



**AGENDA**  
**Committee on Development and Planning**  
**Thursday, July 28, 2016 @ 10:00 a.m.**  
**10<sup>th</sup> Floor Conference Room, City Hall**  
**Updated 7/26/2016 p.m.**

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**
  - July 14, 2016
- 4. Discussion/Action:**
  - A.) DISCUSSION – Responsible Bidding Ordinance
  - B.) 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.
  - C.) ORDINANCE - Z-5-2016; 2918 N East Street; AVMM, LLC Marco’s Pizza; “A” Residential District to “F” Commercial District
  - D.) Presentation - Capital Area Housing (Amy Kraus)
  - E.) SkyVue Development Question and Answers
- 5) Other**
- 6) Adjourn**





July 26, 2016

Jody Washington  
Chair Person of Development & Planning Committee  
124 W Michigan Ave.  
10th Floor City Hall  
Lansing, MI 48933

**RE: CITY OF LANSING – COMMITTEE ON DEVELOPMENT & PLANNING**

Dear Jody Washington,

Recently, our firm was provided questions pertaining to our SkyVue real estate development located in Lansing, MI. We requested the questions in writing from the Committee on Development & Planning as representatives from our firm were unavailable to attend the July 28, 2016 meeting. We respect the committee's desire to learn more about the development and will continue to work with LEAP and the City of Lansing to address future concerns or questions. We have enjoyed our relationship with LEAP and the City of Lansing and feel grateful we had such a transparent and good working experience through the approval process of SkyVue.

Below I have listed each question and its corresponding answer. First, I would like to make a general comment on the questions. It appears the questions are concerned with the entire regulatory framework. The Michigan Department of Environmental Quality administers the Brownfield program. LEAP and our environmental consultant, AKT Peerless have worked tirelessly through the City of Lansing and the MDEQ processes providing all necessary documents, reporting and continue to be available for ongoing questions and concerns. We would encourage those questions pertaining to the overall process might be better directed to the MDEQ.

Our project is not a state-mandated cleanup project, but a redevelopment of a moderately contaminated brownfield site. Incentives through the State's Brownfield program extend far beyond the environmental and underutilized property.



1. How was it determined how much clean-up was necessary?

The state is not requiring clean-up on this site. The state requires that the owner/operator (SkyVue) exercise “due care” in redevelopment and future operation of the site. Due Care obligations determine what response activities will be required. Specifically, the DEQ’s program of Due Care requires SkyVue to prevent “exacerbation” (e.g., to properly handle excavated contaminated soil during construction), prevent unacceptable human risk (e.g., install direct contact barriers in the new development), and take reasonable precautions against reasonably foreseeable actions and omissions of a third party (e.g., notify contractors of contamination so they can take proper precautions). It is these response activities that result in clean-up activities on the site.

2. How is the dollar amount and length of the brownfield determined?

Brownfield costs consist of environmental activities (assessment, response activities, and insurance), demolition, site preparation, infrastructure improvements, preparation of brownfield applications, and interest. These costs are estimated and placed in a brownfield tax increment financing plan. The plan was approved by the Lansing Brownfield Redevelopment Authority, Lansing City Council, DEQ, and Michigan Strategic Fund. Reimbursement will occur when future taxes exceed the base tax level paid on the property prior to the brownfield plan. Reimbursement occurs until the actual incurred costs are fully reimbursed.

3. Who is notified when the cleanup is finished?

The developer is undertaking voluntary response activities to comply with the state’s due care requirements. SkyVue will notify LBRA of its completed response activities, since SkyVue will be submitting reimbursement requests for brownfield eligible activity costs which document the nature of response activities.

4. Who does an inspection to verify the cleanup is completed?

SkyVue will prepare a Documentation of Due Care Compliance (DDCC) report, which describes site conditions after the response activities have been completed. SkyVue, in accordance with state law, must maintain this report.



5. Is a report done regarding the entire process—beginning to end?

The Baseline Environmental Assessment (BEA) report describes site conditions at the time of SkyVue's acquisition. The Act 381 Work Plan (brownfield application for the state) describes the proposed response activities. The DDCC will describe site conditions after completion of response activities. SkyVue's reimbursement requests will further detail the exact nature of performed response activities.

6. Where is the report of the completed cleanup kept?

The cleanup occurs through performance of response activities necessary to comply with the state's due care obligations. A DDCC report must be kept by the owner/operator (SkyVue), and the DDCC describes site conditions post-completion of response activities.

7. How does an individual/group access that report to ensure that the cleanup was completed?

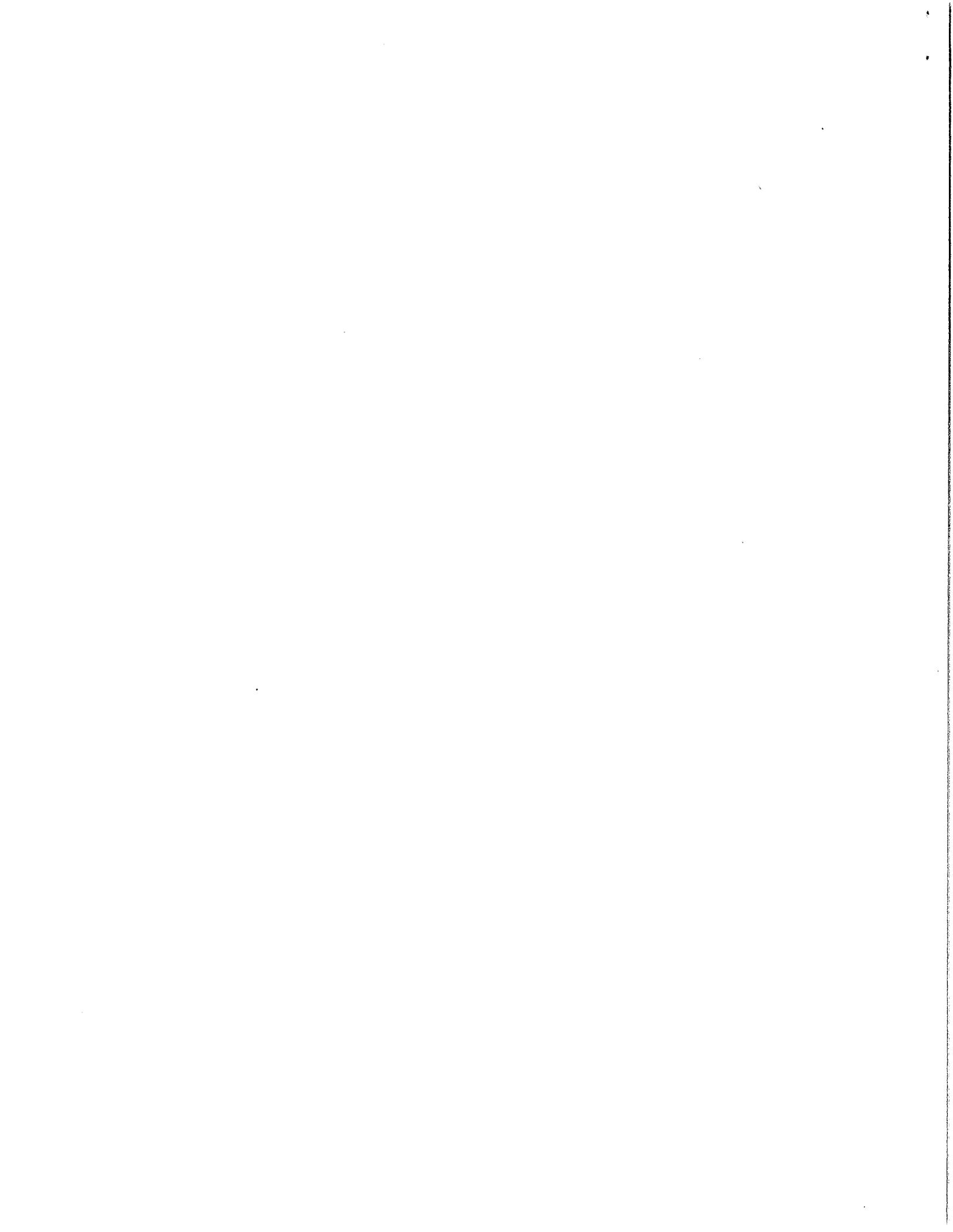
Generally speaking, DDCC's are privately prepared documents that are not necessarily available for public inspection (again, this is not a state-mandated cleanup; it's a voluntary action to comply with due care, and the DDCC is how the owner/operator knows they're complying with their due care obligation). However, the DEQ may request to review a DDCC. This project is better understood as redevelopment of a moderately contaminated brownfield site and reuse of an underutilized property.

Ms. Washington, we hope these answers are satisfactory for the Committee on Development & Planning and anyone else who is inquiring. We pride ourselves in our ability to work with the communities we serve and will continue to serve Lansing to the best of our abilities.

Sincerely,

A handwritten signature in black ink that reads "Matthew R. Marshall". The signature is written in a cursive, flowing style.

Matthew R. Marshall  
VP of Development



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## MINUTES

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

### **CALL TO ORDER**

The meeting was called to order at 10:02 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  
Bob Johnson, Planning & Neighborhood Development  
Susan Stachowiak, Planning & Neighborhood Development  
Adam Hussain, City County Member  
Jim Smiertka, City Attorney  
Pastor Trevino  
Mark Dotson, Deputy City Attorney  
Chris Knudstrup, BWL  
Anne Rezpecki, BWL  
Loretta Stanaway, Resident  
Mary Toshach, Resident  
Justin Hiddgo, The Bread House  
Victor Trevino, The Bread House  
Stephen Serkaian, BWL  
William Hubbell  
Ryan Smith, Cherry Hill Neighborhood Association  
Anne Schrader, Resident  
Dale Schrader, Resident  
Dave Bolan, BWL  
Jarl Brey, Capital Zip  
Susan Luter, Resident  
Bob Ford, BWL  
Sharon Burton, Garden Club  
Jeff Wood, Resident  
Dick Peffley, BWL  
Todd Heywood, City Pulse

# DRAFT

## **PUBLIC COMMENT**

Council Member Washington noted public comment will be offered during agenda items.

## **MINUTES**

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE MINUTES FROM JUNE 23, 2016. MOTION CARRIED 3-0.

## **DISCUSSION/ACTION**

### **RESOLUTION – ACT-7-2012; Sale of Former Fire Station #3; 629 W. Hillsdale Street**

Mr. Johnson noted this was the 3<sup>rd</sup> and final fire station sale from the closures in 2010. There is an offer of \$125,000 and it was appraised at \$131,000. Council Member Washington noted there were no comments at the public hearing and there was assurance from the zoning department medical marijuana dispensaries would not be allowed.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR ACT-7-2012. 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.**

Ms. Stachowiak noted the property is zoned commercial, and a church in any district requires a SLU. She admitted that in the past the staff has recommended in commercial, however in recent years that has not worked out and Planning Board not recommending approval. If not approved, they will not be able to hold church service, but can still do community outreach services. Mr. Johnson had no comments.

Pastor Trevino and Mr. Hiddgo spoke about the start of the church in that location in 2013, the dedication and upkeep they have performed and the increase of members since that time. They noted all the outreach services they have been providing the residents and members in the area. Mr. Hiddgo noted that once they got the ticket for violation of the use, they went to the City to see what they needed to do and get things started. They have pulled permits; however feel they were misguided. Ms. Stachowiak confirmed PN & D staff told them that staff has consistently recommended not for approval of the use, but there have been cases where they were approved by Council despite that recommendation. She noted to the Committee that there was church representation at the Planning Board when it was recommended denial so the applicants are aware.

Council Member Brown Clarke asked the applicants what their understanding of the property was when they purchased it in 2013. Pastor Trevino stated it was a vacant building, bank owned, and when they talked to the representative that it used to be a teaching center but they did not know the zoning. They were not silent on their intentions and the real estate agenda noted there would be no problem. They also noted they had reached out to the Fire Department to make sure assembly use would be ok with fire code. Council Member Brown Clarke assured the Pastor that the Committee had no question of the work they were doing, but there was a concern with how it relates to the work and master plan. The dilemma is the consistency. Council Member Yorko added that Council has a concern there have been issues with SLU's granted for churches in commercial zones before and then with the results they have struggled with those decisions.

Council Member Washington acknowledged the work they had been doing; however there have been complaints about their church in Fabulous Acres and the lack of outreach to the neighborhood. She too reminded them they can continue doing their outreach without it being a church under SLU approval. Ms. Stachowiak confirmed they can continue to do classes, tutor,

## DRAFT

counseling, but cannot hold church services without the approval of a SLU. Council Member Washington then admitted they have acquired a niche for what they can offer, but they need to find a more appropriate site for the church, and she offered her assistance in helping them locate a site.

Mr. Hiddgo outlined their difference and asked for clarification on church services. Council Member Washington reiterated the support of the work, but the question before the Committee is the zoning and future of the avenue.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR SLU- 2-2016. MOTION FAILED 1-2.

Council Member Brown Clarke reminded the group that the Master Plan was not just created by leadership, but created by a process of a blue print by the community and community leaders.

Council Member Yorke stepped away from the meeting at 10:34 a.m.

### **RESOLUTION – License Agreement for Zip line at Riverfront Park; Zip the Grand Inc.**

Mr. Brey informed the Committee he had been working with Law on the lease for 2 sides of Grand River for a period of 10 years. Mr. Brey acknowledged he was now asking for Council acceptance, at which point he can pursue funding. This will provide funds back to Parks and Recreation in addition to rental fees on the land. Council Member Washington asked Mr. Smiertka if he had reviewed the document. Mr. Smiertka admitted he had looked at it but was asking for more time to review it.

Council Member Yorke returned to the meeting at 10:38 a.m.

Council Member Washington asked Ms. Stachowiak if the application had been before the Planning Board, which Ms. Stachowiak confirmed and also noted the Planning Board recommended approval.

Mr. Smiertka noted he wanted to review it for financing, government immunity, to name a few.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO TABLE THE REQUEST UNTIL THE AUGUST 11, 2016 MEETING. MOTION CARRIED 3-0.

### **Communication; Ingham County Treasurer Schertzing; Local Purchase option on Tax Foreclosed Properties**

Mr. Johnson acknowledged the City had no interest in any of the properties listed. Council Member Brown Clarke asked about any interest in 3827 Burchfield which was recommended by the Council Internal Auditor. Mr. Johnson showed no interest, and pointed out that if the Land Bank takes possession of those properties they would be demolished.

MOTION BY COUNCIL MEMBER YORKO TO PLACE ON FILE. MOTION CARRIED 3-0.

### **RESOLUTION- Set a Public Hearing; SLU-3-2016; 125 W. Malcom X; LBWL Central Substation Project**

### **RESOLUTION – Set a Public Hearing; Design Lansing Comprehensive Plan Amendment; 125 W. Malcom X; LBWL Central Substation Project**

Council Member Washington asked the question of if the sale of the home to Habitat has to be separate and if the house should or must go before a vote of people, also noted that Habitat is not a City agency. Mr. Smiertka clarified that the City received it in 2003 which included Scott

## DRAFT

Park and the house and/or center. The resolution removes the real estate and the house from the designation of a park. So the Committee decision to amend the Comprehensive Plan would remove both from the Resolution of 2003. Council Member Washington noted that Council's understanding was the they didn't remove the land off a "park designation" was because the only issue was with the house, and Council Member Brown Clarke noted that on Monday, July 11, 2016 Council was informed the park would maintain "park" status. Mr. Smiertka clarified his earlier statement, not he misspoke, and the house/center was being removed and the land was going for approval of a SLU. These resolutions will also be asking to undedicated the house/center. Mr. Peffley noted they need to remove the house to build on the site. Council Member Washington asked if Council sells the house if they are circumventing the Charter, and Mr. Smiertka noted Council has to remove the house from the 2003 Resolution. Council Member Yorke asked if the City can move the house to the Hillsdale parcel, then put it on the ballot to decide if they want the house to be designated "park" property or not. Mr. Smiertka stated yes, but the original property will stay "park" property. Council Member Yorke suggested putting the sale of the house on the ballot for the property on Hillsdale Street. Council Member Washington then suggested to Mr. Smiertka to redo the resolution to move it forward so everything is done property. Mr. Smiertka left the meeting to amend resolution.

Council Member Yorke stepped away from the meeting at 10:52 a.m.

Council Member Washington outlined the amendment to the BWL representatives and asked if they would still be interested to move the house, and Mr. Peffley confirmed they would.

Council Member Yorke returned to the meeting at 10:54 a.m.

Council Member Washington asked Mr. Johnson if the relocation can occur without the ACT. Mr. Johnson stated they can move the house without approval because the house would be moved from City property to another City property.

Council Member Washington informed all present that at this time the Committee will set the public hearings for SLU-3-2016 and the Design Amendment.

The discussion then lead into other options and a discussion had with BWL on other parcels in an industrial area which appeared to be in the same area a block south of another site BWL had admitted they had considered. Mr. Peffley acknowledged he had been approached on this suggestion and had engineers do a cursory look at this proposed site. There are other costs associated as part of the \$100 million project, such as distribution costs, sub costs and area used to figure into the base. Not including the cost of removing houses, currently it is \$7.75 million and since the suggested site was a larger amount they did not do any more due diligence. The proposed industrial lot does put BWL further from the distribution cable. BWL would have to cross the river to tie into the 18 circuits and would not able to complete by 2020. Based on the recent suggestion, which is south of the Reo plant, it would take \$18.8 million of relocation cost over the base of the center substation with a bulk of the cost caused for running further for the distribution cost and crossing the river to the 2 acre site. A timeline for the suggested site would allow cause them to miss the 2020 closing and therefore they would have to re-power Eckert. In addition the suggested site is further away from the downtown customers so more line loss is involved. Mr. Knudstrop added to the discussion that the further you go the more power you use. BWL will have to buy power to replace and that will go back into the rates of the users. With the figures estimated in a short amount of time, the base side for the substation is \$20 million which was a \$6 million savings but the transmission distribution cost

## DRAFT

sky rocketed. Council Member Washington acknowledged their efforts and noted she was researching for unintended consequences.

Mr. and Mrs. Schrader distributed photo renderings of the site and asked what increased cost would be to each user. Mr. Peffley noted it would be 4% every year, over 7 years which would come to every customer rate base, in addition to any other rate increases coming from the new plant. There have not been any rate increases in 2 years but there will be once the Eckert plant is replaced. Ms. Schrader noted there appears to be no back up plan. Mr. Peffley noted that all areas will see an increase in that vicinity.

Council Member Washington asked if there is currently an infrastructure underground at the site, and Mr. Peffley noted there was none, and they will have to run from Eckert to GM to a corridor to 496, then in to the smaller circuits. When a substation is installed, they feed from the power source, and that feed goes around the whole City. There is no underground infrastructure at the suggested location that would feed downtown. To get to the suggested site it would take \$1.5 million. A substation takes a large supply and makes it usable.

Mr. Heywood asked if they are going from Eckert to a co-generation plant. Mr. Peffley stated there are 138,000 volts. Mr. Heywood then asked if that line is connected to downtown, which Mr. Peffley noted it does not. The power station at Eckert comes off to make power then it goes underground. This then goes around town to 14 substations; therefore that line cannot be tied into that is just output. Mr. Knudstrup noted that there is a cost to that and there is a transmission line along tracks between Eckert and REO that they would tap into just like they will tap into a line at Scott Park. If they used the suggested industrial site and it would cap into the Eckert to REO line, and cross the tracks twice, and that is all if they get the easements to do so. There are large industries to work around to get into the sub stations. That is one of the reasons they do not go up and down streets because it is to expense to work around businesses and turn corners. Mr. Peffley added that once you leave the substation the costs is higher when you have to go underground.

Council Member Washington asked about the recent 4 substation work. Mr. Peffley stated those were remodels at existing locations with no rezoning's needed, or locations in parks.

Ms. Stanaway spoke in opposition of the use of Scott Park, and gave her opinion that the REO Town Board had changed their opinion and no longer supports the project. In addition stated she also heard that the Garden Club will continue to support the park, but if the garden is moved they will not. Ms. Stanaway went on to note her opinion that the plan is in contradiction to the Master Plan and City Mission Statement. She did support placing the sale of the house on the ballot for the voters, but not moving it to the Hillsdale lot first. Lastly Ms. Stanaway asked a few questions, such as information on a timeline, what will happen to Cooley Gardens, and what the difference is between a trail in the flood plains and the proposed substation.

Ms. Luter asked why BWL has not spoken about 2 substations as they have presented in the past, asked if other parks are in jeopardy of substations, asked what happens if BWL no longer funds maintenance of the park, and spoke in opposition to the proposed wall because of her belief you will still be able to see the metal.

Mr. Peffley tried to answer some of the questions, noting that there are substations in current parks such as Washington Park, Wood Street Park and Frandor. The wall height will be determined, but they only have to build it to 8'. They are interested in the suggestions from the

## DRAFT

Community. He admitted they will hear and see the wires, but they are there now, and a higher wall doesn't look good but they can try to be accommodating.

Ms. Luter asked again about the two substation plan. Mr. Knudstrop acknowledged there had been discussion from the Planning Board about two sites, but engineering had difficulty finding two workable sites. In addition two sites would have a larger footprint combined and larger than 2 acres. The BWL has never had two sites; they will not be feeding the Lansing customers and GM from this new substation. When GM builds they will have to find their own location.

Council Member Washington wanted to remind the public that if it moves out of Committee on this date it is to set the public hearing, not that it is an affirmative vote at Council. The hearing allows for another opportunity for public input. The BWL engineers were also asked for information on other sites.

Mr. Johnson outlined his research on the parcels in questions, their history, transactions and involvement of the City and GM. This information was provided at the Committee of the Whole meeting on July 11, 2016.

Mr. Schrader spoke in support of saving the property and distributed additional renderings.

Mr. Smith stated his opinion that BWL is searching for loop holes in the City Charter and law to take the rights away from the people. Mr. Smith then asked why was there no discussion in the past when the City was working on the Master plan. Lastly Mr. Smith spoke in support of keeping it dedicated park land and placing the decision in the hands of the voters. Council Member Washington acknowledged Mr. Smith's comments and stated again Council needs to consider all the unintended consequences, then asked Mr. Smiertka if the Council has the ability to put the land on the ballot. Mr. Smiertka reminded the group that the people did adopt the Charter by a public vote, he would need to review the transcripts from the Charter Commission to determine if there was discussion and their thoughts when putting together the Charter. This includes provisions that the BWL uses all City owned property and they have the ability to use all public spaces. The designation of a park land can be changed from time to time, and in this case it is not embedded in the title for the property. Mr. Smith acknowledged he understood that BWL has the right to use the property, but still held his opinion that they were circumventing the Charter by not looking at the right of the voter.

Council Member Brown Clarke asked BWL representatives if they considered flipping the location of the substation on the site, making it flush with the GM industrial site. Mr. Peffley noted it had been considered, and Council Member Brown Clarke asked they address that at the public hearings.

Ms. Toshach spoke in opposition to the substation at the proposed site, and stated that BWL has never come to her neighborhood, Printers Row Condos, for their inputs.

Council Member Washington asked Mr. Peffley to work with Council for the sufficient information at the public hearing.

Ms. Stanaway challenged BWL to not look at this project as controversy, but a look at what the public wants.

Council Member Brown Clarke asked BWL to provide a diagram, mapping where the services fan out, and boundaries along with how BWL will tap in before it branches off.

## DRAFT

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR AUGUST 22, 2016 FOR SLU-3-2016 125 W. MALCOM X; LBWL CENTRAL SUBSTATION PROJECT. MOTION CARRIED 3-0.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR AUGUST 22, 2016 FOR DESIGN LANSING COMPREHENSIVE PLAN AMENDMENT; 125 W. MALCOM X; LBWL CENTRAL SUBSTATION PROJECT WITH THE CHANGES MADE BY CITY ATTORNEY SMIERTKA ADDING IT IS SUBJECT TO THE APPROVAL OF THE SALE OF THE SCOTT CENTER BUILDING BEING APPROVED BY THE ELECTORATE. MOTION CARRIED 3-0.

**RESOLUTION - ACT-7-2016; Authorize Construction of LBWL Central Substation Project**  
**RESOLUTION – ACT-9-2016; Sale of 1020 W. Hillsdale Street to Habitat For Humanity**  
**Capital Region (HFHCR); Relocation and Renovation of Scott Center**

Council Member Washington stated the two items, which are the ACT for sale and authorization for construction cannot be acted upon until the public hearings for the SLU and Plan Amendment have been heard and acted upon. Therefore they will appear on the Committee agenda on August 25<sup>th</sup>, when the other two return to Committee.

Mr. Serkaian asked all citizens present to take his business card and email him questions and they will prepare responses at the public hearing. It was also offered that the public can meet with him beforehand also.

**Placed on File**

- Communication from Hank Frechtling of Locke Township: RE: Scott Sunken Garden
- Community from Judy Scott Teegardin; RE: Scott Sunken Garden

**OTHER**

Ms. Burton with the Garden Club distributed photos and spoke in opposition to the proposal.

Mr. Wood spoke in support of keeping the garden as it is./

Adjourn at 12:13p.m.

Submitted by,

Sherrie Boak, Recording Secretary,

Lansing City Council

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



1 (1) "APPLICANT" MEANS A PERSON, CORPORATION, PARTNERSHIP, OR OTHER  
2 ENTITY THAT HAS APPLIED FOR AND RECEIVED ECONOMIC INCENTIVES  
3 APPROVED BY LANSING CITY COUNCIL, INCLUDING THE APPLICANT'S  
4 CONTRACTORS OR SUBCONTRACTORS, ON A PROJECT.

5 (2) "BID" MEANS A SEALED OFFER TO PROVIDE SERVICES PURSUANT TO A  
6 PERMIT.

7 (3) "BID QUOTE" MEANS THE TOTAL BID AMOUNT IN DOLLARS AS READ ALOUD  
8 AND RECORDED AT THE BID OPENING.

9 (4) "ECONOMIC INCENTIVES" MEANS ANY OF THE FOLLOWING: PAYMENT IN  
10 LIEU OF TAXES (PILOT) LOW INCOME HOUSING TAX CREDITS (LIHTC); A TAX  
11 ABATEMENT ISSUED UNDER PUBLIC ACT 328 OF 1998; A BROWNFIELD  
12 APPROVED UNDER PUBLIC ACT 381 OF 1996; OR, AN OBSOLETE PROPERTY  
13 REHABILITATION ACT ABATEMENT ISSUED UNDER PUBLIC ACT 146 OF 2000.

14 (5) "PERMIT" MEANS A BUILDING PERMIT, MECHANICAL PERMIT, ELECTRICAL  
15 PERMIT, OR PLUMBING PERMIT, ISSUED BY THE LANSING BUILDING SAFETY  
16 OFFICE.

17 (6) "PROJECT" MEANS THE WORK WHICH WILL BE DONE PURSUANT TO A  
18 REQUIRED PERMIT ON THE DEVELOPMENT WHICH IS RECEIVING THE ECONOMIC  
19 INCENTIVE.

20 (7) "PUBLICLY ACCESSIBLE LOCATION" MEANS ONE OF THE FOLLOWING  
21 LOCATIONS: LETTS COMMUNITY CENTER; ALFREDA SCHMIDT COMMUNITY  
22 CENTER, GIER COMMUNITY CENTER, FOSTER COMMUNITY CENTER, LANSING

1 CITY HALL CITY COUNCIL CHAMBERS, OR A CITY OWNED BUILDING DURING  
2 REGULAR BUSINESS HOURS.

3 (8) "PUBLICLY ADVERTISED" MEANS:

4 I. ADVERTISED AT A TIME AND LOCATION CUSTOMARY IN THE RELEVANT  
5 TRADE; AND,

6 II. PUBLISHED ONCE IN A NEWSPAPER.

7 (9) "RESPONSIBLE BIDDER" MEANS A PERSON WHO HAS THE CAPABILITY IN ALL  
8 RESPECTS TO PERFORM FULLY THE CONTRACT REQUIRMENTS SET FORTH IN  
9 THE INVITATION FOR BIDS. A RESPONSIBLE BIDDER MUST NOT BE IN DEFAULT  
10 OF THE PAYMENT OF ANY TAXES, LICENSES, FEES, PERMITS OR ANY OTHER  
11 MONEY DUE TO THE CITY OR IN ANY OTHER RESPECT DISQUALIFIED  
12 ACCORDING TO ANY FEDERAL OR STATE LAW OR ANY CITY ORDINANCE  
13 PROVISION, AND SHALL HAVE OR PROCURE:

14 A. A VALID FEDERAL TAX IDENTIFICATION NUMBER, OR IF AN INDIVIDUAL, A  
15 VALID SOCIAL SECURITY NUMBER;

16 B. ALL REQUIRED LICENSES;

17 C. CERTIFICATION OF INSURANCE SHOWING THE FOLLOWING COVERAGE IF  
18 NECESSARY FOR THE PROJECT:

19 I. GENERAL LIABILITY;

20 II. WORKERS' COMPENSATION; AND

21 III. AUTOMOBILE LIABILITY.

1 (10) DEVELOPER, GENERAL CONTRACTOR OR CONSTRUCTION MANAGEMENT  
2 FIRM SHALL BE RESPONSIBLE FOR THE INVITATION FOR BIDS.

3 (C) INVITATION FOR BIDS. WHEN AN APPLICANT USES INVITATIONS FOR BIDS,  
4 THE INVITATIONS WILL BE PUBLICLY ADVERTISED AND BIDS SHALL BE  
5 SOLICITED FROM A REASONABLE NUMBER OF SUPPLIERS, REGARDLESS OF  
6 LABOR ORGANIZATION AFFILIATION, PROVIDING PROSPECTIVE BIDDERS  
7 REASONABLY SUFFICIENT TIME TO RESPOND ON OR PRIOR TO THE DATE AND  
8 TIME SET FOR RECEIVING ALL BIDS. THE INVITATION FOR BIDS WILL INCLUDE  
9 THE TIME, DATE AND LOCATION FOR THE OPENING OF THE BIDS. A LIST OF ALL  
10 BIDDERS INVITED TO SUBMIT BIDS WILL BE PROVIDED BY THE APPLICANT UPON  
11 REQUEST TO THE CITY OF LANSING.

12 (D) BID OPENING. APPLICANT AGREES TO OPEN ALL BIDS AT THE DATE, TIME  
13 AND PUBLICLY ACCESSIBLE LOCATION PRESCRIBED IN THE INVITATION FOR  
14 BIDS. AS EACH BID IS OPENED THE NAME OF THE BIDDER AND BID QUOTE  
15 AMOUNT SHALL BE READ ALOUD AND RECORDED BY THE APPLICANT. AT THE  
16 END OF THE BID OPENING EVENT, A COPY OF THE LIST OF BIDDERS AND BID  
17 AMOUNTS SHALL BE MADE AVAILABLE TO ALL WHO ARE PRESENT. A COPY  
18 WILL ALSO BE PROVIDED TO THE CITY OF LANSING UPON ITS REQUEST. THE  
19 APPLICANT IS NOT REQUIRED TO AWARD A CONTRACT FOR THE JOB AT THE  
20 TIME OF BID OPENINGS.

21 (E) AFTER AWARDING A CONTRACT TO A BIDDER WHOSE BID QUOTE FOR  
22 SERVICE WAS NOT THE LOWEST BID AS RECORDED AT THE BID OPENING,

1 APPLICANT AGREES TO NOTIFY IN WRITING WITHIN THIRTY (30) DAYS ALL  
2 BIDDERS WHOSE PREVIOUSLY RECORDED BID WAS LESS THAN THE CHOSEN  
3 BIDDER.

4 (F) A COPY SHALL BE PROVIDED TO THE CITY OF LANSING UPON ITS REQUEST.

5 (G) APPLICATION. THIS ORDINANCE SHALL ONLY APPLY TO THE PROJECT FROM  
6 THE TIME THE ECONOMIC INCENTIVE IS APPROVED BY THE LANSING CITY  
7 COUNCIL UNTIL PROJECT COMPLETION AS DEFINED BY: A DEVELOPMENT  
8 AGREEMENT BETWEEN THE APPLICANT AND THE CITY OF LANSING OR IF NO  
9 AGREEMENT EXISTS, BY THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY BY  
10 THE CITY OF LANSING. THIS ORDINANCE SHALL NOT APPLY TO ECONOMIC  
11 INCENTIVES INITIATED BY THE INGHAM COUNTY LAND BANK OR THE DEWITT  
12 CHARTER TWP. – CITY OF LANSING NEXT MICHIGAN DEVELOPMENT  
13 CORPORATION. THIS ORDINANCE SHALL NOT APPLY TO ANY ECONOMIC  
14 INCENTIVE OR PROJECT APPROVED PRIOR TO THE EFFECTIVE DATE OF THIS  
15 ORDINANCE.

16 (H) NOTHING IN THIS ORDINANCE SHALL BE INTERPRETED TO PROHIBIT OR  
17 REQUIRE AN APPLICANT, OR ANY CONTRACTOR OR SUBCONTRACTOR OF AN  
18 APPLICANT, FROM REQUIRING IN BID SPECIFICATIONS THAT A SUCCESSFUL  
19 BIDDER ENTER INTO A PROJECT LABOR AGREEMENT OR OTHER COLLECTIVE  
20 BARGAINING AGREEMENT AS A CONDITION OF CONTRACT AWARD.

21 (I) CITY COUNCIL MAY WAIVE THE REQUIREMENTS OF THIS ORDINANCE BY  
22 RESOLUTION UNDER A POLICY DEVELOPED BY THE LANSING CITY COUNCIL.

1 (J) IN THE EVENT AN APPLICANT VIOLATES THE REQUIREMENTS OF THIS  
2 ORDINANCE, THE CITY MAY TAKE WHATEVER ACTION LEGALLY PERMISSIBLE  
3 TO REVOKE ECONOMIC INCENTIVES GRANTED UNDER THE ENFORCEMENT  
4 POLICY DEVELOPED BY THE LANSING CITY COUNCIL, AND THE APPLICANT WILL  
5 NOT BE ELIGIBLE FOR FUTURE ECONOMIC INCENTIVES.

6 Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules  
7 inconsistent with the provisions hereof are hereby repealed.

8 Section 3. Should any section, clause or phrase of this ordinance be declared to be  
9 invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof  
10 other than the part so declared to be invalid.

11 Section 4. This ordinance shall take effect on the 30th day after enactment, unless given  
12 immediate effect by City Council.

13

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20

Approved as to form:

\_\_\_\_\_  
City Attorney

Dated: \_\_\_\_\_

21



**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.

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

VB/rh  
Attachment



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



To: Virg Bernero, Mayor  
From: Susan Stachowiak, Zoning Administrator  
Subject: CITY COUNCIL AGENDA ITEM - SLU-2-2016, 5606 S. MLK, Church  
Date: May 11, 2016

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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**

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**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.

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**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 bazardous 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 Jr Blvd

S. Martin Luther King Jr Blvd

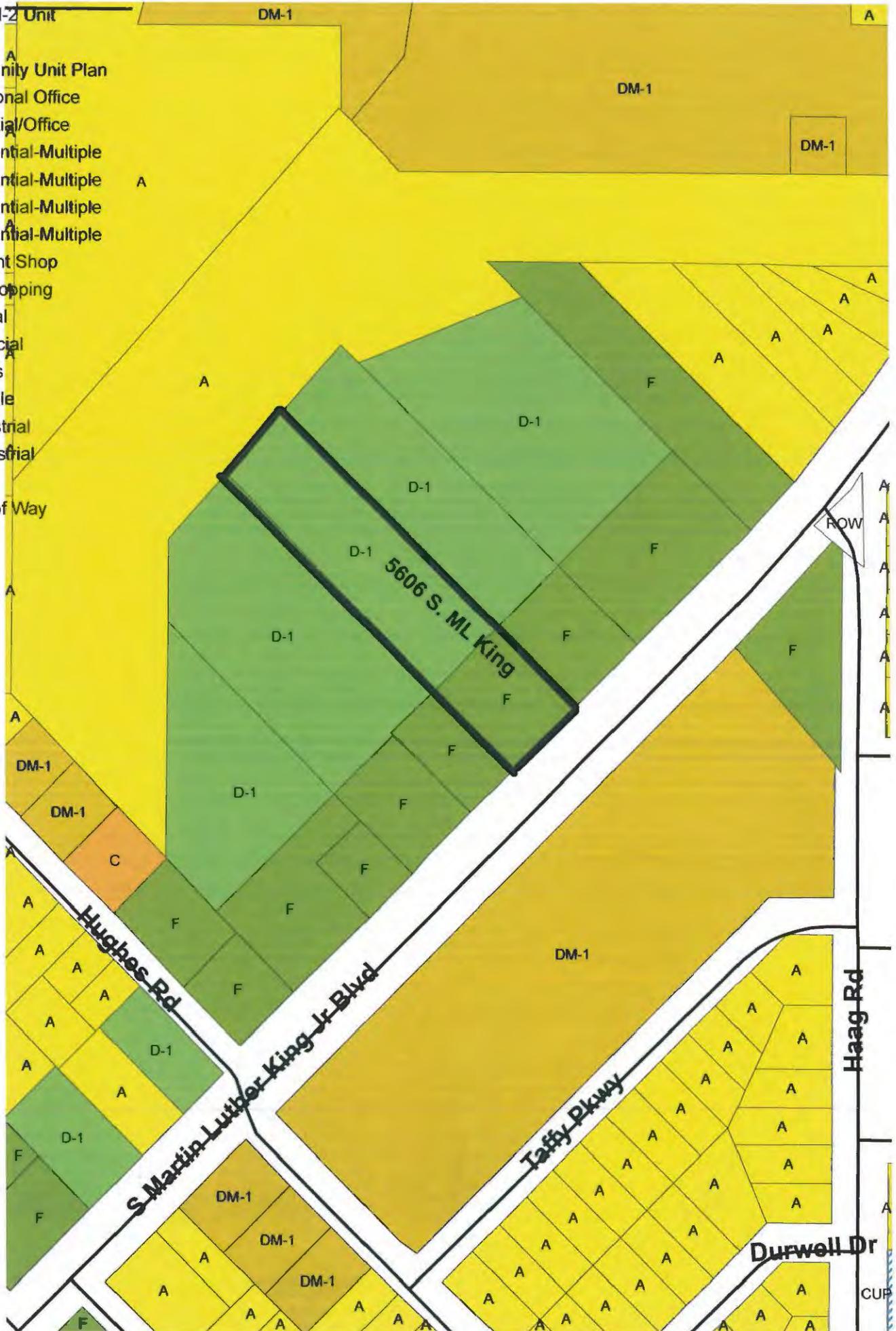
Luby Pkwy



Rd

# City of Lansing Zoning Map

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



BY THE COMMITTEE ON DEVELOPMENT & PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

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

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, 10<sup>th</sup> 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](mailto: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.



**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**

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**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:

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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.

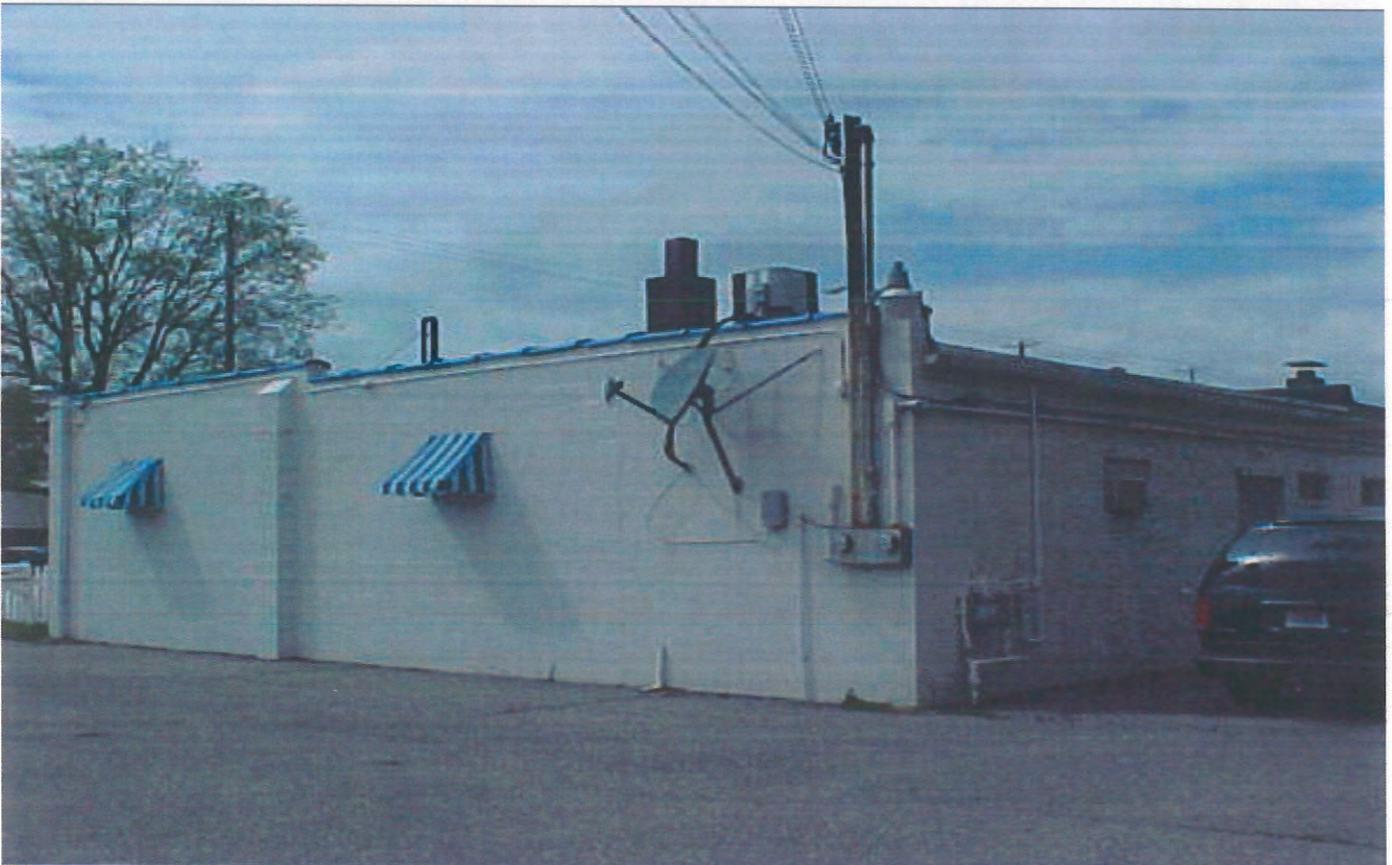
**RECOMMENDATIONS**

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

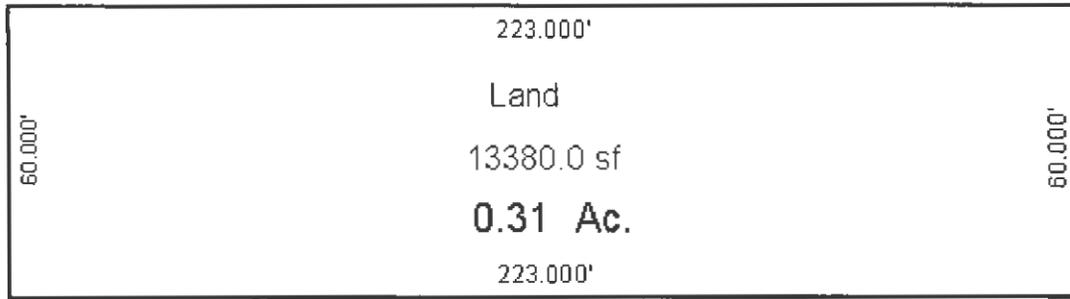
Z-5-2016 be approved to rezone the property at 2918 N. East Street from "A" Residential District to "F" Commercial District.

**Respectfully Submitted,**

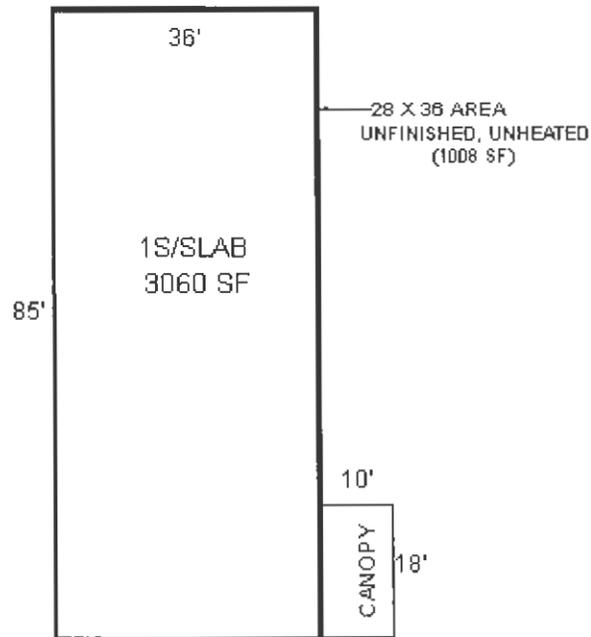
**Susan Stachowiak  
Zoning Administrator**



N. East Street



Hunt St.



N. EAST ST.



E Howe Ave

N East St

Hunt St

2918 N. East Street

Chilson Ave



# City of Lansing Zoning Map

## Legend

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



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

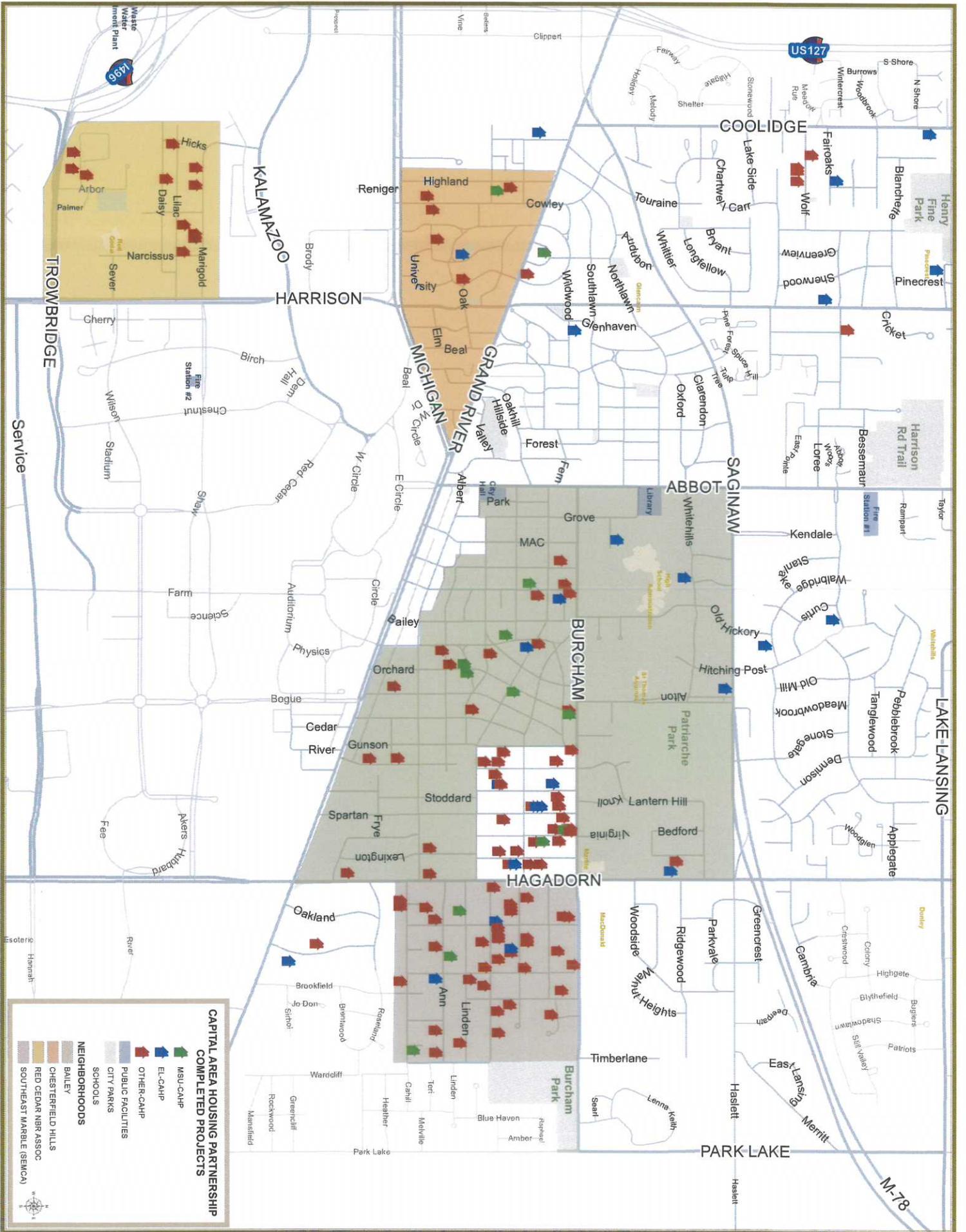
Parcel Number's: 33-01-01-03-155-011

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.



**CAPITAL AREA HOUSING PARTNERSHIP  
COMPLETED PROJECTS**

- MSU-CAMP
- EL-CAMP
- OTHER-CAMP
- PUBLIC FACILITIES
- CITY PARKS
- SCHOOLS
- BAILEY
- CHESTERFIELD HILLS
- RED CEDAR NBR ASSOC
- SOUTHEAST MARBLE (SEMCA)





# CAPITAL AREA HOUSING PARTNERSHIP

## Mission

Capital Area Housing Partnership works to develop strong neighborhoods with a focus on affordable housing, homeownership and financial security in mid-Michigan.

## Boards of Directors

Tom Lapka, Chair  
Peter Kulick, Vice Chair  
Mary Manuel, Treasurer  
Emma Henry, Secretary

Rick Ballard  
Jacob Horner  
Liz Harrow  
Joe Keehbauch  
Mark Meadows  
Sabrina Nagel  
Kaspar Rhodes  
Larry Rosen  
Stacy Schlicher  
Rawley Van Fossen

## Board Liaisons

Annette Irwin  
City of East Lansing

## Staff

Mikki Droste  
Executive Director  
Sage Hales-Ho  
Assistant Executive Director  
Amy Kraus  
Development Manager  
LeighAnna Beach  
Counselor  
Stephanie Adams  
Counselor  
Jennifer Tucker  
AmeriCorps Member  
Dennis Graham  
Contract Construction Manager

1290 Deerpath Lane  
East Lansing, MI 48823  
517.332.4663  
517.482.8708  
www.capitalareahousing.org

# Overview of CAHP Programs

## Homeownership

### Lansing

Current:  
Affordable Housing Development – Homeownership  
Proposed:  
YouthBuild/Construction Training/Job Development  
Redevelopment of Ferris rental properties (currently held by Cinnaire)  
Thoughts:  
Employer Assisted Home Ownership  
City of Lansing Board Liaison

### East Lansing

Current:  
Downpayment Assistance/Minor Rehabilitation  
Homeowner Rehabilitation  
Employer Downpayment Assistance  
Past:  
Affordable Housing Development – Homeownership  
Avondale Square

### Michigan State University

Employer Downpayment Assistance

### Ingham County

MSHDA funded Homeowner Rehabilitation – 3<sup>rd</sup> Party Admin – launching in August, 2016

### Regional

Homeownership counseling  
Financial Education  
Foreclosure Prevention  
IDA (Individual Development Account)

## Rental/Other

Deerpath – Acquisition/Rehabilitation of 126 affordable family rental units – 2013

Marsh Pointe – Partnership in the acquisition/rehabilitation of 106 affordable senior rental units - 2015

Bailey Center – Acquisition/Rehabilitation of 30 senior rental units (25 affordable/5 market rate) and 9,320 square foot of commercial space – 2016-2017



CAPITAL AREA  
HOUSING  
PARTNERSHIP

# Highlights

## 2016

Capital Area Housing Partnership (CAHP) and Franklin Street Community Housing Corporation (FSCHS) are proud to report a jointly successful 2016 and our impressive past thanks to the help of our hardworking staff, board members, volunteers, local municipalities, and partners who have driven our priorities, productivity and partnerships in the community. Here are some highlights about our past and recent successes:

Investment in the preservation of 126 units of affordable housing at Deerpath Apartments including acquisition and other development costs in 2013.

**\$16.1  
Million**

**220**

Homeowners to which we have provided home purchase and/or rehabilitation assistance in mid-Michigan since 1988.

Senior rental apartments and square feet of commercial space that will be available at the completion of our Bailey Center development in East Lansing during 2017.

**30/9,360**



**\$6,500,000**

Estimated investment in affordable housing generated by programs CAHP and FSCHC have administered since 1987.

Funds recovered for the 629 East Lansing families served by VITA (volunteer income tax assistance) that we hosted in 2016.

**3316**

Households that received homebuyer or financial education, foreclosure prevention, and/or pre-purchase counseling by CAHP & FSCHC since 2005.

**\$742,000**

# What's Happening With Bailey?



## BAILEY HISTORY

The property was built as the Liberty Hyde Bailey School in 1922. In 1985 the site was acquired by the City of East Lansing and coordinated activities with the schools, city and Parks and Recs programs through 2001, at which time the city officially took over all programming in the center. During this time the space housed services such as child care, classes and meeting space.



## DEVELOPMENT PLANS

Capital Area Housing Partnership (CAHP), with the help of PK Development Group, LLC, intends to redevelop the now vacant and underutilized property. The development will include commercial/office space on the first floor, the retention of the building's 'gym' and twenty five to thirty affordable housing units on second and third floors.

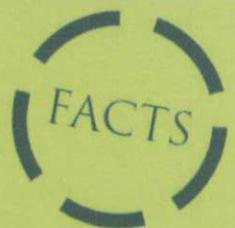


## TIMELINE

The timeline for the redevelopment of Bailey is as follows:

- June 2016** - Start demo on back addition
- July 2016** - Start construction
- August 2016 - August 2017** - Determine commercial/daycare tenants
- July 2017** - Start resident lease up
- October/November 2017** - Complete construction and occupancy

## DID YOU KNOW?



**\$6  
Million  
+**

The estimated construction cost for the 25-30 apartments and commercial/daycare space is designed to follow Local Historic District guidelines as well as include energy efficiency and green design features.

Bailey was named after the Hall of Fame inducted botanist, horticulturist and professor at Michigan State University.

**82  
Rating**

The walk-score rating for the site is 82, labeling it 'very walkable' to shopping, entertainment, schools, parks and medical facilities, increasing its attraction to both commercial and residential tenants.

Creating affordable housing opportunities for income-qualified households also provides opportunities for job creation and/or retention. The City of East Lansing can expect the creation of 28 jobs from the direct and indirect effects of construction, and 8 jobs supported by the induced effects of the spending.

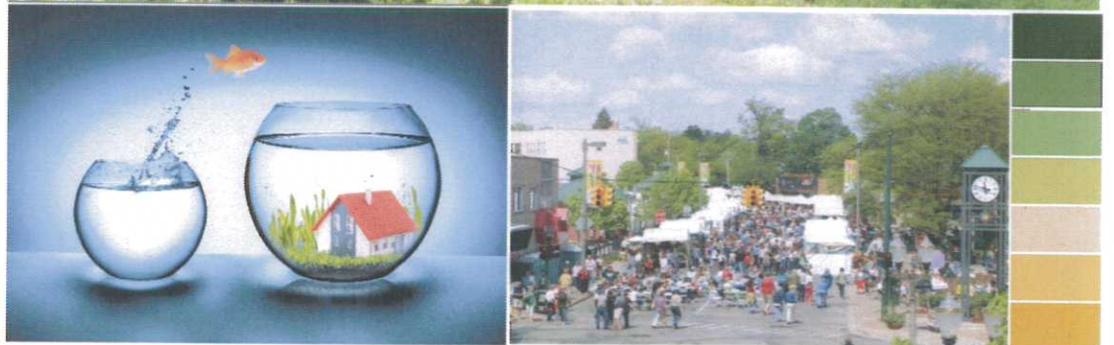
## ***Program Benefits:***

- Attracting/Retaining talent, increased staff satisfaction, reduce staff turnover
- Increased local investment/benefit to the community
- Businesses stand out among competitors
- Offers walk/bike to work options for employees

## ***Program Options Include:***

- Down Payment Assistance
- Individual Development Account (IDA) Match
- Home Repairs/Improvements
- Home-Ownership/Financial Capability Education

# ***Employer Assisted Home Ownership***



**CAPITAL AREA  
HOUSING  
PARTNERSHIP**

1290 Deerpath  
East Lansing, MI 48823

**(517)332-4663**

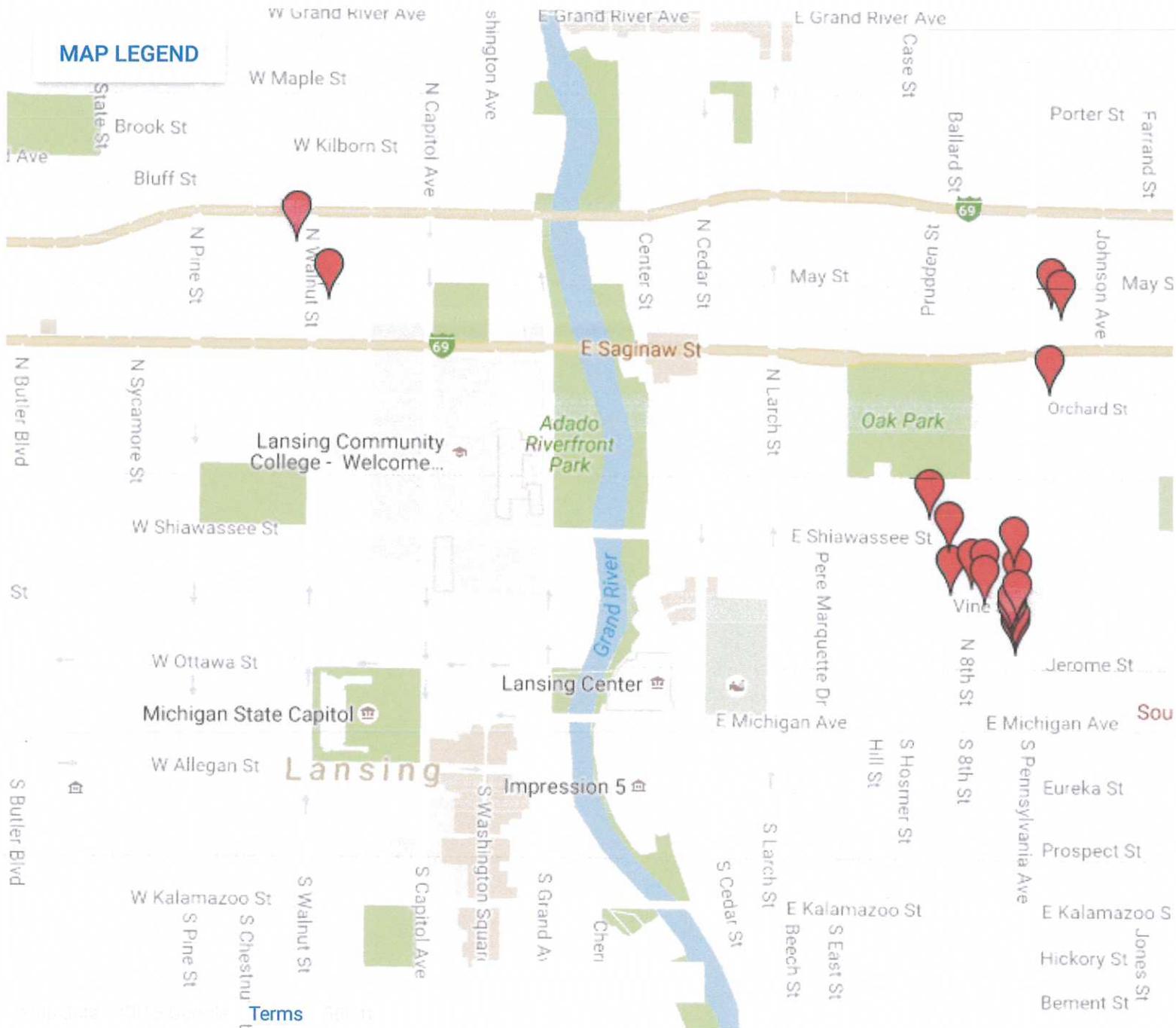
[www.capitalareahousing.org](http://www.capitalareahousing.org)

Capital Area Housing Partnership is a nonprofit Community Housing Development Organization (CHDO) and Community Based Development Organization (CBDO).

### **Mission**

Capital Area Housing Partnership works to develop strong, diverse neighborhoods with a focus on affordable housing, homeownership and financial security in mid-Michigan

**MAP LEGEND**

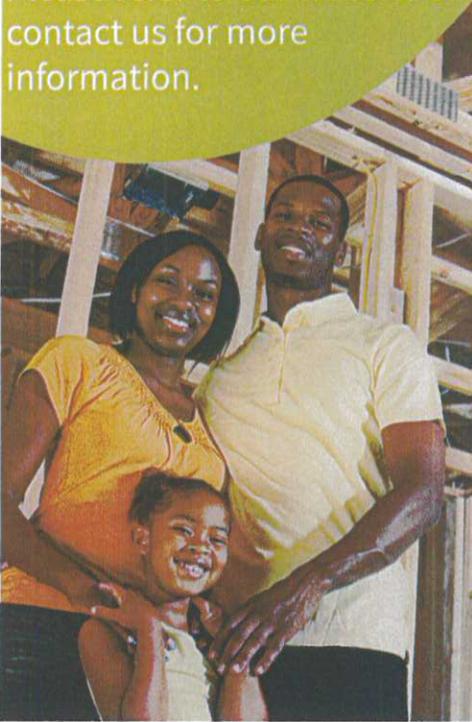


© 2015 Google | [Terms](#) | [Report](#)

### We Can Help...

... you achieve your goals of buying a home and maintaining it. Capital Area Housing Partnership (CAHP), in partnership with Franklin Street, CHC (FSCHC), can provide financial and educational assistance.

Please refer to our website or contact us for more information.



## Who Are We?

### About Us

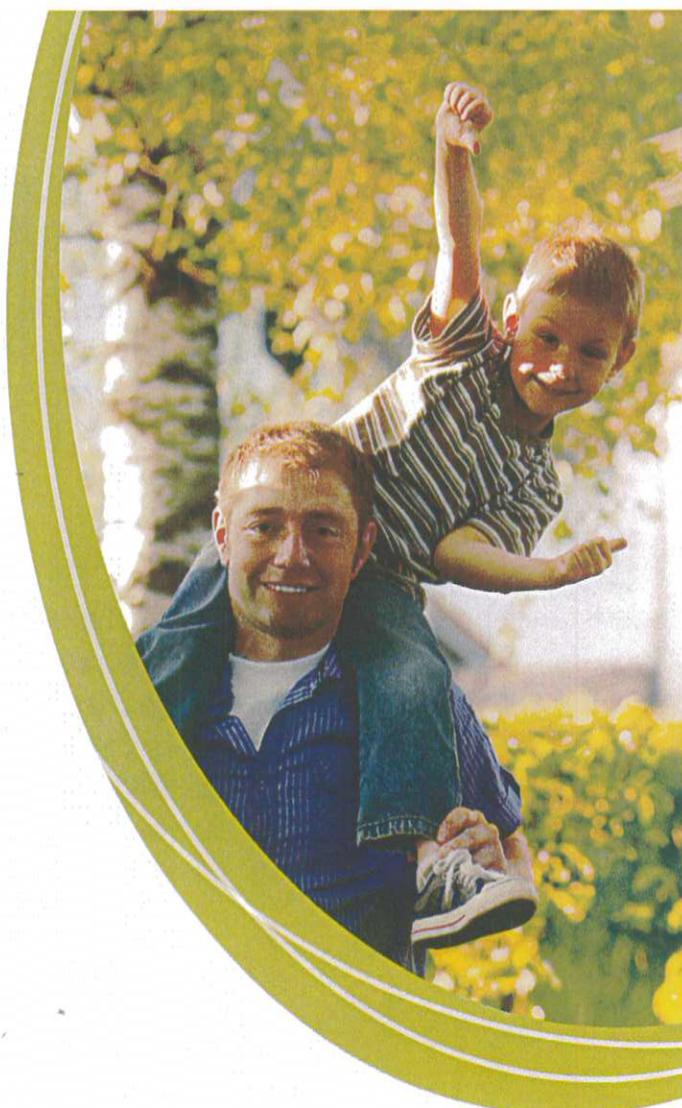
Capital Area Housing Partnership is a non-profit Community Housing Development Organization (CHDO) that has been helping buyers become owners for 23 years. Our partner, Franklin Street, CHC, has been educating and counseling homeowners and buyers for 30 years. Together, we have helped over 2,000 families become successful homeowners and assisted many others to become or remain housed in quality, affordable housing.

### Mission Statement

Capital Area Housing Partnership and Franklin Street, CHC, working in partnership with the community, promotes strong, diverse neighborhoods, affordable housing and homeownership and provides steps to greater financial independence in mid-Michigan.

### Contact Us

Phone: 517.332.4663  
Email: [development@capitalareahousing.org](mailto:development@capitalareahousing.org)  
Web: [www.capitalareahousing.org](http://www.capitalareahousing.org)  
FSCHC Phone: 517.482.8708  
FSCHC Web: [www.fschc.org](http://www.fschc.org)



# HOMEOWNERSHIP OPPORTUNITIES



## What We Offer Home Buyers

### Need Help Funding Your Home Purchase?

We can assist buyers with down-payments, closing costs, and housing repairs. Call today to see if you qualify for one of our many funding programs.

### Preparing for Purchase

If you need a course to qualify for assistance programs or want tools to help you improve financial health, credit score, savings, and mortgageability, we have HUD/MSHDA Certified Counselors ready to help. They provide group and individual opportunities to help you prepare for long-term, successful homeownership.

“Not only was it a pleasure to work with your extremely capable staff, our participation in this program has given us peace-of-mind about the condition of our home for the first time since its purchase and has deepened our ties to the East Lansing community.”

-Michael & Rachel Adams

### Affordable Homes for Sale

Capital Area Housing Partnership is looking for homebuyers to purchase newly renovated or constructed homes in our partnering neighborhoods! Homes are sold prior to construction completion, allowing potential buyers to help select finishes and colors, making the home perfect for the new owner. Bring your imagination and let us show you what we have available.

See the attached list of homes currently available for sale.

## What We Offer Home-Owners

### Financial Education

Struggling with your finances? We provide group and one-on-one assistance with Budgeting, Credit Repair, Banking, Debt Reduction, and more. Services are provided to new buyers to better prepare them for ownership as well as assisting home-owners whose housing is in jeopardy.

### Improve & Repair Your Home

Repairing your home can be stressful and expensive but CAHP is able to help fund home repairs, energy efficiency improvements, repairs/replacements to major home systems, lead paint hazard reduction, and items that improve the home's maintenance and livability. Funds are available in select communities.

### Save Your Home

One-on-one foreclosure prevention counseling is provided to residents of Ingham, Eaton, and Clinton counties at no charge, assisting existing homeowners that are having trouble making payments.



## We Sell Affordable Homes

Capital Area Housing Partnership is looking for new homeowners for our latest comfortable, affordable homes. All homes have been (or will be) renovated, or are brand new.

### Now Available:

- 307 N. Hayford - \$69,000  
Complete renovation  
2 Bedroom home  
Large back yard  
Covered front porch
- 231 Lathrop - \$65,000  
Complete renovation  
3 Bedroom, 1 1/2 bath  
2 Car garage  
Corner lot
- New Construction starting at \$80,000  
Lansing's Eastside Neighborhood  
2 Floorplans available  
1 Car garage included  
Lots currently available at:  
207 Lathrop  
229 Shepard

Hurry! You can pick your own colors!

**Contact CAHP today to discuss housing options!**

517.332.4663

#### Email:

[development@capitalareahousing.org](mailto:development@capitalareahousing.org)

#### Web:

[www.capitalareahousing.org](http://www.capitalareahousing.org)



## Building Capital Class Schedule 2016

<b>Home Buyer Education</b>	July 9 August 13 September 10
<i>Saturdays 9am-3pm</i>	October 15 November 5 December 10

<b>Money Management, Spending Plan, Credit, Insurance &amp; Long Term Planning</b>	July 16** August 3 & 10* September 24** October 12 & 19* November 12** December 7 & 14*
--	--

<b>Debt Reduction &amp; Saving, Banking Basics, Consumer Protection, Healthy Homes</b>	July 6 & 13* August 20** September 14 & 21* October 22** November 9 & 16* December 17**
--	--

\* Wednesday classes  
5:30pm-7:30pm, split  
into 2 sessions  
\*\* Saturdays 9am-1pm

For more information,  
contact Capital Area  
Housing Partnership  
at **517.482.8708**



Been on the fence about buying a home? So were we, but CAHP made it so easy! We attended a free homebuyer education class that helped us find a realtor we loved, a mortgage we could afford, and create a budget we can live within. And, if that wasn't enough, we received funds to help with our down payment and closing costs.  
Your first step is easy—  
[www.capitalareahousing.org](http://www.capitalareahousing.org)  
or (517)332-4663



**CAPITAL AREA  
HOUSING  
PARTNERSHIP**

1290 Deerpath  
East Lansing, MI 48823  
Phone: 332-4663

PLACE  
STAMP  
HERE

Dear Fellow DIYers,  
Is your home asking for repairs or improvements? If so, Capital Area Housing Partnership (CAHP) has a program that assists qualified homeowners with needed repairs.  
Want more information? Visit  
[www.capitalareahousing.org](http://www.capitalareahousing.org)  
or call Sage at (517)332-4663  
We look forward to hearing from you!



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PLACE  
STAMP  
HERE

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East Lansing, MI 48823

Housing: 517.332.4663  
Education: 517.482.8708

[www.capitalareahousing.org](http://www.capitalareahousing.org)  
[development@capitalareahousing.org](mailto:development@capitalareahousing.org)



**CAPITAL AREA  
HOUSING  
PARTNERSHIP**