LOOKING NORTHEAST

S. WASHINGTON AND W. ST. JOSEPH ST.

#14.053
01.28.16



SOUTH EDGE DEVELOPMENT MASTER PLAN

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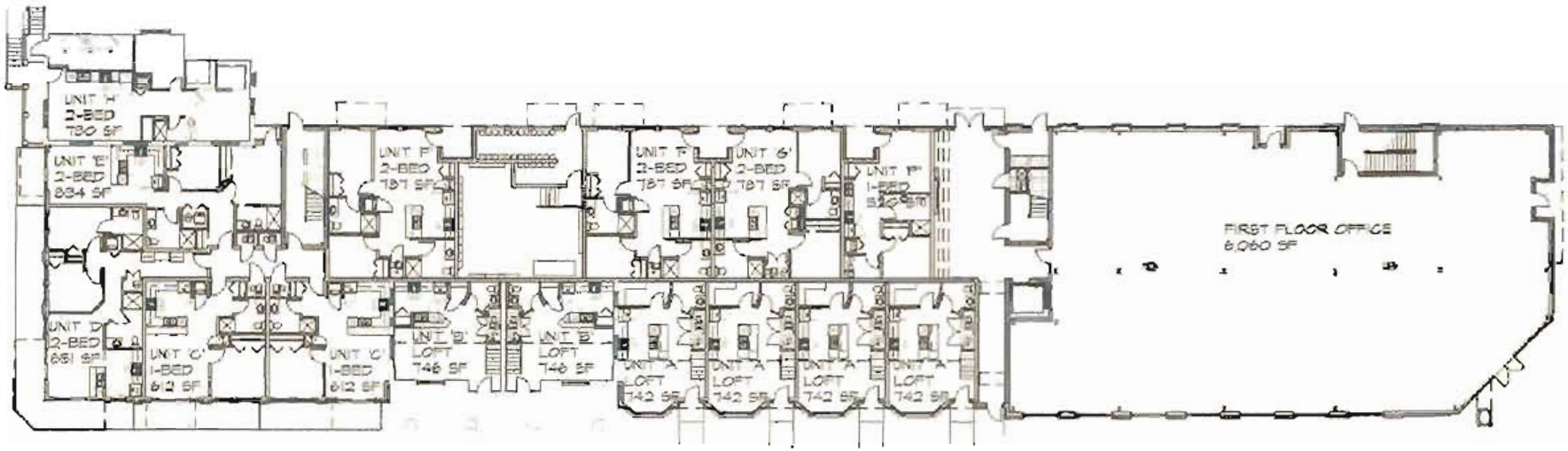
1" = 40'-0"
01/29/16

studio [intrigue] ARCHITECTS



SOUTH EDGE DEVELOPMENT - 1ST FLOOR PLAN

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NTS
#14.053
01.29.16

1ST FLOOR TOTAL UNITS

APARTMENT TYPES	
LOFTS:	6 UNITS
STUDIOS:	0 UNITS
1-BEDROOM:	3 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

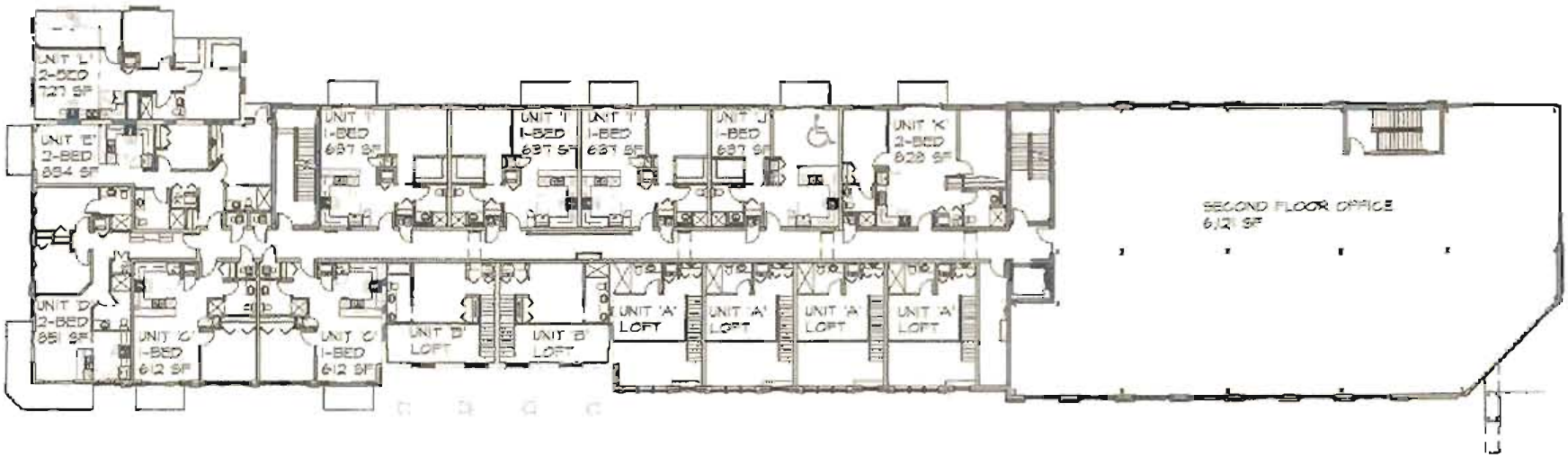
2ND FLOOR TOTAL UNITS

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

studio [intrigue] ARCHITECTS



SOUTH EDGE DEVELOPMENT - 2ND FLOOR PLAN

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NTS
#14.059
01.29.16

1ST FLOOR TOTAL UNITS

APARTMENT TYPES	
LOFTS:	6 UNITS
STUDIOS:	0 UNITS
1-BEDROOM:	3 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

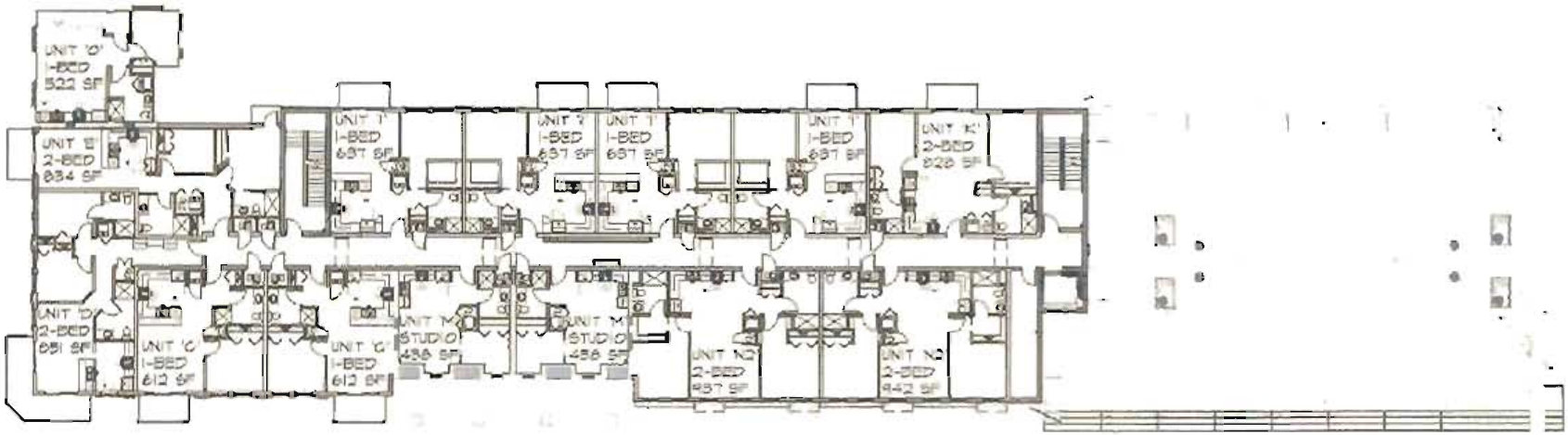
2ND FLOOR TOTAL UNITS

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

studio [intrigue] ARCHITECTS



SOUTH EDGE DEVELOPMENT - 3RD FLOOR PLAN

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NTS
#4.058
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	14 UNITS

TOTAL UNITS

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

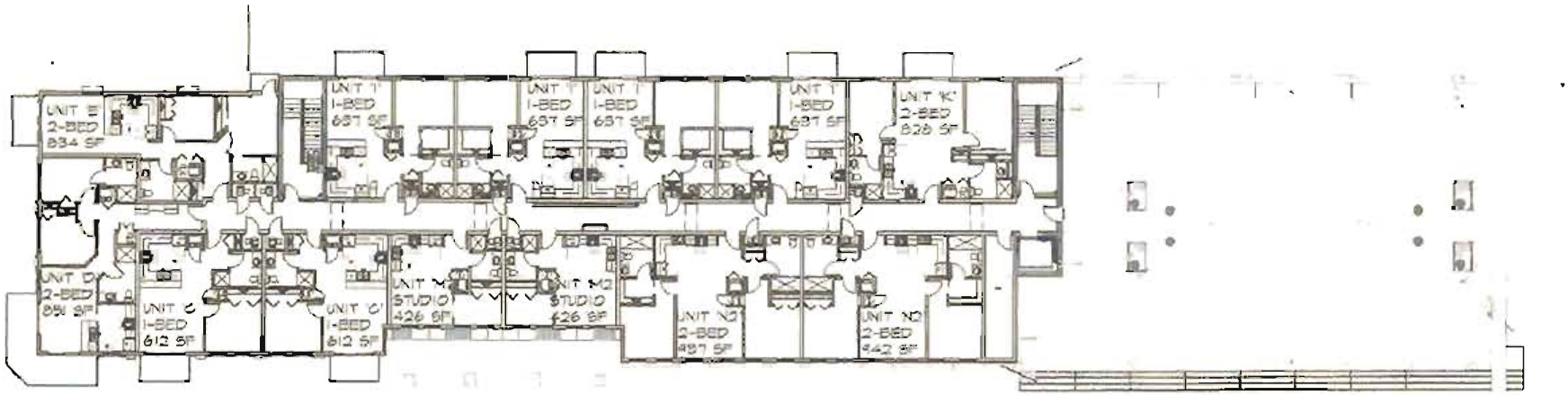
2ND FLOOR TOTAL UNITS

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

studio [intrigue] ARCHITECTS



SOUTH EDGE DEVELOPMENT - 4TH FLOOR PLAN

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NTS
#14.058
01.24.16

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	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

studio [intrigue] ARCHITECTS

0
535
W Hillsdale St
605
0
105
608
611
616
118
W Saint Joseph St
S Washington Ave
N

City of Lansing Zoning Map

Legend

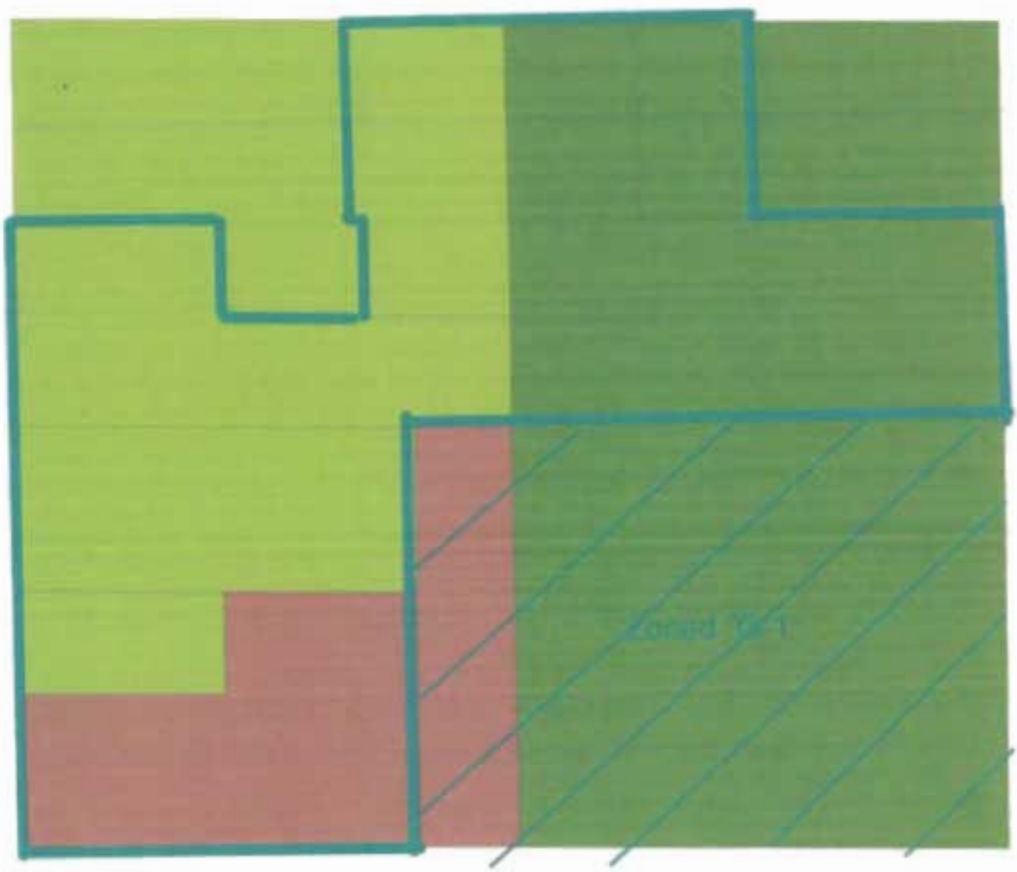
roads_final

Vector.GIS.Zoning

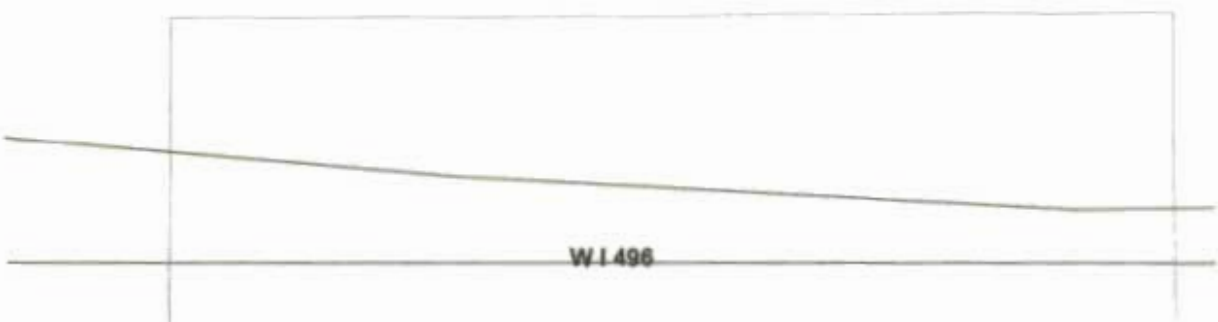
Representation: Vector.GIS.Zoning_Rep

- 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

N

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: 4-22-16

RE: Sale of Grand Woods Park Resolution— Act-5-2014—Approval for Sale of Grand Woods Park— W. Willow Hwy.

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

VB/rh
Attachment

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

To: Virg Bernero, Mayor

From: Brett Kaschinske, Parks Director

Subject: CITY COUNCIL AGENDA ITEM - Sale of Grand Woods Park

Date: 4-22-16

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

RESOLUTION #

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Act-5-2014, Sale of Grand Woods Park

WHEREAS, on February 21, 1984, the City of Lansing, leased to Charter Township of Delta, the premises known as Grand Woods Park (the "Park"), located in Delta Township, Eaton County, Michigan; and

WHEREAS. the Park has been maintained by Delta Charter Township since 1984, and

WHEREAS, the Park is approximately 139.3 acres in size and is located in Delta Township, Eaton County Michigan; and

WHEREAS, it has been determined that this Park is surplus by the Parks Department; and

WHEREAS, on August 4, 2014 under Resolution 2014-202 the Lansing City Council approved that a proposal to sell the Park be submitted to the electors of the City of Lansing; and

WHEREAS, on November 4, 2014 the electors of the City of Lansing approved the sale of the Park to the Charter Township of Delta; and

WHEREAS, any net proceeds from the sale of the Property will benefit the City of Lansing and be used for improvements in the City of Lansing Parks and Recreation system; and

WHEREAS, the Delta Charter Township Master Plan, Zoning Ordinance and website indicate the intention for the property is to remain as a park; and

WHEREAS, the City of Lansing's lease with the Charter Township of Delta is to expire August 21, 2016; and

WHEREAS, Delta Charter Township, by resolution, authorized the Township Manager, Brian Reed, to execute and deliver an offer to purchase the Park, known as Purchase Agreement, which has been placed on filed in the office of the City Clerk for thirty (30) days prior to _____ 2016, public hearing held on the proposed sale, in accordance with the requirements of the Lansing City Charter and the Lansing Code of Ordinances.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves the sale of the real property known as Grand Woods Park to the Delta Charter Township, legally described as:

> Commencing at a point North 0 degrees 51 minutes East 903.0 feet, from the South quarter post of Section 1, Town 4 North, Range 3 West, Delta Township, Eaton County, Michigan, said point being the Northeast corner of Lot Fifty-five (55) of River Ridge No. 1, running thence along the Northerly line of said River Ridge No. 1, North 60 degrees 51 minutes West 505.0 feet, thence South 87 degrees 44 minutes West 363.83 feet, thence South 77 degrees 49 minutes West 481.6 feet, thence North 82 degrees 24 minutes West 394.67 feet, thence North 86 degrees 13 minutes West

1293.86 feet, thence North 60 degrees 01 minute West 565.02 feet, thence North 47 degrees 57 minutes West 260.75 feet, thence North 74 degrees 22 minutes West 338.15 feet to the West line of the East one-half of the Southeast one-quarter of Section 2, thence North 1 degree 25 minutes West 97.84 feet, thence North 80 degrees 35 minutes East 374.39 feet, thence North 72 degrees 27 minutes East 1000.65 feet, thence North 55 degrees 32 minutes East 343.98 feet, thence South 77 degrees 13 minutes East 717.55 feet, thence North 83 degrees 30 minutes East 571.93 feet, thence South 83 degrees 44 minutes East 322.03 feet, thence South 76 degrees 34 minutes East 362.03 feet, thence South 56 degrees 34 minutes East 504.22 feet to the North-South quarter line, thence South 0 degrees 51 minutes East 986.3 feet to the point of beginning together with the land lying between the Northerly line of said description and the water's edge of the Grand River; that part of Southeast fractional 1/4 lying Southwest of Grand River, Section 1, T4N, R3W; and Out Lot C of River Ridge #3, according to the recorded plat thereof, Eaton County Records.

BE IT FURTHER RESOLVED that the purchase price shall be Six Hundred Thousand and 00/100 Dollars ($600,000.00) on the terms and conditions in the Purchase Agreement on file with the City Clerk, including the purchase price shall be paid in five (5) annual installments with the deposit amount of One Thousand and 00/100 Dollars ($1,000.00) being credited to the first installment for a remaining payment of One Hundred Nineteen Thousand and 00/100 Dollars ($119,000.00) at the time of signing and the remaining four (4) annual installments each being One Hundred Twenty Thousand and 00/100 Dollars ($120,000.00) payable on January 1, for the next four (4) years; and

BE IT FURTHER RESOLVED that the Mayor, on behalf of the City, per City Council Resolution #569 of 10/6/1999, shall deposit proceeds from sales of designated park land in excess of city costs associated with such sale into the fund account used exclusively for park acquisition and development; and

BE IT FINALLY RESOLVED that the Mayor, on behalf of the City of Lansing, is authorized to sign and execute all necessary documents to effectuate the sale, (including the Purchase Agreement, Land Contract, Memorandum of Land Contract, Quit Claim Deed, and Escrow Agreement) subject to their prior approval as to form and content by the City Attorney.

Approved for placement on
the City Council agenda:

_____
F. Joseph Abood
Interim City Attorney
Date:_____

[27841:2:20160422:092842]

RESOLUTION #_____

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Sale of Grand Woods Park

WHEREAS, Lansing Parks and Recreation proposes that the City sell a dedicated park, known as Grand Woods Park (the "Park") located in the Charter Township of Delta, Eaton County, Michigan; and

WHEREAS, the Grand Woods Park has been leased to the Charter Township of Delta since February 21, 1984 by the City of Lansing; and

WHEREAS, on August 4, 2014 under Resolution 2014-202 the Lansing City Council approved that a proposal to sell the Park be submitted to the electors of the City of Lansing; and

WHEREAS, on November 4, 2014 the electors of the City of Lansing approved the sale of the Park to the Charter Township of Delta; and

WHEREAS, the net proceeds from the sale of the Park will benefit the City of Lansing and be used for improvements in the City of Lansing Parks and Recreation system; and

WHEREAS, on February 15, 2016 the Charter Township of Delta, by resolution, authorized the Township Manager, Brian Reed, to execute and deliver an offer to purchase the Park, known as the Purchase Agreement; and

WHEREAS, in accordance with the Lansing City Charter, Article 8, Chapter 4, and Section 208.08 of the Lansing Code of Ordinances, the offer must be placed on file in the Office of the City Clerk for a thirty (30) day period, and a Public Hearing on the proposed sale of the Park held before the City Council subsequent to that time; and

WHEREAS, the proposed Purchase Agreement was placed on file in the City Clerk's Office on _____, 20_____.

NOW, THEREFORE BE IT RESOLVED that a Public Hearing be held on _____ _____, 2016, at 7:00 p.m., in the City Council Chambers, 10th Floor, City Hall, Lansing, Michigan to receive public comment on and in consideration of the sale of Grand Woods Park, identified as:

Act-5-2014, Grand Woods Park, W. Willow Hwy., Sale of approximately 139.3 acres.

Approved for placement on the
City Council agenda:

_____
F. Joseph Abood
Interim City Attorney
Date:_____

[27837:2:20160422:091048]

Chris Swope
Lansing City Clerk

April 22, 2016

City Council President and Members of the Lansing City Council
10th Floor City Hall
Lansing, MI 48933

Dear President and Council Members:

Pursuant to Article 8, Chapter 4, Section 8-403.3 of the Lansing City Charter, on April 14, 2016 the Mayor's Office placed on file in my office a Buy and Sell Agreement for Property between the City of Lansing and the Charter Township of Delta, Michigan. Under the Charter, a public hearing may be held on this matter on or after May 14, 2016 (30 days after received).

This document is available for review at the office of the City Clerk or at http://www.lansingmi.gov/clerk under the heading of Documents Placed on File.

Sincerely,

Chris Swope, CMC
Lansing City Clerk

Lansing City Clerk's Office
Ninth Floor, City Hall, 124 W. Michigan Ave., Lansing, MI 48933-1695
517-483-4131 • TDD 517-483-4479 • 517-377-0068 FAX
www.lansingmi.gov/clerk • clerk@lansingmi.gov

GRAND WOODS PARK PURCHASE AGREEMENT

This Purchase Agreement ("Agreement") is entered into this _____ day of _____, 2016 ("Commencement Date"), by the City of Lansing, a Michigan municipal corporation, whose address is 124 W. Michigan Avenue, Lansing, Michigan 48933 (the "Seller"), and Charter Township of Delta, a Michigan charter township organized and operating under the Michigan Charter Township Act, MCL 42.1, *et seq*., as amended, whose address is 7710 W. Saginaw Highway, Lansing, Michigan 48917 (the "Purchaser"), for the transfer by Seller to Purchaser real property commonly known as "Grand Woods Park" owned by Seller located within the Charter Township of Delta, Eaton County, Michigan, which real property is described in the legal description which is attached as Exhibit "A." The parties agree that the final legal description shall be that which is contained in the title commitment.

I. <u>Property Transferred</u>. Purchaser shall purchase and receive, and Seller shall sell, all of the land situated in the Charter Township of Delta, Eaton County, Michigan, described in Exhibit A, including all easements and all other interests and rights of Seller that are appurtenant to the real estate, including, but not limited to, all rights, title, and interest, if any, of Seller in and to any land lying in the street, road, or avenue in front of, within, adjacent to, or adjoining such land ("Property").

II. <u>Purchase Price</u>. The Property shall be purchased for the amount of Six Hundred Thousand and 00/100 Dollars ($600,000.00). At closing, Purchaser shall pay the purchase price pursuant to a Land Contract, the form of which is attached as Exhibit "B." The specific terms and conditions of the Land Contract include the following:

A. The purchase price shall be paid annually in five (5) installments, with the deposit amount of One Thousand and 00/100 Dollars ($1,000.00) being credited to the first installment for a payment of One Hundred Nineteen Thousand and 00/100 Dollars ($119,000.00) and the remaining four (4) installments each being One Hundred Twenty Thousand and 00/100 Dollars ($120,000.00). The first installment is due _____, 2016, and the remaining installments due each _____ for the next four (4) years.

B. Installment Payment Schedule:

i. $119,000 on or before _____, 2016
ii. $120,000 on or before _____, 2017
iii. $120,000 on or before _____, 2018
iv. $120,000 on or before _____, 2019
v. $120,000 on or before _____, 2020

C. No interest shall accrue on the unpaid balance.

D. Purchaser may pay all or any part of the purchase price within five (5) years without any prepayment penalty.

At closing, Seller and Purchaser shall execute a Memorandum of Land Contract which evidences the Land Contract, a copy of which Memorandum of Land Contract is attached and made a part hereof as Exhibit "D".

III. Closing. The closing of the sale described herein shall take place at Transnation Title Agency of Michigan Central Division, LLC, 1675 Watertower Place, East Lansing, Michigan (the "Title Company"), which shall occur within ten (10) days following the date that all documents are prepared and approved and all contingencies contained in this Agreement are satisfied or waived. Notwithstanding the foregoing, the closing shall occur on or before April 30, 2016.

IV. Evidence of Title. Seller shall, at its expense, as soon as practical and in any event within fifteen (15) days from the effective date of this Agreement, obtain a commitment for an owner's policy of title insurance from the Title Company in the amount of the purchase price (with standard exceptions removed if the Title Company is willing to do so at no additional cost to the Seller at closing), showing Seller's title to be in the condition called for under this Agreement, except for mortgages and judgments that can and will be satisfied out of the proceeds of sale. Any assessments or liens related to the drains located on the Property are the responsibility of Purchaser. Within fifteen (15) days of receipt of the commitment for title insurance, Purchaser shall notify Seller of any exceptions which are not acceptable to Purchaser (together hereinafter called "Title Defects") disclosed in such commitment. If Seller fails to have the Title Defects deleted from the commitment or discharged within sixty (60) days after receipt of notice from Purchaser, the Purchaser may, within twenty (20) days of the expiration of such period, in addition to all other rights and remedies hereunder:

(a) elect to take title to the Property as it then is, and credit an amount equal to the actual cost incurred by Purchaser to cure or discharge such Title Defects against the Purchase Price; or

(b) extend for up to ninety (90) days the period for Seller to cure such Title Defects, and if such Title Defects are not deleted during the extended period, Purchaser may then exercise its rights under subparagraph (a) above.

V. Escrow of Quit Claim Deed. At closing, Seller shall deliver to the Title Company a fully executed Quit Claim Deed to be held in escrow to be conveyed to be conveyed to Purchaser upon the final payment, see Section II.B of this Agreement, being received by Seller. The form of the Quit Claim Deed and Deed Escrow Agreement are attached as Exhibits "C" and "E," respectively. The Quit Claim Deed shall, upon performance by Purchaser pursuant to Section II.B, convey title to the Property to Purchaser, free and clear of all liens, encumbrances and conflicting claims of ownership, except those encumbrances, restrictions and exceptions disclosed in the title commitment to which Purchaser has not objected.

VI. Taxes, Assessments, and Utilities. All property taxes and assessments (including drain taxes and assessments), if any, that have been billed for the Property in the years prior to closing shall be paid by Purchaser at, or prior, to closing.

VII. Real Estate Transfer Tax and Affidavit. Purchaser shall pay any and all required Michigan real estate transfer taxes, if any, on this transaction. Purchaser shall pay the cost of preparing and filing any and all real estate transfer affidavits.

VIII. Toxic or Hazardous Materials. To the best of Seller's knowledge, no toxic or hazardous substances have been generated, treated, stored, disposed of, or otherwise deposited in or located on the Property, including, without limitation, asbestos, and the group of organic compounds known as polychlorinated biphenyls. Nor has any activity been undertaken on the Property which would cause the Property to become a hazardous waste treatment, storage, or disposal facility. Further, to the best of Seller's knowledge, no underground storage tanks or underground deposits are located on the Property. Purchaser shall certify that it has not deposited any hazardous material, installed any underground storage tanks or caused any underground deposits to occur on the Property.

IX. Conditions Precedent to Purchaser's Performance. In addition to any other conditions contained in this Agreement, the obligation of Purchaser to consummate the transaction contemplated by this Agreement is subject to the fulfillment of the following conditions on or prior to the closing date:

A. Each of the representations or warranties of Seller shall be true and correct as though made again as of the closing date and no representations or warranties shall have been violated or breached prior to closing;

B. Seller and Purchaser shall perform and comply with all agreements and conditions required to be performed or complied with as of the date of closing;

C. There shall be no material adverse change in the Property, excepting normal wear and tear; and

D. No action or proceeding to restrain, prohibit, or invalidate the transactions contemplated shall be pending or threatened, nor shall any order restraining or prohibiting the transactions contemplated have been issued by any public authority, governmental agency or court, nor shall any attachments, garnishments, levies, liens, or other litigation have been filed or be in effect regarding the transactions contemplated by this Agreement.

In the event Seller shall fail to perform any of the stated obligations, Purchaser shall be entitled to: (i) terminate this Agreement by written notice delivered to Seller on or prior to the closing date, obtain a refund of the Deposit Amount and Installment Payments reimbursed by Seller after Seller has sixty days (60) to cure any default, unless a longer period has otherwise been provided herein, and pursue all remedies available under applicable law; (ii) obtain specific performance of the terms and conditions of this Agreement; or (iii) waive Seller's default and proceed to consummate the transaction with Seller as contemplated, in which case, an amount equal to the costs incurred by the Purchaser to cure any default of the Seller that can be cured with the payment of money shall be credited against the purchase price, if agreed to by Seller.

In the event Purchaser does not elect to terminate this Agreement as permitted and the conditions precedent to Purchaser's obligation to purchase the Property have been satisfied or waived by Purchaser, and thereafter Purchaser fails to purchase the Property on the closing date in accordance with the terms of this Agreement, Seller shall be entitled to terminate this Agreement and have delivered to the Seller, as liquidated damages, the Deposit Amount received by Seller pursuant to Section II.B, a return of the Quit Claim Deed and may elect to pursue all other remedies provided by law. Seller and Purchaser agree that in the event of a default by Purchaser under this Agreement, Seller's damages would be the Deposit Amount and Installment Payments and any other remedies provided by law.

X. **Property Divisions**. The Quit Claim Deed to be held in escrow until the contract balance is paid, which is required pursuant to Paragraph V, above, shall state that Seller grants to Purchaser the right to make all permitted divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended After final payment is made.

XI. **Execution of Other Necessary Documents.** Purchaser and Seller agree to execute any and all documents necessary or required to complete the transaction contemplated as may be reasonably requested by the other party.

XII. **Costs of Closing.** Seller shall pay for: fees for preparing the Quit Claim Deed; title insurance in the amount of the purchase price; any attorney's opinion and/or services on behalf of the Seller; and any documents necessary to put Seller's title in the condition required by this Agreement. Purchaser shall pay the cost of fees for recording the Quit Claim Deed; preparation and filing of the Real Property Transfer Affidavit; and any attorney's opinion and/or services on behalf of Purchaser. In addition, Purchaser shall pay the closing fee, if any, which may be imposed by the Title Company.

XIII. **Survival.** Seller and Purchaser's obligations and warranties contained in this Agreement shall survive closing.

XIV. **Deposit.** At the time Seller signs this Agreement, Purchaser shall deposit the sum of One Thousand and 00/100 Dollars ($1,000.00) with the Title Company that provides the title commitment as required by Paragraph IV, above ("Deposit Amount"), which amount shall be credited to the purchase price at closing. In the event that any of the conditions precedent stated in this Agreement are not satisfied and the sale of the Property contemplated described does not occur, the Title Company shall as soon as possible return the Deposit Amount to Purchaser and Purchaser shall be able to pursue any other remedies provided by law. Should all conditions precedent for closing be satisfied and should Purchaser default on its obligation to purchase the Property, the title company shall forward the Deposit Amount to the Seller as liquidated damages and Seller shall be able to pursue any other remedies provided by law.

XV. **Representations and Warranties of Seller.** Seller represents and warrants to Purchaser as of the date of signing, and as of the Closing Date, the following, with the understanding that each of the following representations and warranties are material and have been relied upon by Purchaser in connection with this Agreement:

A. Seller has no knowledge of any existing, pending, or threatened litigation or legal or other court, administrative, or extra judicial proceedings in connection with their ownership and operation of, or affecting the Property.

B. Seller has not and will not from and after the date of execution: (i) enter into any lease or otherwise encumber the Property, except as elsewhere may be provided herein; (ii) enter into any agreements which would be binding on Purchaser after its acquisition of the Property or which would affect Purchaser's title to or right to possession of the Property; or (iii) perform, fail to do, or permit to be done any act or deed which would in any manner impair or diminish the value of the Property or Seller's right or ability to convey, following satisfactory performance by Purchaser pursuant to Section II.B, the Property to Purchaser pursuant to this Agreement.

C. Seller has and will have on the Closing date the power and authority to sell, including placing the Quit Claim deed in escrow with the Escrow Agent, the Property to Purchaser and perform its obligations in accordance with the terms and conditions of this Agreement; and each person who executes this Agreement (and all other instruments and documents in connection) has or will have due power and authority to so act.

D. Seller is the lawful owner of the Property and has the ability to deliver insurable and marketable title to the Property free and clear of all liens and encumbrances other than the Permitted Exceptions.

E. Neither this Agreement nor anything to be done by Seller pursuant to and including, without limitation, the conveyance of all of Seller's right, title and interest in and to the Property as contemplated, violates or will violate any contract, agreement or instrument to which Seller is a party or bound or which affects the Property.

F. Seller has no knowledge of any existing facts or conditions which may result in the issuance of, any violations of any zoning, safety, environmental, health or other codes, laws, ordinances or regulations with respect to the Property or appurtenances.

G. Neither the execution, delivery, performance or compliance with this Agreement and all other documents contemplated, nor the conveyance of all of the Seller's right, title, and interest in and to the Property described will (i) violate or conflict with the Seller's governing documents, (ii) result in any breach or violation of, or be in conflict with, or constitute a default under any mortgage, indenture, contract, agreement, lease, instrument, judgment, decree, order, or award binding on Seller or to which Seller is a party, or affecting or binding on the Property, or (iii) violate or conflict with any governmental statute, law, ordinance, rule, regulation, order, judgment or directive.

The provisions of this Paragraph XV and all representations and warranties contained shall be true as of the closing date and shall survive the closing of the transactions contemplated and the conveyance of the Property to Purchaser.

XVI. Binding. This Agreement is binding on Purchaser as evidenced by its signatures to this Agreement, at the time the Seller is delivering this Agreement to the City and continuing until this Agreement has been accepted in accordance with the City Charter. THIS AGREEMENT SHALL NOT BE BINDING UPON SELLER UNTIL AND UNLESS THE LANSING CITY COUNCIL BY FINAL ACTION AND RESOLUTION APPROVES THE PURCHASE AND UNTIL AFTER THE AGREEMENT IS EXECUTED BY THE SELLER'S DULY AUTHORIZED OFFICER OR AGENT AND IS DELIVERED TO PURCHASER. THIS AGREEMENT SHALL NOT BE BINDING UPON PURCHASER IF NOT FULLY EXECUTED BY APRIL 30, 2016.

XVII. Possession. At closing, upon completion of conditions stipulated in this Agreement, Seller shall deliver possession of the Property to Purchaser free from any leases or other rights of use.

XVIII. Extension and Termination of Lease. There is currently a Lease Agreement between Seller and Purchaser with regards to the Property. The Lease Agreement shall be extended to, and automatically terminate, as of the date of closing.

XIX. Time of Essence. Time is of the essence with respect to all dates and times set forth.

XX. Notices. Notices or consents of any kind required or permitted under this Agreement shall be in writing and shall be deemed duly delivered if delivered in person or by certified mail (return receipt requested), postage prepaid to the appropriate party as follows:

A.	If to Seller:	City of Lansing Attn: Chad Gamble 124 W. Michigan Avenue Lansing, Michigan 48933
	With a copy to:	City Attorney 5th Floor City Hall 124 W. Michigan Avenue Lansing, Michigan 48933
B.	If to Purchaser:	Charter Township of Delta Attn: Brian Reed, Township Manager 7710 W. Saginaw Highway Lansing, Michigan 48917

With copies to: Charter Township of Delta
Attn: Jeffrey Anderson
Finance Director
7710 W. Saginaw Highway
Lansing, Michigan 48917

-and-

Gordon W. VanWieren, Jr., Esq.
Thrun Law Firm, P.C.
2900 West Road, Suite 400
P.O. Box 2575
Lansing, Michigan 48826-2575

XI. Assignment. This Agreement shall be binding and inure to the benefit of the successors and assigns of the respective parties.

XXII. Merger Clause. This Agreement contains the entire understanding between the parties and neither party has relied upon any verbal or written representations or understandings not set forth, whether made by any agent or a party hereto, the only exception being the Escrow Agreement.

XXIII. Governing Law. This Agreement shall be governed, construed, and enforced in accordance with the laws of the State of Michigan.

XXIV. Headings. The headings used are for convenience only and shall not govern the interpretation of any paragraph.

XXV. Amendments. This Agreement may be amended or modified only by a document in writing executed by both of the parties.

XXVI. Effective Date. This Agreement shall be effective as of the date upon which the last of the parties listed below has signed this Agreement.

XXVII. Acknowledgment of Representations Made by Purchaser and "As-Is" Condition. The Parties recognize and acknowledge that the Purchaser has leased the Property from the Seller since 1985, and had actual possession of and responsibility for the Property since that time. The Representations and Warranties contained herein are based on statements and assurances provided by Purchaser, including, but not limited to, those representations contained in Sections IV (Evidence of Title), VIII (Toxic or Hazardous Material). Seller is not responsible for any warranty or representation which the Purchaser has or should have knowledge of prior to Closing Date or the conveyance of title, whichever occurs later. Purchaser agrees to accept the property in an "as is" condition.

XXVIII. Extensions. Deadlines contained within this Agreement may be extended by mutual advance written agreement of the Parties.

XXIX. <u>Execution in Counterparts</u>. The parties acknowledge that this Agreement may be executed in counterparts by the parties and will be effective upon the other party's receipt of the counterpart by personal delivery, facsimile, or other electronic transmission. If transmitted by facsimile or other electronic transmission, the party agrees to forthwith execute and return an original, executed copy of the Agreement to the other party.

XXX. <u>Real Estate Brokers</u>. The parties agree and represent to one another that no real estate brokers are involved in this transaction. To the extent permitted by law, each party agrees to indemnify the other against the claims of any brokers and salespeople who allege that they represented a party or are entitled to a commission or fee as a result of the transaction.

<u>WITNESSES</u>:

_____

_____

<u>SELLER</u>:

CITY OF LANSING,
a Michigan municipal corporation

By:_____
Virg Bernero
Its: Mayor

Dated: _____

<u>WITNESSES</u>:

_____

_____

<u>PURCHASER</u>:

CHARTER TOWNSHIP OF DELTA,
a Michigan charter township

By:_____
Brian Reed
Its: Township Manager

Dated:_____

Approved as to form:

_____
City Attorney

I certify funds available in Account No. ____
_____.

_____
Controller

w:\wdsystem\wddocs\cliedoc\615\1\01200762.docx

EXHIBIT "A"

LEGAL DESCRIPTION
GRAND WOODS PARK

The parties agree that the final legal description shall be that which is contained in the title commitment.

Parcels of land located in Sections 1 and 2, Township 4 N, Range 3 W, Charter Township of Delta, Eaton County, Michigan described as:

Parcel No. 040-001-300-001-00 (89.20 +/- Acres)

Commencing 903 feet North of the South ¼ post at the Northeast corner of River Ridge #1, 60º51' West 505 feet, West 87º44' West 363.83 feet, South 77º49'West 481.6 feet, North 82º24' West 394.67 feet, North 86º13' West 1,293.86 feet, North 60º01' West 565.02 feet, North 47º57' West 260.75 feet, North 74º22' West 338.15 feet to the East 1/8 line of Section 2, North to Grand River, easterly along river to the North and South ¼ line of Section 1, South to beginning, with 66 foot right of way from the South line approximately 600 feet East on the West line of Section 1, Sections 1 and 2, T4N, R3W, Delta Township, Eaton County, Michigan.

Parcel No. 040-001-400-050-00 (53.85 +/- Acres)

That part of the Southeast fractional ¼ lying Southwest of the Grand River, Section 1, T4N, R3W, Delta Township, Eaton County, Michigan.

and commonly known as 4500 W. Willow Highway, Lansing (Charter Township of Delta), Michigan.

EXHIBIT "B"

LAND CONTRACT

THIS LAND CONTRACT (the "Land Contract" or this "Land Contract") is made this _____ day of _____, 2016 (the "Commencement Date"), by the City of Lansing, a Michigan municipal corporation, whose address is 124 W. Michigan Avenue, Lansing, Michigan 48933 ("Seller"), and Delta Charter Township, a Michigan charter township organized and operating under the Michigan Charter Township Act, MCL 42.1, *et seq*., as amended, whose address is 7710 W. Saginaw Highway, Lansing, Michigan 48917 ("Purchaser").

In consideration of the mutual covenants herein contained, witnesseth:

1. Seller hereby agrees to sell and convey to Purchaser the real property commonly known as "Grand Woods Park" located in the Charter Township of Delta, Eaton County, Michigan, legally described as follows:

Parcel No. 040-001-300-001-00 (89.20 +/- Acres)

Commencing 903 feet North of the South ¼ post at the Northeast corner of River Ridge #1, 60º51' West 505 feet, West 87º44' West 363.83 feet, South 77º49'West 481.6 feet, North 82º24' West 394.67 feet, North 86º13' West 1,293.86 feet, North 60º01' West 565.02 feet, North 47º57' West 260.75 feet, North 74º22' West 338.15 feet to the East 1/8 line of Section 2, North to Grand River, easterly along river to the North and South ¼ line of Section 1, South to beginning, with 66 foot right of way from the South line approximately 600 feet East on the West line of Section 1, Sections 1 and 2, T4N, R3W, Delta Township, Eaton County, Michigan.

Parcel No. 040-001-400-050-00 (53.85 +/- Acres)

That part of the Southeast fractional ¼ lying Southwest of the Grand River, Section 1, T4N, R3W, Delta Township, Eaton County, Michigan.

The property is commonly known as 4500 W. Willow Highway, Lansing (Delta Township), Michigan (the "Property").

2. Purchaser agrees to buy the Property and to pay Seller or its legal representatives, by check made payable to Seller, therefor at such place as Seller may designate from time to time in writing, a total of Six Hundred Thousand and 00/100 Dollars ($600,000.00) (the "Purchase Price") as follows: with the deposit amount of One Thousand and 00/100 Dollars ($1,000.00) being credited to the first installment for a payment of One Hundred Nineteen Thousand and 00/100 Dollars ($119,000.00), with the first installment due on or before _____, 2016; and the four (4) remaining equal annual installments of One Hundred Twenty Thousand and 00/100 Dollars ($120,000.00), due on or before _____of each subsequent year until paid in full. No interest shall accrue on the unpaid balance. Purchaser may pay all or any part of

the purchase price within five (5) years without any prepayment penalty. The entire balance of principal shall be due and payable within five (5) years from the Commitment Date of this Land Contract.

3. Purchaser shall not commit or allow any other person to commit waste or damage to the Property or to any appurtenance thereof.

4. Purchaser shall enter the Property for taxation in its name and shall pay, prior to the imposition of any interest or penalty thereon, all taxes and assessments, if any, which are or become a lien on the Property after the closing date. Purchaser shall furnish Seller with proof of payment within thirty (30) days of payment. Any special assessment may be paid in installments if permitted by the taxing authority.

5. If Purchaser fails to pay any deficiency required by Section 4 within thirty (30) days after Seller's written demand or if Purchaser defaults in making any required payment of taxes and assessments, Seller may pay same, including any interest or penalty and the amount so paid shall be due at once, shall be added to the unpaid balance of this Land Contract and shall be a lien on the Property.

6. Seller reserves the right to convey its interest in this Land Contract; the conveyance thereof shall not be cause for rescission. Seller may, at any time, place one or more mortgages on the Property which, together with any mortgages existing on the date hereof, shall secure not more than the balance owing hereon at the time such mortgages are executed; provided that no mortgages, hereafter executed, either singularly or in the aggregate, shall provide for interest rates or payments of interest and principal in excess of the interest rate and installment payments required hereby. Seller shall promptly notify Purchaser of the prior existence of or the execution of any such mortgages, the identity of the mortgagee and of the amount, interest rate, and payment terms thereof. If Seller defaults on any mortgage or if Seller is presently purchasing the Property on an antecedent contract and default under its terms, Purchaser may pay to the mortgagee or antecedent contract vendor the amount necessary to cure the default, credit the payment to the balance due hereunder and allocate it to installment payments required hereby. When the amount owed on this Land Contract is paid down to the amount secured by any mortgage or mortgages, presently existing or hereafter executed, providing for interest rates and payments of interest and principal not in excess of those provided by this Land Contract: Seller may execute and deliver a Quit Claim Deed to Purchaser subject to such mortgage or mortgages which Purchaser shall assume and agree to pay, and any mortgage assumption fees shall be paid by Seller.

7. Upon the signing of this Land Contract, Seller shall deliver to the title company, Transnation Title Agency of Michigan Central Division, LLC, East Lansing, Michigan ("Transnation Title"), a fully executed and notarized Quit Claim Deed. Said deed shall convey title to the property free and clear of all liens, encumbrances and conflicting claims of ownership, except as disclosed in the title commitment. Transnation Title shall release the Quit Claim Deed to Purchaser upon confirmation by the Seller that this Land Contract has been paid in full.

8. Purchaser may take possession of the Property immediately upon closing, and occupancy on the date of this Land Contract, as long as Purchaser shall perform all the covenants and agreements herein mentioned, upon its part to be performed. In addition, during the term of this Land Contract, Purchaser shall have the right to construct physical improvements and remove trees located on the Property.

9. Purchaser has leased and been in possession of the above described premises since 1985 and agrees to accept the Property in an "as is" condition and with any utilities, drains or other infrastructure "where is".

10. Purchaser shall not have the right to assign or transfer this Land Contract or any interest therein without the written consent of Seller.

11. If Purchaser defaults in any of the provisions, Seller may give the Purchaser, or the persons holding possession under Purchaser, written notice of forfeiture in the manner required by law and may declare that all money unpaid under this Land Contract will be immediately due and payable if the default is not cured in the permitted time. If the default is not cured within the time permitted by law and subject to compliance with applicable law, the Seller may take possession of the Property and all buildings and improvements; may declare the entire unpaid portion of the purchase price immediately due and payable and; Purchaser and all persons holding possession under Purchaser, shall be liable to be removed from possession of the Property with notice and in any manner provided by law. In addition, Purchaser shall pay all costs, including attorney fees, which Seller incurs as a result of Purchaser's default.

12. Nothing shall preclude Seller from pursuing any other legal or equitable remedy which they may have, in case of Purchaser's default, including the right to declare the entire balance due upon default and to foreclose or forfeit the Land Contract in accordance with law.

13. It is hereby expressly agreed that time is of the very essence of this Land Contract. It is further agreed that all notices shall be conclusively presumed to be served upon Purchaser or Seller when deposited in the United States mail, enclosed in an envelope with postage fully prepaid thereon, addressed to Purchaser or Seller at the address given in the heading of this Land Contract, or at such other address as may be specified by Purchaser or Seller, in writing, from time to time.

14. If more than one joins in the execution of this Contract as Seller or Purchaser, or either be of the feminine sex or a corporation, or partnership, the pronouns and relative words used shall be read as if written in plural, feminine or neuter, respectively. The provisions of this Land Contract are severable.

15 Any or all of the above-mentioned restrictions may be changed by mutual written consent of both of Seller and Purchaser.

16. At closing, Seller and Purchaser shall execute a Memorandum of Land Contract ("Memorandum"), which Memorandum evidences this Land Contract. Purchaser may, at its sole

option and cost, record the Memorandum of Land Contract with the Eaton County, Michigan, Register of Deeds.

IN WITNESS WHEREOF, the parties have put their hands and seals the day and year written below. (In duplicate).

SELLER:

CITY OF LANSING,
a Michigan municipal corporation

By: _____
Virg Bernero
Its: Mayor
Dated: _____

Acknowledged before me in _____ County, Michigan this ____ day _____, 2016, by Virg Bernero, Mayor, the City of Lansing, a Michigan municipal corporation.

_____(signature)
_____(printed)
Notary Public, _____ County, Michigan
My Commission Expires: _____
Acting in the County of _____

PURCHASER:

DELTA CHARTER TOWNSHIP,
a Michigan charter township

By: _____

Its: _____

Dated:_____

Acknowledged before me in _____ County, Michigan on _____, 2016, by _____, _____, Delta Charter Township, a Michigan charter township.

_____(signature
_____(printed)
Notary Public, _____ County, Michigan
My Commission Expires: _____
Acting in the County of _____

Approved as to form:

_____
City Attorney

I certify funds are available in Account No._____.

_____
Controller

PREPARED BY:
Gordon W. VanWieren, Jr.
THRUN LAW FIRM, P.C.
2900 West Road, Suite 400
East Lansing, Michigan 48823
(517) 374-8843

EXHIBIT "C"

QUIT CLAIM DEED

The City of Lansing, a Michigan municipal corporation, whose address is 124 W. Michigan Avenue, Lansing, Michigan 48933 ("Grantor") conveys to Charter Township of Delta, a Michigan charter township organized and operating under the Michigan Charter Township Act, MCL 42.1, *et seq*., as amended, whose address is 7710 W. Saginaw Highway, Lansing, Michigan 48917 ("Grantee"), for the transfer by Seller to Purchaser of real property commonly known as "Grand Woods Park" located within the Charter Township of Delta, Eaton County, Michigan, legally described as :

Parcel No. 040-001-300-001-00 (89.20 +/- Acres)

Commencing 903 feet North of the South ¼ post at the Northeast corner of River Ridge #1, 60º51' West 505 feet, West 87º44' West 363.83 feet, South 77º49'West 481.6 feet, North 82º24' West 394.67 feet, North 86º13' West 1,293.86 feet, North 60º01' West 565.02 feet, North 47º57' West 260.75 feet, North 74º22' West 338.15 feet to the East 1/8 line of Section 2, North to Grand River, easterly along river to the North and South ¼ line of Section 1, South to beginning, with 66 foot right of way from the South line approximately 600 feet East on the West line of Section 1, Sections 1 and 2, T4N, R3W, Delta Township, Eaton County, Michigan.

Parcel No. 040-001-400-050-00 (53.85 +/- Acres)

That part of the Southeast fractional ¼ lying Southwest of the Grand River, Section 1, T4N, R3W, Delta Township, Eaton County, Michigan.

The property is commonly known as 4500 W. Willow Highway, Lansing (Charter Township of Delta), Michigan (the "Property").

for the consideration of Six Hundred Thousand and 00/100 Dollars ($600,000.00).

This conveyance is subject to restrictions of record.

Grantor grants to Grantee the right to make all permitted divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

The Property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act, MCL 286.471, *et seq*., as amended.

This transaction is exempt from real estate transfer tax pursuant to MCL 207.505(h)(i) and MCL 207.526(h)(i).

GRANTOR:

CITY OF LANSING,
a Michigan municipal corporation

Dated: _____, 2016

By: _____
Virg Bernero
Its: Mayor

Acknowledged by me in _____, County, Michigan, this _____ day of _____, 2016, by Virg Bernero, Mayor, the City of Lansing, a Michigan municipal corporation.

_____(signature)
_____(printed)
Notary Public, _____County, Michigan
My Commission Expires: _____
Acting in the County of _____

When Recorded Return To:	Send Subsequent Tax Bills To:	Prepared By (Without Opinion):
Grantee	Grantee	Gordon W. VanWieren, Jr., Esq. Thrun Law Firm, P.C. P.O. Box 2575 East Lansing, MI 48826-2575

EXHIBIT "D"

MEMORANDUM OF LAND CONTRACT

City of Lansing, a Michigan municipal corporation, whose address is 124 W. Michigan Avenue, Lansing, Michigan ("Seller") and Charter Township of Delta, a Michigan charter township organized and operating under the Michigan Charter Township Act, MCL 42.1, *et seq*., as amended, whose address is 7710 W. Saginaw Highway, Lansing, Michigan 48917 ("Purchaser"), hereby provide record of notice that a Land Contract has been entered into between Seller and Purchaser for real property commonly known as "Grand Woods Park" situated in the Charter Township of Michigan, Eaton County, Michigan, which property is legally described as follows:

Parcel No. 040-001-300-001-00 (89.20 +/- Acres)

Commencing 903 feet North of the South ¼ post at the Northeast corner of River Ridge #1, 60º51' West 505 feet, West 87º44' West 363.83 feet, South 77º49'West 481.6 feet, North 82º24' West 394.67 feet, North 86º13' West 1,293.86 feet, North 60º01' West 565.02 feet, North 47º57' West 260.75 feet, North 74º22' West 338.15 feet to the East 1/8 line of Section 2, North to Grand River, easterly along river to the North and South ¼ line of Section 1, South to beginning, with 66 foot right of way from the South line approximately 600 feet East on the West line of Section 1, Sections 1 and 2, T4N, R3W, Delta Township, Eaton County, Michigan.

Parcel No. 040-001-400-050-00 (53.85 +/- Acres)

That part of the Southeast fractional ¼ lying Southwest of the Grand River, Section 1, T4N, R3W, Delta Township, Eaton County, Michigan.

The property is commonly known as 4500 W. Willow Highway, Lansing (Charter Township of Delta), Michigan (the "Property").

[SIGNATURES APPEAR ON FOLLOWING PAGES]

SELLER:

CITY OF LANSING,
a Michigan municipal corporation

By: _____
Virg Bernero
Its: Mayor

Dated: _____

Acknowledged before me in _____ County, Michigan this ____ day _____, 2016, by Virg Bernero, Mayor, the City of Lansing, a Michigan municipal corporation.

_____(signature)
_____(printed)
Notary Public, _____ County, Michigan
My Commission Expires: _____
Acting in the County of _____

PURCHASER:

DELTA CHARTER TOWNSHIP,
a Michigan charter township

By: _____

Its: _____

Dated:_____

Acknowledged before me in _____ County, Michigan on _____, 2016, by _____, _____, Delta Charter Township, a Michigan charter township.

_____(signature)
_____(printed)
Notary Public, _____ County, Michigan
My Commission Expires: _____
Acting in the County of _____

Approved as to form:

_____
Lansing City Attorney

PREPARED BY:
Gordon W. VanWieren, Jr.
THRUN LAW FIRM, P.C.
2900 West Road, Suite 400
East Lansing, Michigan 48823
(517) 374-8843

EXHIBIT "E"

DEED ESCROW AGREEMENT

Commitment No. 172024LANS

Date: _____, 2016

Seller: City of Lansing
Address: 124 W. Michigan Avenue
Lansing, MI 48933

Buyer: Delta Charter Township
Address: 7710 W. Saginaw Hwy.
Lansing, Michigan 48917

Escrow Agent:
Transnation Title Agency of Michigan Central Division LLC
1675 Watertower Place, Suite 200
East Lansing, Michigan 48823

Deposited with Escrow Agent, is a Land Contract and a Quit Claim Deed executed pursuant to said Land Contract to be held by Escrow Agent for release and delivery under the following terms and conditions:

A. Upon receipt of satisfactory written notice from Seller that the subject Land Contract has been PAID IN FULL, Escrow Agent shall release and deliver the Quit Claim Deed, along with a statement of the transfer tax to be paid by Purchaser.

B. All deliveries contemplated by this Escrow Agreement shall be made, at the sole discretion of Escrow Agent, by personal service, by registered mail or by certified mail delivered to, or addressed, to Seller or Buyer at the address recited in the Land Contract, or at such other address as may be specified by Seller or Buyer in a satisfactory written notice received and accepted by Escrow Agent.

C. If at any time while Escrow Agent holds the Quit Claim Deed, it receives a written notice stating that the Seller has retaken possession of the Premises as a result of a proper foreclosure or forfeiture action, which notice includes a copy of such Judgment and evidence of right of possession, at the expiration of twenty (21) days after receipt of such written notice, Escrow Agent shall return the Quit Claim Deed to the Seller.

D. Upon the release of the above referenced Quit Claim Deed, this Escrow shall terminate and Escrow Agent shall be released from any further liability. It is expressly understood by Seller and Buyer, that Escrow Agent is acting in the capacity of a depository and is not responsible or liable for the sufficiency, correctness, genuineness or validity of the Escrow Documents or the marketability of title as of the date of this Escrow Agreement or as of the date when any of the instruments deposited with the Escrow Agent are released and delivered.

E. In the event of any disagreement between the parties resulting in conflicting instructions to, or adverse claims or demands upon the Escrow Agent with

respect to the release of the Escrow Documents, the Escrow Agent shall refuse to comply with any such instructions, claims or demands so long as such disagreement shall continue, and while refusing, the Escrow Agent shall not release the Escrow Documents. The Escrow Agent shall not be or become liable in any way by its failure or refusal to comply with any such conflicting instructions or adverse claims or demands, and it shall be entitled to continue to refrain from acting until such conflicting instructions or adverse claims or demands (a) shall have been adjusted by agreement in writing by all parties, or (b) it shall have been furnished a certified copy of a final judgment of a court of competent jurisdiction together with satisfactory evidence that any right of appeal has expired.

F. The Escrow Agent may, in its sole discretion, resign by giving thirty (30) days written notice to the parties. The parties shall furnish to the Escrow Agent written instructions for the release of the Escrow Documents. If the Escrow Agent fails to receive such written instructions within the thirty (30) day period, the Escrow Agent may petition any court of competent jurisdiction for the appointment of a successor Escrow Agent and upon such appointment, deliver the Escrow Documents to such successor.

G. The parties agree, jointly and severally, to indemnify and hold harmless from and against all costs, damages, judgments, attorney's fees, expenses, obligations, and liabilities of any kind or nature which Escrow Agent may incur or sustain in connection with the Escrow Agreement for any breach of the Land Contract by the Seller or the Purchaser.

H. For the services contemplated by this agreement, Escrow Agent shall receive the sum of $_____ to be paid by Buyer.

I. If Escrow Agent has not received instructions/directions to release the Quit Claim Deed as provided above on or before _____, then said Quit Claim Deed shall be returned to Seller and Escrow Agent will have no further obligations or liability.

J. Additional terms and conditions: N/A

K. This Agreement may only be amended by a written agreement signed by both Seller and Buyer and received and accepted by Escrow Agent.

L. The provisions of this Escrow Agreement shall bind and inure to the benefit of the successors and assigns of Seller, Buyer and Escrow Agent.

[Signatures Appear on Following Page]

ACCEPTANCE BY SELLER:

City of Lansing,
a Michigan municipal corporation

_____
By:
Its:
Dated:

ACCEPTANCE BY BUYER:

Delta Charter Township.
a Michigan charter township

_____
By:
Its:
Dated:

ESCROW AGENT'S ACCEPTANCE:

Transnation Title Agency of Michigan Central Division LLC hereby accepts the foregoing Escrow Agreement and acknowledges receipt of the Escrow Documents on _____, 2016.

By: _____
Its: _____

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM - Z-5-2016, 2918 N. East Street, Rezoning

Date: June 8, 2016

The Lansing Planning Board, at its regular meeting held on June 7, 2016, voted (6-0) to recommend approval of a request by AVMM, LLC to rezone 2918 N. East Street from "A" Residential District to "F" Commercial District. The purpose of the rezoning is to bring the commercial use of the property into compliance with the Zoning Ordinance.

The Planning Board found, based on testimony, evidence and the staff report, that the proposed rezoning is consistent with the existing land use and zoning patterns in the area and with future land use pattern being advanced in the Design Lansing Comprehensive Plan.

At the Planning Board public hearing held on June 7, 2016, the applicant's representative 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

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-5-2016, 2918 N. East Street from “A” Residential District to “F” Commercial District

[28397:2:20160608:084203]

GENERAL INFORMATION

APPLICANT/OWNER:	AVMM, LLC c/o Byron P. Gallagher P.O. Box 1800 East Lansing, MI 48826
REQUESTED ACTIONS:	Rezone 2918 N. East Street from "A" Residential to "F" Commercial District
EXISTING LAND USE:	Commercial Building – Marco's Pizza
EXISTING ZONING:	"A" Residential District
PROPOSED ZONING:	"F" Commercial District
PROPERTY SIZE:	60' x 223' = 13,380 square feet - .31 acres
SURROUNDING LAND USE:	N: Office S: Commercial E: Industrial W: Office/Residential/Commercial
SURROUNDING ZONING:	N: "A" Residential, "F" Commercial & "J" Parking Districts S: "F" Commercial & "J" Parking Districts E: "H" Light Industrial District W: "A" Residential, "E-1" Apartment Shop & "F" Commercial Districts
MASTER PLAN:	The Design Lansing Comprehensive Plan designates the subject property for "Suburban commercial" land use. N. East Street is designated as a principal arterial.

DESCRIPTION:

Z-5-2016: This is a request by AVMM, LLC to rezone the property at 2918 N. East Street from "A" Residential District to "F" Commercial District. The purpose of the rezoning is to bring the commercial use of the property into compliance with the Zoning Ordinance.

AGENCY RESPONSES

BWL:

Building Safety:	The Building Safety Office has no objections.
Development Office:	No comment from the Development Office.
Fire Marshal:	
Parks & Recreation:	No comments.
Public Service:	
Traffic Engineer:	The Transportation and Non-Motorized Section of the Public Service Department does not have any issues with the rezoning request. Please note, however, that the driveway to the south of the building is almost exclusively on O'Reilly Auto Parts' property. Due to the proximity of the building to the south property line, it is not possible to have two way vehicular access along the south side of the building without using the adjacent O'Reilly Auto Parts parcel. It appears that a similar issue may exist with the driveway on the north side of the parcel.

COMPATIBILITY WITH SURROUNDING LAND USE:

The subject property contains a commercial building (Marco's Pizza) and is located on N. East Street which is an area that is characterized by auto-oriented commercial and quasi-industrial uses. As evidenced by the attached zoning map, the overwhelming majority of the properties along N. East Street are currently zoned "F" Commercial. The subject property is zoned "A" Residential, which district only permits single family residential uses as a matter of right. Single family residential use at this location would be contrary to the established land use pattern in the area. In addition, given the surrounding commercial land uses and the location of the site on a high traffic volume, commercial highway, a single family residential use at this location would be completely inappropriate as it would not be conducive to a proper living environment.

Since the "A" Residential district does not permit commercial uses, the current use of the property is considered legally nonconforming by the standards of Chapter 1294 of the Zoning Ordinance. As a nonconforming use, there is a limit of 35% of the value of the building that can be put into it for restoration costs. The limit is increased to 50% of the value of the building if it is damaged by fire or other catastrophe. Therefore, if the building were to be damaged beyond 50% of its value, it could not be rebuilt as an office building. This puts the owner's investment into the property at significant risk. Rezoning the property to "F" Commercial will not only clean up a spot zone but will also allow the commercial use at this location to continue without the restrictions and liabilities of being considered a "nonconforming use".

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. It allows for restaurants, retail stores, gasoline stations, car washes and other general commercial uses as well as automobile-oriented site design regulations. In fact, the current use of the site and its design are consistent with the uses and placemaking characteristics described above.

IMPACT ON VEHICULAR AND PEDESTRIAN TRAFFIC:

The proposed rezoning will have no impact on traffic in the area. The subject property is primarily accessed via N. East Street which is a principal arterial designed to carry a high volume of traffic.

IMPACT ON PUBLIC FACILITIES:

The site is already served by all necessary public facilities. No changes are proposed for the site that would have an impact on public facilities.

ENVIRONMENTAL IMPACT:

The proposed rezoning will have no environmental impacts as the site is already developed and no changes are proposed at this time. New construction would require administrative site plan review at which time the site would have to be brought into compliance with all City codes and ordinance including those regulating storm water management.

IMPACT ON FUTURE PATTERNS OF DEVELOPMENT:

As evidenced by the attached zoning map, rezoning the subject property to "F" Commercial will make the zoning of the property consistent with the established zoning pattern in the area. In addition, it will help to eliminate a "spot zone" which is typically considered to be an inappropriate planning practice. If the rezoning were to be denied, it would deprive the property owner of land use rights that are already afforded to the other property owners that surround the subject property.

SUMMARY

This is a request by AVMM, LLC to rezone the property at 2918 N. East Street from "A" Residential District to "F" Commercial District. The purpose of the rezoning is to bring the commercial use of the property into compliance with the Zoning Ordinance.

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 zoning and 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

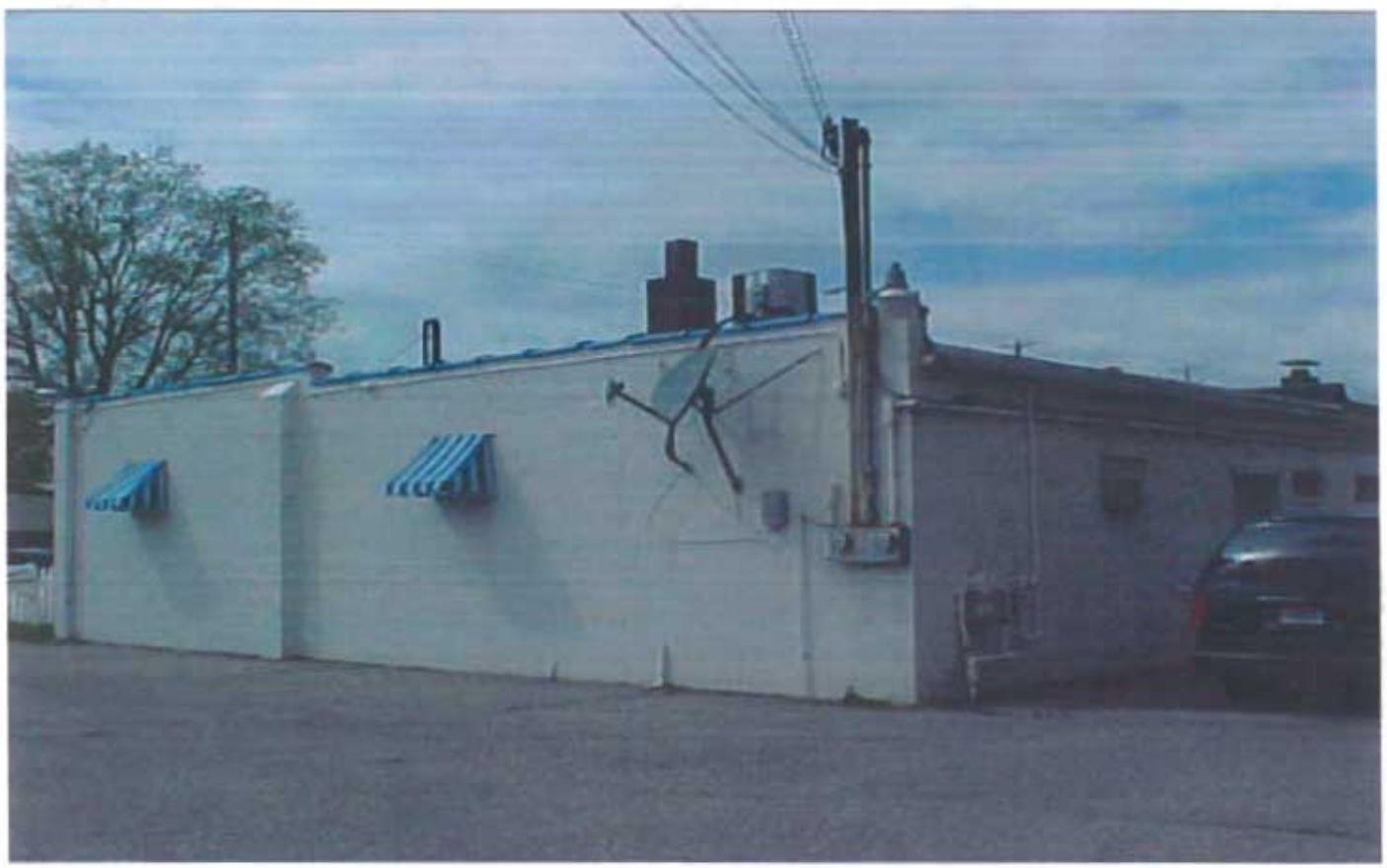
Pursuant to the findings described above, the following recommendation is offered for the Planning Board's consideration:

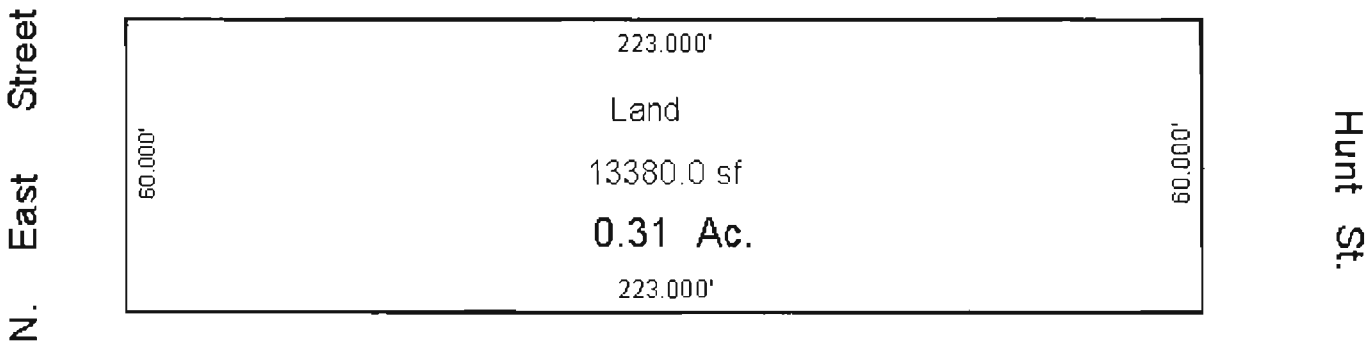
> Z-5-2016 be approved to rezone the property at 2918 N. East Street from "A" Residential District to "F" Commercial District.

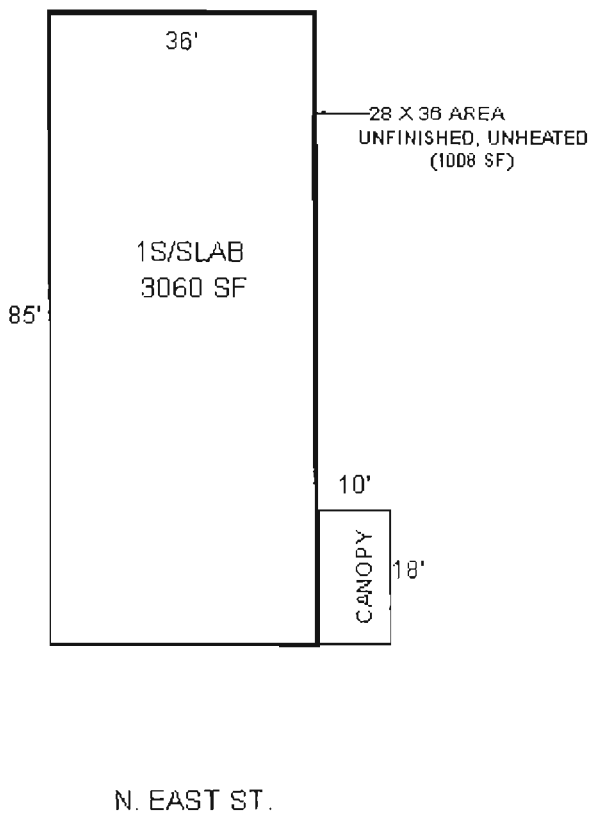
Respeetfully Submitted,

Susan Stachowiak
Zoning Administrator

Marco's Pizza
Marco's Pizza
Marco's Pizza
45




N. East Street
223.000'
Land
13380.0 sf
0.31 Ac.
223.000'
60.000'
60.000'
Hunt St.


36'
28 X 36 AREA
UNFINISHED, UNHEATED
(1008 SF)
1S/SLAB
3060 SF
85'
10'
CANOPY
18'
N. EAST ST.

E Howe Ave
N East St
Hunt St
2918 N. East Sttreet
Chilson Ave
N

City of Lansing Zoning Map

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-5-2016, 2918 N. East Street from “A” Residential District to “F” Commercial District

was introduced by the Committee on Development & Planning, read a first time by its title and referred to the Committee on Development and Planning.

CITY OF LANSING
NOTICE OF PUBLIC HEARING

Z-5-2016, 2918 N. East Street
Rezoning from "A" Residential District to "F" Commercial District

The Lansing City Council will hold a public hearing on Monday, , 2016, at 7:00 p.m. in Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan to consider Z-5-2016. This is a request by AVMM, LLC to rezone the property at 2918 N. East Street from "A" Residential District to "F" Commercial District. The purpose of the rezoning is to bring the commercial use of the property into compliance with the Zoning Ordinance.

For more information, please call Lansing City Council at 517-483-4177. If you are interested in this matter, please attend the public hearing or send a representative. Written comments will be accepted between 8 a.m. and 5 p.m. on City business days if received before 5 p.m., Monday, 2016 at the City Clerk's Office, Ninth Floor, City Hall, 124 West Michigan Ave., Lansing, MI 48933 or email city.clerk@lansingmi.gov.

Chris Swope, City Clerk

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-5-2016
Parcel Number's:	33-01-01-03-155-011
Legal Descriptions:	Lots 3 & 20, also the South 20 feet of Lots 4 & 19, Elmore M Hunt Subdivision, City of Lansing, Ingham County, MI, from "A" Residential District 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.

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM - Act-7-2012, Sale of 629 W. Hillsdale Street

Date: May 25, 2016

The Planning Board, at its September 4, 2012 meeting, voted (6-0) to recommend that the property at 629 W. Hillsdale Street be sold on the open market

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

General Property Information

City of Lansing

[Back to Non-Printer Friendly Version] [Send To Printer]

Parcel: 33-01-01-16-360-002 **Unit:** CITY OF LANSING

Property Address [collapse]

629 W HILLSDALE ST
LANSING, MI 48933

Owner Information [collapse]

CITY OF LANSING
120 E SHIAWASSEE ST
LANSING, MI 48933

Unit: 33

Taxpayer Information [collapse]

LANSING FINANCE DEPT
124 W MICHIGAN AVE
LANSING, MI 48933

General Information for Tax Year 2012 [collapse]

Property Class:	099 - EXEMPT - REAL	**Assessed Value:**	$0
School District:	33020 - LANSING	**Taxable Value:**	$0
State Equalized Value:	N/A	**Map #**	P -0349A-0002
User Number Indx:		**Date of Last Name Chg:**	12/07/2011
		Date Filed:	12/30/1997
		Notes:	N/A
Historical District:	N/A	**Census Block Group:**	N/A

Principal Residence Exemption	May 1st	Final
2013	0.0000 %	-
2012	0.0000 %	0.0000 %

Previous Year Info	MBOR Assessed	Final S.E.V.	Final Taxable
2011	$0	$0	$0
2010	$0	$0	$0

Land Information [collapse]

	Frontage		Depth
Lot 1:	0.00 Ft.		0.00 Ft.
Lot 2:	0.00 Ft.		0.00 Ft.
Lot 3:	0.00 Ft.		0.00 Ft.
Total Frontage:	0.00 Ft.	**Average Depth:**	0.00 Ft.

Total Acreage:	0.21		
Zoning Code:	N/A		
Land Value:	$0	**Mortgage Code:**	00801
Land Improvements:	$0	**Lot Dimensions/Comments:**	65.49X137.62@2.22
Renaissance Zone:	NO		
Renaissance Zone Expiration Date:			
ECF Neighborhood Code:	W225 - W225-DOWNTOWN-WAREHOUSES		

Legal Information for 33-01-01-16-360-002 [collapse]

LOT 1 CAPITOL COMMONS URBAN RENEWAL PLAT NO 1

Sales Information

0 sale record(s) found.

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms Of Sale	Liber/Page

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Building Information

City of Lansing

[Back to Non-Printer Friendly Version] [Send To Printer]

Parcel: 33-01-01-16-360-002

1 building(s) found.

	Description ↑	Floor Area	Yr Built
⊟	Commercial/Industrial Building 1 - *Garage, Fleet Service*	0 Sq. Ft.	0

General Information

Floor Area:	0 Sq. Ft.	**Estimated TCV:**	N/A
Occupancy:	Garage, Fleet Service	**Class:**	C
Stories Above Ground:	0	**Average Story Height:**	0
Basement Wall Height:	N/A		
Year Built:	0	**Year Remodeled:**	0
Percent Complete:	100%	**Heat:**	Space Heaters, Gas with Fan
Physical Percent Good:	68%	**Functional Percent Good:**	100%
Economic Percent Good:	100%	**Effective Age:**	15 yrs.

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Image/Sketch for Parcel: 33-01-01-16-360-002

City of Lansing

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Caption: No caption found

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City of Lansing
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General/Sales

Buildings

Images/Sketches

Related Details...

Tax Information

Building Department

Sp. Assessment

Miscellaneous Receivables

Delinquent Personal Property

Back to Main

collapse the menu

Click this button to collapse the above menu to the top of the screen.

Main > Assessing System > Property and Land Search > Results > Details > Image/Sketch

Image/Sketch for Parcel: 33-01-01-16-360-002

Caption: Building 2

Printer friendly version

View Full Size

Sketch by Apex IV™

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DM-4
W Hillsdale St
CUP
S Pine St
D-1
S Sycamore St
360-002
629
360-013
600
D-1
DM-4
W Saint Joseph St
101-901
0
W 1496
A
103-901
0
A
247 Feet
Map created with ArcIMS - Copyright (C)2012 City of Lansing IT-GIS Project GISMO

	Purpose	Typical Location / location criteria	Typical Uses	Typical Densities / building heights	Placemaking characteristics
Downtown Mixed-Use Center: Core	To maintain and enhance the vitality of downtown as a regional destination by encouraging a mix of uses; reinforcing the compact, walkable character of the core area; emphasizing the quality and visual interest of architecture; carefully managing parking; and maintaining the presence of older, often historic buildings.	The area located within an approximate 5-minute walk (¼ mile) of the intersection of Allegan Street and Grand Avenue.	Offices, institutions, retail, personal services, entertainment, hotel and residential. Ground floor retail uses and residential should be encouraged. High rise office and residential towers with large surface parking lots and limited street frontage, and automobile-oriented uses should not be permitted.	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.	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.
Downtown Mixed-Use Center: Edge	To support the downtown area by allowing a mix of uses and to enhance the quality of the pedestrian environment; maintain the presence of older, often historic buildings; and provide for a transition in building height and use intensity to near-downtown neighborhoods.	Located between the downtown core and I-496 on the south, Old Town on the north and near-downtown neighborhoods on the east and west.	Office, institutions, entertainment, live-work and residential. Retail and personal services as an accessory use should be located in the same building as a primary use. Automobile-oriented uses and light industrial are permitted with special approval. High rise office and residential towers with large surface parking lots and limited street frontage should not be permitted.	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. Minimum 2 stories; up to 10 stories should be considered with height overlay zones and bonuses for desired development features. Residential densities of 20-100 dwelling units/acre depending on sub-area location and existing development context Refer to the descriptions of the sub areas found starting on page 52 as a reference to density and character.	Buildings should maintain a consistent setback and nearly continuous street facade to frame the street, with a clearly-defined primary entrance oriented to the street. Surface parking should be located on the interior of the block where possible and should be well landscaped and screened in all cases. Parking ratio maximums should be considered. Building base and top should be articulated. Façade articulation into vertical components should be considered. Minimum transparency (windows and doors) requirements should be established. Transitional features requirements (architectural elements and building massing height step backs) to mitigate potential conflicts between higher intensity uses and residential uses should be considered. Historic preservation of valuable existing buildings, and residentially-scaled and detailed new architecture should be encouraged in areas where older residential structures remain and on neighborhood edges.

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

Act-7-12, Sale of 629 W. Hillsdale Street (former LFD Station #3)

WHEREAS, the City of Lansing proposes to sell the former Lansing Fire Station #3 located at 629 W. Hillsdale Street, Lansing (the "Property"), to Kindsvatter Dalling & Associates, Inc. for use as commercial office space in Lansing; and

WHEREAS, the subject Property it is not dedicated parkland; and

WHEREAS, by resolution 2012-228, Council authorized approved Act-7-12, the marketing for sale of the Property; and

WHEREAS, a written appraisal of the property, dated February 8, 2016, conducted by Carlson Appraisal, estimates the market value of the property to be $131,000.00; and

WHEREAS, a Phase I environmental assessment of the property, completed by Wilcox Professional Service, LLC, revealed the potential for environmental impacts due to an adjacent site to the southeast of the subject property containing recognized environment conditions (REC) ; and

WHEREAS, the City has a fee simple interest in the property; and

WHEREAS, the City desires to see the Property returned to use; and

WHEREAS, the Planning Board found, based on its review of the location, character and extent of Act-7-12 in accordance with its Act 285/33 Review procedures that no public purpose has been identified that would require the City to retain ownership of the Property; and

WHEREAS, on September 4, 2012 the Planning Board voted (6-0) to recommend the Property be sold on the open market; and

WHEREAS, the Real Estate Purchase Agreement (the "Agreement) between the City of Lansing and Kindsvatter Dalling & Associates, Inc. for 629 W. Hillsdale Street (former LFD Station #3) has been placed on file with the City Clerk for more than 30 days and is presented for approval; and

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

BE IT RESOLVED, the Lansing City Council hereby approves and authorizes the sale of the former LFD Station #3 property at 629 W. Hillsdale Street, legally described as:

Lot 1 Capitol Commons Urban Renewal Plat No.1, Part of the Southwest 1/4 Section of Section 16, T4N, R2W, City of Lansing, Ingham County, Michigan

(Parcel I.D. #: 33-01-01-16-360-002)

as placed on file with the City Clerk, for $125,000, plus duly assigned closing costs, to Kindsvatter Dalling & Associates, Inc.; and

BE IT FINALLY RESOLVED, that the Mayor, on behalf of the City, is hereby authorized to sign and execute all documents necessary to effectuate the aforementioned sale, subject to their prior approval as to content and form by the City Attorney.

STAFF REPORT

APPLICANT: Bob Johnson, Director, Planning and Neighborhood Development (PND), representing Fire Chief Randy Talifarro, Lansing Fire Department (LFD).

APPLICANT'S PROPOSAL: Market for Sale, for future uses as permitted by the zoning ordinance.

CURRENT USE: This property is among three fire stations, #3, #5, and #7, that have been decommissioned and are considered surplus by the Fire Department.

PROPERTY SIZE AND SHAPE: Rectangular, 65.49' of frontage by 137.62' deep. 9,013, 0.207 acres

EXISTING ZONING: **"D-1" Professional Office District**, which permits office uses and low density multiple dwellings. Uses permitted by Special Condition include funeral homes, clinics, multiple dwelling at same density as "DM-1" Residential District (up to 19.8 dwelling units per acre). *Use by Special Land Use Permit*: Churches, trade union hall, fraternities, sororities.

COMPREHENSIVE PLAN DESIGNATION
The *Design Lansing* Comprehensive Plan designates this area as Downtown Mixed-Use Center – Edge (see attached).

AGENCY REFERRALS

Board of Water and Light:
No concerns expressed. The site is outside the 10-year time of travel for BWL production wells. As mixed use it should not pose a threat to drinking water wells.

Building Safety/Code Compliance: No objections for proposal.

Development Office:
Support marketing for sale for uses allowed in current zoning designation.

EDC/LEAP: No response received.

Parks & Recreation: No comment.

Property Management: Recommend sale of this property. This station is no longer in use. Maintenance has been deferred, and the building appearance has begun to decline as well.

Public Service Department:
Public Service has the following comments about the subject property:

- No environmental issues are known.
- Both storm and sanitary sewer exist adjacent to the property. It is not known if there is internal separation needed.
- Redevelopment of this site would require a site plan.

Transportation Engineer:
No objection to the sale of this facility from a transportation and traffic operations perspective.

ACT 33 REVIEW - PLANNING BOARD PURVIEW

Act 33 Review of Public Improvements
Michigan Planning Enabling Act (P.A. 33 of 2008), Sec. 61.
(1) A street; square, park, playground, public way, ground, or other open space; or public building or other structure shall not be constructed or authorized for construction in an area covered by a municipal master plan unless the location, character, and extent of the street, public way, open space, structure, or utility have been submitted to the planning commission by the legislative body or other body having jurisdiction over the authorization or financing of the project and has been approved by the planning commission.

Act 33 Review of Property Transactions
• Section 208.07 of the Codified of Ordinances includes the requirement of an Act 285 (now 33) Review for the acquisition of property.
• Section 208.08 states that "The Mayor and department heads shall establish procedures to promote the sale of real property deemed unnecessary for City operations..." Act 33 Reviews are conducted to determine a property's public purpose, if any, and its necessity for City operations.

BACKGROUND
This is a small fire station, on a 1/5 acre site tucked into a mixed-use neighborhood south and east of Capitol Commons in the downtown edge. *The station is no longer in use, and is considered surplus.*

This station has been considered for closure for a long time. The River Island Comprehensive Plan (1978) noted:

> "The closing of fire station No. 3 has been proposed with the relocation of station No. 7 (to) just north of I-496 near Hillsdale and Logan (now M.L.K.) streets. A 1978 study update on this action substantiated the benefit to combine this service area and operations into a new three company station."

ANALYSIS

LOCATION: The station is located south and west of downtown, at the SE corner of Hillsdale and Sycamore Streets. It is on a small parcel, east and south of Capitol Commons, and west and north of the Fox 47 TV station.

CHARACTER: The station is a yellow brick building, two stories, with two overhead doors and an office entrance in the front.

EXTENT: Although other stations are proposed for disposition as well, this case focuses on Station #3 and the parcel on which it is located, legally described as:

LOT 1 CAPITOL COMMONS URBAN RENEWAL PLAT NO 1

STAFF RECOMMENDATION

The Planning staff, based on a review of the location, character, and extent of the Act-7-12 proposal, recommends this finding and recommendation.

Finding:

- The property is currently exempt from taxation.
- The station is no longer in use, and is considered surplus.
- No public purpose has been identified for which the property should be retained.

Recommendation:

Staff recommends approval of the proposal to market this property for sale.

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:

Act-7-2012, Sale of property at 629 W. Hillsdale Street, approximately 0.207 acres.

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: May 19, 2016

RE: Resolution— Setting Public Hearing and Approval of SLU-2-2016—Special Land Use Permit, Church in the "F" Commercial & "D-1" Professional Office Districts at 5606 S. M.L. King Jr. Blvd.

The attached correspondence is forwarded**, without recommendation,** for your review and appropriate action.

VB/rh
Attachment

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM - SLU-2-2016, 5606 S. MLK, Church

Date: May 11, 2016

The Lansing Planning Board, at a special meeting held on May 2, 2016, voted (7-0) to recommend denial of the request by the Bread House South for a Special Land Use Permit to permit a church at 5606 S. ML King.

The Planning Board found, based on testimony, evidence and the staff report, that the proposed Special Land Use does comply with all of the criteria established by Section 1282.02(f)(1-9) of the Zoning Ordinance for granting special land use permits.

At the Planning Board public hearing held on May 2, 2016, the applicant's representative spoke in support 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

GENERAL INFORMATION

APPLICANT:	The Bread House South 5606 S. ML King Blvd. Lansing, MI 48911
OWNER:	Victor Trevino 209 S. Holmes Street Lansing, MI 48912
REQUESTED ACTION:	Special Land Use permit to permit a church at 5606 S. M.L. King Jr. Boulevard
EXISTING LAND USE:	Office Building
EXISTING ZONING:	"F" Commercial & "D-1" Professional Office Districts
PROPERTY SIZE & SHAPE:	Rectangular Shape - See attached map 138.6' x 662' = 91,753 square feet (2.1 acres)
SURROUNDING LAND USE:	N: Auto Repair Facility S: Auto Sales Business E: Multiple Family Residential W: Consumers Energy Power Lines
SURROUNDING ZONING:	N: "F" Commercial & "D-1" Professional Office S: "F" Commercial & "D-1" Professional Office E: "DM-1" Residential W: "A" Residential
MASTER PLAN DESIGNATION:	The Design Lansing Comprehensive Plan designates the subject property for "Suburban Commercial" land use. S. M.L. King Jr. Blvd. is designated as a major arterial.

SPECIFIC INFORMATION

This is a request by The Bread House South for a Special Land Use permit to utilize the building at 5606 S. M.L. King Jr. Blvd. for a church. Churches are permitted in the "F" Commercial & "D-1" Professional Office districts, which are the zoning designations of the subject property, if a Special Land Use permit is approved by the Lansing City Council.

AGENCY RESPONSES:

BWL:

Building Safety: There is no opposition for SLU-2-2016 however, prior to any occupancy of the building, a licensed architect in responsible charge, would need to be retained to provide drawings for a "Change of Use" permit. A plan review and building permit would be required for life and fire safety, sprinkler and fire alarm requirements, occupant loads, means of egress, accessibility, etc. Plan review and building permit applications would need to be applied for in the building safety office and an approved plan review and building permit would need to be provided by this office prior to any work completed or occupancy of the premises.

Development: Development Office has no comment.

Fire Marshal:

Parks & Recreation: No comment. This does not involve Parks and Recreation

Public Service:

Transportation: The proposed use should not create traffic issues based on the projected peak times of use. The applicant is responsible for making sure that all parking requirements, including the appropriate number of ADA accessible spaces, are met.

ANALYSIS

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

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

   The S. M.L. King Blvd. corridor in the vicinity of the subject property is characterized by commercial and quasi-industrial land uses. While churches are an important and valuable component of any community, so are vibrant commercial districts. Church activities are generally infrequent and occur outside of normal business hours. The majority of the time, there is little activity and vacant parking lots which detract, rather than contribute to a commercial environment.

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

The proposed church will change the general character of the area. The Zoning Ordinance makes provisions for allowing churches in all zoning districts, including residential and office, where the conditions for evaluating special land use permits can be satisfied. Conversely, commercial uses are limited to major corridors. S. M.L. King Blvd. is zoned, master planned and designed for customer-oriented, commercial uses that generate a high volume of traffic on a daily basis. Given the location of the site and the surrounding zoning and land use patterns in the area, a church does not appear to be the most appropriate use of the property.

While it is recognized that religious organizations are an extremely important and valued part of the community, there needs to be a balance between daytime uses such as stores and restaurants, which create a critical mass of activity that attracts the public and uses, such as religious facilities, that are primarily dormant during weekdays. There are numerous churches in and around the core downtown area of the city that serve as a prime example of the limited amount of activity that churches generate in a commercial environment.

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

The primary concern with churches in terms of interfering with the enjoyment of adjacent properties is the potential conflicts with liquor licenses. By state law, a church has an opportunity to object to all new liquor licenses within 500 feet of the church property. In this case, there are numerous commercially zoned properties within 500 feet of the subject property. These zoning districts allow bars, taverns and restaurants as uses permitted by right. Such uses contribute to the economic vibrancy of commercial corridors by attracting large numbers of people to the area. The potential for a church to jeopardize the ability for businesses with liquor licenses to locate in a commercial area could have serious impacts on its future as a thriving commercial district.

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?

The proposed church will not represent an improvement to the use or character of the property or the surrounding area. S. M.L. King is a major arterial that is designed to carry a high volume of traffic, which is why the properties that front along S. M.L. King Blvd. are zoned and master planned for commercial land use. The church will result in a hole of little activity, with a great deal of parking, within an otherwise fairly active commercial area.

With regard to the natural environment of the lot, no changes are proposed for the site.

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?**

The church will not generate any nuisances or hazardous conditions.

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. No negative comments have been received from any of the reviewing departments or agencies. Inspections will be necessary to determine if the structure complies with current building code and fire code requirements for an assembly use.

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

The proposed special land use is not expected to increase the demand on public services and facilities in excess of current capacity.

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

The proposed church is not consistent with the intent and purpose of the Zoning Ordinance or the Design Lansing Comprehensive Plan. The intent of the Zoning Ordinance is to concentrate commercial land uses along major arterials state trunklines. Such streets are designed to accommodate uses that generate a high volume of vehicular trips on a daily basis and receive heavy truck deliveries. Unlike commercial uses, the Zoning Ordinance allows churches, with a special land use permit, in residential and office districts. Churches are considered compatible uses in residential neighborhoods and office districts since they are quiet, the majority of the traffic is on weekends and there is no heavy truck traffic associated with their use.

The intent of the "District Mixed Use Center" Master Plan designation is:

> "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 Master Plan lists the following as the types of uses that should be promoted in the "District Mixed Use Center" area:

"General and convenience retail uses; medium-density residential in a suburban format (see Medium-Density Residential, above); office; and light industrial with special approval."

The proposed church is clearly in conflict with the goals of both the Zoning Ordinance and the Master Plan. It is not a customer-oriented business and will not generate the type of activity that would complement the existing businesses in the area and encourage additional economic growth.

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

There are no physical changes proposed for the exterior of the building or the site at 3015 S. M.L. King Blvd. and therefore, the only dimensional requirement that applies to this request is parking. The Zoning Ordinance requires 1 parking space for each 3 seats in the main sanctuary. There are more than 60 parking spaces on the subject property which would allow a seating capacity of at least 180 persons.

SUMMARY

This is a request by The Bread House South for a Special Land Use permit to utilize the building at 5606 S. M.L. King Jr. Blvd. for a church. Churches are permitted in the "F" Commercial & "D-1" Professional Office districts, which are the zoning designations of the subject property, if a Special Land Use permit is approved by the Lansing City Council.

Based on the findings contained in this staff report, the proposal does not comply 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 not be harmonious with the character of adjacent properties and surrounding uses.
2. The proposed Special Land Use will change the essential character of the surrounding properties.
3. The proposed Special Land Use may interfere with the general enjoyment of adjacent properties.
4. The proposed Special Land Use does not 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 not consistent with the specific designations of the Zoning Code and the Design Lansing Comprehensive Plan.
9. The proposed Special Land Use will comply with the dimensional requirements of the Zoning Ordinance.

RECOMMENDATION

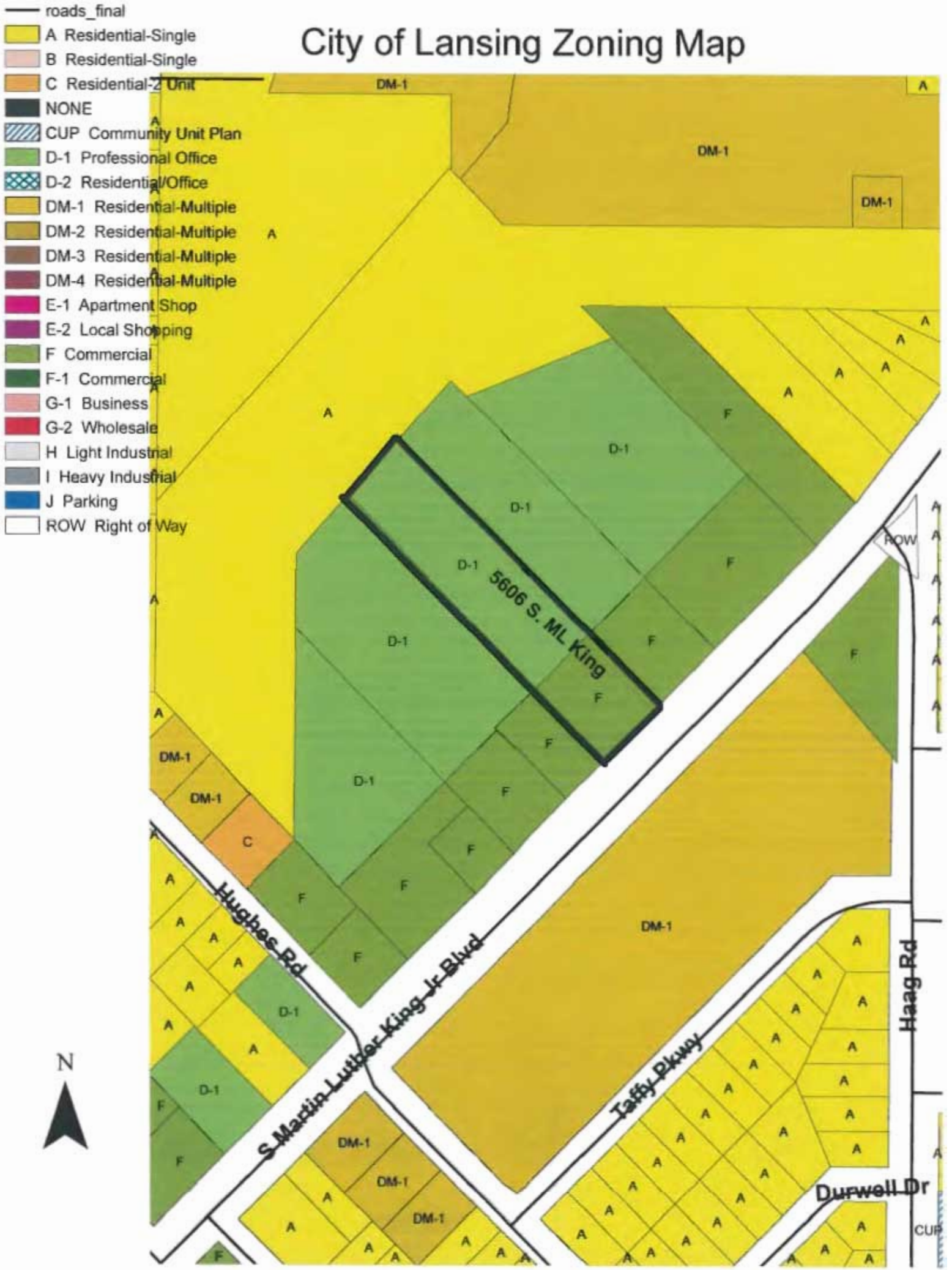
Staff recommends denial of SLU-2-2016, a special land use permit to allow a church at 5606 S. M.L. King Jr. Boulevard, based upon the findings of fact as outlined in this staff report

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

5606 S. ML King
S Martin Luther King Jr Blvd
Tappy Pkwy
N

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 or opposing the Ordinance for rezoning:

SLU-2-2016: Special Land Use Permit, Church in the "F" Commercial & "D-1" Professional Office Districts at 5606 S. M.L. King Jr. Blvd.

[28112:2:20160511:090159]

CITY OF LANSING
NOTICE OF PUBLIC HEARING

SLU-2-2016, 5606 S. M.L. King Jr. Blvd.
Special Land Use Permit – Church

The Lansing City Council will hold a public hearing on Monday, , 2016, at 7:00 p.m. in Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan to consider SLU-2-2016. This is a request by The Bread House South for a Special Land Use permit to utilize the building at 5606 S. M.L. King Jr. Blvd. for a church. Churches are permitted in the "F" Commercial & "D-1" Professional Office districts, which are the zoning designations of the subject property, if a Special Land Use permit is approved by the Lansing City Council.

For more information, please call Lansing City Council at 517-483-4177. If you are interested in this matter, please attend the public hearing or send a representative. Written comments will be accepted between 8 a.m. and 5 p.m. on City business days if received before 5 p.m., Monday, 2016 at the City Clerk's Office, Ninth Floor, City Hall, 124 West Michigan Ave., Lansing, MI 48933 or email city.clerk@lansingmi.gov.

Chris Swope, City Clerk

RESOLUTION _____

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

SLU-2-2016, 5606 S. M.L. King Jr. Blvd.
Special Land Use Permit – Church in the "F" Commercial & "D-1" Professional Office Districts

WHEREAS, the applicant, Riverview The Bread House South, is requesting a Special Land Use permit (SLU-2-2016) to utilize the building at 5606 S. M.L. King Jr. Blvd. for a church; and

WHEREAS, the property is zoned "F" Commercial & "D-1" Professional Office Districts, where churches are permitted subject to obtaining a Special Land Use permit; 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 May 2, 2016, at which a representative of the Church spoke in favor of the request and no other comments were received; and

WHEREAS, the Planning Board, at its May 2, 2016 meeting, voted (7-0) to recommend denial of SLU-2-2016 for a Special Land Use permit to allow a church in the building at 5606 S. M.L. King Jr. Blvd.; and

WHEREAS, in making its recommendation, the Planning Board found that:

1. The proposed church would not be harmonious with the character of adjacent properties and surrounding uses.
2. The proposed church will change the essential character of the surrounding properties.
3. The proposed church may interfere with the general enjoyment of adjacent properties.
4. The proposed church does not represent an improvement to the lot as it currently exists.
5. The proposed church is not consistent with the specific designation of the Design Lansing Comprehensive Plan.

WHEREAS, the City Council held a public hearing regarding SLU-2-2016 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 denies SLU-2-2016, a Special Land Use permit to utilize the building at 5606 S. M.L. King Jr. Blvd. for a church.

BE IT FINALLY RESOLVED that in denying this request, the City Council determines the following:

1. The proposed church would not be harmonious with the character of adjacent properties and surrounding uses. The subject property is located in a commercial area and church activities are generally infrequent and occur outside of normal business hours. The majority of the time, there is very little activity which detracts, rather than contributes to a commercial environment.

2. The proposed church will change the essential character of the S. M.L. King area which is primarily characterized by nonresidential land uses. S. M.L. King Blvd. is zoned, master planned and designed for customer-oriented, commercial uses that generate a high volume of traffic on a daily basis.

3. The proposed church could interfere with the general enjoyment of adjacent properties since the subject property is located in a commercial area and churches, by state law, have the ability to object to liquor licenses within 500 feet of its property lines.

4. The proposed church will not represent an improvement to the lot as it currently exists since the church will result in a hole of little activity within an otherwise active commercial area.

5. The proposed church is not consistent with the "Suburban Commercial" land use designation for the subject property being advanced in the Design Lansing Comprehensive Plan. The Plan states that the intent of this designation is "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 proposed church conflicts with the as it is not a customer-oriented business and will not generate the type of activity that would complement the existing businesses in the area and encourage additional economic growth.

From: Mark Harrison [mailto:mharrison@edwardrose.com]
Sent: Friday, May 20, 2016 10:37 AM
To: Boak, Sherrie
Cc: Michael Robbe; Tom Wheatley
Subject: City of Lansing Notcie of Public Hearing - Item Z-2-2016

Sherrie,

We recently received the above-captioned notice regarding the rezoning of property along Dunkel Road from C.U.P. to F commercial. As owners of the adjacent Trappers Cove Apartments, we are not opposed to the proposed rezoning as long as the rezoning does not result in Trappers Cove becoming a non-conforming use. It's my understanding that you are going to forward this to the Planning Department for their review and consideration. We would appreciate written confirmation from Planning as to whether rezoning to the proposed use does or does not affect Trappers Cove. Thank you.

I can be reached via email or at the numbers below if discussion is required.

Sincerely,

EDWARD ROSE REALTY, INC./HURON DEVELOPMENT, L.L.C.
Mark G. Harrison
6101 Newport Road
Kalamazoo, MI 49003
Office: (269)323-9484
Direct: (269)321-7970
Fax: (269)321-7884
email: mharrison@edwardrose.com

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