AGENDA
Committee on Development and Planning
Thursday, March 10, 2016 @ 3:00 p.m.(note time)
10th Floor Conference Room, City Hall
UPDATED 3/8/2016

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**

   - February 11, 2016

4. **Discussion/Action:**

   A.) Ordinance - Z-6-2015; 203 S Clippert Street; Rezoning from "A" Residential to "E-1" Apartment Shop District; Ferguson/Continental Lansing, LLC

   B.) RESOLUTION – SLU-6-2015; Parking Lot at 830/836 E Jolly Road; Community Mental Health Authority

   C.) RESOLUTION – SLU-7-2015; Parking Lot at 1434 E. Jolly Road; Stiles Landscaping

   D.) RESOLUTION – Set a public hearing; Brownfield #65, Potter Flats Redevelopment Project; South Street LLC; 701 E. South Street

   E.) Payment in Lieu of Taxes (PILOT) Saboury Building Apartments; 1113 N Washington

   F.) RESOLUTION – Ordinance Introduction and Setting Public Hearing; Payment in Lieu of Taxes (PILOT) Capitol Park Center

Page 2 – Committee on Development & Planning Agenda

Discussion/Action - Continued

G.) RESOLUTION – Ordinance Introduction and Setting Public Hearing; Payment in Lieu of Taxes (PILOT) Walnut Park Apartments

H.) RESOLUTION – Ordinance Introduction and Setting Public Hearing; Payment in Lieu of Taxes (PILOT) Repealing the Existing Abigail Ordinance

I.) RESOLUTION – Ordinance Introduction and Setting Public Hearing; Payment in Lieu of Taxes (PILOT) The Abigail

J.) **Discussion –** Update on current & active PILOT Programs/Ordinances

K.) **Discussion** – Transparency in Bidding and Opening of Bids(2013 Draft Ordinance)

5) Other

- Ingham County Lead Poisoning Information

6) Adjourn

COMMITTEE on Development and Planning DATE 3/10/16

Please print

NAME	ADDRESS	EMAIL	Representing	PHONE
Mark Mello	1910 Hadley Rd Lapeer MI	MMellosmw7@gmail.com	myself	(517) 214-0804
Marty Polack	1210 Cedar	Martin.Polack@triterra.us		
Brian Stiles		brian@stileslandscape	Stiles	(517) 202-0688
Chris Stallwood	1225 Turner	cstallwood@gmail	F/C	371.2515
Dave Van Haaren		DAVE.VANHAAREN@TRITERRA.US	TRITERRA	517-927-5227
Eric O'Leary		oleary@leelanewcellars.com	LL Consultants	734-769-1428
Marc Crane	5800 Executive Dr 48911		Self	517-749-5569
Fred Frederickson	419 S Washington Lansing MI 48933	ffrederickson@tcpartdem.org	Self	517-882-3701
J.B. Curry	333 N. Penn St. Indianapolis IN 46204	jcurry@tnggroup.com	TNG	317-804-6349
Elizabeth Whitbeck	" "	" "	" "	" "
Joe Whitbeck	" "	" "	" "	" "
KEVIN RORAGEN	LOOMIS LAW FIRM 124 W. Allegan #700 Lansing 48933	kjroragen@loomislaw.com	TNG	517-482-2400
KURT KRAHULIK	1210 N. CEDAR, SUITE B LANSING, MI 48906	kkrahulik@dcengpc.com	Stiles	517-896-5851
Rich Baker	1434 E Jolly	R.Baker@stileslandscape.com	Stiles	517-712-8358
Julie Powers	600 W. Maple Lansing MI 48906	julie@glhc.org	GLHC	517-372-5980
Tom Edmiston	1118 S Washington	TEdmiston@cinnaire.com	Cinnaire	517 364-8907

Mary Lauckner 1027 Sequoia Dr MC@AskMeHouse.com self 517-484-3127

Sue Stachowicz Planning — 4085

MINUTES
Committee on Development and Planning
Thursday, March 10, 2016 @ 3:00 p.m.
10th Floor Conference Room, City Hall

CALL TO ORDER
The meeting was called to order at 3:00 p.m.

ROLL CALL
Council Member Jody Washington, Chair
Council Member Jessica Yorko, Vice Chair- arrived at 3:03 p.m.
Councilmember Judi Brown Clarke, Member.

OTHERS PRESENT
Sherrie Boak, Council Staff
Mark Mello
Marty Polack, TriTerra
Bruce Stiles
Chris Strallwood, FLC
Dave VanHaaren, TriTerra
Eric O'Leary, LC Consultants
Marc Krantz
Fred Frederickson
J. B. Curry, TWG
Elizabeth Whitsett, TWG
Joe Whitsett, TWG
Kevin Roragen, TWG
Kurt Keahulik, Stiiles
Rich Baker, Stiles
Julie Powers, GLHC
Tom Edmiston, Cinnaire
Mary Eclainskewia
Sue Stachowiak, Planning & Neighborhood Development
Robert Johnson, Planning & Neighborhood Development
Karl Dorshimer, LEAP
Gabriella Allum, LEAP
Steve Willobee, LEAP
Brad Brandent
Glen Freeman
Tim Damon, Chamber of Commerce

Mary Elaine Keener
Austin Ashley

MINUTES
Moved to the next meeting.

Council Member Washington amended the agenda to remove item J. since PILOT's will be discussed at the March 21, 2016 Committee of the Whole meeting. Item K. Transparency on Bidding and Opening of Bids to the first item.

Council Member Washington then reminded the Committee that when two (2) people of a Committee hold discussions outside of a posted meeting is a quorum, out of order and should not happen. It does not matter if in a leadership manner, and she concluded by stating that as Chair of this Committee she would like notification and the public should notify of those communications.

DISCUSSION/ACTION
Transparency in Bidding and Opening of Bids (2013 Draft Ordinance)
Council Member Washington noted that the ordinance in 2013 was approved by the City Attorney office but was voted down at Council that year. Council needs to know when they hand out approval of projects what they have to follow. The Committee should review the draft ordinance from 2013.

Mr. Mello spoke in support of the skilled trades in the Tri-County area, but have a concern they are not getting a chance to bid.

Council President Brown Clarke noted they will have to review the process and why the timeline stopped on the ordinance in 2013 and why there was no public hearing.

Mr. Krantz asked if Council would consider the thought of responsible bidder contracting, and then he submitted fair contracting information from the National Alliance for Fair Contracting website.

Mr. Fredrickson stated his opinion that Council needs to know who is bidding on the jobs and who is getting the jobs.

Mr. Brandent spoke in support of the transparency policy.

Council Member Washington noted that as it states now, the development does not have to or is required to hire local but she wants to make sure local contractors have the opportunity to bid.

Mr. Freeman spoke on behalf of local workers who want a chance to bid on the jobs, and wishes to speak to the developers before it goes out to bid.

Council Member Washington asked that all representatives are present at the table for future discussions.

Mr. Damon asked to be included for an interest in hearing what the issues are.

Council Staff was asked to forward the 2013 Draft to the Committee. Council Member Wood stated she would provide history information. Council Member Washington noted that since there has been a gab in time, the Committee should review the complete document.
Mr. Whitsett noted it that it is not difficult to ask for local contractors to bid on the projects.

Z-6-2015; Ordinance for 203 S Clipper from "A" Residential to "E-1" Apartment Shop District
Council Member Yorko and Brown Clarke noted that at the public hearing at Council there was no public input. Council Member Washington asked if this rezoning was part of the Red Cedar project. Mr. Willobee noted that they development is under agreement, but if the deal does not happen with Ferguson and Continental then this would still be a favorable rezoning for the City to remarket. Ms. Stachowiak added that "A" was appropriate for a park of golf course, however "E-1" allows mixed use to the highest density along with commercial and office and that is what is being proposed. This will also allow a height of 100' and reduced setbacks.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE ORDINANCE FOR Z-6-2015 FOR THE REZONING OF 203 CLIPPERT FROM "A" RESIDENTIAL TO "E-1" APARTMENT SHOP DISTRICT. MOTION CARRIED 3-0.

RESOLUTION- SLU 6-2015; PARKING LOT AT 830/836 E JOLLY; COMMUNITY MENTAL HEALTH AUTHORITY
Ms. Stachowiak noted that the CMH is currently in the site plan review process to expand their facility and increase services to this is logical expansion to the east.
Council Member Yorko noted that at the public hearing at Council the residents that spoke were happy with the plans, however there was an issue with the direction the cars would be facing in the lot, and they didn't' want headlights facing the houses. Council Member Washington confirmed she had visited the site and was also concerned, and asked that the work on a buffer that will address this. The applicants reviewed the plans and layout with the Committee and agreed to put fencing up, meet with residents and also make the existing fence of solid material.

MOTION TO BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RESOLUTION FOR SLU 6-2015; PARKING LOT AT 830 & 836 E. JOLLY. MOTION CARRIED 3-0.

Council Member Wood asked for a timeline from the applicants. The applicants stated they would work with Spartan Fence on a site visit and quote over the next 45 days. Council Member Washington accepted that option.

RESOLTUION- SLU 7-2015; PARKING LOT AT 1434 E. JOLLY ROAD
MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR SLU-7-2015 FOR THE PARKING LOT AT 1434 E JOLLY ROAD. MOTION CARRIED 3-0.

RESOLUTION – SET THE PUBLIC HEARING FOR BROWNFIELD #65; POTTER FLATS REDEVELOPMENT PROJECT
Mr. Dorshimer confirmed that the developer will be at the public hearing. Ms. Allum outlined the site as the former Knapps warehouse, and plans for a 2 story rehabilitation. This will include the first floor of a salvage store, and 2nd floor as an encubator for trade services and work space.

Representatives from TriTerra outlined the project for the 37,500 square foot building which does include 19 units of lease space. Eligible activities include $29,750 of environmental costs, $600,550 of non-environmental costs, with a total estimate of eligible activities at $738,345.00. Some aspestis was found but there will not be a lot of earth work needed. Most of the cost is for demolition and aspestis removal.

Mr. Dorshimer noted that with the plan they will only capture the new taxes. Current taxes will be continue to be paid, only the increase in taxes as part of the private development will be reimbursed. With the new value and new taxes at 90%, with 10% estimate at $124,000 of new taxes, the new taxes to debt is $80,000. Council Member Yorko asked if the payment gets paid over 20 years, and Mr. Dorshimer confirmed. The breakdown depends on the plan, and in this case it is 1% over the years so you will see a ramp up of value consistent at 1% over time.

Council Member Brown Clarke asked for detail on the time line and verification of location on the river. The representatives planned for summer 2016 as the start date, and a year for the project. There are funds in the budget for clearing and grubbing along the river front.

Council Member Wood asked Mr. Dorshimer if all the taxes had been paid on this project and any other project the developer owns. Mr. Dorshimer confirmed they were paid. Council Member Wood then referenced the signed agreement, but no initial by the developer on the applicant acceptance of notice and reporting requirements and local preferences in hiring, procurement of goods, services, contracting and subcontracting. Mr. Dorshimer stated they will have it done before Council is asked to vote.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR BROWNFIELD #65 FOR MARCH 28TH. MOTION CARRIED 3-0.

Council Member Washington asked for all information from LEAP to be provided by the March 28th hearing.

PAYMENT IN LIEU OF TAXES (PILOT0 SABAOURY BUILDING APARTMENTS, 1113 N WASHINGTON

Council Member Brown Clarke noted to the group that there will be a further discussion on PILOT's on March 21st at a Committee of the Whole meeting. She then asked any action on this be placed on the next Committee agenda on March 24th and then Council on March 28th.

Ms. Powers voiced her frustration with a delay since there are timelines with MSHDA approaching April 1st. Ms. Powers then spoke in support of the project and other projects Dr. Saboury had done in Old Town.

Council Member Washington reminded everyone present that applicants should submit sooner so they would not be concerned with a time crunch. This topic needs to be a regional discussion. Council Member Washington then asked if Mr. Saboury had already been given a Brownfield for the site, and Mr. Dorshimer stated there was no benefit from a Brownfield so he did not. Mr. Saboury with the PILOT because there was a benefit, and there had not been any submission to MSHDA in the past for this.

Council Member Yorko suggested moving it onto Council.

Council Member Washington suggested discharge it to Committee of the Whole then that Committee can move it to Council. There still needs to be discussions.

Council Member Yorko asked Mr. Abood if since the public hearing had been held, and the Committee now has a resolution for adoption in front of them, can it be moved to Council. Mr. Abood stated the action is deemed by the majority of this Committee.

Council Member Washington moved the item to the next Committee meeting on March 24th.

RESOLUTION – ORDINANCE INTRODUCTION AND SETTING PUBLIC HEARING FOR PILOT FOR CAPITOL PARK CENTER

Mr. Johnson informed the Committee that this was the site of Michigan Broadcasting which is being proposed as 48 units of low income on 5.5 acres with a 4% match on the mortgage for 30 years.

Mr. O'Leary introduced himself as representative of the developer who currently has projects going in Grand Rapids, Jackson and Detroit, and this will be their first in Lansing. The site currently has tax credit that will expire within 2 years.

Council Member Washington asked Mr. O'Leary if they would consider paying a higher percentage rate for less years. Mr. O'Leary noted they are open to a reconsideration of the percentage rate, but want the 30 year time frame. Council Member Washington reminded Mr. O'Leary that if they came in at 10% they would not need Council approval.

Council Member Wood gave an overview of the property from when it was sold by the State of Michigan and what the neighborhoods have been promised over the years.

Council Member Washington stepped away at 4:00 p.m. and passed the gavel.

Council Member Wood is opposed to what is being proposed because that is not what the neighborhoods want.

Council Member Washington returned to the meeting at 4:02 p.m. and Council Member Yorko passed the gavel.

Council Member Washington voiced her concern with the project and where the vision of the City is going. She went on to ask if Mr. O'Leary had spoken to the neighbors. Mr. O'Leary confirmed they spoke to the neighbors, but not the neighborhoods.

Council Member Yorko introduced herself to Mr. O'Leary as the Council Member from the Ward where the project is planned, and informed him that this was the first time she had seen the plan. The developer needs to reach out to her and the neighborhood associations.

Mr. Johnson made not to the Committee that this is an example of financial issues, because plans under PILOTs do not get review by the PND for PILOT approval or recommendations.

Mr. O'Leary stated that the process came together quickly in December and they have been working diligently to prioritize. Council Member Washington asked if they could apply again in October, and Mr. O'Leary agreed.

Council Member Yorko stated she would be fine for setting the public hearing on March 28th and she will reach out to the neighborhoods, but she would still need to see more information before then.

Council Member Brown Clarke asked Mr. O'Leary to confirm there was two years left on the tax credit. Mr. O'Leary stated it will expire May 2018, and if they received this PILOT they would submit in April but know until July. Council Member Washington clarified to Mr. O'Leary he needs to obtain neighborhood involvement and reconciliation.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION TO INTRODUCE THE ORDINANCE AND SET THE PUBLIC HEARING FOR CAPTIAL PARK CENTER. MOTION FAILED 1-2.

RESOLUTION – ORDINANCE INTRODUCTION AND SETTING PUBLIC HEARING; PILOT TO REPEAL THE EXISTING ABIGAIL ORDINANCE

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RESOLUTION TO INTRODUCE THE ORDINANCE AND SET THE PUBLIC HEARING FOR MARCH 28TH FOR THE REPEALING THE PILOT ORDINANCE FOR THE EXISTING ABIGAIL. MOTION CARRIED 3-0.

RESOLUTION – ORDINANCE INTRODUCTION AND SETTING PUBLIC HEARING; PILOT FOR WALNUT PARK APARTMENTS

Mr. Johnson informed the Committee that this part of the project is for 72 family units family, of new construction, and they are asking for the 4%. The following item, Abigail, is using the existing buildings. The length of the PILOT is based on the mortgage.

Council Member Washington asked Mr. Whitsett why he won't take higher than 4%. Mr. Whitsett stated that with the recent changes in tax credit law, they have a choice where they can do 4% but cannot do market rate units. They will have 20% of the apartments as family market rate as affordable. If they plan it with 20% of the units that way, they will request 4%. They would be willing to go up to 10% but without market rate.

Mr. Johnson noted there is a bump in the value, if no qualified value, but a 30% boost in the credit value in eligible cost, there is more equity less debt.

Mr. Whitsett informed the Committee he did a census track on the site and to be eligible you have to be at 50%, and track 50% medium income. The proposed does qualify for the census track and the neighborhood is market rate.

Council Member Washington asked that the 3 bedroom units be at market rate. Mr. Whitsett stated that to do market rate units, he would need 4% with 20% of the units at market rate, or all low income and 10% rate. The senior housing units will have 10% of them at market rate. Council Member Washington reiterated that they plan for 10% of the senior units to be market rate, and 20% of the family units at market rate. Mr. Whitsett confirmed.

Mr. Whitsett then asked for the opportunity to have the option to renegotiate with local bidders on the projects. Mr. Freeman was introduced to Mr. Whitsett.

Council Member Washington asked if the hearing was set for March 28th, if he could provide all the information to Council on the market rate by then.

Ms. Keener acknowledged the developer for his openness to listen, and then acknowledged the Committee for taking the initiative to hold the upcoming meeting on March 21 on PILOT's.

Council Member Washington asked Mr. Whitsett what is plans were for the remaining 10 acres. Mr. Whitsett admitted he is not looking at doing affordable housing there, but the acreage does give him options for 20 units of market rate, but will see how these earlier phases go before he determines. He would not committee to affordable housing. Council Member Washington then

asked what his plans for senior housing is if they do not fill all the low income units, and Mr. Whitsett admitted they will have to lower the rents to get them in and keep them there for 30 years. Council Member Washington acknowledged Mr. Whitsett for his discussion and review, then asked how often do they have to perform the census track for qualifications, and Mr. Whitsett acknowledge every year.

Mr. Ashley spoke in support of the TWG development at the Abigail.

Council Member Washington asked that the documents be changed to reflect what was stated by Mr. Whitsett on the 20% market rate in family and 10% market rate in the senior housing and provided to the Committee prior to the public hearing. Mr. Whitsett confirmed he has been diligently working and it can be done. Mr. Abood confirmed it can be done.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION TO INTRODUCE THE ORDINANCE AND SET THE PUBLIC HEARING FOR MARCH 28TH FOR THE REPEALING THE PILOT ORDINANCE FOR THE EXISTING ABIGAIL. MOTION CARRIED 3-0.

RESOLTUION – ORDINANCE INTRODUCTION AND SETTING PUBLIC HEARING FOR PILOT FOR THE ABIGAIL

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RESEOLUTION TO INTRODUCE THE ORDINANCNE AND SET THE PUBLIC HEARING FOR MARCH 28TH FOR THE PILOT FOR THE ABIGAIL. MOTION CARRIED 3-0.

Council Member Washington stated the PILOT for the Abigail and the Repeal for the Abigail along with the PILOT for Walnut Park Apartments will be on the Committee on Development and Planning agenda for March 24th, and if there are no issues at the hearing on March 28th, they will also be up for approval that night.

Council Member Wood asked Mr. Johnson to provide Council with information on how much the City is getting in taxes, and Mr. Johnson stated he would follow up with the Assessor.

Other

Ingham County Lead Poisoning Information

Council Member Washington stated this topic should be handled in public safety with code compliance, and therefore asked Council Member Wood, Committee on Public Safety Chairperson to address it immediately. Council Member Wood stated she would speak to her Committee members about the topic and possibly meeting more frequently.

Council Member Brown Clarke noted they could also collaborate with the Committee on Intergovernmental Relations to pull in other regional partners.

Adjourn at 4:53 p.m.
Submitted by,
Sherrie Boak, Recording Secretary,
Lansing City Council
Approved by the Committee on March 24, 2016

DRAFT

MINUTES
Committee on Development and Planning
Thursday, February 11, 2016 @ 3:30 p.m.
10th Floor Conference Room, City Hall

CALL TO ORDER
The meeting was called to order at 3:40 p.m.

ROLL CALL
Council Member Jody Washington, Chair
Council Member Jessica Yorko, Vice Chair
Councilmember Judi Brown Clarke, Member- arrived at 3:44 p.m.

OTHERS PRESENT
Sherrie Boak, Council Staff
Martin Polack, Triterra
Jarl Brey, Capitol Zip
Jane Timmer, Capitol Zip
Jessica DeBone, PM Environmental
Gabriela Allum, LEAP
Karl Dorshimer, LEAP
Tom Lapka, Saboury
Austin Ashley, OTCA
David Vanderklok
Roger Thornburg
Susan Cancro, Advent House; Greater Lansing Homeless Network
J. B. Curry, TWG Development
Joe Whitsett, TWG Development
Brett Kaschinske, Parks and Recreation Director
Bill Rieske, Planning & Neighborhood Development
Mary Elaine Keener
Susan Stachowiak, Planning & Neighborhood Development
Bob Johnson, Planning & Neighborhood Development
Joseph Abood, Deputy City Attorney
Mark Dotson, Deputy City Attorney

MINUTES
MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE MINUTES FROM JANUARY 28, 2016 AS PRESENTED. MOTION CARRIED 2-0.

DISCUSSION/ACTION

RESOLUTION –ACT-6-2015; Lease portions of Adado Riverfront Park on each side of Grand River; Capitol Zip, LLC; 10 years

Mr. Kaschinske informed the Committee that the applicants had been before the Parks Board board multiple times and had considered several locations. There were also discussions held with the Administration and Scott Keith (LEPFA) on the now proposed site which is north of Saginaw Street on City property on both sides of the river. Mr. Kaschinske concluded by confirming for the Committee that both the Park Board and the Planning Board both approved it.

Mr. Brey and Ms. Timmer outlined their proposal which also included their vision for a leadership program and school coordination events. Mr. Brey did inform the Committee that they will give back on a 10 year lease and a percentage of the gate will go back into the Parks and Recreation budget, therefore a new revenue stream for the City.

Council Member Washington asked who will run the facility that pays the insurance and what the anticipated hours are. Mr. Brey answered the liability is built into the plan, which covers a certain number of visitors and if they exceed that, they will settle up at the end of the year. If we estimate 40,000 and they have 60,000 come thru they pay the difference. The hours will be 10 a.m. to 11 p.m. with potential of different hours during event. They will also install fencing and create every possible measure to best keep the structure protected from easy access. It will also be lite. Their season will be March thru November depending on the weather. Mr. Brey concluded that the structure itself is Michigan made from Allegan Michigan.

Council Member Yorko asked if Mr. Brey had ever utilized this project on public land before. Mr. Brey admitted they had not, and hope to make this a model.

Council Member Washington informed the group that she had asked Mr. Kaschinske about the lease amount and was informed that if the lease went over 5 years it will go to Council. Therefore if the Committee approves the ACT-6-2015 now they are approving no matter what the lease amount is.

Committee Members and Mr. Brey discussed the actual zip line process, structure, harnesses, safety and adaptive harnesses for participants with disabilities. Mr. Kaschinske confirmed that maintenance and upkeep along with restoration will be in the contract.

Mr. Brey lastly informed the Committee that they have an agreement with a retail facility on Center Street to house their equipment, and offer restrooms. There is also parking on that site. Council Member Washington asked if there would be bike rakes at the structure. Mr. Kaschinske stated he would check for bike rakes at the River Trail parking.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR ACT-6-2015 FOR CAPITIOL ZIP LLC. MOTION CARRIED 3-0.

Council Member Washington informed the applicants, group and public present that the following agenda items are to set the required public hearings, and therefore their presentations can be done at the public hearings themselves.

RESOLUTION – Ordinance Introduction and Setting Public Hearing; Payment in Lieu of Taxes (PILOT) Saboury Building Apartments; 1113 N Washington

Mr. Lapka on behalf of Mr. Saboury outlined the project for 24 units of affordable housing, 1-2 bedrooms, and 30%-60% medium income, with 1st floor commercial space. The project will be a 37 year pilot. Council Member Washington asked Mr. Lapka if they had been before the Committee with a PILOT before, and it was confirmed they had however they did not score well and so it was re-written, underwritten and went thru MSHDA.

Council Member Washington asked if the property had been taken care since it still sits vacant. Mr. Johnson confirmed the lot is maintained, the property is secure and it is in decent condition. Council Member Washington asked if there any other PILOT's on the property, and Mr. Johnson stated no. Council Member Washington asked if it would be senior housing and Mr. Lapka stated it would be family housing. Council Member Washington then referenced a past development known as Ferris Development at which point it was stated that the only PILOTs Council can grant are for senior housing.
Mr. Lapka asked for Committee consideration since they have housing authority application dues in April.

Council Member Washington then spoke to everyone in the room referencing agenda item 4.D)-Z-1-2016; stated that in the future as Committee Chairperson she will make determinations on the agenda and she will not rush items thru because the applicants are not prepared. It is not fair to Council to be rushed into a decision to have items come to Committee in 3 days.

Council Member Brown Clarke asked what decision making matrix was used to make sure it will be affordable or fair market housing. Mr. Lapka noted it will be affordable housing first and not market rate. So they obtained a market study at the site to see if they could lease at those rates. With affordable housing rates and the equity they can keep the rates at the 30-50% level, and to get rent to make the project viable. The market rate study rents were not high enough to support the debt. Affordable housing in that area will fill up and stay rented. Council Member Washington stated her understanding that this site is now a prime site for affordable housing.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION TO INTRODUCE THE ORDINANCE FOR THE PILOT FOR 1113 N WASHINGTON AND SET THE PUBLIC HEARING FOR FEBRUARY 29, 2016. MOTION CARRIED 3-0.

Council Member Washington referenced map information provided by Mr. Johnson's office along with a recent spreadsheet that listed PILOTS in Lansing. It was also noted that not only do PILOT's not pay taxes, but also church properties, school properties, governments, hospitals and any tax abatement. Council Member Brown Clarke asked for an additional graphic on the PILOT list that would show any low income housing. Council Member Yorko recalled MSU doing a study on this with maps. Council Member Washington agreed, but wondered if that was only for senior housing. There needs to be a study on apartments in the City and research their rental rates. Council Member concluded stating that the City does not have a lot of market rate, and almost no high end.

RESOLUTION – Set Public Hearing; Brownfield Plan #64; South Edge Lofts Project; 616 S. Washington Avenue Properties LLC

Ms. Allum introduced Ms. DeBone and Mr. Thornburg. The location of the site is the corner of St. Joseph and Washington. There are 4 parcels which were recently combined. Those consisted of a former parking lot, an apartment building and office building and an additional surface lot. In the occupied spaces the tenants are paying a month to month lease. In the

existing surface parking lot items were identified so soil will have to be managed, taken to a type two landfill and they will install a surface cover. This process makes the project Brownfield eligible.
Mr. Thornburg details the project of new office at 13,000 square ft. and 45000 residential. Based on a residential market rate study, they will be studios, one bedroom, two bedrooms and lofts. Council Member Yorko complimented the applicant on how their plans are to maintain the historical structures and build around them. Mr. Thornburg confirmed the residential structures will be wood build, and the office will be steel.
Council Member Washington asked if the applicant had done any community outreach to the surrounding neighborhoods. It was confirmed they had met with the Reo Town Association and received their supported. Council Member Yorko offered her assistance to coordinate an outreach event since it is in her Ward.

Ms. Stachowiak informed the Committee that since the project will also be going thru a rezoning the public hearing for the Planning Board will reach everyone within 300 feet. A portion was rezoned a few years back to G-1 so this will be a partial rezoning.

Council Member Washington asked if the applicant had reached out to the local labor and if it will be an open bid. The applicants stated they have a partner in the project that is a general contractor, but when they do open bid for subcontractors their list is 50/50 of open shop and union labor.

Council Member Yorko referenced page 6 & 7 of the Brownfield Plan and asked what taxes are currently generated and what it will look like. Ms. DeBone noted that taxes will continue to be generated to taxing jurisdictions on local and school millages at the base taxable value of $383,400 throughout the duration of the plan totaling approximately $455,379.

Mr. Dorshimer confirmed that the base value stays the same the Brownfield invests to the new market value and tax value. That will be an increase in taxes in 90% collected. This Brownfield will last 17 years. They will still collected taxes at what the value is now, and they are reinvesting the funds and will be reimbursed from their own money.

Council Member Washington asked Ms. DeBone to provide the specifics and information in writing to Council Member Yorko to report out on February 22, 2016.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR MARCH 14, 2016 FOR BROWNFIELD PLAN #64. MOTION CARRIED 3-0.

Council Member Brown Clarke asked what study was used for the rental rates. It was noted that they looked at the corridor study and drew conclusions that there were enough low income in the City, but the City needed more multi rate and low income single family.

<u>RESOLUTION – Set Public Hearing; Z-1-2016; TWG Development; 635 W Willow to DM-4 Residential; 656 W. Maple to DM-1 Residential</u>
Ms. Stachowiak informed the Committee there are three parcels with this development however the Abigail property was already rezoned to DM-1 for this type of use. One parcel is 656 W. Maple, which is the former high school and will be used for 18 affordable senior housing units. These would then be combined into one parcel all DM-1.

The parcel at 635 W. Willow will be affordable housing with no age restriction, and will require the highest residential zoning. These will be kept separate for tax purposes, but function as one site. If Council were to factor density in, the two parcels total is lower density. The density on the property on Willow is currently the same density at Willow Vista.
Mr. Ashley stated there was lots of neighborhood support.

Council Member Washington asked what happens if the rezoning passes but the project doesn't happen. Ms. Stachowiak noted that the property can be used up to the density in which it is located and affordable housing has no effect on the zoning, we can restrict income levels.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RSOLUTION TO INTRODUCE THE ORDINANCE FOR Z-1-2016 AND SET THE PUBLIC HEARING FOR MARCH 14, 2016. MOTION CARRIED 3-0.

OTHER

City Attorney Update on Ownership of SkyVue

Mr. Abood stated that the Office of the City Attorney's understanding is that the ownership consists of Lansing Property 1 LLC, which represents EdR Corp. and Rise Development Corp.. It is our further understanding that predicated upon anticipated performance, EdR Corp. and Rise Development Corp. will be 50/50 share-holders or stakeholders in the project. This ownership information satisfies Law. Council President Brown Clarke asked who was localized on the project, and Mr. Abood stated his understanding that the oversight of the project is Edr and Rise, but they do not know if those individuals are local.

Ingham County Lead Poisoning Information

Council Member Washington noted that the entire discussion will occur at the March 10th regular Committee meeting. Council Member Yorko distributed additional information referencing Detroit and also a sheet of problems and solutions. Council Member Washington noted that the discussion at the March 10th meeting will also be do discuss the appropriate referral of the item to the Ad Hoc on Land Contracts and Rental Housing, Committee on Public Safety or the Committee of the Whole. Council Member Yorko pointed out in the examples she provided of Rochester where the municipality educated residents how to prepare for the inspections with lead remediation. Council Member Brown Clarke encourage the Committee to move towards a viable example, scenarios and research what other communities did so that when it is referred to the other Committee there are Committee on Development and Planning recommendations on findings, examples and solutions. Council Member Washington agreed that the item needed to be passed along as a complete package on how Council can address it not how they can't do anything. This could include a presentation at Committee of the Whole by Ingham County Health on the problems and potential solutions.

Adjourn at 4:50 p.m.
Submitted by,
Sherrie Boak, Recording Secretary,
Lansing City Council
Approved by the Committee on_____

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-6-2015, 203 S. Clippert Street, rezoning from "A" Residential District to "E-1" Apartment Shop District

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

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-6-2015
Address:	203 S. Clippert Street
Parcel Number:	PPN: 33-01-01-14-426-001
Legal Descriptions:	COMMENCING 1.5 RODS EAST OF THE NW CORNEROF E 1/2 OF SE 1/4 SECTION 14, THENCE E ON 1/4 LINE SECTION 14 1295.25 FEET +/- TO E 1/4 POST SEC 14, S ON E LINE SECTION 14 660 FEET +/- TO SW CORNER LOT 23 SUPERVISORS PLAT NO 1, E 206.6 FEET TO E LINE OLIN STREET AT SW CORNER LOT 17, N ON E LINE OLIN STREET 100 FEET, E 259.5 FEET TO W LINE COOPER STREET, S ON W LINE COOPER STREET 100 FEET TO SE CORNER LOT 17, E 49.5 FEET TO E LINE COOPER STREET AT SW CORNER LOT 15, N ON E LINE COOPER STREET 100 FEET, E 416.5 FEET +/- TO W LINE RENIGER COURT, S ON W LINE RENIGER COURT 100 FEET TO SE CORNER LOT 15, E 50 FEET TO E LINE RENIGER COURT AT SW CORNER LOT 6, N ON E LINE RENIGER COURT 100 FEET, E 199 FEET +/- TO E LINE LOT 6 SUPERVISORS PLAT NO 1, S 50 FEET +/- TO POINT 22 R +/- W OF SW CORNER BLOCK 1 MOORES, CHURCH, SCOVELL SUBDIVISION, E 330 FEET +/- TO POINT 33 FEET W OF SW CORNER BLOCK 1 MOORES, CHURCH, SCOVELL SUBDIVISION, S ON W LINE MOORES, CHURCH, SCOVELL SUBDIVISION TO RED CEDAR RIVER, W'LY ALONG N'LY BANK RED CEDAR RIVER TO POINT 288.75 FEET E OF W LINE OF E 1/2 OF SE 1/4 SECTION 14, N TO S LINE E KALAMAZOO STREET, W'LY ALONG S'LY LINE E KALAMAZOO STREET TO POINT 24.75 FEET E OF W LINE OF E 1/2 OF SE 1/4 SECTION 14, N TO BEGINNING; SECTIONS 14 & 13 T4N R2W, CITY OF LANSING, INGHAM COUNTY, MI, from “A” Residential District to “E-1” Apartment Shop 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: 1/7/16

RE: Resolution— SLU-6-2015—Parking Lot at 830/836 E. Jolly Road— Community Mental Health Authority

---

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-6-2015, Special Land Use Permit - Parking Lot - 830/836 E. Jolly

Date: January 6, 2016

The Lansing Planning Board, at its regular meeting held on January 5, 2016, voted (4-0) to recommend approval of a request by Community Mental Health Authority for a Special Land Use to construct a new parking lot at 830/836 E. Jolly Road. Parking lots are permitted in the "A" Residential district, which is the zoning designation of the subject 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-6-2015, with the condition that that parking lot lights do not exceed a height of 20 feet and are shielded to prevent glare onto adjacent properties.

At the Planning Board public hearing held on January 5, 2016, the applicant's representatives spoke in favor of the request and one resident that lives adjacent to the subject property expressed concerns about the proposed parking lot.

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:

SLU-6-2015, Special Land Use, Surface Parking Lot in the "A" Residential District, 830/836 E. Jolly Rd.

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

SLU-6-2015
Parking lot in the “A” Residential District
830/836 E. Jolly Road

WHEREAS, Community Mental Health Authority has requested a Special Land Use permit (SLU-6-2015) to permit a parking lot at 830/836 E. Jolly Road; and

WHEREAS, the property is zoned “A” Residential District, where parking lots 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 January 5, 2015, at which the applicant’s representatives spoke in favor of his request and one resident that lives adjacent to the subject property expressed concerns about the proposed parking lot; and

WHEREAS, the Planning Board, at its January 5, 2016 meeting, voted (4-0) to recommend approval of SLU-6-2015 for a Special Land Use to construct a parking lot at 830 & 836 E. Jolly Road, based upon the findings of fact as outlined in this staff report, with the condition that parking lot lights do not exceed a height of 20 feet and are shielded to prevent glare onto adjacent properties; and

WHEREAS, the City Council held a public hearing regarding SLU-6-2015 on _____, 2016; and

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

NOW THEREFORE BE IT RESOLVED that the Lansing City Council hereby approves SLU-6-2015, a Special Land Use permit to construct a parking lot at 830 & 836 E. Jolly Road, based upon the findings of fact as outlined in this staff report, with the condition that parking lot lights do not exceed a height of 20 feet and are shielded to prevent glare onto adjacent properties.

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, the City Council determines the following:

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

CITY OF LANSING
NOTICE OF PUBLIC HEARING

SLU-6-2015, 830 & 836 E. Jolly Road
Special Land Use Permit – Parking Lot

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-6-2015. This is a request by Community Mental Health Authority for a Special Land Use to construct a parking lot at 830 & 836 E. Jolly Road. Parking lots are permitted in the "A" Residential district, which is the zoning designation 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

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-6-2015: Special Land Use Permit, Parking Lot, 830/836 E. Jolly Road

GENERAL INFORMATION

APPLICANT/OWNER:	Community Mental Health Authority 812 E. Jolly Road Lansing, MI 48911
REQUESTED ACTION:	Special Land Use permit to construct a surface parking lot at 830/836 E. Jolly Road
EXISTING LAND USE:	Single Family Residential Dwellings
EXISTING ZONING:	"A" Residential District
PROPERTY SIZE & SHAPE:	Rectangular Shape 830 E. Jolly: 66' x 297' = 19,602 square feet - .45 acres 836 E. Jolly: 66' x 297' = 19,602 square feet - .45 acres Combined: 123' 297' = 39,204 square feet – .9 acres
SURROUNDING LAND USE:	N: Single Family Residential S: Community Mental Health Facility E: Single Family Residential W: Community Mental Health Facility
SURROUNDING ZONING:	N: "A" Residential District S: "A" Residential District E: "A" Residential District W: "A" Residential District
MASTER PLAN DESIGNATION:	The Design Lansing Comprehensive Plan designates the subject property for low density residential use. E. Jolly Road is designated as a minor arterial.

SPECIFIC INFORMATION

SLU-6-2015. This is a request by Community Mental Health Authority for a Special Land Use to construct a parking lot at 830 & 836 E. Jolly Road. Parking lots are permitted in the "A" Residential district, which is the zoning designation of the subject property, if a Special Land Use permit is approved by the Lansing City Council.

AGENCY RESPONSES:

BWL:

Building Safety: The Building Safety Office has no objections.

Development:

Fire Marshal:

Parks & Recreation: No issues with this.

Public Service:

Transportation: The Transportation and Non-Motorized Section of the Public Service Department supports the SLU to provide the parking needed for the proposed expansion, however, the applicant must demonstrate that the number of spaces proposed is what is needed and that other alternatives for parking on the current and adjacent parcels are not viable. Comments are as follows:

1) From an access management perspective, the elimination of the driveways on Jolly Road would be positive, though the benefits are modest due to the low volumes of residential driveways.
2) The calculation of the number of spaces required for the proposed expansion should be provided, based on parking utilization data from the existing site (not City ordinances or standard parking generation ratios).
3) An explanation of other alternatives considered to accommodate the parking on the existing adjacent Ingham County parcels should also be submitted.
4) From a land use compatibility standpoint, removing some of the last single family homes on the south side of Jolly Road, west of Pennsylvania Avenue reduces the long term viability of the remaining residential properties. It would be beneficial if the size of the proposed lot, if needed, could be reduced to allow for the houses to remain, albeit with reduced sized back yards.

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 properties and the surrounding area?**

With some additional landscape, screening and buffering along the east and south property lines, the proposed parking lot, as depicted on the attached site plan, will be designed in a manner that is as harmonious as possible with the surrounding area. Staff still has some concerns about the basic "land use" aspect of the case. Placing a parking lot directly adjacent to residential homes is generally not a good land use practice, however, a substantial landscape, screening and buffering plan will help to mitigate any negative impacts on the adjacent residential neighbors. Such landscape, screening and buffering must be adequate to effectively protect the adjoining property owners from any negative effects that could be caused by the parking lot such as noise, light glare and unsightly views. Additionally, there is already a strong non-residential presence in the area. In fact, as evidenced by the attached aerial photo and zoning map, the majority of the residential properties in the area already adjoin a nonresidential use. Given the land use pattern that already exists in the area, the proposed parking lot will not be out of character with other properties in the vicinity in which it will be located.

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

The proposed parking lot will not change the essential character of the area since it is merely an extension of the Community Mental Health site to the west of the subject properties. The proposed parking lot will provide an additional 83 parking spaces for CMH. While the new parking lot will encroach into the residential neighborhood to the east, its impact should be minimal given the land use pattern that already exists in the area. The existing CMH facility extends from Jolly Road south to a distance of approximately 800 feet. As evidenced by the attached aerial photograph, the majority of the residential properties in the area already adjoin either the CMH facility or the commercial properties that front along S. Pennsylvania Avenue and E. Jolly Road.

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

The proposed parking lot could generate noise and light pollution that may negatively impact the quality of life for the adjoining residential property owners. A substantial landscape buffer along the east and south property lines of the site, along with controls on the lighting, can help to alleviate any negative impacts on the adjacent property owners. The proposed landscape plan is insufficient to mitigate the effects of the parking lot. In addition, it does not comply with the requirements of Section 1290.08 of the Zoning Ordinance which requires an 8 foot landscape buffer along all lot lines that adjoin residential properties. The landscape buffer must contain:

- At least five (5) shrubs for each twenty (20) linear feet, or fraction of buffer area. Shrubs shall be a minimum of 24 inches in height and spread at the time of planting. If a screen wall or fence is used for all or part of the buffer area, a minimum of one (1) shrub for each ten (10) linear feet or fraction of wall or

fence shall be placed on the exterior side of the wall or fence. The placement of shrubs in informal groupings is permitted.

- At least one (1) tree for each thirty (30) linear feet, or fraction of buffer area shall be provided. Trees shall be a minimum of two (2) caliper inches at the time of planting.

Parking lot lights should not exceed 20 feet in height and must being shielded downward to prevent glare from spilling onto the adjacent residential lots.

Installation of the required landscape, screening & buffering, coupled with restrictions on the lighting will ensure that the proposed parking lot is compatible with the surrounding land use pattern in the area.

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 parking lot will add a significant amount of new impervious surface to the site. The storm-water run-off from the parking lot will be managed in accordance with all city codes and ordinances which primarily involves the installation of a detention basin south of the parking lot as shown on the attached site plan.

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 proposed landscape, screening and buffering will help to control the noise and light glare associated with a parking lot. Additional restrictions on the parking lot lights, as described above, will help prevent light glare from negatively impacted adjoining properties.

Staff does not anticipate any change in the amount of traffic in the area since this request is not introducing a new use into the area, but rather providing additional parking for an existing use.

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?**

If the special land use permit is approved, a site plan demonstrating compliance with all paving, landscaping, soil erosion, sedimentation control and storm water management requirements would have to be approved by the City through the administrative site plan review process.

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

No negative comments have been received from any of the reviewing departments or agencies with regard to impacts on public facilities and services. The proposed development will need to be reviewed through the City's site plan review process during which a storm water management will be reviewed by the city engineers.

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 Design Lansing Comprehensive Plan designates the subject property for low density residential use. Since government facilities with associated parking are permitted by special land use permit in residential districts, the proposed use is consistent with the intent and purpose of the Zoning Ordinance and Comprehensive Plan.

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

With some slight modifications, the proposed parking lot as depicted on the attached site plan can comply with the dimensional requirements of the Zoning Ordinance. The required aisle width is 23 feet and the parking space depth requirement is 18.5 feet. An 8 foot landscape buffer is required along the east property line. The site plan is showing a 24 foot wide aisle, 18 foot deep parking spaces and a 7.4 foot wide buffer strip along the east property line. The parking spaces along the perimeter of the site can be reduced slightly to accommodate the 8 foot buffer along the east property lines. Since the property is zoned "A" Residential, no parking is permitted within the 20 foot front yard setback along both streets. This area, along with the required landscape buffers along the east and south property lines must be landscaped in accordance with Section 1290.08 of the Zoning Ordinance.

SUMMARY

SLU-6-2015. This is a request by Community Mental Health Authority for a Special Land Use to construct a parking lot at 830 & 836 E. Jolly Road. Parking lots are permitted in the "A" Residential district, which is the zoning designation of the subject property, if a Special Land Use permit is approved by the Lansing City Council.

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 is not 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 Plans.
9. The proposed Special Land Use will comply with the dimensional requirements of the Zoning Ordinance.

RECOMMENDATION

Staff recommends approval of SLU-6-2015 Use to construct a parking lot at 830 & 836 E. Jolly Road, based upon the findings of fact as outlined in this staff report, with the condition that parking lot lights do not exceed a height of 20 feet and are shielded to prevent glare onto adjacent properties.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

STILES LANDSCAPE

1434 E. JOLLY ROAD, SECTION 3, 3N, 2W, CITY OF LANSING, INGHAM COUNTY, MICHIGAN

E. JOLLY RD

LEGEND

LINETYPES

ABBREVIATIONS

HATCH

SYMBOLS

SUPPLEMENTAL LEGEND

CONTACTS

PLANNING	CITY OF LANSING DEPARTMENT OF HOUSING AND PLANNING DEVELOPMENT 316 N. CAPITOL AVENUE LANSING, MICHIGAN 48933 (517) 483-4063
TRANSPORTATION SANITARY SEWER STORM WATER	CITY OF LANSING PUBLIC SERVICE DEPARTMENT 124 W. MICHIGAN AVENUE, 7TH FLOOR LANSING, MI 48933
GAS	MICHIGAN GAS UTILITIES 1500 WEST MILLER STREET LANSING, MI 48909 (517) 374-2275
WATER	LANSING BOARD OF WATER AND LIGHT 1232 WEST MAPLE LANSING, MICHIGAN 48906 (517) 702-6800

OWNER	STILES LANDSCAPE 1434 E. JOLLY ROAD LANSING, MICHIGAN 48910 (517) 394-7101
ENGINEER	DC ENGINEERING, PC 1210 N. CEDAR ST., SUITE B LANSING, MICHIGAN 48906 (517) 853-7955
CONTRACTOR	TO BE DETERMINED

SHEET INDEX:

1. DEMOLITION PLAN
2. GRADING AND UTILITIES PLAN
3. LAYOUT PLAN
4. DETAILS
5. SOIL EROSION AND SEDIMENTATION CONTROL
6. SOIL EROSION AND SEDIMENTATION CONTROL CONTINUED

LOCATION MAP

GRAPHIC SCALE

1 IN. FEET 1
1 INCH = 50 FT.

DESIGNED LEGAL DESCRIPTION:

PROPOSED DEVELOPMENT:

LANDSCAPE REQUIREMENTS:

PARKING REQUIREMENTS:

REVISIONS

DC ENGINEERING

1210 N. CEDAR ST. SUITE B
LANSING, MICHIGAN 48906
PH: (517) 853-7955

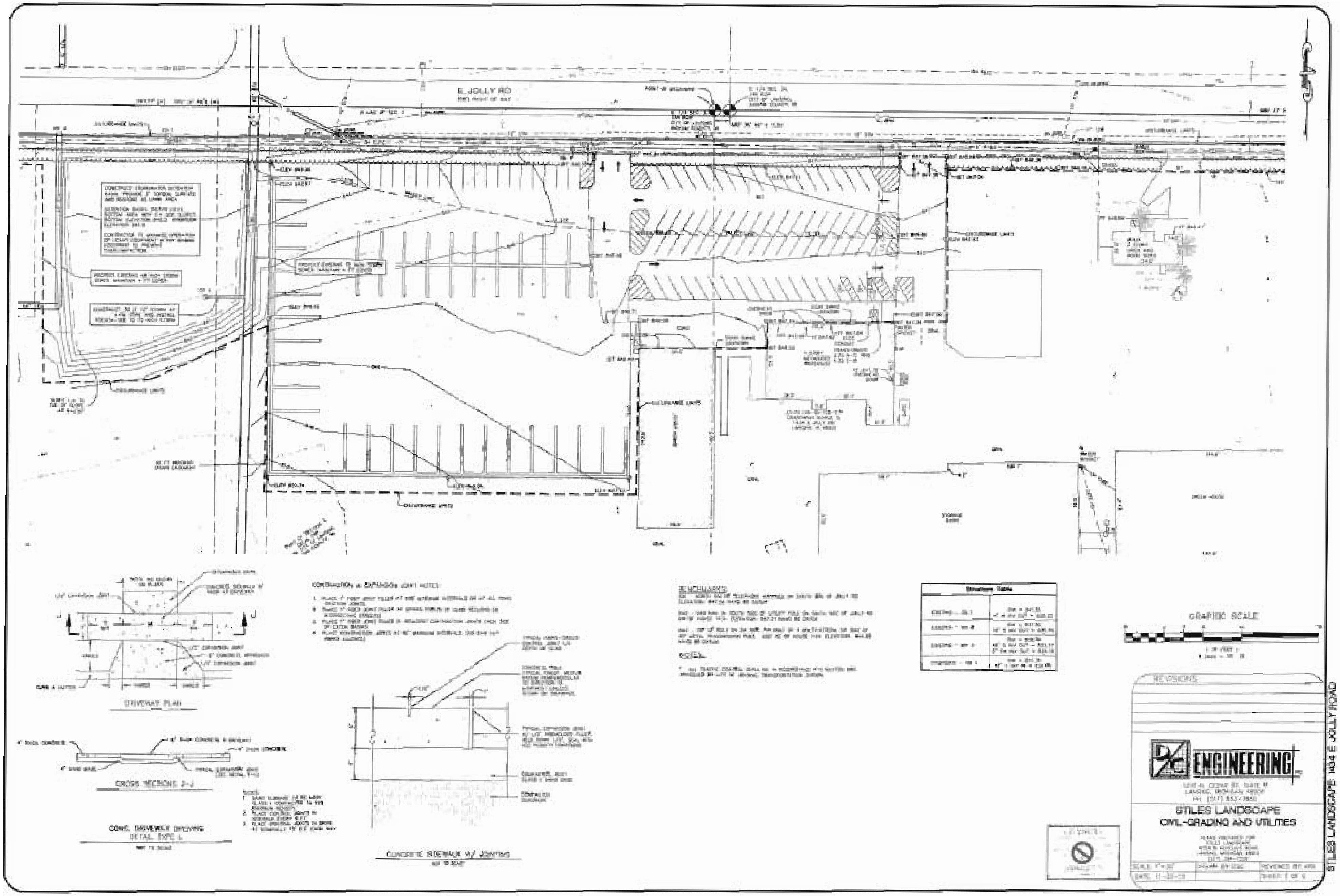
STILES LANDSCAPE
CIVIL-DEMOLITION

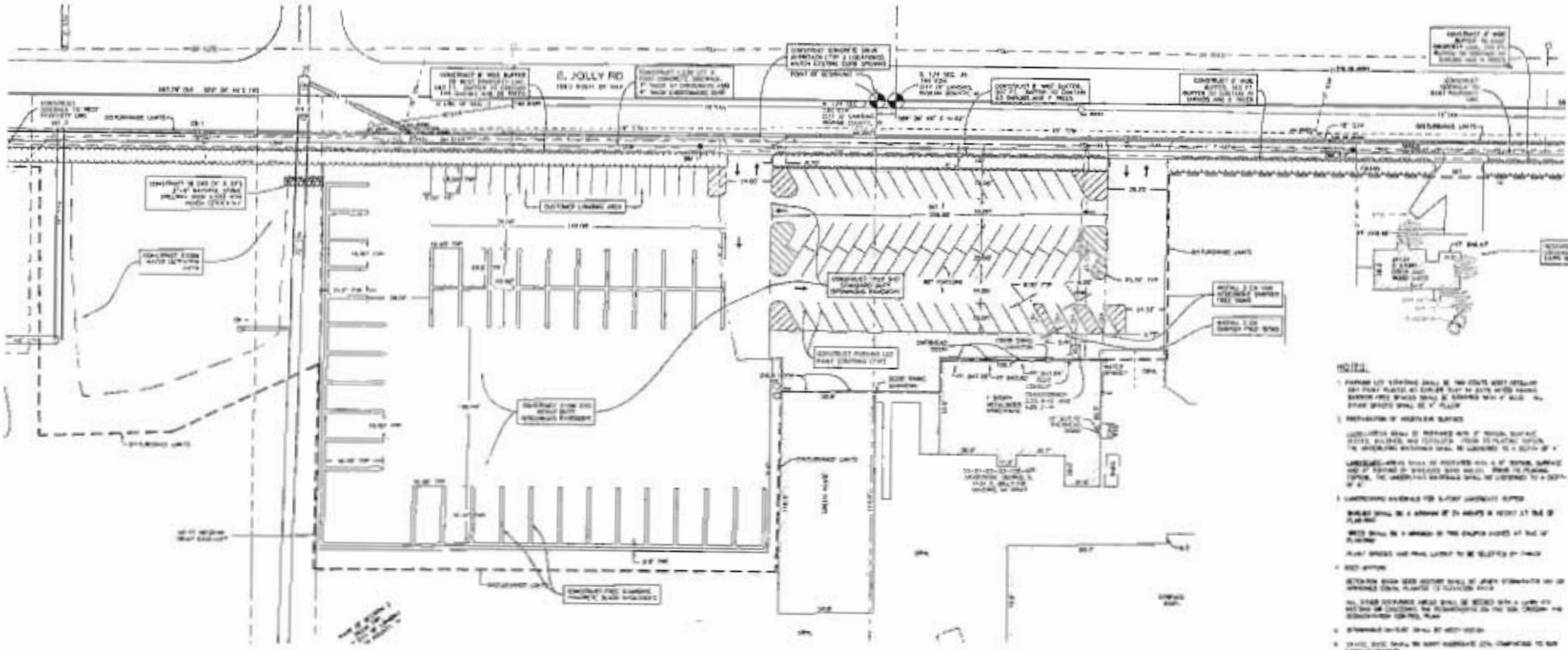
PLANS PREPARED FOR
STILES LANDSCAPE
1434 E. JOLLY ROAD
LANSING, MICHIGAN 48910
(517) 394-7101

SCALE: 1"=50'
DRAWN BY: [illegible]
REVIEWED BY: [illegible]
DATE: 11-22-10
SHEET 1 OF 6

STILES LANDSCAPE 1434 E. JOLLY ROAD

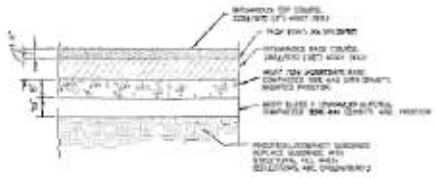
STILES LANDSCAPE 1434 E JOLLY ROAD



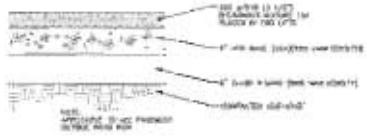


STILES LANDSCAPE: 1434 E. JOLLY ROAD

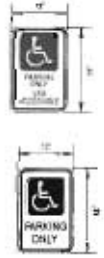
TREE PLANTING DETAIL
NO SCALE



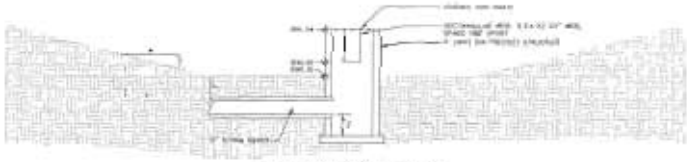
HEAVY DUTY BITUMINOUS PAVEMENT
NOT TO SCALE



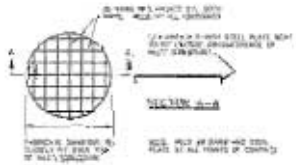
STANDARD DUTY BITUMINOUS PAVEMENT
NOT TO SCALE



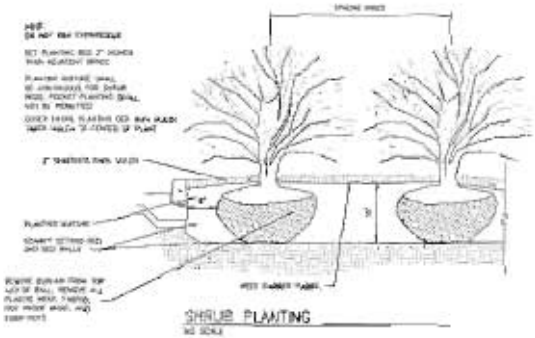
MISC. SIGN DETAILS
NOT TO SCALE



DETENTION POND OUTLET STRUCTURE
NOT TO SCALE



STAY GUARD DETAIL
NOT TO SCALE



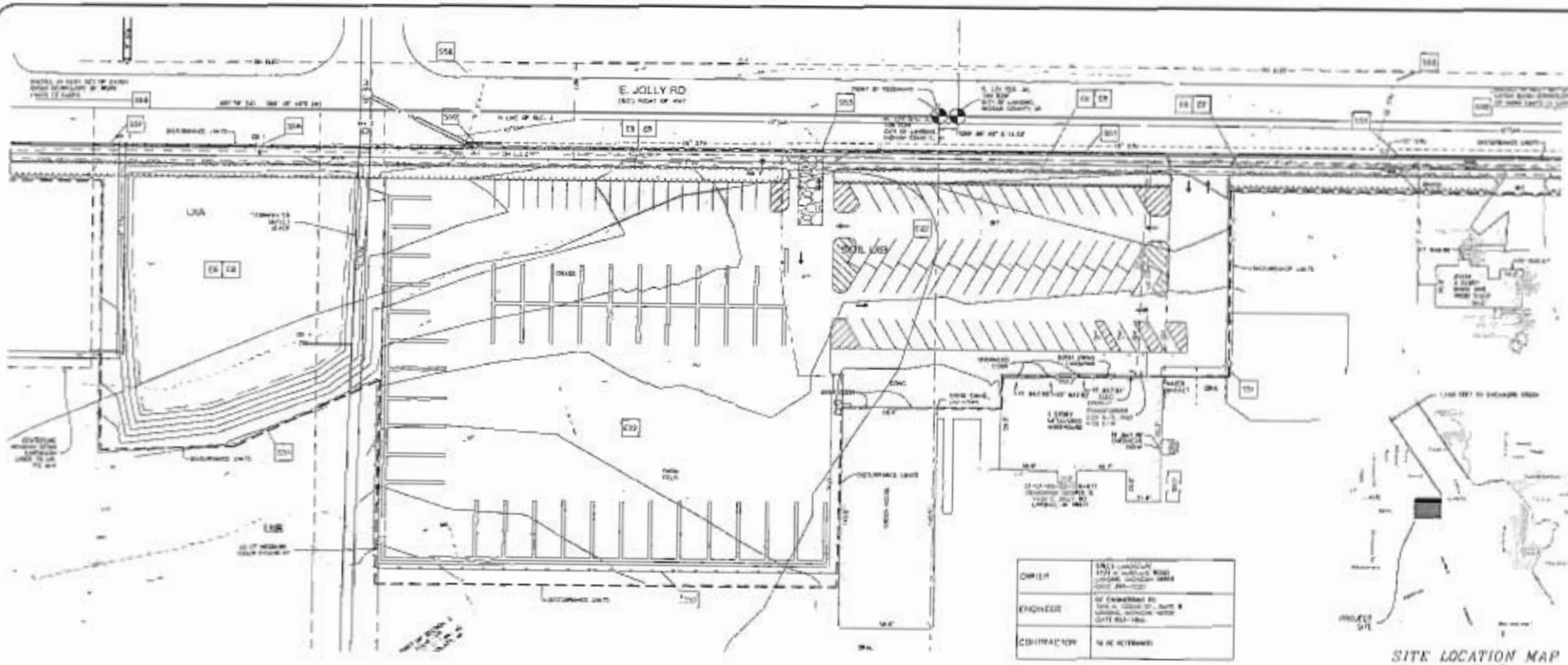
SHRUB PLANTING
NO SCALE

REVISIONS

ENGINEERING

STILES LANDSCAPE
DETAILS

STILES LANDSCAPE 1634 E JOLLY ROAD



OWNER	STILES LANDSCAPE 1434 E. JOLLY ROAD LANSING, MICHIGAN 48910 (517) 394-7020
ENGINEER	D/C ENGINEERING INC. 1310 N. GRAND ST. SUITE B LANSING, MICHIGAN 48906 (517) 332-7994
CONTRACTOR	TO BE DETERMINED

SITE LOCATION MAP
NO SCALE

SITE NARRATIVE

[illegible]

DESCRIPTION OF EXISTING AND PROPOSED DRAINAGE SYSTEMS

EXISTING:

[illegible]

PROPOSED:

[illegible]

DESCRIPTION OF EARTH CHANGE

[illegible]

SOILS

[illegible]

SITE DATA:

[illegible]

PURPOSED LEGAL DESCRIPTION

[illegible]

ESTIMATED STATEMENT OF EXCAVATED AND FILL MATERIALS:

[illegible]

LEGEND

- LIMITS OF DISTURBANCE
- SILT FENCE
- SOIL TYPE CONTOURS PER AREA PER SOIL SURVEY
- SOIL CLASSIFICATION PER UNITS PER SOIL SURVEY
- SURFACE DRAINAGE FLOW DIRECTION

GRAPHIC SCALE

1 in FEET 1
1 INCH = 20 ft.

SESC KEYING SYSTEM:

[illegible]	[illegible]		[illegible]
[illegible]	[illegible]		[illegible]
[illegible]	[illegible]		[illegible]
[illegible]	[illegible]		[illegible]
[illegible]	[illegible]		[illegible]
[illegible]	[illegible]		[illegible]

SESC CONSTRUCTION SCHEDULE:

[illegible]	[illegible]			
[illegible]				
[illegible]				
[illegible]				
[illegible]				

REVISIONS

D/C ENGINEERING INC.
1310 N. GRAND ST. SUITE B
LANSING, MICHIGAN 48906
PH: (517) 332-7994

STILES LANDSCAPE
SOIL EROSION AND SEDIMENTATION CONTROL

SCALE 1"=20' | DRAWN BY: [illegible] | REVIEWED BY: MH
DATE: [illegible] | SHEET: 3 OF 8

STILES LANDSCAPE 1434 E. JOLLY ROAD

SESC NOTES

[illegible]

TRANSFER RESPONSIBILITIES

[illegible]

RESPONSIBILITIES OF PERMITTEE AND ITS AGENTS

[illegible]

TEMPORARY SESC SPECIFICATIONS

[illegible]

SILT FENCE

[illegible]

SILT FENCE MAINTENANCE

[illegible]

SILT FENCE REMOVAL

[illegible]

STAKES SPACING

[illegible]

EROSION CONTROL BLOCK DIKE

[illegible]

MAINTENANCE

[illegible]

REMOVAL

[illegible]

TEMPORARY SEEDING

[illegible]

MULCH OR MAULCH

[illegible]

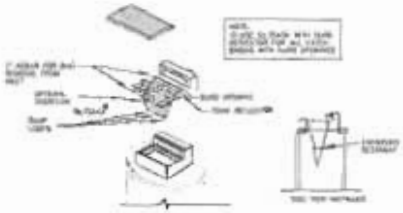
PERMANENT SESC SPECIFICATIONS

[illegible]

PERMANENT SEEDING

[illegible]

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]



CATCH BASIN SILT SACK DETAIL

NOT TO SCALE

PLAN VIEW

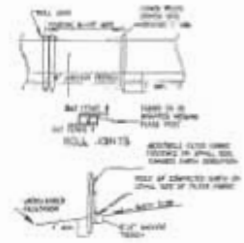
PROFILE

NOTES

1. [illegible]
2. [illegible]
3. [illegible]

STABILIZED CONSTRUCTION ACCESS

NOT TO SCALE



ROLL JOINTS

SILT FENCE DETAIL

NOT TO SCALE

REVISIONS

ENGINEERING

[illegible]

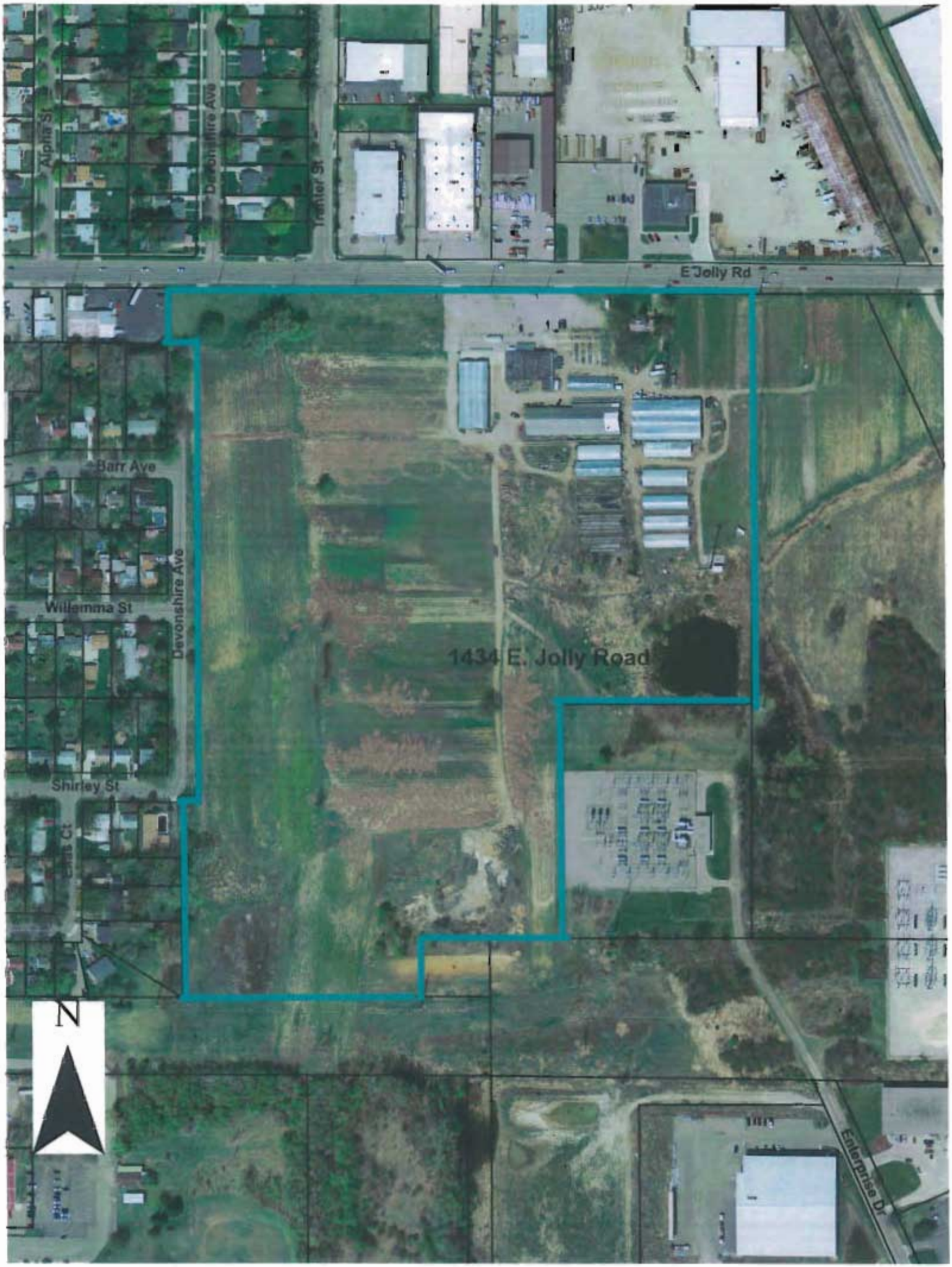
PROJECT

SOIL EROSION AND SEDIMENTATION CONTROL

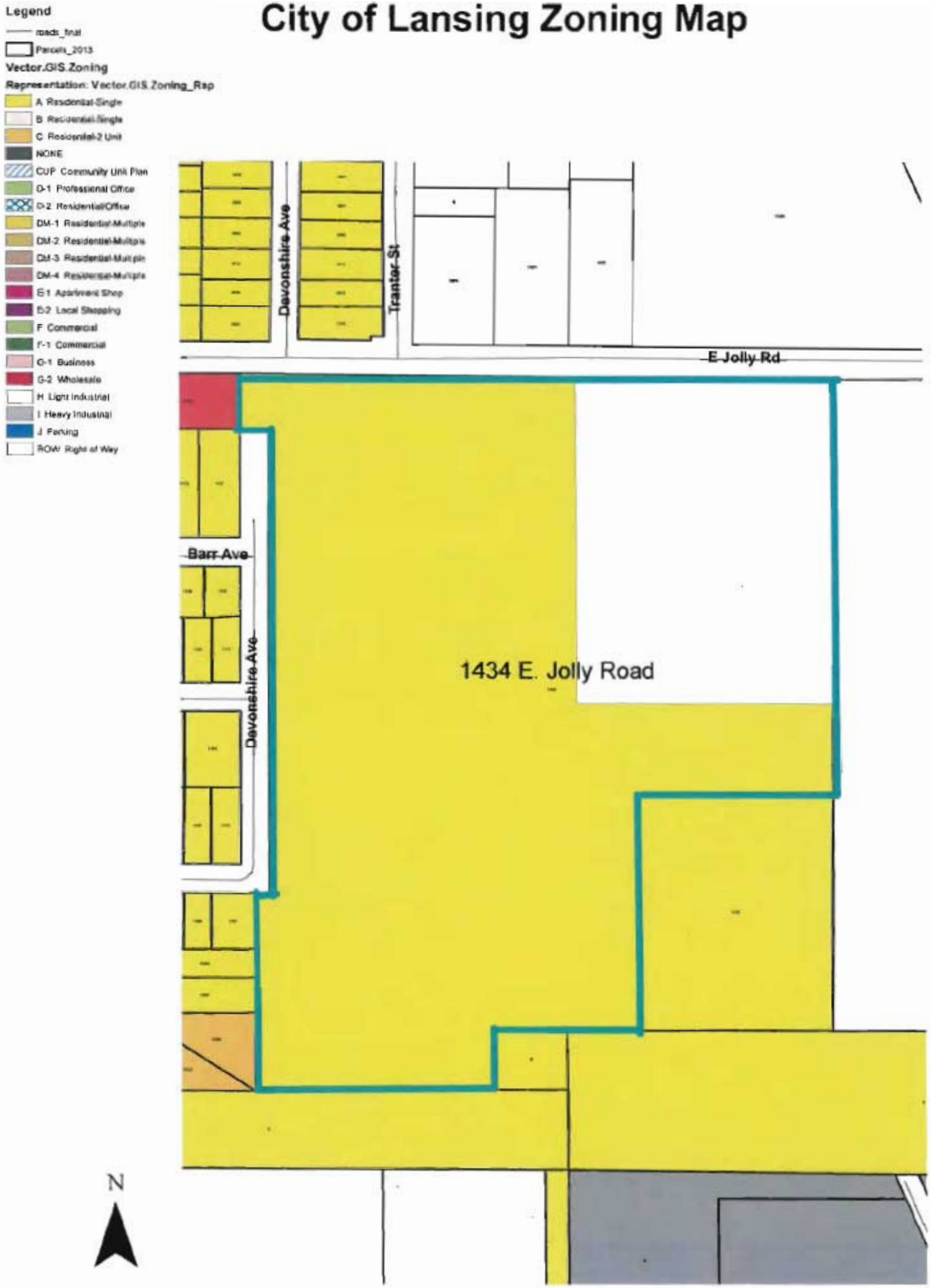
[illegible]

[illegible]	[illegible]	[illegible]
[illegible]		[illegible]

STILES LANDSCAPE 1434 E JOLLY ROAD


Alpha St
Devonshire Ave
Trenton St
E Jolly Rd
Barr Ave
Willemma St
Devonshire Ave
1434 E. Jolly Road
Shirley St
Enterprise Dr
N

City of Lansing Zoning Map



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: 1/7/16

RE: Resolution— SLU-7-2015, 1434 E. Jolly Road— Parking Lot— Stiles Landscaping

---

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-7-2015, Special Land Use Permit - Parking Lot, 1434 E. Jolly

Date: January 6, 2016

The Lansing Planning Board, at its regular meeting held on January 5, 2016, voted (4-0) to recommend approval of a request by Stiles Landscaping for a Special Land Use to construct a new parking lot at 1434 E. Jolly Road. Parking lots are permitted in the "A" Residential district, which is the zoning designation of the subject 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-7-2015, with the condition that that parking lot lights do not exceed a height of 30 feet and are shielded to prevent glare onto adjacent properties.

At the Planning Board public hearing held on January 5, 2016, the applicant's representatives and one area resident spoke in favor of the request. In addition, one area resident expressed concerns about the proposed parking lot.

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 AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

SLU-7-2015
Parking lot in the "A" Residential District
1434 E. Jolly Road

WHEREAS, Stiles Landscaping has requested a Special Land Use permit (SLU-7-2015) to permit a parking lot at 1434 E. Jolly Road; and

WHEREAS, the property is zoned "A" Residential District, where parking lots 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 January 5, 2015, at which the applicant's representatives and one area resident spoke in favor of his request and one area resident expressed concerns about the proposed parking lot; and

WHEREAS, the Planning Board, at its January 5, 2016 meeting, voted (4-0) to recommend approval of SLU-7-2015 for a Special Land Use to construct a parking lot at 1434 E. Jolly Road, based upon the findings of fact as outlined in this staff report, with the condition that parking lot lights do not exceed a height of 30 feet and are shielded to prevent glare onto adjacent properties; and

WHEREAS, the City Council held a public hearing regarding SLU-7-2015 on _____, 2016; and

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

NOW THEREFORE BE IT RESOLVED that the Lansing City Council hereby approves SLU-7-2015, a Special Land Use permit to construct a parking lot at 1434 E. Jolly Road, based upon the findings of fact as outlined in this staff report, with the condition that parking lot lights do not exceed a height of 30 feet and are shielded to prevent glare onto adjacent properties.

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, the City Council determines the following:

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

CITY OF LANSING
NOTICE OF PUBLIC HEARING

SLU-7-2015, 1434 E. Jolly Road
Special Land Use Permit – Parking Lot

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-7-2015. This is a request by Brian Stiles of Stiles Landscaping for a Special Land Use to construct a parking lot/loading/storage area at 1434 E. Jolly Road. A parking lot/loading/storage area, as part of a landscape center, is permitted in the "A" Residential district, which is the zoning designation of the area of the site upon which it would be located, 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

GENERAL INFORMATION

APPLICANT/OWNER:	Brian Stiles, Stiles Landscaping 4724 Aurelius Road Lansing, MI 48910
REQUESTED ACTION:	Special Land Use Permit to construct a surface parking lot/loading/storage area at 1434 E. Jolly Road (former Lansing Gardens)
EXISTING LAND USE:	Commercial Greenhouse/Nursery
EXISTING ZONING:	"A" Residential District
PROPOSED ZONING:	No change
PROPERTY SIZE & SHAPE:	Irregular Shape - See attached map (33.96 acres)
SURROUNDING LAND USE:	N: Single Family Residential & Industrial S: Vacant E: Vacant/Industrial W: Single Family Residential & Commercial
SURROUNDING ZONING:	N: "A" Residential & "H" Light Industrial Districts S: "A" Residential District E: "A" & "C" Residential and "G-2" Wholesale Districts W: "H" Light Industrial District
MASTER PLAN DESIGNATION:	The Design Lansing Master plan designates the subject property for "Research & Development" use. E. Jolly Road is designated as a minor arterial.

SPECIFIC INFORMATION

This is a request by Brian Stiles of Stiles Landscaping for a Special Land Use to construct a parking lot/loading/storage area at 1434 E. Jolly Road. A parking lot/loading/storage area, as part of a landscape center, is permitted in the "A" Residential district, which is the zoning designation of the area of the site upon which it would be located, if a Special Land Use permit is approved by the Lansing City Council.

AGENCY RESPONSES:

BWL:	The Building Safety Office has no objections.
Building Safety:	
Development:	
Fire Marshal:	
Parks & Recreation:	This would not have any impact on Parks or the adjacent trail.
Public Service:	See attached.
Transportation:	The Transportation and Non-Motorized has no comments or requirements relative to the special land use request. This review was for the SLU 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.

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 subject property is the site of the former Lansing Gardens and is now being used by Stiles Landscaping. The majority of the property is zoned "A" Residential. The northwest, approximately 540' x 680' of the site, is zoned "II" Light Industrial. With the exception of the westernmost greenhouse and associated parking, all of the existing buildings and parking lots are confined within the area of the site that is zoned "II" Light Industrial.

   The applicant's proposal is to permit the construction of a new parking/storage/loading area just west of the westernmost greenhouse on the site. The proposal primarily includes numerous concrete block storage bins that would hold various landscape products such as mulch, rocks, patio stones, wood chips, etc. A commercial greenhouse/nursery is permitted in the "A" Residential district, with a special land use permit, and the parking lot, loading space/storage area for its products are considered accessory to that use. A special land use permit has not been granted for the site. It is considered legally nonconforming in that it was established on the site prior to annexation into the City. Since no special land use permit has been granted for the site, one is required for the proposed improvements.

The area to be improved extends 273 feet west of the existing parking lot in front of the westernmost greenhouse. This will leave approximately 300 feet between the storage/parking lot and the nearest residential properties to the west. A detention basin will be located west of the proposed storage/parking area. Given the distance between the proposed storage/parking lot in relation of the residential neighborhood, it is not anticipated that the proposed special land use will have any negative impacts on the surrounding area.

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

The proposed storage/parking lot will not change the essential character of the area as it is merely an expansion of the existing commercial greenhouse/nursery facility at 1434 E. Jolly Road. Furthermore, it will be located far enough away from the residences to the west that it will not have any negative impacts on the character of that neighborhood.

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

The proposed storage/parking lot is not anticipated to interfere with the enjoyment of adjacent properties. As noted above, it will be located approximately 300 feet from the residential neighborhood to the west. In addition, it will be screened by the walls surrounding the proposed storage/parking area as well as a landscape buffer that complies with the following requirements of Section 1290.08 of the Zoning Ordinance:

- At least five (5) shrubs for each twenty (20) linear feet, or fraction of buffer area. Shrubs shall be a minimum of 24 inches in height and spread at the time of planting. If a screen wall or fence is used for all or part of the buffer area, a minimum of one (1) shrub for each ten (10) linear feet or fraction of wall or fence shall be placed on the exterior side of the wall or fence. The placement of shrubs in informal groupings is permitted.

- At least one (1) tree for each thirty (30) linear feet, or fraction of buffer area shall be provided. Trees shall be a minimum of two (2) caliper inches at the time of planting.

Parking lot lights should not exceed 30 feet in height and must being shielded downward to prevent glare from spilling onto the adjacent residential lots.

Installation of the required landscape, screening & buffering, coupled with restrictions on the lighting will ensure that the proposed parking lot does not negatively impact the surrounding land uses.

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?

Since the area of the site proposed for the new storage/parking lot is currently vacant, the

proposal is considered to be an improvement to the use and character of the property. The required landscape, screening and buffering will serve to screen the parking lot from the street and surrounding properties and enhance the appearance of 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 parking/storage/loading area will not generate any nuisances or hazardous conditions. Lighting will be required to be shielded to prevent glare onto nearby properties and any noise generated by the storage/parking area should be minimal and confined to the day time.

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?**

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?**

The proposed special land use is not expected to increase the demand on public services and facilities in excess of current capacity. While the proposed storage/parking lot is not anticipated to generate much, if any additional traffic, E. Jolly Road is designated as a minor arterial that is designed to accommodate a relatively high volume of traffic. The only other public service that will be impacted by this proposal is storm water management which will be reviewed during the site plan review process.

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 Design Lansing Master plan designates the subject property for "Research and Development" use. While the proposal is not consistent with the specific designation of the Master Plan, it will not change the use of the property from what currently exists. The site will continue to be used for a commercial greenhouse/nursery. The proposed storage/parking area is merely intended to make its existing operations more efficient.

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

The proposed site plan demonstrates compliance with all dimensional requirements of the Zoning Ordinance.

SUMMARY

This is a request by Brian Stiles of Stiles Landscaping for a Special Land Use to construct a parking lot/loading/storage area at 1434 E. Jolly Road. A parking lot/loading/storage area, as part of a landscape center, is permitted in the "A" Residential district, which is the zoning designation of the area of the site upon which it would be located, if a Special Land Use permit is approved by the Lansing City Council.

Based on the findings contained in this staff report, 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 intent 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-7-2015 to construct a parking lot/loading/storage area at 1434 E. Jolly Road, based upon the findings of fact as outlined in this staff report, with the condition that new parking lot lights do not exceed 30 feet in height and are shielded downward to prevent glare from spilling onto the adjacent properties.

Respectfully Submitted,

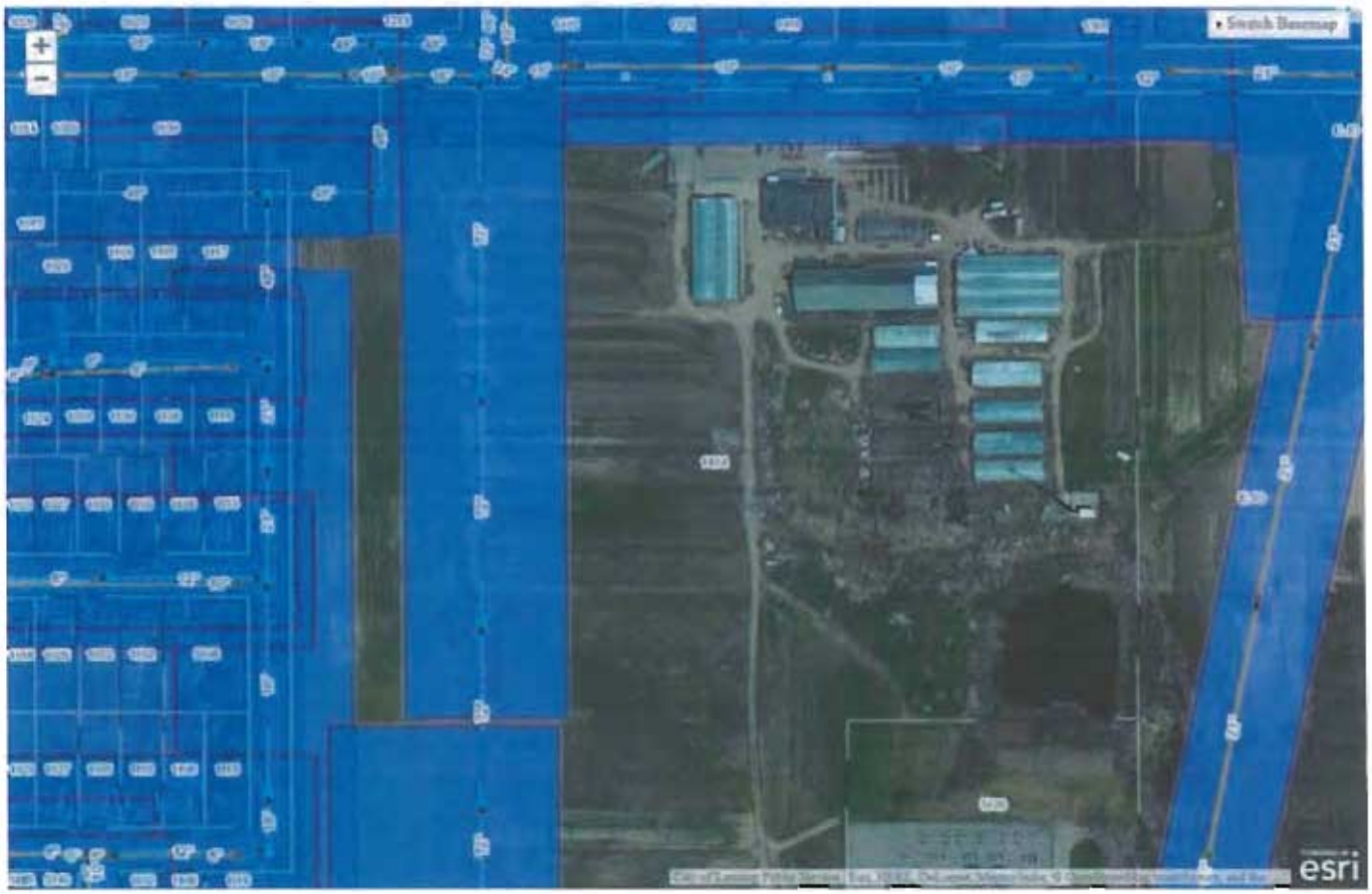
Susan Stachowiak
Zoning Administrator

Stachowiak, Susan

From:	Danke, Dan
Sent:	Wednesday, December 30, 2015 4:17 PM
To:	Stachowiak, Susan
Cc:	Johnson, Dean; Kilpatrick, Andrew; Parry, Ann
Subject:	SLU-7-2015, Parking Lot at 1434 E Jolly Road
Attachments:	SLU-7-2015.pdf; 4008.pdf; 9001.pdf

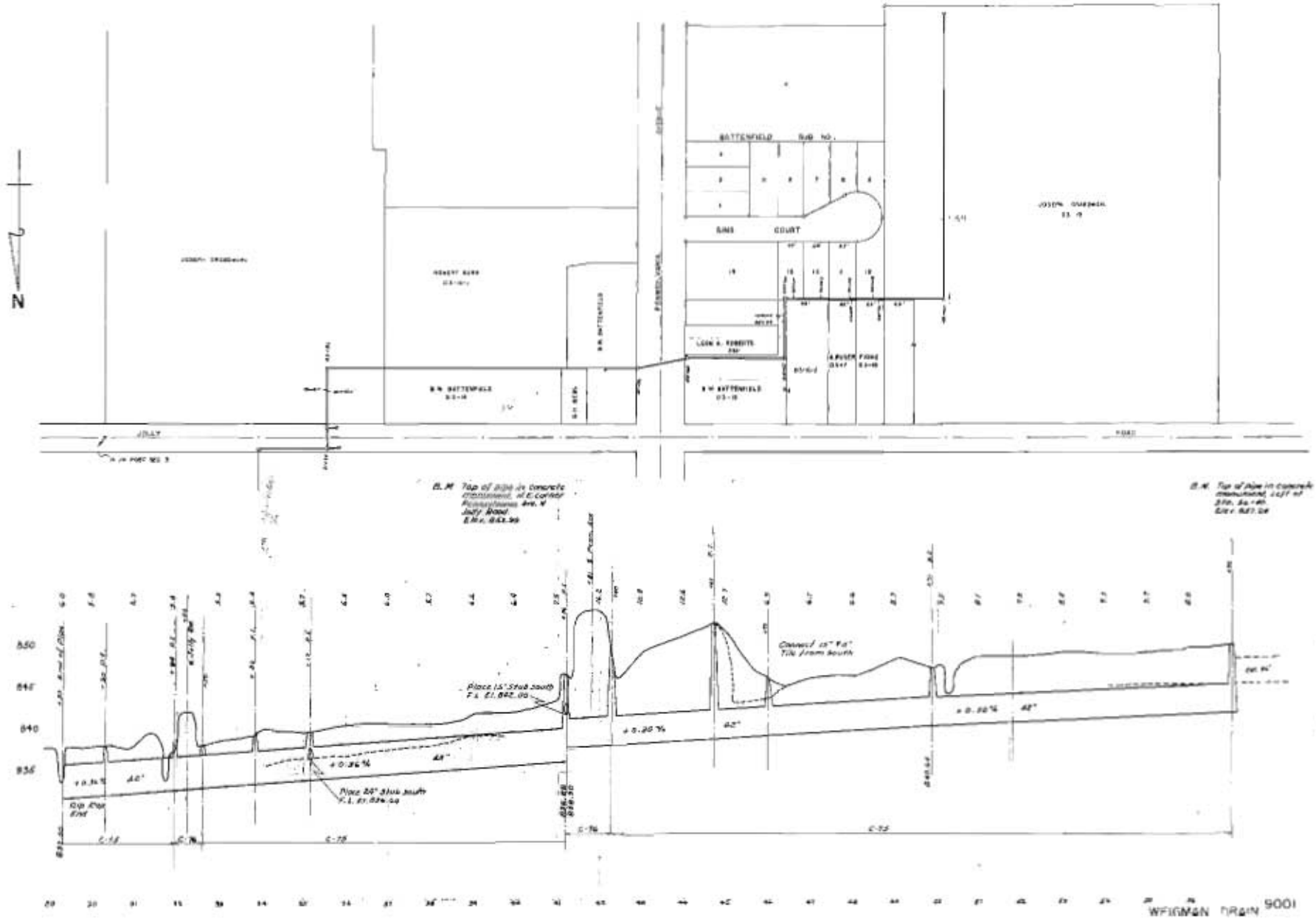
Public Service-Engineering & Infrastructure has reviewed SLU-7-2015 and has the following comments.

1. The Weigman Drain Relief storm sewer runs through the property in a 40-foot easement. The storm sewer will need to be protected. No encroachment on the easement will be allowed except those allowed by easement. Storm drainage and the connection to the Weigman Drain Relief storm sewer will be handled in the site plan process.
2. The Weigman Drain runs along the west side of the property in a 100-foot easement. The proposed development will not encroach this easement or impact this drain.



3. Sanitary service is available in Jolly Road.
4. Jolly Road is a major street. There is no sidewalk currently along the Jolly Road frontage of this property. Typically, sidewalk is required along the Jolly Road frontage as part of the City's Sidewalk Gap Closure Program. An easement maybe needed in order to construct the sidewalk. Sidewalk is proposed as part of the site plan.

Daniel E. Danke, P.E.


N
BATTENFIELD SUB NO.
SING COURT
B.M. Top of pipe in concrete
Place 15" Stub south
F.L. El. 842.00
Place 24" Stub south
F.L. El. 834.00
Connect 15" R.C. Tile from south
+0.36%
+0.20%
+0.50%
42"
48"
850
840
WEIGMAN DRAIN 9001

WEIGMAN DRAIN (EASEMENT)

UNPLATTED UNDEVELOPED

TRANTER ROAD

STREET

JOLLY

EASEMENT

436'-72"

299'-72"

249'-72"

JOB: WEIGMAN DRAIN RELIEF PHASE I PS 77053
BUILT BY BARNHART 1973
INSPECTOR: C. JOHNSON (FISHBECK, THOMPSON, CARR)
ROLL NUMBER: E-10

"SPECIAL PROVISIONS FOR SEWER ACROSS PRIVATE PROPERTY"

1. THE CONTRACTOR SHALL COMPLETE THE OPERATION AND CONSTRUCTION OF THE STORM SEWER WITHIN LIMITS OF THE 100' CONSTRUCTION EASEMENT.
2. THE TOPSOIL WITHIN THE LIMITS OF THE TRENCH EXCAVATION SHALL BE REMOVED AND STOCKPILED ON THE OWNERS PROPERTY AT A LOCATION DESIGNATED BY THE OWNER AND APPROVED BY THE ENGINEER. THE TOPSOIL WILL BE REPLACED UPON THE COMPLETION OF CONSTRUCTION.
3. THE EXCESS EXCAVATED FILL MATERIAL SHALL BE STOCKPILED AT A LOCATION REASONABLY NEAR THE PROJECT SITE BUT TO EXCEED 50M DESIGNATED BY THE ENGINEER.
4. THE COST OF ITEMS "1" & "2" OF THESE SPECIAL PROVISIONS IS CONSIDERED INCIDENTAL TO THE CONSTRUCTION OF THE STORM SEWER.

QUANTITIES THIS SHEET

ITEM	UNITS
[illegible] TO 8.0' DEEP	[illegible] LIN. FT.
[illegible] TO 4.0' DEEP	[illegible] LIN. FT.
[illegible] TO 4.0' DEEP	[illegible] LIN. FT.
[illegible] ON 12" PIPE (0'-7.0' DEEP)	1 EACH
[illegible] ON 12" PIPE (0'-7.0' DEEP)	1 EACH
JUNCTION CHAMBER [illegible]	1 EACH
JUNCTION CHAMBER NO. 2	1 EACH
12" DUCTILE IRON A.C.S.T. TO REPLACE EXISTING 18" SANITARY THROUGH JUNCTION CHAMBER NO. 2	[illegible] LIN. FT.
REMOVE EXISTING 18" [illegible] PIPE	[illegible] LIN. FT.

SPECIAL PROVISIONS CONTINUED FROM SHEET NO. 2

[illegible]

STA. 10+00 MATCH TO SHT. NO. 6

DEPARTMENT OF PUBLIC SERVICE
LANSING, MICHIGAN

WEIGMAN DRAIN (EASEMENT)
JOLLY ROAD TO STA. 10+00

APPROVED: DIRECTOR OF PUBLIC SERVICE
SCALE
HORIZONTAL
VERTICAL
DATE
DESIGNED
DRAWN
PROJ. NO. PS-[illegible]

FILE NO. 4008
SHEET [illegible] OF [illegible]

CMHA-CEI
ADMINISTRATIVE
BUILDING

BUILDING ADDITION

812 East Jolly Road
Lansing, MI 48911

CMH
COMMUNITY MENTAL HEALTH AUTHORITY

812 East Jolly Road
Lansing, MI 48911

Bergmann associates
architects // engineers // planners

7052 West Saginaw Street, Suite 200
Lansing, Michigan 48917

office: 517.272.9835
fax: 517.272.5976

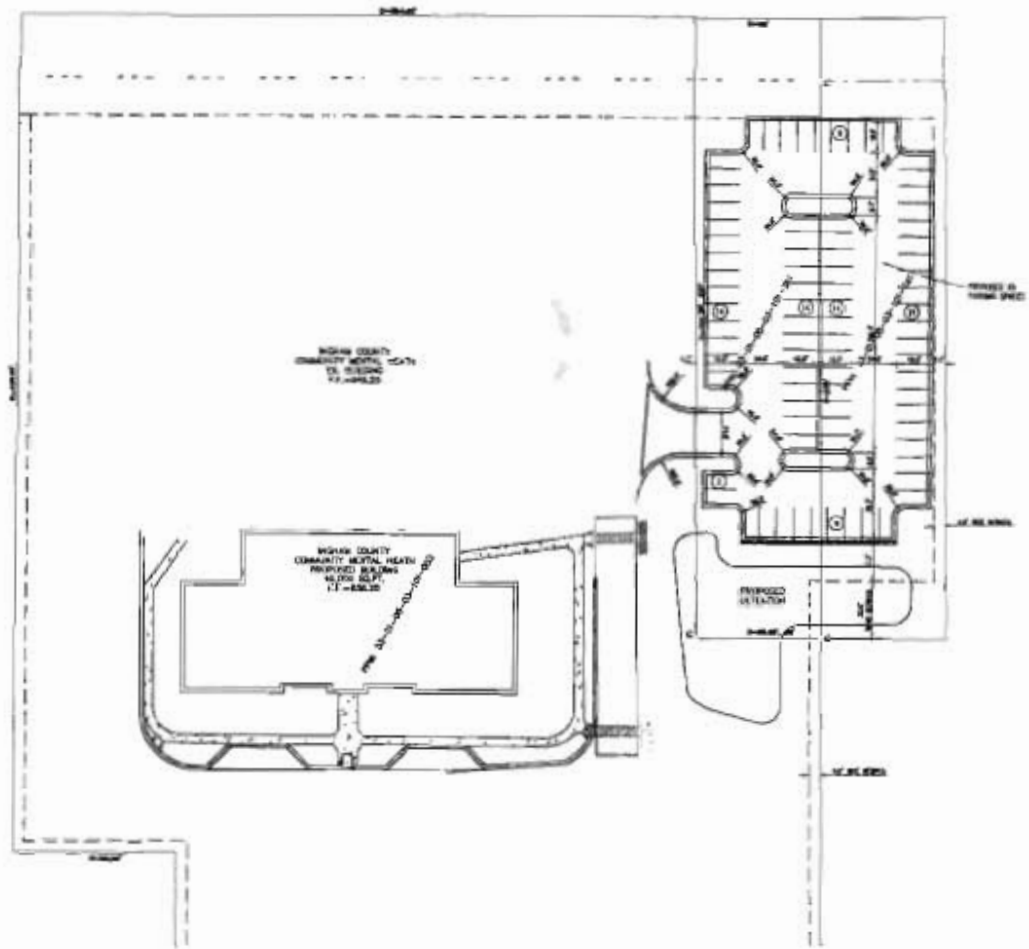
www.bergmannpc.com

REVISIONS

NO.	DATE	DESCRIPTION	REV.	DATE
	12/1/09	SUP APPLICATION		

LOT PLAN

EXHIBIT A



GENERAL NOTES

SITE NOTES

LEGEND

KEY NOTES

CMHA-CEI
ADMINISTRATIVE
BUILDING

BUILDING ADDITION

812 East Jolly Road
Lansing, MI 48911

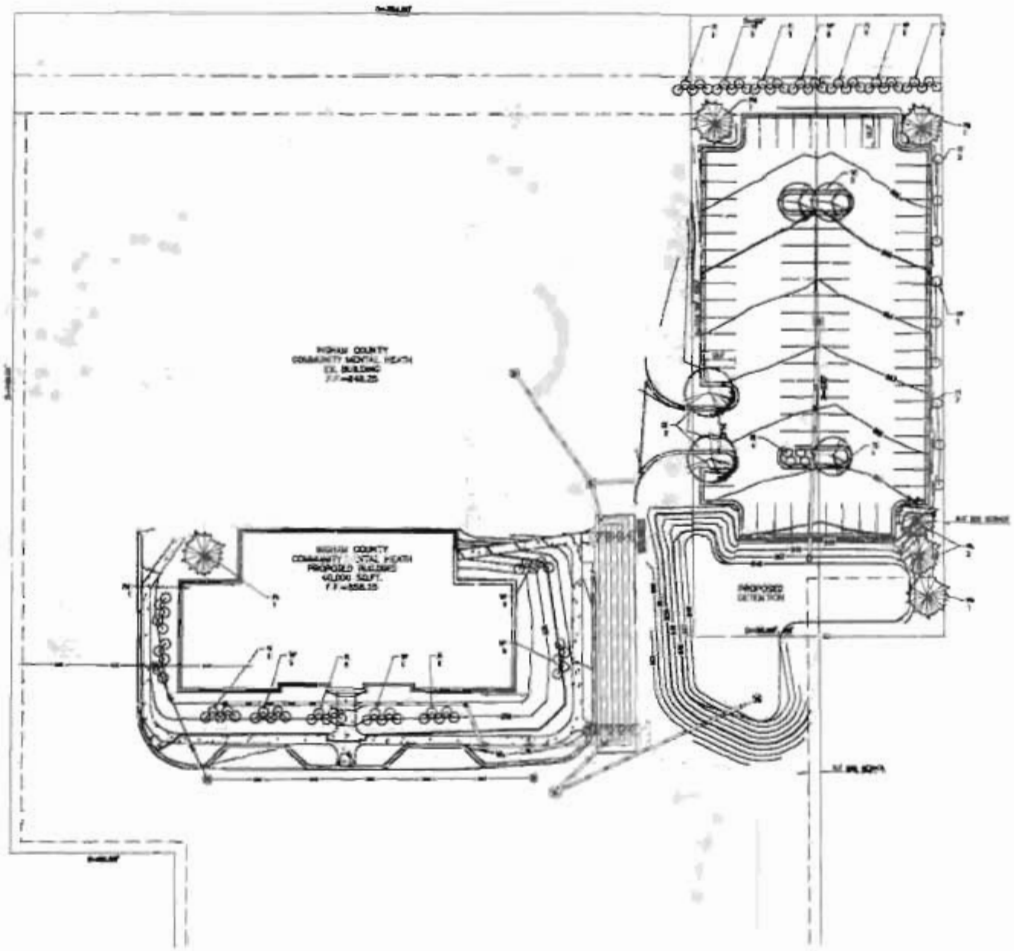
CMH
COMMUNITY MENTAL HEALTH AUTHORITY

812 East Jolly Road
Lansing, MI 48911

Bergmann associates
architects // engineers // planners

PREMILIMINARY
SITE PLAN

C100



LANDSCAPING NOTES:

PLANT LIST:

CMHA-CEI
ADMINISTRATIVE
BUILDING

BUILDING ADDITION

812 East Jolly Road
Lansing, MI 48911

CMH
COMMUNITY MENTAL HEALTH AUTHORITY

812 East Jolly Road
Lansing, MI 48911

Bergmann associates
architects // engineers // planners

7650 West Saginaw Street, Suite 205
Lansing, Michigan 48917

office 517.272.9835
fax 517.272.9836

www.bergmannpc.com

REVISIONS

PRELIMINARY
LANDSCAPE
PLAN

C130

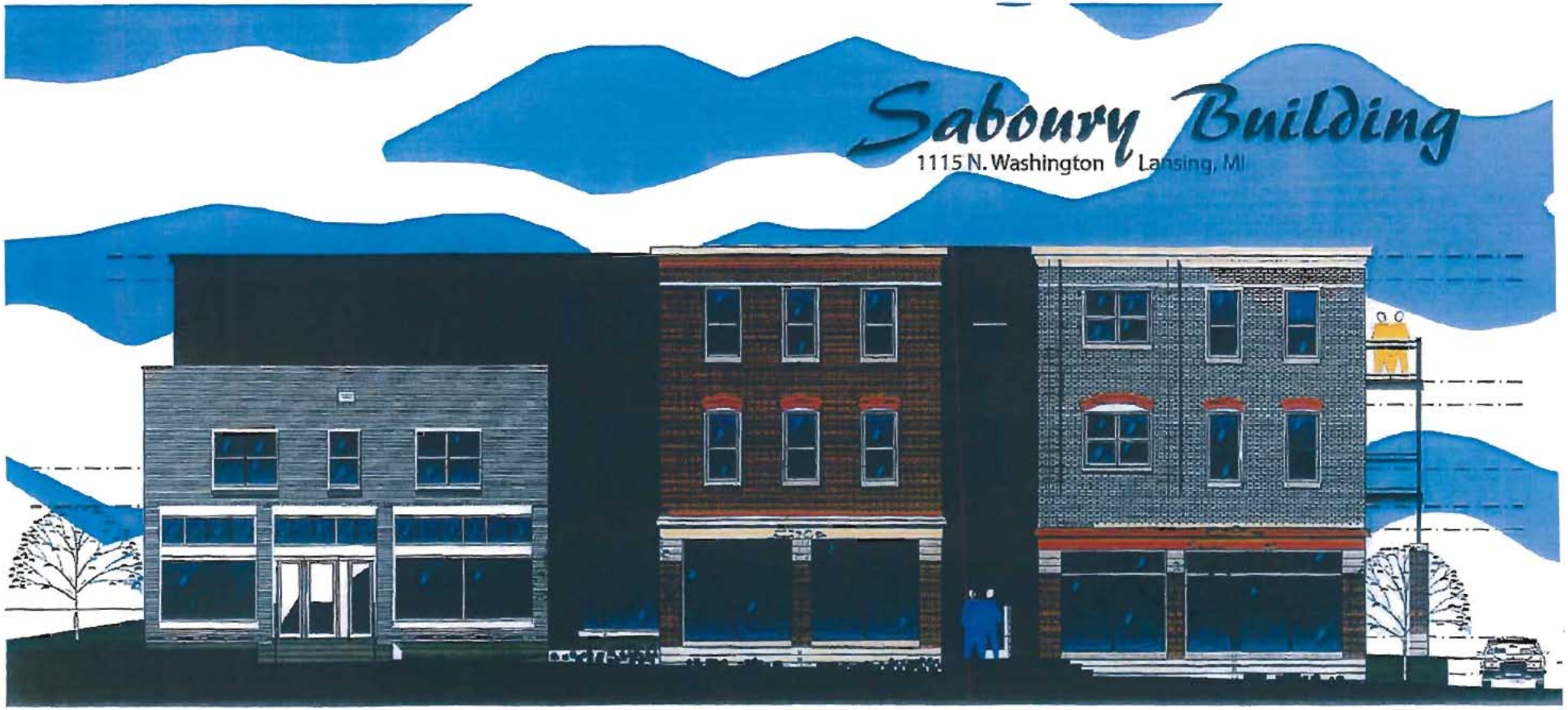

N
Southgate Ave
E Jolly Rd
Sandlyn Dr
Allison Dr
Lyncott Dr
Granger Dr
Glenwood Ave
Sims Ct

Zoning


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
Woodlyn Dr
Allison Dr
Lyncott Dr
Sandlyn Dr
Southgate Ave
E Jolly Rd
Sims Ct
Granger Dr
Glenwood Ave
N

AGENDA ITEM

INFORMATION
NOT AVAILABLE
AT THE TIME
PACKET WAS
DISTRIBUTED

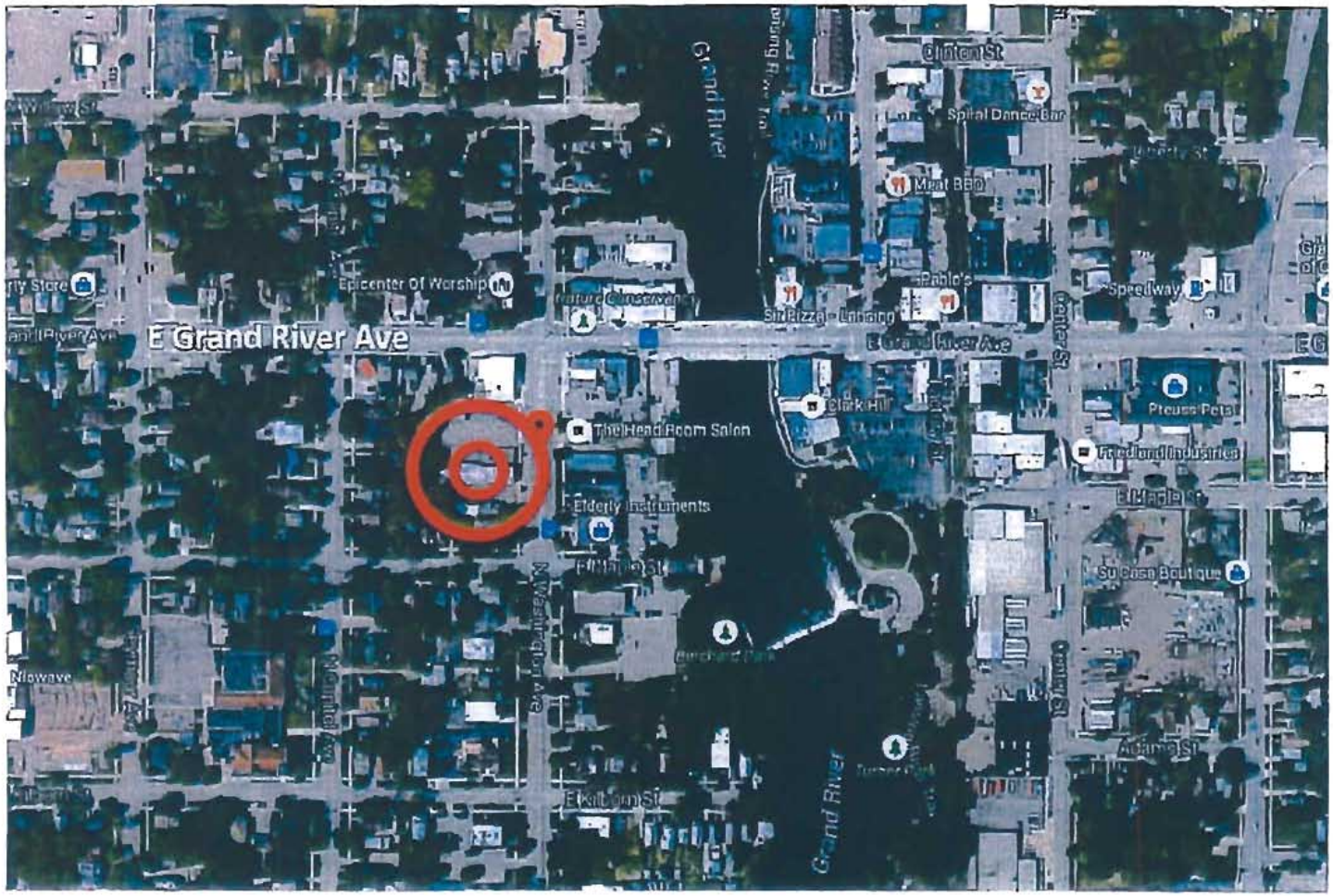


DeStigter Architecture & Planning

MSHDA Michigan State Housing Development Authority

Mixed-Use Community Development

Multi-Story Residential Living & Street Front Commercial Leasing



Project Site:

1115 N Washington
Lansing, MI
Old Town Neighborhood

$3.95-million (estimated)
30,000+ Square Foot Building

Includes the Renovation of an Existing Historic 2-Story Building

(23) Apartment Units
(4) Retail Lease Spaces

Walk Score 80
Very Walkable
Most errands can be accomplished on foot.

Bike Score 92
Biker's Paradise
Flat as a pancake, excellent bike lanes

*Courtesy of WalkScore.com 08/31/15

DeStigter Architecture Planning | *Sabourn Building*

Current Site Conditions

Existing 2-Story Building – Along N. Washington

Existing 2-Story Building – West (Rear) View

DeStigter Architecture Planning | *Sabourq Building*

Surrounding Neighborhood Architecture

DeStigter Architecture Planning | *Sabourу Building*

DeStigter Architecture Planning | *Saboury Building*

N Washington Street Frontage

WEST ELEVATION

SCALE: 1/4" = 1'-0"

DeStigter Architecture & Planning | *Sabourn Building*

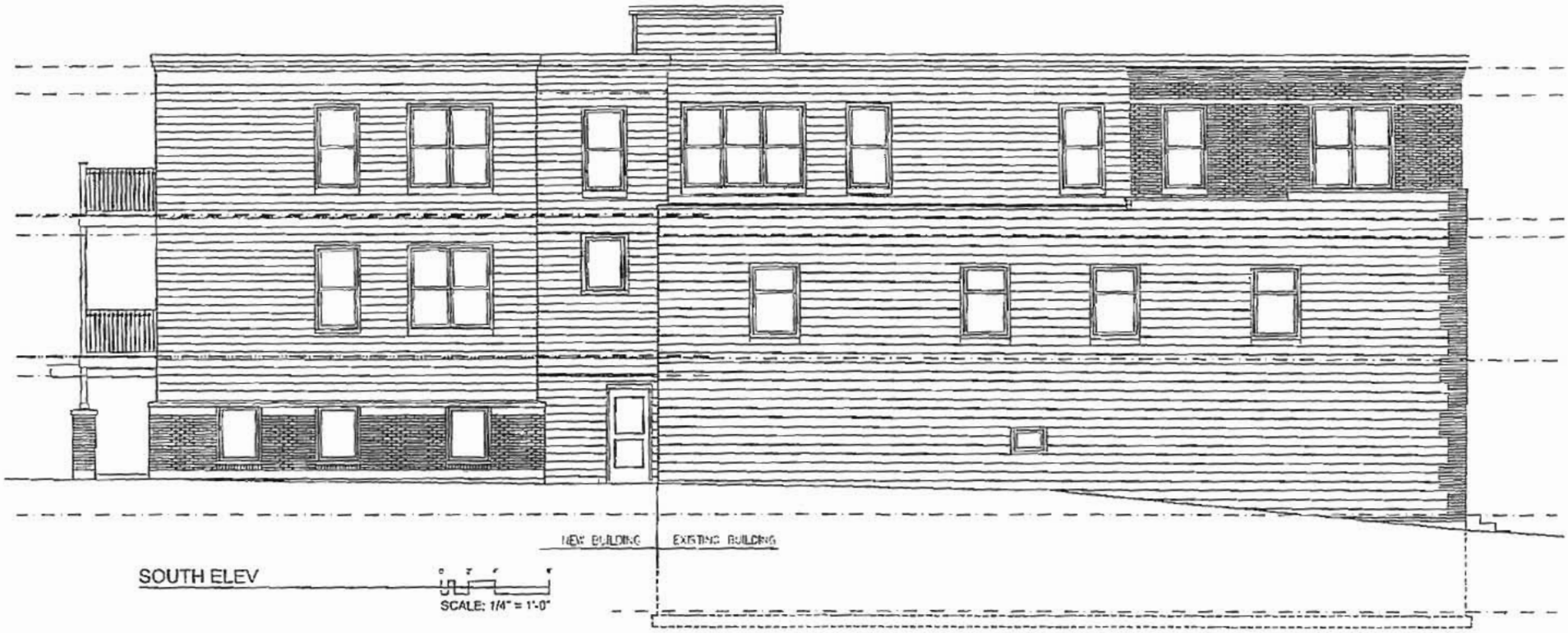
Parking Lot Covered Entries

NORTH ELEVATION

SCALE: 1/4" = 1'-0"

DeStigter Architecture & Planning

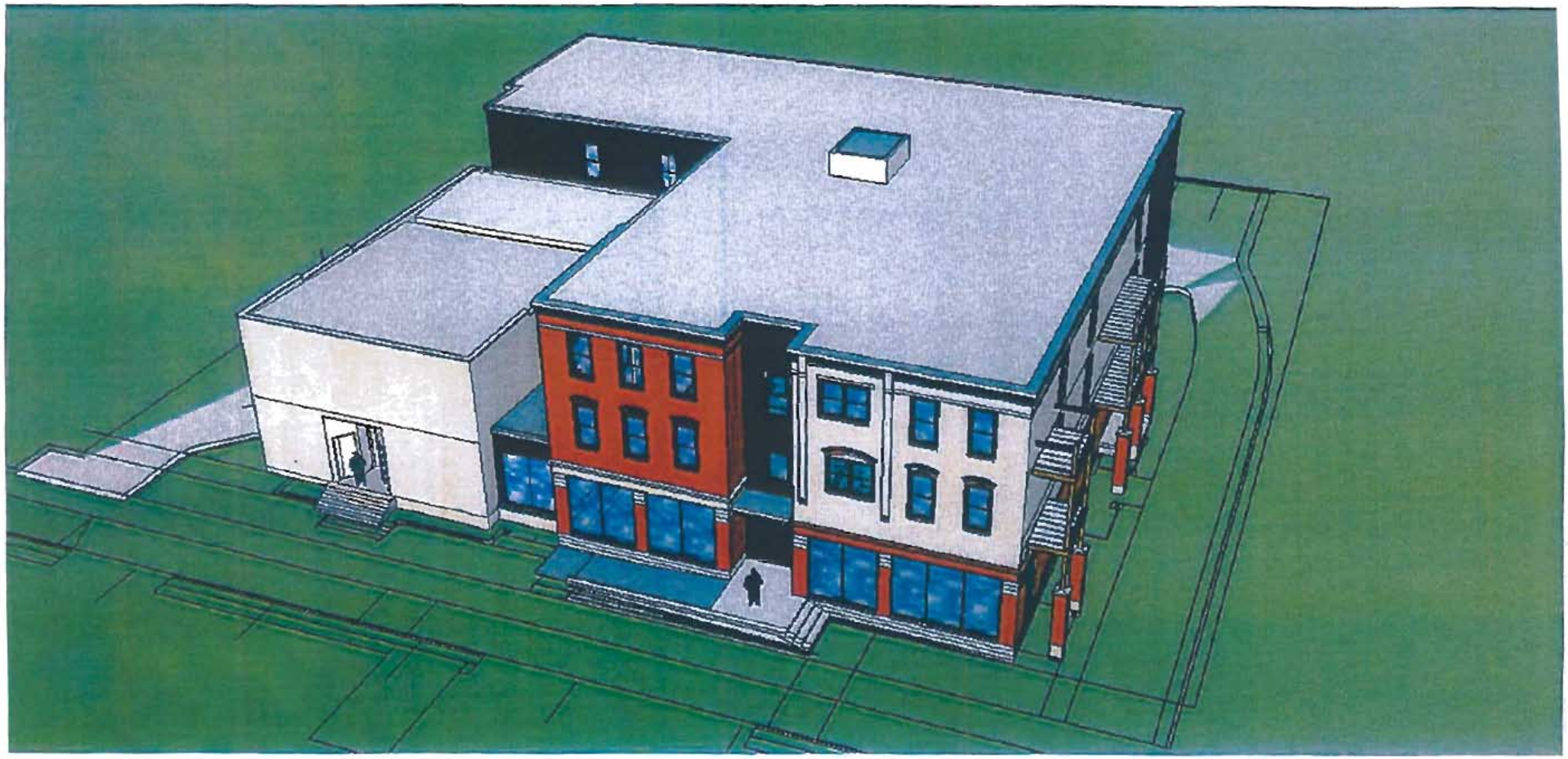
Sabourу Building



DeStigter Architecture & Planning

Sabourn Building

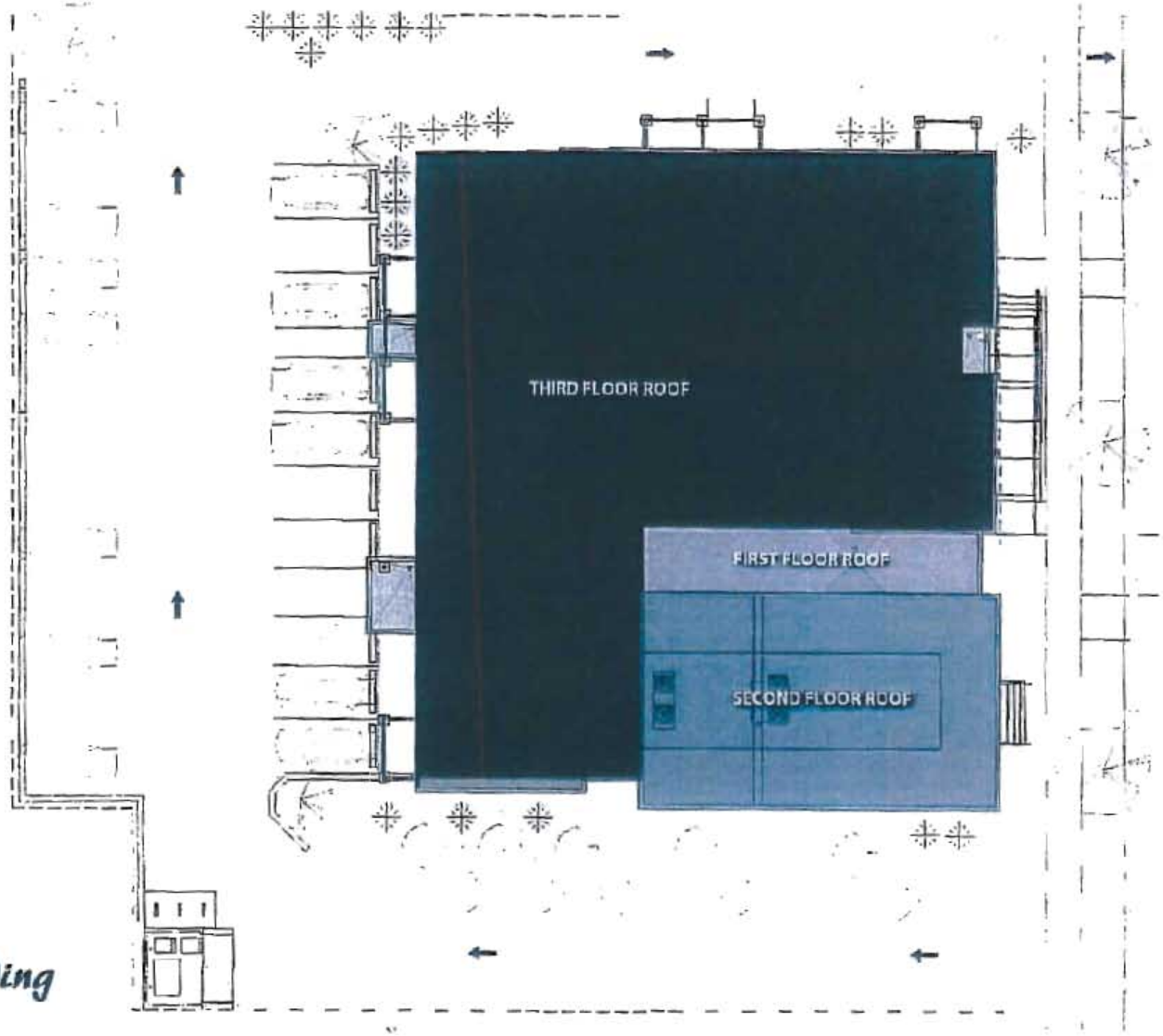
DeStigter Architecture Planning | *Sabourn Building*



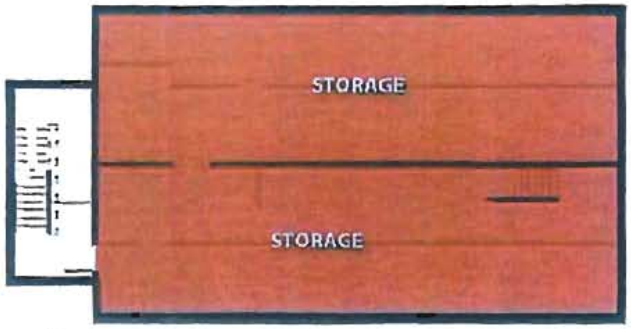
DeStigter Architecture Planning | *Sabourn Building*

Development Data Summary

	Unit Number	1 Bedroom	2 Bedroom	U.F. Type "A"	U.F. Type "B"	Hearing & Visually Impaired	One Bedrm. Apt. Gross Area	Two Bedrm. Apt. Gross Area	Gross Floor Area	Total Building Gross Area
BASEMENT										2,388
Basement Storage	70								985	
Basement Storage	71								985	
FIRST FLOOR										10,456
Apartment	101	1					727			
Apartment	102	1					700			
Apartment	103		1					985		
Community Room	140								875	
Lease Space	150								1,234	
Lease Space	160								1,249	
Lease Space	165								477	
Lease Space	170								1,059	
Lease Space	171								1,018	
SECOND FLOOR										8,510
Apartment	201	1					712			
Apartment	202		1					931		
Apartment	203	1					640			
Apartment	204	1					687			
Apartment	205	1					680			
Apartment	206	1					672			
Apartment	207	1					667			
Apartment	208	1					645			
Apartment	209	1					665			
Apartment	210		1					1,865		
Apartment	211		1					1,804		
THIRD FLOOR										7,861
Apartment	301	1					712			
Apartment	302		1					931		
Apartment	303	1					640			
Apartment	304	1					687			
Apartment	305	1					680			
Apartment	306	1					672			
Apartment	307	1					667			
Apartment	308	1					645			
Apartment	309	1					665			
Total One Bedroom		18					12,215			
Total Two Bedroom			3					4,036		
TOTAL GROSS AREAS										
Entire Building										30,314
Apartments										17,141
Retail Lease Space										5,035
Storage										1,970



DeStigter Architecture Planning | *Sabourin Building*



N

BASEMENT PLAN

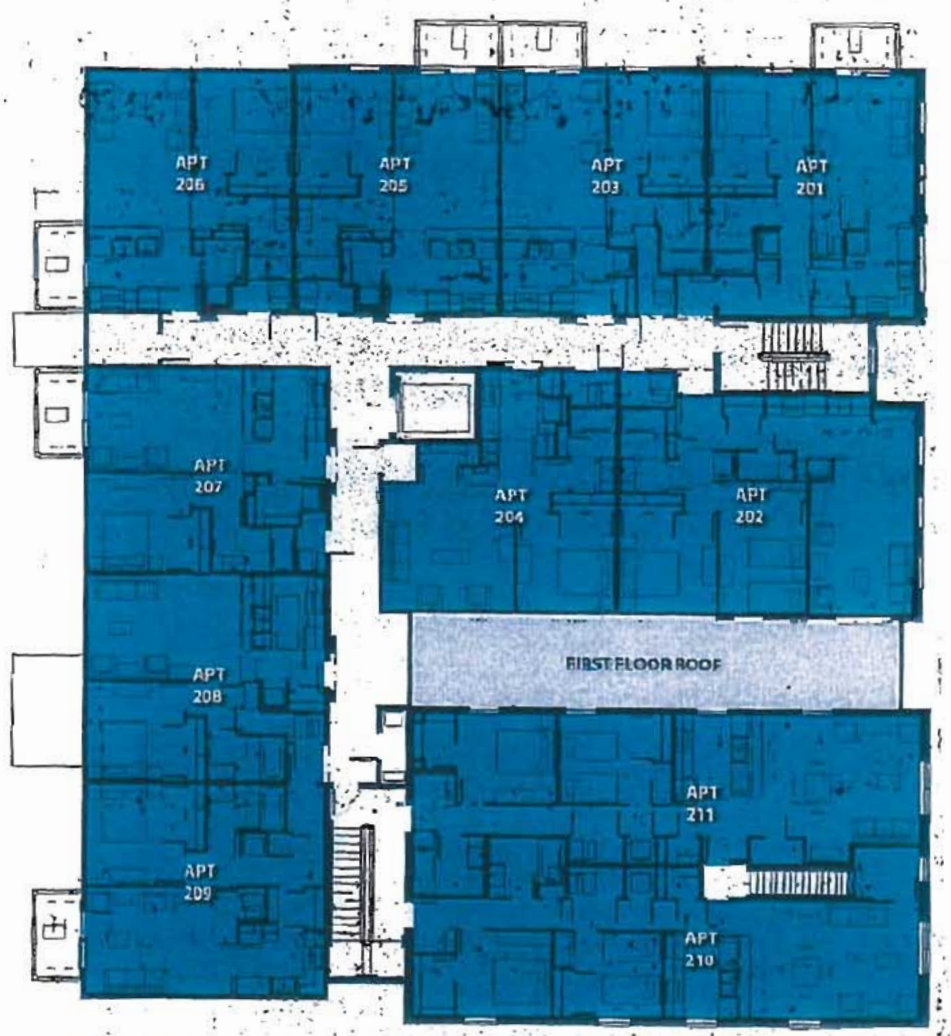
Building Amenities

- Community Room w/ Kitchenette
- On-Site Management Office
- Intercom System
- Key Card Access
- Security Cameras
- Elevator
- Central Air
- Internet Hook-up
- LED Lighting

N

FIRST FLOOR PLAN

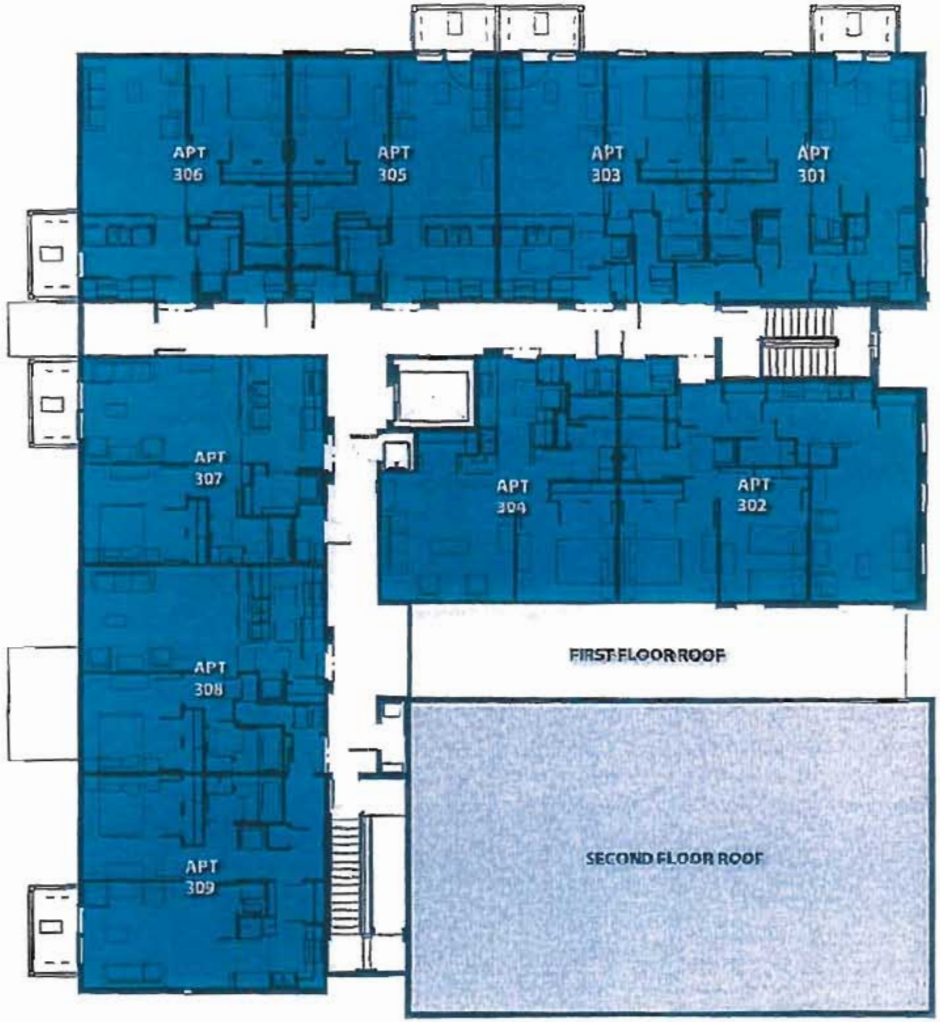
DeStigter Architecture & Planning | *Sabourn Building*



DeStigter Architecture & Planning | *Sabourу Building*

N

SECOND FLOOR PLAN



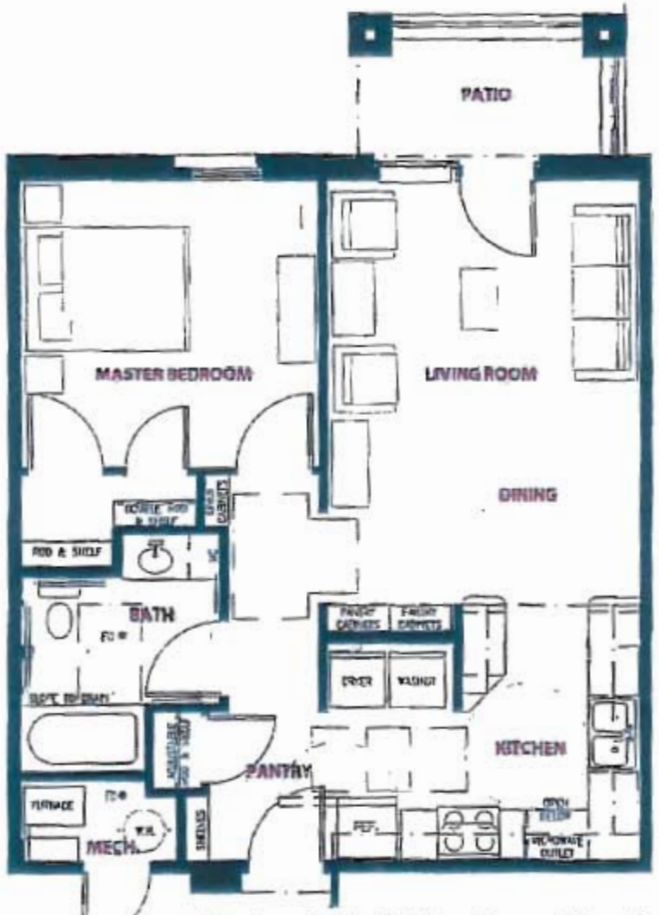
DeStigter Architecture & Planning | *Sabourý Building*

N

THIRD FLOOR PLAN

Apartment Amenities

- Frost Free Refrigerator
- Self-Cleaning Oven
- Microwave
- Dishwasher
- In-Unit Washer & Dryer
- Entry Coat Closet (in Pantry)
- Resilient Flooring
- Mini-blinds



Apartment 101 - B.F. Type B 727 sq. ft.

Typ. B.F. Type A – Visitable Avg. 679 sq. ft.

DeStigter Architecture & Planning | *Saboury Building*

ONE BEDROOM APARTMENTS

Apartment 103 - B.F. Type B 985 sq. ft.

Apartment 202 - Type A – Visitable 921 sq. ft.

DeStigter Architecture & Planning | *Saboury Building*

TWO BEDROOM APARTMENTS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 888 BY ADDING A NEW SECTION 888.___ FOR THE PURPOSES OF PROVIDING FOR A SERVICE CHARGE IN LIEU OF AD VALORUM PROPERTY TAXES FOR NO MORE THAN TWENTY-FOUR (24) QUALIFIED LOW ~~OR MODERATE~~ INCOME MULTI-FAMILY DWELLING UNITS IN A HOUSING DEVELOPMENT PROJECT KNOWN AS THE SABOURY BUILDING APPARTMENTS, PURSUANT TO THE PROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, AS AMENDED.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 888 of the Code of Ordinances of the City of Lansing, Michigan be amended to add a new section 888.___ to read as follows:

888.___ SABOURY BUILDING APPARTMENTS

(A) PURPOSE. IT IS ACKNOWLEDGED THAT IT IS A PROPER PUBLIC PURPOSE OF THE STATE OF MICHIGAN AND ITS POLITICAL SUBDIVISIONS, INCLUDING THE CITY OF LANSING, TO PROVIDE HOUSING FOR CITIZENS OF LOW INCOME AND TO ENCOURAGE THE DEVELOPMENT OF SUCH HOUSING BY PROVIDING FOR A SERVICE CHARGE IN LIEU OF PROPERTY TAXES IN ACCORDANCE WITH THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966 (ACT NO. 346 OF THE PUBLIC ACTS OF MICHIGAN OF 1966, AS AMENDED). THE CITY IS AUTHORIZED BY THIS ACT TO ESTABLISH OR CHANGE THE SERVICE CHARGE TO BE PAID IN LIEU OF TAXES BY ANY OR ALL CLASSES OF HOUSING EXEMPT FROM TAXATION

Submitted @ mtg

UNDER THIS ACT AT ANY AMOUNT IT CHOOSES NOT TO EXCEED THE TAXES THAT WOULD BE PAID BUT FOR THIS ACT. IT IS FURTHER ACKNOWLEDGED THAT HOUSING FOR PERSONS OF LOW INCOME IS A PUBLIC NECESSITY, AND AS THE CITY WILL BE BENEFITTED AND IMPROVED BY SUCH HOUSING, THE ENCOURAGEMENT OF THE SAME BY PROVIDING CERTAIN REAL ESTATE TAX EXEMPTION FOR SUCH HOUSING IS A VALID PUBLIC PURPOSE; FURTHER, THAT THE CONTINUATION OF THE PROVISIONS OF THIS ORDINANCE SECTION FOR TAX EXEMPTION AND THE SERVICE CHARGE IN LIEU OF ALL AD VALORUM PROPERTY TAXES DURING THE PERIOD CONTEMPLATED IN THIS SECTION ARE ESSENTIAL TO THE DETERMINATION OF ECONOMIC FEASIBILITY OF THE HOUSING DEVELOPMENT PROJECT WHICH IS TO BE DEVELOPED AND FINANCED IN RELIANCE ON SUCH TAX EXEMPTION AND SERVICE CHARGE.

THE CITY ACKNOWLEDGES THAT THE SPONSOR, AS DEFINED IN THIS SECTION, IS A LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP AND HAS OFFERED, SUBJECT TO RECEIPT OF AN ALLOCATION UNDER THE LOW INCOME HOUSING TAX CREDIT (LIHTC) PROGRAM AND/OR A MORTGAGE LOAN, TO CONSTRUCT, OWN, AND OPERATE RENTAL PROPERTIES IDENTIFIED AS THE HOUSING DEVELOPMENT PROJECT LOCATED IN THE CITY TO SERVE PERSONS OF LOW INCOME, AND THAT THE SPONSOR HAS OFFERED TO PAY THE CITY ON ACCOUNT OF THIS HOUSING DEVELOPMENT AN ANNUAL SERVICE CHARGE FOR PUBLIC SERVICE IN LIEU OF ALL AD VALOREM PROPERTY TAXES.

(B) DEFINITIONS.

(1) "ACT" MEANS THE STATE HOUSING DEVELOPMENT AUTHORITY ACT;~~,~~ ~~BEING~~ MICHIGAN PUBLIC ACT 346 OF 1966, AS AMENDED BEING MCL 125.1401 ET SEQ.

(2) "ANNUAL SHELTER RENT" MEANS THE TOTAL COLLECTIONS DURING AN AGREED ANNUAL PERIOD FROM OR PAID ON BEHALF OF ALL LOW INCOME OCCUPANTS OF A HOUSING DEVELOPMENT REPRESENTING RENT OR OCCUPANCY CHARGES, EXCLUSIVE OF CHARGES FOR UTILITIES AS DEFINED IN THIS SECTION.

(3) "AUTHORITY" MEANS THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY AS REFERRED TO IN SECTION 21 OF THE ACT, BEING MCL 125.1421.

(4) "CITY" MEANS THE CITY OF LANSING, A MICHIGAN MUNICIPAL CORPORATION.

(5) "COMMENCEMENT OF CONSTRUCTION" MEANS THE COMMENCEMENT OF THE REHABILITATION OF THE HOUSING DEVELOPMENT, AS HEREIN DEFINED.

(6) "HOUSING DEVELOPMENT" MEANS A DEVELOPMEN~~,~~T, AT THE HOUSING DEVELOPMENT LOCATION OF A BUILDING, TO INCLUDE NO MORE THAN TWENTY-FOUR (24) QUALIFIED LOW TO MODERATE INCOME ASSISTED RESIDENTIAL APARTMENT UNITS, ~~WHICH~~ AND THAT MAY CONTAIN~~S~~ A SIGNIFICANT ELEMENT OF HOUSING FOR PERSONS OF LOW INCOME AND SUCH ELEMENTS OF HOUSING (OTHER THAN THE HOUSING DEVELOPMENT PROJECT) AND COMMERCIAL, RECREATIONAL, INDUSTRIAL, COMMUNAL, AND

EDUCATIONAL FACILITIES AS THE AUTHORITY DETERMINES IMPROVE THE QUALITY OF THE HOUSING DEVELOPMENT PROJECT AS IT RELATES TO HOUSING FOR PERSONS OF LOW INCOME.

(7) "HOUSING DEVELOPMENT LOCATION" MEANS 1113 N. WASHINGTON, LANSING, PARCEL NUMBER 33-01-01-09-331-152 , (LOT 3 & LOT 4 & E 145 FT OF N 1/2 LOT 5 BLOCK 34 ORIG PLAT)

(8) "HOUSING DEVELOPMENT PROJECT" MEANS THE REHABILITATION OF THE BUILDING AFTER COMPLETION OF CONSTURCTION AND ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR ALL UNITS. THE HOUSING DEVELOPMENT PROJECT DOES NOT INCLUDE ANY ADDITIONAL RESIDENTIAL APARTMENTS OR OTHER SPACE ON THE PARCEL, INCLUDING BUT NOT LIMITED TO COMMERICAL SPACE.

(9) "LOW INCOME PERSONS OR FAMILIES" MEANS LOW INCOME PERSONS OR FAMILIES AS DEFINED IN SECTION 15(A)(7) OF THE ACT.

(10) "MORTGAGE LOAN" MEANS A FEDERALLY-AIDED MORTGAGE OR AUTHORITY-AIDED MORTGAGE OR ADVANCE FROM THE AUTHORITY, AS DEFINED IN THE ACT, TO THE SPONSOR FOR THE CONSTRUCTION AND/OR PERMANENT FINANCING OF THE HOUSING DEVELOPMENT PROJECT.

(11) "SPONSOR" MEANS PERSON(S) OR ENTITIES THAT HAVE APPLIED TO THE AUTHORITY FOR OR HAVE RECEIVED ~~OR~~ A MORTGAGE LOAN OR AN ALLOCATION UNDER THE LOW INCOME HOUSING TAX CREDIT PROGRAM TO FINANCE THE HOUSING DEVELOPMENT PROJECT. THE SPONSOR UNDER THIS

SECTION OF THE ORDINANCE IS SABOURY OLD TOWN LDHA LIMITED PARTNERSHIP, 1525 CAMBRIA DRIVE, EAST LANSING, MICHIGAN.

(12) "UTILITIES" MEANS FUEL, WATER, HEAT, SANITARY SEWER SERVICE AND/OR ELECTRICAL SERVICE FURNISHED TO THE OCCUPANTS WHICH ARE PAID BY THE HOUSING DEVELOPMENT PROJECT.

ALL TERMS REFERENCED IN THE ACT BUT NOT DEFINED IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN THEM IN THE ACT.

(C) CLASS OF HOUSING DEVELOPMENT. IT IS DETERMINED THAT THE CLASS OF HOUSING DEVELOPMENTS TO WHICH THE TAX EXEMPTION SHALL APPLY AND FOR WHICH A SERVICE CHARGE SHALL BE PAID IN LIEU OF SUCH TAXES SHALL BE HOUSING DEVELOPMENTS WHICH ARE FINANCED OR ASSISTED PURSUANT TO THE ACT. IT IS FURTHER DETERMINED THAT THE HOUSING DEVELOPMENT PROJECT IS OF THIS CLASS.

(D) ESTABLISHMENT OF ANNUAL SERVICE CHARGE IN LIEU OF PROPERTY TAXES.

(1) SUBJECT TO THE CONDITIONS PRECEDENT IN THIS SECTION, THE HOUSING DEVELOPMENT PROJECT AND THE PROPERTY ON WHICH IT IS SITUATED SHALL BE EXEMPT FROM ALL PROPERTY TAXES FOR AS LONG AS A MORTGAGE LOAN, AS DEFINED ABOVE, REMAINS ON THE HOUSING DEVELOPMENT PROJECT FROM AND AFTER THE COMMENCEMENT OF CONSTRUCTION. THE CITY ACKNOWLEDGES THAT THE SPONSOR AND THE AUTHORITY HAVE ESTABLISHED THE ECONOMIC FEASIBILITY OF THE HOUSING DEVELOPMENT PROJECT IN

RELIANCE UPON THE ENACTMENT AND CONTINUING EFFECT OF THIS SECTION AND THE QUALIFICATION OF THE HOUSING DEVELOPMENT PROJECT FOR THE EXEMPTION FROM ALL PROPERTY TAXES AND A PAYMENT IN LIEU OF TAXES AS ESTABLISHED IN THIS SECTION, AND IN CONSIDERATION OF THE SPONSOR'S OFFER, SUBJECT TO RECEIPT OF A MORTGAGE LOAN, AND/OR AN ALLOCATION UNDER THE LIHTC PROGRAM ,TO CONSTRUCT, OWN AND OPERATE THE HOUSING DEVELOPMENT PROJECT. THE CITY AGREES TO ACCEPT PAYMENT OF AN ANNUAL SERVICE CHARGE FOR PUBLIC SERVICES IN LIEU OF ALL AD VALORUM PROPERTY TAXES, PROVIDED THE SPONSOR FURNISHES THE CITY WITH PROOF OF ITS ANNUAL CERTIFIED VERIFICATION PURSUANT TO THE REQUIREMENTS OF THE ACT AND AT THE REQUEST OF THE CITY, PROOF THAT THE SPONSOR HAS RECEIVED AND IS MAINTAINING ITS ALLOCATION OF LOW INCOME HOUSING CREDITS BY THE AUTHORITY AND THAT THE HOUSING DEVELOPMENT PROJECT UNITS HAVE NOT INCREASED, DECREASED OR BEEN ALTERED IN ANY FORM, UNLESS THE CITY HAS OTHERWISE AMENDED THE PROVISIONS OF THIS SECTION.

(2) IN ADDITION TO THE ANNUAL CERTIFIED VERIFICATION REQUIREMENT IN PARAGRAPH (1) OF THIS SUBSECTION, THE TAX EXEMPTION SHALL COMMENCE WHEN THE SPONSOR COMPLIES WITH SECTION 15A OF THE ACT, WHICH PROVIDES: THE OWNER OF A HOUSING DEVELOPMENT PROJECT ELIGIBLE FOR THE EXEMPTION SHALL FILE WITH THE LOCAL ASSESSING OFFICER A CERTIFIED NOTIFICATION OF THE EXEMPTION, WHICH SHALL BE IN AN AFFIDAVIT FORM AS PROVIDED BY THE AUTHORITY. THE COMPLETED AFFIDAVIT FORM FIRST SHALL

BE SUBMITTED TO THE AUTHORITY FOR CERTIFICATION BY THE AUTHORITY THAT THE HOUSING DEVELOPMENT PROJECT IS ELIGIBLE FOR THE EXEMPTION. THE OWNER THEN SHALL FILE, OR CAUSE TO BE FILED, THE CERTIFIED NOTIFICATION OF THE EXEMPTION WITH THE LOCAL ASSESSING OFFICER BEFORE NOVEMBER 1 OF THE YEAR PRECEDING THE TAX YEAR IN WHICH THE EXEMPTION IS TO BEGIN.

(3) THE ANNUAL SERVICE CHARGE SHALL BE EQUAL TO FOUR PERCENT OF THE DIFFERENCE BETWEEN THE ANNUAL SHELTER RENTS ACTUALLY COLLECTED AND UTILITIESAS DEFINED IN SECTION 11(M) OF THE ACT.

(E) LIMITATION ON THE PAYMENT OF THE ANNUAL SERVICE CHARGE. NOTWITHSTANDING SUBSECTION (D), THE SERVICE CHARGE TO BE PAID EACH YEAR IN LIEU OF TAXES FOR THE PART OF THE HOUSING DEVELOPMENT PROJECT THAT IS TAX EXEMPT AND OCCUPIED BY OTHER THAN LOW INCOME PERSONS OR FAMILIES SHALL BE EQUAL TO THE FULL AMOUNT OF THE TAXES THAT WOULD OTHERWISE BE DUE AND PAYABLE ON THAT PORTION OF THE HOUSING DEVELOPMENT PROJECT IF THE PROJECT WERE NOT TAX EXEMPT.

(F) PAYMENT OF SERVICE CHARGE. THE SERVICE CHARGE IN LIEU OF TAXES AS DETERMINED UNDER THIS SECTION SHALL BE PAYABLE IN THE SAME MANNER AS GENERAL PROPERTY TAXES ARE PAYABLE TO THE CITY AND DISTRIBUTED TO THE SEVERAL UNITS LEVYING THE GENERAL PROPERTY TAX IN THE SAME PROPORTION AS PREVAILED WITH THE GENERAL PROPERTY TAX IN THE PREVIOUS CALENDAR YEAR, EXCEPT THAT THE ANNUAL PAYMENT SHALL BE

PAID ON OR BEFORE JULY 1 OF THE YEAR FOLLOWING THE YEAR UPON WHICH SUCH CHARGE IS CALCULATED. COLLECTION PROCEDURES SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THE GENERAL PROPERTY TAX ACT (1893 PA 206, AS AMENDED; MCLA 211.1 ET SEQ).

(G) CONTRACTUAL EFFECT OF THIS SECTION. NOTWITHSTANDING THE PROVISIONS OF SECTION 15(A)(5) OF THE ACT TO THE CONTRARY, A CONTRACT BETWEEN THE CITY AND THE SPONSOR, WITH THE AUTHORITY AS THIRD-PARTY BENEFICIARY UNDER THE CONTRACT, TO PROVIDE TAX EXEMPTION AND ACCEPT PAYMENTS IN LIEU OF TAXES, AS PREVIOUSLY DESCRIBED, IS EFFECTUATED BY ENACTMENT OF THIS SECTION.

(H) DURATION; COMMENCEMENT OF CONSTRUCTION.

(1) THE PROPERTY TAX EXEMPT STATUS OF THE HOUSING DEVELOPMENT PROJECT APPROVED BY THIS SECTION SHALL REMAIN IN EFFECT AND SHALL NOT TERMINATE SO LONG AS THE MORTGAGE LOAN FOR THE HOUSING DEVELOPMENT PROJECT REMAINS OUTSTANDING AND UNPAID, OR FOR SUCH PERIOD AS THE AUTHORITY OR OTHER GOVERNMENTAL ENTITY HAS ANY INTEREST IN THE PROPERTY OR THE PROJECT IS SUBJECT TO INCOME AND RENT RESTRICTIONS UNDER § 42 OF THE INTERNAL REVENUE CODE, AS AMENDED; PROVIDED THAT THE REHABILITATION OF THE HOUSING DEVELOPMENT PROJECT COMMENCES WITHIN ONE YEAR FROM THE EFFECTIVE DATE OF THIS SECTION, THAT THE PROJECT IS IN PART FINANCED BY A MORTGAGE LOAN AND/OR INCOME HOUSING TAX CREDITS FROM THE AUTHORITY AND THAT THE

NUMBER OF UNITS AND THE PURPOSES FOR THE HOUSING DEVELOPMENT PROJECT REMAIN UNCHANGED, SUBJECT TO AMENDMENT IN ACCORDANCE WITH THE LAW. IF THE REHABILITATION OF THE HOUSING DEVELOPMENT PROJECT DOES NOT COMMENCE WITHIN ONE YEAR FROM THE EFFECTIVE DATE OF THIS SECTION, THIS SECTION 888.___ OF THE ORDINANCE SHALL AUTOMATICALLY EXPIRE, TERMINATE AND BE OF NO EFFECT. IF THE SPONSOR FAILS TO OBTAIN WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION A MORTGAGE LOAN AND/OR LOW INCOME HOUSING TAX CREDITS FROM THE AUTHORITY OR CHANGES THE SCOPE OR PURPOSE OF THE HOUSING DEVELOPMENT PROJECT WITHOUT THE CONSENT OF THE PEOPLE OF THE CITY, BY AND THROUGH ITS REPRESENTATIVES, AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE LAW, THIS SECTION SHALL AUTOMATICALLY EXPIRE, TERMINATE AND BE OF NO EFFECT. NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY, THIS SECTION AND THE TAX EXEMPTION PROVIDED SHALL TERMINATE AND BE OF NO EFFECT AFFECT AFTER THIRTY-SEVEN (37) YEARS.

Section 2. Inconsistent Ordinances. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed as they pertain to the Saboury Building Apartments.

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

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

Approved as to form:

_____
City Attorney

Dated: _____

GENERAL INFORMATION

APPLICANT: (Sponsor/Developer)	LC Consultants, LLC 35 Research DR Ann Arbor, MI 48103
STATUS OF APPLICANT:	Sponsorship Entity
REQUESTED PILOT:	4% of rents received (less utilities) as payment in lieu of taxes
REQUESTED TERM OF PILOT:	For such period the mortgage loan for the housing development project remains outstanding and unpaid, or for such period as the authority or other governmental entity has any interest in the property or the project is subject to income and rent restrictions under § 42 of the internal revenue code, as amended
EXISTING LAND USE:	Currently vacant
EXISTING ZONING:	Currently zoned: North approximately ½ of the site "DM-2" Residential; South approximately ½ of the site "D-1" Professional Office district.
PROPERTY SIZE & SHAPE:	Irregular rectangular shape, Approximately 5.295 acres
SURROUNDING LAND USE:	N: Residential S: State of Michigan Offices & Parking Lots E: Office & Residential W: Office & Residential
SURROUNDING ZONING:	N: "DM-3" & "C" Residential Districts S: "DM-3" Residential District E: "D-2" Residential/Office, "DM-3" & "DM-4" Residential, "D-1" Professional Office and "J" Parking

Districts.
W: "DM-3" Residential & "D-1" Professional Office District

MASTER PLAN DESIGNATION: The Design Lansing Comprehensive Plan designates the subject property for "Downtown Mixed-Use Center: Edge". Ottawa Street is designated as a minor arterial. Sycamore, Butler and Ionia are all designated as local streets.

ANALYSIS

Request and description of project: The request for a site specific PILOT ordinance is submitted by LC Consultants, LLC, (the "Sponsor".) The request is for 4% PILOT for property located at 810 W. Ottawa St., parcel ID 33-01-01-17-279-003. This project is on property currently owned by the Michigan Association of Media Broadcasters, subject to a purchase agreement with the Sponsor. The proposal is for a mixed use development consisting of two (2) buildings, both including ground floor commercial space. The newly constructed apartment buildings will contain a total of 48 affordable residential family apartment units consisting of 24 one (1) bedroom units and 24 two (2) bedroom units.

The project will be submitted for Low Income Housing Tax Credit award in 2016. Construction will be completed in 2017.

PILOT HISTORY: This parcel has not been subject to a previous PILOT.

Criteria Reviewed:

1. Project will develop affordable housing. This project consists of new construction of 48 low income family tenant households. It will be competing for Low Income Housing Tax Credits to be awarded by MSHDA. If approved for tax credits, the basic criteria will be met in order to be considered for a 4% PILOT. The Owner anticipates permanently financing the project through the use of tax credit equity, State of Michigan MBT loan, and deferred developer fees to pay for total development costs of $13,721,800.00.

2. Project is in an approved City target area such as a CDBG eligible area, Neighborhood Strategy Area or Renaissance Zone qualified area. The property is located in a CDBG eligible area.

3. Project is part of and supported by an overall neighborhood improvement or revitalization plan or strategy as recognized by the City. Examples include a Neighborhood Preservation Program plan, City Master Plan or other City Development Office plan and such plan shall have included a Citizen

Participation process. See #2 above. The City rezoned the subject property in 2014 to accommodate mixed use development (Z-1-2014).

4. Requirement that the developer provide to the City an annual report and audit of project prepared for MSHDA or other mortgage entities. Annual audit must be submitted as basis for calculating the amount of PILOT payment due in lieu of ad valorem taxes.

Assessor's Financial Analysis:

2015 millage rate: 71.1223 mills

2015 True Cash Value (TCV): $424,427

2015 Taxable value: $212,200

2015 SEV: $212,200

2015 property tax revenues and administrative fees (all jurisdictions) was $15,243.01

Estimate of PILOT Service Fee, based on the letter dated February 4, 2016 from Loomis Law Firm, is $12,194.

RECOMMENDATION

Staff recommends adoption of the PILOT ordinance based on the following:

In about 2006, the Lansing Brownfield Authority purchased the property and resold it for development purposes. The subject parcel has been the subject of several unsuccessful attempts at redevelopment over the last ten years. The City has consistently supported mixed use development on this site. It is adjacent to the State of Michigan office complex and near the State Capitol and Hall of Justice.

Redevelopment of the property will add vibrancy, street life, and the "eyes and ears" we desire to promote a safe and livable community. Occupancy of the completed units will add vitality to the area and increase its overall marketability. The proposal is transitional in nature between the office uses to the south and residential to the north.

INTRODUCTION OF ORDINANCE

The Committee on Development and Planning introduced:

An Ordinance of The City of Lansing, Michigan, to Amend Chapter 888 of the Lansing Codified Ordinances by adding Section 888.34 for the purpose of providing for a service charge in lieu of ad valorum property taxes for no more than forty-eight (48) qualified low or moderate income multi-family dwelling units in a project known as Capitol Park Center, pursuant to the provisions of the State Housing Development Authority Act of 1966, as amended.

The Ordinance is referred to the Committee on Development and Planning

RESOLUTION SETTING PUBLIC HEARING
By the Committee of the Whole

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, _____, 2016 at 7:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of The City of Lansing, Michigan, to Amend Chapter 888 of the Lansing Codified Ordinances by adding Section 888.34 for the purpose of providing for a service charge in lieu of ad valorum property taxes for no more than forty-eight (48) qualified low or moderate income multi-family dwelling units in a project known as Capitol Park Center, pursuant to the provisions of the State Housing Development Authority Act of 1966, as amended.

Interested Persons are invited to attend this Public Hearing.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 888 BY ADDING A NEW SECTION 888.35 FOR THE PURPOSES OF PROVIDING FOR A SERVICE CHARGE IN LIEU OF AD VALORUM PROPERTY TAXES FOR NO MORE THAN FORTY-EIGHT (48) QUALIFIED LOW INCOME MULTI-FAMILY DWELLING UNITS IN A PROJECT KNOWN AS CAPITOL PARK CENTER, PURSUANT TO THE PROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, AS AMENDED.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 888 of the Code of Ordinances of the City of Lansing, Michigan be amended to add a new section 888.35 to read as follows:

888.35 CAPITOL PARK CENTER

(A) PURPOSE. IT IS ACKNOWLEDGED THAT IT IS A PROPER PUBLIC PURPOSE OF THE STATE OF MICHIGAN AND ITS POLITICAL SUBDIVISIONS, INCLUDING THE CITY OF LANSING, TO PROVIDE HOUSING FOR CITIZENS OF LOW INCOME AND TO ENCOURAGE THE DEVELOPMENT OF SUCH HOUSING BY PROVIDING FOR A SERVICE CHARGE IN LIEU OF PROPERTY TAXES IN ACCORDANCE WITH THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966 (ACT NO. 346 OF THE PUBLIC ACTS OF MICHIGAN OF 1966, AS AMENDED). THE CITY IS AUTHORIZED BY THIS ACT TO ESTABLISH OR CHANGE THE SERVICE CHARGE TO BE PAID IN LIEU OF TAXES BY ANY OR ALL CLASSES OF HOUSING EXEMPT FROM TAXATION

UNDER THIS ACT AT ANY AMOUNT IT CHOOSES NOT TO EXCEED THE TAXES THAT WOULD BE PAID BUT FOR THIS ACT. IT IS FURTHER ACKNOWLEDGED THAT HOUSING FOR PERSONS OF LOW INCOME IS A PUBLIC NECESSITY, AND AS THE CITY WILL BE BENEFITTED AND IMPROVED BY SUCH HOUSING, THE ENCOURAGEMENT OF THE SAME BY PROVIDING CERTAIN REAL ESTATE TAX EXEMPTION FOR SUCH HOUSING IS A VALID PUBLIC PURPOSE; FURTHER, THAT THE CONTINUATION OF THE PROVISIONS OF THIS ORDINANCE SECTION FOR TAX EXEMPTION AND THE SERVICE CHARGE IN LIEU OF ALL AD VALORUM PROPERTY TAXES DURING THE PERIOD CONTEMPLATED IN THIS SECTION ARE ESSENTIAL TO THE DETERMINATION OF ECONOMIC FEASIBILITY OF THE HOUSING DEVELOPMENT PROJECT WHICH IS TO BE DEVELOPED AND FINANCED IN RELIANCE ON SUCH TAX EXEMPTION AND SERVICE CHARGE.

THE CITY ACKNOWLEDGES THAT THE SPONSOR, AS DEFINED IN THIS SECTION OF THE ORDINANCE, WILL FORM A LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED LIABILITY COMPANY AND HAS OFFERED, SUBJECT TO RECEIPT OF AN ALLOCATION UNDER THE LOW INCOME HOUSING TAX CREDIT (LIHTC) PROGRAM AND/OR A MORTGAGE LOAN, TO CONSTRUCT, OWN, AND OPERATE RENTAL PROPERTIES IDENTIFIED AS THE HOUSING DEVELOPMENT PROJECT LOCATED IN THE CITY TO SERVE PERSONS OF LOW INCOME, AND THAT THE SPONSOR HAS OFFERED TO PAY THE CITY ON ACCOUNT OF THIS HOUSING DEVELOPMENT AN ANNUAL SERVICE CHARGE FOR PUBLIC SERVICE IN LIEU OF ALL AD VALOREM PROPERTY TAXES.

(B) DEFINITIONS.

(1) "ACT" MEANS THE STATE HOUSING DEVELOPMENT AUTHORITY ACT, BEING MICHIGAN PUBLIC ACT 346 OF 1966, AS AMENDED; MCL 125.1401 ET SEQ.

(2) "ANNUAL SHELTER RENT" MEANS THE TOTAL COLLECTIONS DURING AN AGREED ANNUAL PERIOD FROM ALL OCCUPANTS OF A HOUSING DEVELOPMENT REPRESENTING RENT OR OCCUPANCY CHARGES, EXCLUSIVE OF CHARGES FOR UTILITIES AS DEFINED IN THIS SECTION.

(3) "AUTHORITY" MEANS THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY. , AS REFERRED TO IN SECTION 21 OF THE ACT BEING MCL 125.1421.

(4) "CITY" MEANS THE CITY OF LANSING, A MICHIGAN MUNICIPAL CORPORATION.

(5) "COMMENCEMENT OF CONSTRUCTION" MEANS THE COMMENCEMENT OF THE CONSTRUCTION OF THE BUILDING OR BUILDINGS OF THE HOUSING DEVELOPMENT AS HEREIN DEFINED.

(6) "HOUSING DEVELOPMENT" MEANS A DEVELOPMENT AT THE HOUSING DEVELOPMENT LOCATION, OF A BUILDING OR BUILDINGS TO INCLUDE NO MORE THAN FORTY-EIGHT (48) QUALIFIED LOW INCOME ASSISTED RESIDENTIAL APARTMENT UNITS THAT MAY CONTAIN A SIGNIFICANT ELEMENT OF HOUSING FOR PERSONS OF LOW INCOME AND SUCH ELEMENTS OF OTHER HOUSING, COMMERCIAL, RECREATIONAL, INDUSTRIAL, COMMUNAL, AND EDUCATIONAL FACILITIES AS THE AUTHORITY DETERMINES IMPROVE THE QUALITY OF THE DEVELOPMENT AS IT RELATES TO HOUSING FOR PERSONS OF LOW INCOME.

(7) “HOUSING DEVELOPMENT LOCATION” MEANS TO BE LOCATED IN THE CITY OF LANSING, MORE SPECIFICALLY DESCRIBED AS:

A PARCEL OF LAND IN BLOCK 4 OF CLAYPOOL’S SUBDIVISION, CITY OF LANSING, INGHAM COUNTY, MICHIGAN, ACCORDING TO THE RECORDED PLAT THEREOF, AS RECORDED IN LIBER 45 OF PLATS, PAGE 217, INGHAM COUNTY RECORDS, CONTAINING PART OF LOTS 2 AND 3, BLOCK 4, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF SAID BLOCK 4, ALSO BEING THE SOUTHWEST CORNER OF LOT 3, BLOCK 4, CLAYPOOL’S SUBDIVISION, THENCE EASTERLY ALONG THE SOUTH LINE OF SAID BLOCK 235.75 FEET, THENCE NORTHERLY PARALLEL TO THE WEST LINE OF SAID BLOCK 148.50 FEET; THENCE EASTERLY PARALLEL TO THE SOUTH LINE OF SAID BLOCK, 167.99 FEET; THENCE SOUTHERLY PARALLEL TO THE WEST LINE OF SAID BLOCK, 148.50 FEET TO THE SOUTH LINE OF SAID BLOCK; THENCE EASTERLY ALONG SAID SOUTH LINE 178.75 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 4, ALSO BEING THE SOUTHEAST CORNER OF LOT 2; THENCE NORTHERLY ALONG THE EAST LINE OF SAID BLOCK, 198.01 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE WEST ALONG THE NORTH LINE OF LOTS 2 AND 3 A DISTANCE OF 580.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 3 AND BEING ON THE WEST LINE OF SAID BLOCK 4; THENCE SOUTHERLY ON THE WEST LINE OF LOT 3, BLOCK 4 A DISTANCE OF 198.00 FEET TO THE PLACE OF BEGINNING.

(8) "HOUSING DEVELOPMENT PROJECT" MEANS THE CONSTRUCTION OF THE BUILDING OR BUILDINGS AFTER COMPLETION OF CONSTRUCTION AND ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR ALL UNITS. THE HOUSING

DEVELOPMENT PROJECT DOES NOT INCLUDE ANY ADDITIONAL RESIDENTIAL APARTMENTS OR OTHER SPACE ON THE PARCEL, EXCEPT SPACE AVAILABLE TO THE TENANTS AND THEIR INVITEES FOR COMMUNITY PURPOSES, INCLUDING BUT NOT LIMITED TO COMMERCIAL SPACE.

(9) "LOW INCOME PERSONS OR FAMILIES" MEANS LOW INCOME PERSONS OR FAMILIES AS DEFINED IN SECTION 15(A)(7) OF THE ACT.

(10) "MORTGAGE LOAN" MEANS A FEDERALLY-AIDED MORTGAGE OR AUTHORITY-AIDED MORTGAGE OR ADVANCE FROM THE AUTHORITY, AS DEFINED IN THE ACT, TO THE SPONSOR FOR THE CONSTRUCTION AND/OR PERMANENT FINANCING OF THE HOUSING DEVELOPMENT PROJECT.

(11) "SPONSOR" MEANS PERSON(S) OR ENTITIES WHICH HAVE APPLIED TO THE AUTHORITY FOR OR HAVE RECEIVED A MORTGAGE LOAN OR FOR AN ALLOCATION UNDER THE LOW INCOME HOUSING TAX CREDIT PROGRAM TO FINANCE THE HOUSING DEVELOPMENT PROJECT. THE SPONSOR UNDER THIS SECTION OF THE ORDINANCE IS LC CONSULTANTS, LLC, 35 RESEARCH DRIVE, ANN ARBOR, MI 48103.

(12) "UTILITIES" MEANS FUEL, WATER, HEAT, SANITARY SEWER SERVICE AND/OR ELECTRICAL SERVICE FURNISHED TO THE OCCUPANTS WHICH ARE PAID BY THE HOUSING DEVELOPMENT PROJECT.

ALL TERMS REFERENCING THE ACT BUT NOT DEFINED IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN THEM IN THE ACT.

(C) CLASS OF HOUSING DEVELOPMENT. IT IS DETERMINED THAT THE CLASS OF HOUSING DEVELOPMENTS TO WHICH THE TAX EXEMPTION SHALL APPLY AND FOR WHICH A SERVICE CHARGE SHALL BE PAID IN LIEU OF SUCH TAXES SHALL BE HOUSING DEVELOPMENTS WHICH ARE FINANCED OR ASSISTED PURSUANT TO THE ACT. IT IS FURTHER DETERMINED THAT THE HOUSING DEVELOPMENT PROJECT IS OF THIS CLASS.

(D) ESTABLISHMENT OF ANNUAL SERVICE CHARGE IN LIEU OF PROPERTY TAXES.

(1) SUBJECT TO THE CONDITIONS PRECEDENT IN THIS SECTION, THE HOUSING DEVELOPMENT PROJECT AND THE PROPERTY ON WHICH IT IS SITUATED SHALL BE EXEMPT FROM ALL PROPERTY TAXES FOR AS LONG AS A MORTGAGE LOAN, AS DEFINED ABOVE, REMAINS ON THE HOUSING DEVELOPMENT PROJECT FROM AND AFTER THE COMMENCEMENT OF CONSTRUCTION. THE CITY ACKNOWLEDGES THAT THE SPONSOR AND THE AUTHORITY HAVE ESTABLISHED THE ECONOMIC FEASIBILITY OF THE HOUSING DEVELOPMENT PROJECT IN RELIANCE UPON THE ENACTMENT AND CONTINUING EFFECT OF THIS SECTION AND THE QUALIFICATION OF THE HOUSING DEVELOPMENT PROJECT FOR THE EXEMPTION FROM ALL PROPERTY TAXES AND A PAYMENT IN LIEU OF TAXES AS ESTABLISHED IN THIS SECTION, AND IN CONSIDERATION OF THE SPONSOR'S OFFER, SUBJECT TO RECEIPT OF A MORTGAGE LOAN AND/OR AN ALLOCATION UNDER THE LIHTC PROGRAM, TO CONSTRUCT, OWN AND OPERATE THE HOUSING DEVELOPMENT PROJECT. THE CITY AGREES TO ACCEPT PAYMENT OF AN ANNUAL SERVICE CHARGE FOR PUBLIC SERVICES IN LIEU OF ALL AD

VALORUM PROPERTY TAXES, PROVIDED THE SPONSOR FURNISHES THE CITY WITH PROOF OF ITS ANNUAL CERTIFIED VERIFICATION PURSUANT TO THE REQUIREMENTS OF THE ACT AND AT THE REQUEST OF THE CITY, PROOF THAT THE SPONSOR HAS RECEIVED AND IS MAINTAINING ITS ALLOCATION OF LOW INCOME HOUSING CREDITS BY THE AUTHORITY AND THAT THE HOUSING DEVELOPMENT PROJECT UNITS HAVE NOT INCREASED, DECREASED OR BEEN ALTERED IN ANY FORM, UNLESS THE CITY HAS OTHERWISE AMENDED THE PROVISIONS OF THIS SECTION.

(2) IN ADDITION TO THE ANNUAL CERTIFIED VERIFICATION REQUIREMENT IN PARAGRAPH (1) OF THIS SUBSECTION, THE TAX EXEMPTION SHALL COMMENCE WHEN THE SPONSOR COMPLIES WITH SECTION 15A OF THE ACT, WHICH PROVIDES: THE OWNER OF A HOUSING DEVELOPMENT PROJECT ELIGIBLE FOR THE EXEMPTION SHALL FILE WITH THE LOCAL ASSESSING OFFICER A CERTIFIED NOTIFICATION OF THE EXEMPTION, WHICH SHALL BE IN AN AFFIDAVIT FORM AS PROVIDED BY THE AUTHORITY. THE COMPLETED AFFIDAVIT FORM FIRST SHALL BE SUBMITTED TO THE AUTHORITY FOR CERTIFICATION BY THE AUTHORITY THAT THE HOUSING DEVELOPMENT PROJECT IS ELIGIBLE FOR THE EXEMPTION. THE OWNER THEN SHALL FILE OR CAUSE TO BE FILED THE CERTIFIED NOTIFICATION OF THE EXEMPTION WITH THE LOCAL ASSESSING OFFICER BEFORE NOVEMBER 1 OF THE YEAR PRECEDING THE TAX YEAR IN WHICH THE EXEMPTION IS TO BEGIN.

(3) THE ANNUAL SERVICE CHARGE SHALL BE EQUAL TO FOUR PERCENT OF THE DIFFERENCE BETWEEN THE ANNUAL SHELTER RENTS ACTUALLY COLLECTED AND UTILITIES AS DEFINED IN SECTION 11(m) OF THE ACT.

(E) LIMITATION ON THE PAYMENT OF THE ANNUAL SERVICE CHARGE. NOTWITHSTANDING SUBSECTION (D), THE SERVICE CHARGE TO BE PAID EACH YEAR IN LIEU OF TAXES FOR THE PART OF THE HOUSING DEVELOPMENT PROJECT THAT IS TAX EXEMPT AND OCCUPIED BY OTHER THAN LOW INCOME PERSONS OR FAMILIES SHALL BE EQUAL TO THE FULL AMOUNT OF THE TAXES THAT WOULD OTHERWISE BE DUE AND PAYABLE ON THAT PORTION OF THE HOUSING DEVELOPMENT PROJECT IF THE PROJECT WERE NOT TAX EXEMPT.

(F) PAYMENT OF SERVICE CHARGE. THE SERVICE CHARGE IN LIEU OF TAXES AS DETERMINED UNDER THIS SECTION SHALL BE PAYABLE IN THE SAME MANNER AS GENERAL PROPERTY TAXES ARE PAYABLE TO THE CITY AND DISTRIBUTED TO THE SEVERAL UNITS LEVYING THE GENERAL PROPERTY TAX IN THE SAME PROPORTION AS PREVAILED WITH THE GENERAL PROPERTY TAX IN THE PREVIOUS CALENDAR YEAR, EXCEPT THAT THE ANNUAL PAYMENT SHALL BE PAID ON OR BEFORE JULY 1 OF THE YEAR FOLLOWING THE YEAR UPON WHICH SUCH CHARGE IS CALCULATED. COLLECTION PROCEDURES SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THE GENERAL PROPERTY TAX ACT (1893 PA 206, AS AMENDED; MCLA 211.1 ET SEQ).

(G) CONTRACTUAL EFFECT OF THIS SECTION. NOTWITHSTANDING THE PROVISIONS OF SECTION 15(A)(5) OF THE ACT TO THE CONTRARY, A CONTRACT

BETWEEN THE CITY AND THE SPONSOR, WITH THE AUTHORITY AS THIRD-PARTY BENEFICIARY UNDER THE CONTRACT, TO PROVIDE TAX EXEMPTION AND ACCEPT PAYMENTS IN LIEU OF TAXES, AS PREVIOUSLY DESCRIBED, IS EFFECTUATED BY ENACTMENT OF THIS SECTION.

(H) DURATION; COMMENCEMENT OF CONSTRUCTION.

(1) THE PROPERTY TAX EXEMPT STATUS OF THE HOUSING DEVELOPMENT PROJECT APPROVED BY THIS SECTION SHALL REMAIN IN EFFECT AND SHALL NOT TERMINATE SO LONG AS THE MORTGAGE LOAN FOR THE HOUSING DEVELOPMENT PROJECT REMAINS OUTSTANDING AND UNPAID, OR FOR SUCH PERIOD AS THE AUTHORITY OR OTHER GOVERNMENTAL ENTITY HAS ANY INTEREST IN THE PROPERTY OR THE PROJECT IS SUBJECT TO INCOME AND RENT RESTRICTIONS UNDER § 42 OF THE INTERNAL REVENUE CODE, AS AMENDED; PROVIDED THAT THE CONSTRUCTION OF THE HOUSING DEVELOPMENT PROJECT COMMENCES WITHIN ONE YEAR FROM THE EFFECTIVE DATE OF THIS SECTION, THAT THE PROJECT IS IN PART FINANCED BY A MORTGAGE LOAN AND/OR LOW INCOME HOUSING TAX CREDITS FROM THE AUTHORITY AND THAT THE NUMBER OF UNITS AND THE PURPOSES FOR THE HOUSING DEVELOPMENT PROJECT REMAIN UNCHANGED, SUBJECT TO AMENDMENT IN ACCORDANCE WITH THE LAW. IF THE CONSTRUCTION OF THE HOUSING DEVELOPMENT PROJECT DOES NOT COMMENCE WITHIN ONE YEAR FROM THE EFFECTIVE DATE OF THIS SECTION, THIS SECTION 888.35 OF THE ORDINANCE SHALL AUTOMATICALLY EXPIRE, TERMINATE AND BE OF NO EFFECT. IF THE SPONSOR FAILS TO OBTAIN WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION A MORTGAGE

LOAN AND/OR LOW INCOME HOUSING TAX CREDITS FROM THE AUTHORITY OR CHANGES THE SCOPE OR PURPOSE OF THE HOUSING DEVELOPMENT PROJECT WITHOUT THE CONSENT OF THE PEOPLE OF THE CITY, BY AND THROUGH ITS REPRESENTATIVES, AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE LAW, THIS SECTION SHALL AUTOMATICALLY EXPIRE, TERMINATE AND BE OF NO EFFECT. NOT WITHSTANDING ANY OTHER PROVISION TO THE CONTRARY, THIS SECTION AND THE TAX EXEMPTION PROVIDED SHALL TERMINATE AND BE OF NO EFFECT AFTER FORTY-SEVEN (47) YEARS.

Section 2. Inconsistent Ordinances. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed as they pertain to this Housing Development Project.

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

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

Approved as to form:

_____

City Attorney

Dated: _____

1

INTRODUCTION OF ORDINANCE

The Committee on Development and Planning introduced:

An Ordinance of The City of Lansing, Michigan, to Amend Chapter 888 of the Lansing Codified Ordinances by adding Section 888.34 for the purpose of providing for a service charge in lieu of ad valorum property taxes for fifty-seven (57) qualified low or moderate income multi-family dwelling units in a project known as the Walnut Park Apartments, pursuant to the provisions of the State Housing Development Authority Act of 1966, as amended.

The Ordinance is referred to the Committee on Development and Planning

RESOLUTION SETTING PUBLIC HEARING
By the Committee of the Whole

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, _____, 2016 at 7:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of The City of Lansing, Michigan, to Amend Chapter 888 of the Lansing Codified Ordinances by adding Section 888.34 for the purpose of providing for a service charge in lieu of ad valorum property taxes for fifty-seven (57) qualified low or moderate income multi-family dwelling units in a project known as the Walnut Park Apartments, pursuant to the provisions of the State Housing Development Authority Act of 1966, as amended.

Interested Persons are invited to attend this Public Hearing.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 888 BY ADDING A NEW SECTION 888.34 FOR THE PURPOSES OF PROVIDING FOR A SERVICE CHARGE IN LIEU OF TAXES FOR QUALIFIED LOW INCOME MULTI-FAMILY DWELLING UNITS IN A HOUSING DEVELOPMENT PROJECT KNOWN AS WALNUT PARK APARTMENTS, PURSUANT TO THE PROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, AS AMENDED.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT CHAPTER 888 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING, MICHIGAN BE AMENDED TO ADD A NEW SECTION 888.34 TO READ AS FOLLOWS:

888.34 WALNUT PARK APARTMENTS

(A) PURPOSE. IT IS ACKNOWLEDGED THAT IT IS A PROPER PUBLIC PURPOSE OF THE STATE OF MICHIGAN AND ITS POLITICAL SUBDIVISIONS, INCLUDING THE CITY OF LANSING, TO PROVIDE HOUSING FOR CITIZENS OF LOW INCOME AND TO ENCOURAGE THE DEVELOPMENT OF SUCH HOUSING BY PROVIDING FOR A SERVICE CHARGE IN LIEU OF PROPERTY TAXES IN ACCORDANCE WITH THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966 (ACT NO. 346 OF THE PUBLIC ACTS OF MICHIGAN OF 1966, AS AMENDED). THE CITY IS AUTHORIZED BY THIS ACT TO ESTABLISH OR CHANGE THE SERVICE CHARGE TO BE PAID IN LIEU OF TAXES BY ANY OR ALL CLASSES OF HOUSING EXEMPT FROM TAXATION

UNDER THIS ACT AT ANY AMOUNT IT CHOOSES NOT TO EXCEED THE TAXES THAT WOULD BE PAID BUT FOR THIS ACT. IT IS FURTHER ACKNOWLEDGED THAT HOUSING FOR PERSONS OF LOW INCOME IS A PUBLIC NECESSITY, AND AS THE CITY WILL BE BENEFITTED AND IMPROVED BY SUCH HOUSING, THE ENCOURAGEMENT OF THE SAME BY PROVIDING CERTAIN REAL ESTATE TAX EXEMPTION FOR SUCH HOUSING IS A VALID PUBLIC PURPOSE; FURTHER, THAT THE CONTINUATION OF THE PROVISIONS OF THIS ORDINANCE SECTION FOR TAX EXEMPTION AND THE SERVICE CHARGE IN LIEU OF ALL AD VALOREM PROPERTY TAXES DURING THE PERIOD CONTEMPLATED IN THIS SECTION ARE ESSENTIAL TO THE DETERMINATION OF ECONOMIC FEASIBILITY OF THE HOUSING DEVELOPMENT PROJECT WHICH IS TO BE DEVELOPED AND FINANCED IN RELIANCE ON SUCH TAX EXEMPTION AND SERVICE CHARGE.

THE CITY ACKNOWLEDGES THAT THE SPONSOR, AS DEFINED IN THIS SECTION, IS A LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP AND HAS OFFERED, SUBJECT TO RECEIPT OF AN ALLOCATION UNDER THE LOW INCOME HOUSING TAX CREDIT (LIHTC) PROGRAM AND/OR A MORTGAGE LOAN, AS DEFINED IN THIS SECTION, TO CONSTRUCT, OWN, AND OPERATE THE HOUSING DEVELOPMENT PROJECT TO BE KNOWN AS WALNUT PARK APARTMENTS LOCATED IN THE CITY TO SERVE PERSONS OF LOW INCOME, AND THAT THE SPONSOR HAS OFFERED TO PAY THE CITY ON ACCOUNT OF THIS HOUSING DEVELOPMENT AN ANNUAL SERVICE CHARGE FOR PUBLIC SERVICE IN LIEU OF ALL AD VALOREM PROPERTY TAXES.

(B) DEFINITIONS.

(1) "ACT" MEANS THE STATE HOUSING DEVELOPMENT AUTHORITY ACT, BEING MICHIGAN PUBLIC ACT 346 OF 1966, AS AMENDED, BEING MCL 125.1401 ET SEQ.

(2) "ANNUAL SHELTER RENT" MEANS THE TOTAL COLLECTIONS DURING AN AGREED ANNUAL PERIOD FROM OR PAID ON BEHALF OF ALL LOW INCOME OCCUPANTS OF A HOUSING DEVELOPMENT REPRESENTING RENT OR OCCUPANCY CHARGES, EXCLUSIVE OF CHARGES FOR UTILITIES, AS DEFINED IN THIS SECTION.

(3) "AUTHORITY" MEANS THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY AS REFERRED TO IN SECTION 21 OF THE ACT, BEING MCL 125.1421.

(4) "CITY" MEANS THE CITY OF LANSING, A MICHIGAN MUNICIPAL CORPORATION.

(5) "COMMENCEMENT OF CONSTRUCTION" MEANS THE COMMENCEMENT OF THE CONSTRUCTION OF THE HOUSING DEVELOPMENT, AS HEREIN DEFINED.

(6) "HOUSING DEVELOPMENT" MEANS THE CONSTRUCTION, AT THE HOUSING DEVELOPMENT LOCATION, OF A BUILDING TO INCLUDE QUALIFIED LOW INCOME RESIDENTIAL APARTMENT UNITS INCLUDING FIFTY-SEVEN (57) UNITS RESERVED FOR LOW INCOME PERSONS OR FAMILIES AND SUCH COMMERCIAL, RECREATIONAL, INDUSTRIAL, COMMUNAL, AND EDUCATIONAL FACILITIES AS THE AUTHORITY DETERMINES IMPROVE THE QUALITY OF THE HOUSING DEVELOPMENT PROJECT AS IT RELATES TO HOUSING FOR PERSONS OF LOW INCOME.

(7) “HOUSING DEVELOPMENT LOCATION” MEANS 715 WEST WILLOW STREET, LANSING, PARCEL NUMBER 33-01-01-08-427-041, (PART OF THE SOUTHWEST 1/4 OF SECTION 9, T4N-R2W, CITY OF LANSING, INGHAM COUNTY, MICHIGAN AND PART OF LOTS 1 & 2 OF BLOCK 26 OF THE “MAP OF THE SUBDIVISION OF BLOCKS 26 AND 27 IN TOWN OF MICHIGAN” AS RECORDED IN APRIL 1849, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A M.A.G. NAIL AT THE INTERSECTION OF THE WEST LINE OF NORTH PINE STREET (82.5 FEET WIDE) AND THE SOUTH LINE OF WEST WILLOW STREET (VARIABLE WIDTH), SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 1, BLOCK 26 OF THE “MAP OF THE SUBDIVISION OF BLOCKS 26 AND 27 IN TOWN OF MICHIGAN” AS RECORDED IN APRIL, 1849, THENCE N88°10’25”W, 240.00 FEET ALONG THE SOUTHERLY LINE OF WEST WILLOW STREET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE S01°45’54”W, 262.43 FEET TO THE SOUTHEAST CORNER OF LOT 2, BLOCK 26 OF SAID PLAT; THENCE N88°09’21”W, 337.50 FEET ALONG THE SOUTH LINE OF SAID LOT 2 TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE N01°45’54”E, 76.74 FEET ALONG THE WEST LINE OF SAID LOT 2; THENCE N86°59’21”W, 95.41 FEET; THENCE N01°45’54”E, 173.08 FEET TO THE SOUTH LINE OF WEST WILLOW STREET (VARIABLE WIDTH); THENCE ALONG THE SOUTH LINE OF WEST WILLOW STREET THE FOLLOWING TWO (2) COURSES; (1) 80.21 FEET ALONG A 341.85 FOOT RADIUS CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 13°26’36” AND A CHORD OF N84°15’51”E, 80.02 FEET; (2) S88°10’25”E, 353.56 FEET TO THE POINT OF BEGINNING CONTAINING 2.43 ACRES MORE OR

LESS AND SUBJECT TO THE RIGHTS OF THE PUBLIC OVER WEST WILLOW STREET. ALSO SUBJECT TO ANY EASEMENTS OF USE OR RECORD..

(8) "HOUSING DEVELOPMENT PROJECT" MEANS THE HOUSING DEVELOPMENT AFTER COMPLETION OF CONSTRUCTION AND ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR ALL UNITS.

(9) "LOW INCOME PERSONS OR FAMILIES" MEANS LOW INCOME PERSONS OR FAMILIES ELIGIBLE TO MOVE INTO THE HOUSING DEVELOPMENT PROJECT.

(10) "MORTGAGE LOAN" MEANS A FEDERALLY-AIDED OR AUTHORITY-AIDED MORTGAGE, AS DEFINED IN THE ACT, OR ADVANCE FROM THE AUTHORITY TO THE SPONSOR FOR THE CONSTRUCTION AND/OR PERMANENT FINANCING OF THE HOUSING DEVELOPMENT AND HOUSING DEVELOPMENT PROJECT AND SECURED BY A MORTGAGE ON THE HOUSING DEVELOPMENT PROJECT..

(11) "SPONSOR" MEANS PERSON(S) OR ENTITIES THAT HAVE RECEIVED OR ASSUMED A MORTGAGE LOAN. THE INITIAL SPONSOR UNDER THIS SECTION OF THE ORDINANCE IS WALNUT PARK APARTMENTS LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP, 333 NORTH PENNSYLVANIA STREET, SUITE 100, INDIANAPOLIS, INDIANA.

(12) "UTILITIES" MEANS CHARGES FOR FUEL, WATER, HEAT, SANITARY SEWER SERVICE AND/OR ELECTRICAL SERVICE FURNISHED TO THE OCCUPANTS WHICH ARE PAID BY THE HOUSING DEVELOPMENT PROJECT AS DEFINED IN THE ACT.

ALL TERMS REFERENCED IN THE ACT BUT NOT DEFINED IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN THEM IN THE ACT.

(C) CLASS OF HOUSING DEVELOPMENT. IT IS DETERMINED THAT THE CLASS OF HOUSING DEVELOPMENTS TO WHICH THE TAX EXEMPTION SHALL APPLY AND FOR WHICH A SERVICE CHARGE SHALL BE PAID IN LIEU OF SUCH TAXES SHALL BE HOUSING DEVELOPMENTS WHICH ARE FINANCED OR ASSISTED PURSUANT TO THE ACT. IT IS FURTHER DETERMINED THAT THE HOUSING DEVELOPMENT PROJECT IS OF THIS CLASS.

(D) ESTABLISHMENT OF ANNUAL SERVICE CHARGE IN LIEU OF PROPERTY TAXES.

(1) SUBJECT TO THE CONDITIONS IN THIS SECTION, THE HOUSING DEVELOPMENT PROJECT AND THE PROPERTY ON WHICH IT IS SITUATED SHALL BE EXEMPT FROM ALL PROPERTY TAXES FOR THE PERIOD SPECIFIED IN SUBSECTION (H) OF THIS SECTION. THE CITY ACKNOWLEDGES THAT THE SPONSOR AND THE AUTHORITY HAVE ESTABLISHED THE ECONOMIC FEASIBILITY OF THE HOUSING DEVELOPMENT PROJECT IN RELIANCE UPON THE ENACTMENT AND CONTINUING EFFECT OF THIS SECTION AND THE QUALIFICATION OF THE HOUSING DEVELOPMENT PROJECT FOR THE EXEMPTION FROM ALL PROPERTY TAXES AND A PAYMENT IN LIEU OF TAXES AS ESTABLISHED IN THIS SECTION. THEREFORE, IN CONSIDERATION OF THE SPONSOR'S OFFER TO CONSTRUCT, OWN AND OPERATE THE HOUSING DEVELOPMENT PROJECT, THE CITY AGREES TO ACCEPT PAYMENT OF AN ANNUAL SERVICE CHARGE FOR PUBLIC SERVICES IN LIEU OF

ALL AD VALOREM PROPERTY TAXES, PROVIDED THE SPONSOR FURNISHES THE CITY WITH PROOF OF ITS ANNUAL CERTIFIED VERIFICATION PURSUANT TO THE REQUIREMENTS OF THE ACT AND AT THE REQUEST OF THE CITY, PROOF THAT A MORTGAGE LOAN IS STILL IN EFFECT AND THAT THE NUMBER OF QUALIFIED LOW INCOME UNITS IN THE HOUSING DEVELOPMENT PROJECT HAVE NOT INCREASED, DECREASED, OR BEEN ALTERED IN ANY FORM UNLESS THE CITY HAS OTHERWISE AMENDED THE PROVISIONS OF THIS SECTION.

(2) IN ADDITION TO THE ANNUAL CERTIFIED VERIFICATION REQUIREMENT IN PARAGRAPH (1) OF THIS SUBSECTION, THE TAX EXEMPTION SHALL COMMENCE WHEN THE SPONSOR COMPLIES WITH SECTION 15A OF THE ACT, WHICH PROVIDES: THE OWNER OF A HOUSING DEVELOPMENT PROJECT ELIGIBLE FOR THE EXEMPTION SHALL FILE WITH THE LOCAL ASSESSING OFFICER A CERTIFIED NOTIFICATION OF THE EXEMPTION, WHICH SHALL BE IN AN AFFIDAVIT FORM AS PROVIDED BY THE AUTHORITY. THE COMPLETED AFFIDAVIT FORM FIRST SHALL BE SUBMITTED TO THE AUTHORITY FOR CERTIFICATION BY THE AUTHORITY THAT THE HOUSING DEVELOPMENT PROJECT IS ELIGIBLE FOR THE EXEMPTION. THE OWNER THEN SHALL FILE OR CAUSE TO BE FILED THE CERTIFIED NOTIFICATION OF THE EXEMPTION WITH THE LOCAL ASSESSING OFFICER BEFORE NOVEMBER 1 OF THE YEAR PRECEDING THE TAX YEAR IN WHICH THE EXEMPTION IS TO BEGIN.

(3) THE ANNUAL SERVICE CHARGE SHALL BE EQUAL TO FOUR PERCENT OF THE DIFFERENCE BETWEEN THE ANNUAL SHELTER RENTS ACTUALLY COLLECTED AND UTILITIES.

(E) LIMITATION ON THE PAYMENT OF THE ANNUAL SERVICE CHARGE. NOTWITHSTANDING SUBSECTION (D), THE SERVICE CHARGE TO BE PAID EACH YEAR IN LIEU OF TAXES FOR THE PART OF THE HOUSING DEVELOPMENT PROJECT THAT IS TAX EXEMPT AND OCCUPIED BY OTHER THAN LOW INCOME PERSONS OR FAMILIES SHALL BE EQUAL TO THE FULL AMOUNT OF THE TAXES THAT WOULD OTHERWISE BE DUE AND PAYABLE ON THAT PORTION OF THE HOUSING DEVELOPMENT PROJECT IF THE PROJECT WERE NOT TAX EXEMPT.

(F) PAYMENT OF SERVICE CHARGE. THE SERVICE CHARGE IN LIEU OF TAXES AS DETERMINED UNDER THIS SECTION SHALL BE PAYABLE IN THE SAME MANNER AS GENERAL PROPERTY TAXES ARE PAYABLE TO THE CITY AND DISTRIBUTED TO THE SEVERAL UNITS LEVYING THE GENERAL PROPERTY TAX IN THE SAME PROPORTION AS PREVAILED WITH THE GENERAL PROPERTY TAX IN THE PREVIOUS CALENDAR YEAR, EXCEPT THAT THE ANNUAL PAYMENT SHALL BE PAID ON OR BEFORE JULY 1 OF THE YEAR FOLLOWING THE YEAR UPON WHICH SUCH CHARGE IS CALCULATED. COLLECTION PROCEDURES SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THE GENERAL PROPERTY TAX ACT (1893 PA 206, AS AMENDED; MCLA 211.1 ET SEQ).

(G) CONTRACTUAL EFFECT OF THIS SECTION. NOTWITHSTANDING THE PROVISIONS OF SECTION 15(A)(5) OF THE ACT TO THE CONTRARY, A CONTRACT BETWEEN THE CITY AND THE SPONSOR, WITH THE AUTHORITY AS THIRD-PARTY BENEFICIARY UNDER THE CONTRACT, TO PROVIDE TAX EXEMPTION AND ACCEPT PAYMENTS IN LIEU OF TAXES, AS PREVIOUSLY DESCRIBED, IS EFFECTUATED BY ENACTMENT OF THIS SECTION.

(H) DURATION; COMMENCEMENT OF CONSTRUCTION.

(1) THE PROPERTY TAX EXEMPT STATUS OF THE HOUSING DEVELOPMENT PROJECT APPROVED BY THIS SECTION SHALL REMAIN IN EFFECT AND SHALL NOT TERMINATE SO LONG AS THE MORTGAGE LOAN FOR THE HOUSING DEVELOPMENT PROJECT REMAINS OUTSTANDING AND UNPAID, OR FOR SUCH PERIOD AS THE AUTHORITY OR OTHER GOVERNMENTAL ENTITY HAS ANY INTEREST IN THE PROPERTY OR THE PROJECT IS SUBJECT TO INCOME AND RENT RESTRICTIONS UNDER § 42 OF THE INTERNAL REVENUE CODE, AS AMENDED, BUT NOT TO EXCEED FORTY-SEVEN (47) YEARS. IF THE CONSTRUCTION OF THE HOUSING DEVELOPMENT PROJECT DOES NOT COMMENCE OR THE SPONSOR FAILS TO OBTAIN A MORTGAGE LOAN WITHIN ONE (1) YEAR OF THE EFFECTIVE DATE OF THIS SECTION OR IF THE SPONSOR CHANGES THE SCOPE OR PURPOSE OF THE HOUSING DEVELOPMENT PROJECT WITHOUT THE CONSENT OF THE PEOPLE OF THE CITY, BY AND THROUGH ITS REPRESENTATIVES, AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE LAW, THIS SECTION SHALL AUTOMATICALLY EXPIRE, TERMINATE AND BE OF NO FURTHER EFFECT.

Section 2. Inconsistent Ordinances. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed as they pertain to this Housing Development Project.

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

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

Approved as to form:

_____

City Attorney

Dated: _____

INTRODUCTION OF ORDINANCE

The Committee on Development and Planning introduced:

An Ordinance of The City of Lansing, Michigan, to Amend Chapter 888 of the Lansing Codified Ordinances by repealing Section 888.32, which provides for a Payment in Lieu of Taxes for a project known as the Abigail.

The Ordinance is referred to the Committee on Development and Planning

RESOLUTION SETTING PUBLIC HEARING
By the Committee of the Whole

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, _____, 2016 at 7:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of The City of Lansing, Michigan, to Amend Chapter ___ of the Lansing Codified Ordinances by repealing Section 888.32 which provides for a Payment in Lieu of Taxes for a project known as the Abigail.

Interested Persons are invited to attend this Public Hearing.

Draft #1
February 11, 2016

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO REPEAL SECTION 888.32 OF CHAPTER 888 OF THE LANSING CODIFIED ORDINANCES, ELIMINATING THE SERVICE CHARGE IN LIEU OF PROPERTY TAXES IN ACCORDANCE WITH THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, AS AMENDED, FOR THE HOUSING DEVELOPMENT PROJECT KNOWN AS THE ABIGAIL, SPONSORED BY THE LANSING ABIGAIL APARTMENT LIMITED DIVIDEND HOUSING ASSOCIATION, LLC.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 888.32 of the Codified Ordinances of the City of Lansing, Michigan, The Abigail, be and is hereby repealed.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed in its entirety and shall be null and void and of no effect.

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

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

Approved as to form:

_____
City Attorney

Dated: _____

S:\Attorney_Staff\ORDINANCES\Abigail Pilot 2014\Abigail Repeal 888.32 02.16.16.doc

INTRODUCTION OF ORDINANCE

The Committee on Development and Planning introduced:

An Ordinance of The City of Lansing, Michigan, to Amend Chapter 884 of the Lansing Codified Ordinances by adding Section 884.13 for the purpose of providing for a service charge in lieu of ad valorum property taxes for fifty-four (54) qualified low or moderate income senior dwelling units in a project known as the Abigail Senior Apartments, pursuant to the provisions of the State Housing Development Authority Act of 1966, as amended.

The Ordinance is referred to the Committee on Development and Planning

RESOLUTION SETTING PUBLIC HEARING
By the Committee of the Whole

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, _____, 2016 at 7:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of The City of Lansing, Michigan, to Amend Chapter 884 of the Lansing Codified Ordinances by adding Section 884.13 for the purpose of providing for a service charge in lieu of ad valorum property taxes for fifty-four (54) qualified low or moderate income senior dwelling units in a project known as the Abigail Senior Apartments, pursuant to the provisions of the State Housing Development Authority Act of 1966, as amended.

Interested Persons are invited to attend this Public Hearing.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 884 BY ADDING A NEW SECTION 884.13 FOR THE PURPOSES OF PROVIDING FOR A SERVICE CHARGE IN LIEU OF TAXES FOR QUALIFIED LOW INCOME SENIOR DWELLING UNITS IN A HOUSING DEVELOPMENT PROJECT KNOWN AS THE ABIGAIL SENIOR APARTMENTS, PURSUANT TO THE PROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, AS AMENDED.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT CHAPTER 884 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING, MICHIGAN BE AMENDED TO ADD A NEW SECTION 884.13 TO READ AS FOLLOWS:

884.13 THE ABIGAIL SENIOR APARTMENTS

(A) PURPOSE. IT IS ACKNOWLEDGED THAT IT IS A PROPER PUBLIC PURPOSE OF THE STATE OF MICHIGAN AND ITS POLITICAL SUBDIVISIONS, INCLUDING THE CITY OF LANSING, TO PROVIDE HOUSING FOR CITIZENS OF LOW INCOME AND TO ENCOURAGE THE DEVELOPMENT OF SUCH HOUSING BY PROVIDING FOR A SERVICE CHARGE IN LIEU OF PROPERTY TAXES IN ACCORDANCE WITH THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966 (ACT NO. 346 OF THE PUBLIC ACTS OF MICHIGAN OF 1966, AS AMENDED). THE CITY IS AUTHORIZED BY THIS ACT TO ESTABLISH OR CHANGE THE SERVICE CHARGE TO BE PAID IN LIEU OF TAXES BY ANY OR ALL CLASSES OF HOUSING EXEMPT FROM TAXATION

UNDER THIS ACT AT ANY AMOUNT IT CHOOSES NOT TO EXCEED THE TAXES THAT WOULD BE PAID BUT FOR THIS ACT. IT IS FURTHER ACKNOWLEDGED THAT HOUSING FOR PERSONS OF LOW INCOME IS A PUBLIC NECESSITY, AND AS THE CITY WILL BE BENEFITTED AND IMPROVED BY SUCH HOUSING, THE ENCOURAGEMENT OF THE SAME BY PROVIDING CERTAIN REAL ESTATE TAX EXEMPTION FOR SUCH HOUSING IS A VALID PUBLIC PURPOSE; FURTHER, THAT THE CONTINUATION OF THE PROVISIONS OF THIS ORDINANCE SECTION FOR TAX EXEMPTION AND THE SERVICE CHARGE IN LIEU OF ALL AD VALOREM REAL PROPERTY TAXES DURING THE PERIOD CONTEMPLATED IN THIS SECTION ARE ESSENTIAL TO THE DETERMINATION OF ECONOMIC FEASIBILITY OF THE HOUSING DEVELOPMENT PROJECT WHICH IS TO BE DEVELOPED AND FINANCED IN RELIANCE ON SUCH TAX EXEMPTION AND SERVICE CHARGE.

THE CITY ACKNOWLEDGES THAT THE SPONSOR, AS DEFINED IN THIS SECTION, IS A LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP AND HAS OFFERED, SUBJECT TO RECEIPT OF A MORTGAGE LOAN, AS DEFINED IN THIS SECTION, TO CONSTRUCT, OWN, AND OPERATE THE HOUSING DEVELOPMENT PROJECT TO BE KNOWN AS THE ABIGAIL SENIOR APARTMENTS LOCATED IN THE CITY TO SERVE PERSONS OF LOW INCOME, AND THAT THE SPONSOR HAS OFFERED TO PAY THE CITY ON ACCOUNT OF THIS HOUSING DEVELOPMENT AN ANNUAL SERVICE CHARGE FOR PUBLIC SERVICE IN LIEU OF ALL AD VALOREM REAL PROPERTY TAXES.

(B) DEFINITIONS.

(1) "ACT" MEANS THE STATE HOUSING DEVELOPMENT AUTHORITY ACT, BEING MICHIGAN PUBLIC ACT 346 OF 1966, AS AMENDED, BEING MCL 125.1401 ET SEQ.

(2) "ANNUAL SHELTER RENT" MEANS THE TOTAL COLLECTIONS DURING AN AGREED ANNUAL PERIOD FROM OR PAID ON BEHALF OF ALL LOW INCOME OCCUPANTS OF A HOUSING DEVELOPMENT REPRESENTING RENT OR OCCUPANCY CHARGES, EXCLUSIVE OF CHARGES FOR UTILITIES AS DEFINED IN THIS SECTION.

(3) "AUTHORITY" MEANS THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY; MCL 125.14.21.

(4) "CITY" MEANS THE CITY OF LANSING, A MICHIGAN MUNICIPAL CORPORATION.

(5) "COMMENCEMENT OF CONSTRUCTION" MEANS THE COMMENCEMENT OF THE REHABILITATION OF THE HOUSING DEVELOPMENT, AS HEREIN DEFINED.

(6) "HOUSING DEVELOPMENT" MEANS THE REHABILITATION, AT THE HOUSING DEVELOPMENT LOCATION, OF AN EXISTING BUILDING TO INCLUDE QUALIFIED LOW INCOME RESIDENTIAL APARTMENT UNITS INCLUDING FIFTY-FOUR (54) UNITS RESERVED FOR LOW INCOME PERSONS OR FAMILIES, AND SUCH COMMERCIAL, RECREATIONAL, INDUSTRIAL, COMMUNAL, AND EDUCATIONAL FACILITIES AS THE AUTHORITY DETERMINES IMPROVE THE QUALITY OF THE HOUSING DEVELOPMENT PROJECT AS IT RELATES TO HOUSING FOR PERSONS OF LOW INCOME.

(7) “HOUSING DEVELOPMENT LOCATION” MEANS THE PROPERTY LOCATED AT 715 WEST WILLOW STREET, LANSING, PARCEL NUMBER 33-01-01-08-427-031, (PART OF THE SOUTHEAST 1/4 OF SECTION 8 AND THE SOUTHWEST 1/4 OF SECTION 9, T4N-R2W, CITY OF LANSING, INGHAM COUNTY, MICHIGAN AND PART OF LOT 3 OF BLOCK 26 AND LOT 1, BLOCK 27 AND VACATED WEST GRAND RIVER AVENUE OF THE “MAP OF THE SUBDIVISION OF BLOCKS 26 AND 27 IN TOWN OF MICHIGAN” AS RECORDED IN APRIL, 1849 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A M.A.G. NAIL AT THE INTERSECTION OF THE WEST LINE OF NORTH PINE STREET (82.5 FEET WIDE) AND THE SOUTH LINE OF WEST WILLOW STREET (VARIABLE WIDTH), SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 1, BLOCK 26 OF THE “MAP OF THE SUBDIVISION OF BLOCKS 26 AND 27 IN TOWN OF MICHIGAN” AS RECORDED IN APRIL, 1849; THENCE N88°10’25”W, 593.56 FEET ALONG THE SOUTHERLY LINE OF WEST WILLOW STREET; THENCE 80.21 FEET ALONG 341.85 FOOT RADIUS CURVE TO THE LEFT, HAVING A DELTA ANGLE 13°26’36” AND A CHORD OF S84°15’51”W, 80.02 FEET ALONG THE SOUTHERLY LINE OF WEST WILLOW STREET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE S01°45’54”W, 173.08 FEET; THENCE S86°59’21”E, 95.41 FEET TO THE WEST LINE OF LOT 2, BLOCK 26 THE “MAP OF THE SUBDIVISION OF BLOCKS 26 AND 27 IN TOWN OF MICHIGAN”; THENCE S01°45’54”W, 76.74 FEET ALONG THE WEST LINE OF LOT 2, BLOCK 26 OF SAID PLAT TO THE NORTHWEST CORNER OF LOT 3, BLOCK 26 OF SAID PLAT; THENCE S88°09’21”E, 337.50 FEET ALONG THE NORTH LINE OF LOT 3, BLOCK 26 OF SAID PLAT; THENCE S01°45’54”W, 131.21 FEET TO THE NORTH LINE

OF VACATED WEST GRAND RIVER AVENUE; THENCE S88°08’49”E, 240.00 FEET ALONG THE NORTH LINE OF VACATED WEST GRAND RIVER AVENUE TO THE WEST LINE OF NORTH PINE STREET (82.5 FEET; THENCE S01°45’54”W, 116.26 FEET ALONG THE WEST LINE OF NORTH PINE STREET; THENCE N88°07’17”W, 240.00 FEET; THENCE S01°45’54”W, 97.57 FEET TO THE SOUTH LINE OF LOT 1, BLOCK 27 OF SAID PLAT; THENCE N88°08’21”W, 292.91 FEET ALONG THE SOUTH LINE OF LOT 1, BLOCK 27 OF SAID PLAT; THENCE N00°00’00”W, 12.61 FEET; THENCE N90°00’00”W, 201.03 FEET; THENCE N00°00’00”E, 100.92 FEET; THENCE N90°00’00”W, 156.08 FEET TO THE EAST LINE OF VACATED RODGERS STREET; THENCE N01°45’54”E, 242.25 FEET ALONG THE EAST LINE OF VACATED RODGERS STREET; THENCE N87°57’11”W, 66.00 FEET TO THE WEST LINE OF VACATED RODGERS STREET; THENCE N01°45’54”E, 120.32 FEET ALONG THE WEST LINE OF VACATED RODGERS STREET TO THE SOUTH LINE OF WEST WILLOW STREET (VARIABLE WIDTH); THENCE ALONG THE SOUTH LINE OF WEST WILLOW STREET THE FOLLOWING THREE (3) COURSES; (1) 30.60 FEET ALONG 469.38 FOOT RADIUS CURVE TO THE LEFT, HAVING A DELTA ANGLE OF 03°44’07” AND A CHORD OF N67°27’23”E, 30.60 FEET; (2) N65°35’20”E, 213.68 FEET; (3) 71.32 FEET ALONG 341.85 FOOT RADIUS CURVE TO THE RIGHT, HAVING A DELTA ANGLE OF 11°57’12” AND A CHORD OF N71°33’57”E, 71.19 FEET TO THE POINT OF BEGINNING. CONTAINING 6.60 ACRES MORE OR LESS AND SUBJECT TO THE RIGHTS OF THE PUBLIC OVER WEST WILLOW STREET. ALSO SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF USE OR RECORD); <u>AND</u> 635 WEST MAPLE STREET, LANSING, PARCEL NUMBER 33-01-01-08-427-051 (PART OF THE SOUTHWEST 1/4 OF SECTION 9, T4N-R2W, CITY

OF LANSING, INGHAM COUNTY, MICHIGAN AND PART OF LOTS 2 & 3 OF BLOCK 27 OF THE "MAP OF THE SUBDIVISION OF BLOCKS 26 AND 27 IN TOWN OF MICHIGAN" AS RECORDED IN APRIL, 1849 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A M.A.G. NAIL AT THE INTERSECTION OF THE WEST LINE OF NORTH PINE STREET (82.5 FEET) AND THE SOUTH LINE OF WEST WILLOW STREET (VARIABLE WIDTH), SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 1, BLOCK 26 OF THE "MAP OF THE SUBDIVISION OF BLOCKS 26 AND 27 IN TOWN OF MICHIGAN" AS RECORDED IN APRIL, 1849, THENCE S01°45'54"W, 870.00 FEET ALONG THE WEST LINE OF PINE STREET TO THE NORTH LINE OF MAPLE STREET (82.5 FEET) AND THE SOUTH LINE OF LOT 3, BLOCK 27 OF SAID PLAT; THENCE N88°07'17"W, 240.00 FEET ALONG THE NORTH LINE OF MAPLE STREET AND THE SOUTH LINE OF LOT 3, BLOCK 27 OF SAID PLAT TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE N88°07'17"W, 284.83 FEET ALONG THE NORTH LINE OF MAPLE STREET AND THE SOUTH LINE OF LOT 3, BLOCK 27 OF SAID PLAT; THENCE N00°00'00"E, 262.47 FEET TO THE NORTH LINE OF LOT 2, BLOCK 27 OF SAID PLAT; THENCE S88°08'21"E, 292.91 FEET ALONG THE NORTH LINE OF LOT 2, BLOCK 27 OF SAID PLAT; THENCE S01°45'54"W, 262.43 FEET TO THE POINT OF BEGINNING. CONTAINING 1.74 ACRES MORE OR LESS AND SUBJECT TO THE RIGHTS OF THE PUBLIC OVER NORTH PINE STREET AND MAPLE STREET. ALSO SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF USE OR RECORD.

(8) "HOUSING DEVELOPMENT PROJECT" MEANS THE HOUSING DEVELOPMENT AFTER COMPLETION OF REHABILITATION AND ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR ALL UNITS.

(9) "LOW INCOME PERSONS OR FAMILIES" MEANS LOW INCOME PERSONS OR FAMILIES ELIGIBLE TO MOVE INTO THE HOUSING DEVELOPMENT PROJECT.

(10) "MORTGAGE LOAN" MEANS A FEDERALLY-AIDED OR AUTHORITY-AIDED MORTGAGE, AS DEFINED IN THE ACT, OR ADVANCE FROM THE AUTHORITY TO THE SPONSOR FOR THE CONSTRUCTION, REHABILITATION AND/OR PERMANENT FINANCING OF THE HOUSING DEVELOPMENT AND HOUSING DEVELOPMENT PROJECT AND SECURED BY A MORTGAGE ON THE HOUSING DEVELOPMENT PROJECT.

(11) "SPONSOR" MEANS PERSON(S) OR ENTITIES THAT HAVE RECEIVED OR ASSUMED A MORTGAGE LOAN. THE INITIAL SPONSOR UNDER THIS SECTION OF THE ORDINANCE IS THE ABIGAIL SENIOR APARTMENTS LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP, 333 NORTH PENNSYLVANIA STREET, SUITE 100, INDIANAPOLIS, INDIANA.

(12) "UTILITIES" MEANS CHARGES FOR FUEL, WATER, HEAT, SANITARY SEWER SERVICE AND/OR ELECTRICAL SERVICE FURNISHED TO THE OCCUPANTS WHICH ARE PAID BY THE HOUSING DEVELOPMENT PROJECT, AS DEFINED IN THIS ACT.

ALL TERMS REFERENCED IN THE ACT BUT NOT DEFINED IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN THEM IN THE ACT.

(C) CLASS OF HOUSING DEVELOPMENT. IT IS DETERMINED THAT THE CLASS OF HOUSING DEVELOPMENTS TO WHICH THE TAX EXEMPTION SHALL APPLY AND FOR WHICH A SERVICE CHARGE SHALL BE PAID IN LIEU OF SUCH TAXES SHALL BE HOUSING DEVELOPMENTS WHICH ARE FINANCED OR ASSISTED PURSUANT TO THE ACT. IT IS FURTHER DETERMINED THAT THE HOUSING DEVELOPMENT PROJECT IS OF THIS CLASS.

(D) ESTABLISHMENT OF ANNUAL SERVICE CHARGE IN LIEU OF PROPERTY TAXES.

(1) SUBJECT TO THE CONDITIONS IN THIS SECTION, THE HOUSING DEVELOPMENT PROJECT AND THE PROPERTY ON WHICH IT IS SITUATED SHALL BE EXEMPT FROM ALL PROPERTY TAXES FOR THE PERIOD SPECIFIED IN SUBSECTION (H) OF THIS SECTION. THE CITY ACKNOWLEDGES THAT THE SPONSOR AND THE AUTHORITY HAVE ESTABLISHED THE ECONOMIC FEASIBILITY OF THE HOUSING DEVELOPMENT PROJECT IN RELIANCE UPON THE ENACTMENT AND CONTINUING EFFECT OF THIS SECTION AND THE QUALIFICATION OF THE HOUSING DEVELOPMENT PROJECT FOR THE EXEMPTION FROM ALL PROPERTY TAXES AND A PAYMENT IN LIEU OF TAXES AS ESTABLISHED IN THIS SECTION. THEREFORE, IN CONSIDERATION OF THE SPONSOR'S OFFER TO REHABILITATE, OWN AND OPERATE THE HOUSING DEVELOPMENT PROJECT, THE CITY AGREES TO ACCEPT PAYMENT OF AN ANNUAL SERVICE CHARGE FOR PUBLIC SERVICES IN LIEU OF ALL AD VALOREM PROPERTY TAXES, PROVIDED THE SPONSOR FURNISHES THE CITY WITH PROOF OF ITS ANNUAL CERTIFIED VERIFICATION PURSUANT TO THE REQUIREMENTS OF THE ACT AND AT THE REQUEST OF THE CITY, PROOF THAT A

MORTGAGE LOAN IS STILL IN EFFECT, AND THAT THE NUMBER OF QUALIFIED LOW INCOME UNITS IN THE HOUSING DEVELOPMENT PROJECT HAVE NOT INCREASED, DECREASED, OR BEEN ALTERED IN ANY FORM UNLESS THE CITY HAS OTHERWISE AMENDED THE PROVISIONS OF THIS SECTION.

(2) IN ADDITION TO THE ANNUAL CERTIFIED VERIFICATION REQUIREMENT IN PARAGRAPH (1) OF THIS SUBSECTION, THE TAX EXEMPTION SHALL COMMENCE WHEN THE SPONSOR COMPLIES WITH SECTION 15A OF THE ACT, WHICH PROVIDES: THE OWNER OF A HOUSING DEVELOPMENT PROJECT ELIGIBLE FOR THE EXEMPTION SHALL FILE WITH THE LOCAL ASSESSING OFFICER A CERTIFIED NOTIFICATION OF THE EXEMPTION, WHICH SHALL BE IN AN AFFIDAVIT FORM AS PROVIDED BY THE AUTHORITY. THE COMPLETED AFFIDAVIT FORM FIRST SHALL BE SUBMITTED TO THE AUTHORITY FOR CERTIFICATION BY THE AUTHORITY THAT THE HOUSING DEVELOPMENT PROJECT IS ELIGIBLE FOR THE EXEMPTION. THE OWNER THEN SHALL FILE OR CAUSE TO BE FILED THE CERTIFIED NOTIFICATION OF THE EXEMPTION WITH THE LOCAL ASSESSING OFFICER BEFORE NOVEMBER 1 OF THE YEAR PRECEDING THE TAX YEAR IN WHICH THE EXEMPTION IS TO BEGIN.

(3) THE ANNUAL SERVICE CHARGE SHALL BE EQUAL TO FOUR PERCENT OF THE DIFFERENCE BETWEEN THE ANNUAL SHELTER RENTS ACTUALLY COLLECTED AND UTILITIES.

(E) LIMITATION ON THE PAYMENT OF THE ANNUAL SERVICE CHARGE. NOTWITHSTANDING SUBSECTION (D), THE SERVICE CHARGE TO BE PAID EACH

YEAR IN LIEU OF TAXES FOR THE PART OF THE HOUSING DEVELOPMENT PROJECT THAT IS TAX EXEMPT AND OCCUPIED BY OTHER THAN LOW INCOME PERSONS OR FAMILIES SHALL BE EQUAL TO THE FULL AMOUNT OF THE TAXES THAT WOULD OTHERWISE BE DUE AND PAYABLE ON THAT PORTION OF THE HOUSING DEVELOPMENT PROJECT IF THE PROJECT WERE NOT TAX EXEMPT.

(F) PAYMENT OF SERVICE CHARGE. THE SERVICE CHARGE IN LIEU OF TAXES AS DETERMINED UNDER THIS SECTION SHALL BE PAYABLE IN THE SAME MANNER AS GENERAL PROPERTY TAXES ARE PAYABLE TO THE CITY AND DISTRIBUTED TO THE SEVERAL UNITS LEVYING THE GENERAL PROPERTY TAX IN THE SAME PROPORTION AS PREVAILED WITH THE GENERAL PROPERTY TAX IN THE PREVIOUS CALENDAR YEAR, EXCEPT THAT THE ANNUAL PAYMENT SHALL BE PAID ON OR BEFORE JULY 1 OF THE YEAR FOLLOWING THE YEAR UPON WHICH SUCH CHARGE IS CALCULATED. COLLECTION PROCEDURES SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THE GENERAL PROPERTY TAX ACT (1893 PA 206, AS AMENDED; MCLA 211.1 ET SEQ).

(G) CONTRACTUAL EFFECT OF THIS SECTION. NOTWITHSTANDING THE PROVISIONS OF SECTION 15(A)(5) OF THE ACT TO THE CONTRARY, A CONTRACT BETWEEN THE CITY AND THE SPONSOR, WITH THE AUTHORITY AS THIRD-PARTY BENEFICIARY UNDER THE CONTRACT, TO PROVIDE TAX EXEMPTION AND ACCEPT PAYMENTS IN LIEU OF TAXES, AS PREVIOUSLY DESCRIBED, IS EFFECTUATED BY ENACTMENT OF THIS SECTION.

(H) DURATION; COMMENCEMENT OF CONSTRUCTION.

(1) THE PROPERTY TAX EXEMPT STATUS OF THE HOUSING DEVELOPMENT PROJECT APPROVED BY THIS SECTION SHALL REMAIN IN EFFECT AND SHALL NOT TERMINATE SO LONG AS THE MORTGAGE LOAN FOR THE HOUSING DEVELOPMENT PROJECT REMAINS OUTSTANDING AND UNPAID, OR FOR SUCH PERIOD AS THE AUTHORITY OR OTHER GOVERNMENTAL ENTITY HAS ANY INTEREST IN THE PROPERTY OR THE PROJECT IS SUBJECT TO INCOME AND RENT RESTRICTIONS UNDER § 42 OF THE INTERNAL REVENUE CODE, AS AMENDED, BUT NOT TO EXCEED FORTY-SEVEN (47) YEARS. IF THE REHABILITATION OF THE HOUSING DEVELOPMENT PROJECT DOES NOT COMMENCE OR THE SPONSOR FAILS TO OBTAIN A MORTGAGE LOAN WITHIN ONE (1) YEAR FROM THE EFFECTIVE DATE OF THIS SECTION, OR IF THE SPONSOR CHANGES THE SCOPE OR PURPOSE OF THE HOUSING DEVELOPMENT PROJECT WITHOUT THE CONSENT OF THE PEOPLE OF THE CITY, BY AND THROUGH ITS REPRESENTATIVES, AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE LAW, THIS SECTION SHALL AUTOMATICALLY EXPIRE, TERMINATE AND BE OF NO FURTHER EFFECT.

Section 2. Inconsistent Ordinances. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed as they pertain to this Housing Development Project.

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

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

Approved as to form:

_____

City Attorney

Dated: _____

Parcel	Project	Alternate Name of Project	Date of Activation	Sunset Date	Number of Units	Housing Type
23-50-40-36-429-041	TWIN OAKS MEADOWS		1996	2029	63	elderly persons of low income
33-01-01-09-102-002	CAMELOT HILLS APARTMENTS		2005	2025	102	low income
33-01-01-09-157-081	WOODVIEW NORTH (WILLOW VISTA)	Woodview North Housing Development	1989	2020	51	low income
33-01-01-09-257-071	LOWERTOWN LOFTS		1996	2010	3	low & mod
33-01-01-09-361-161	FERRIS 02-1 DEVELOPMENT		2003	2033	8	low income
33-01-01-09-363-051	516 W. SAGINAW STREET APARTMENTS 01-1		2002	2032	23	low income
33-01-01-09-363-091	SAGINAW TERRACE DEVELOPMENT		2004	2034	11	low income
33-01-01-10-351-162	BALLENTINE APARTMENTS		2010	2029	16	homeless low income single mother
33-01-01-10-378-021	PENN AVENUE APARTMENTS		2001	2031	20	low income
33-01-01-10-378-041	FERRIS 01-3 DEVELOPMENT		2002	2032	9	low income
33-01-01-13-151-036	FRIENDSHIP MANOR		1979	2016	170	senior citizen
33-01-01-15-152-071	FERRIS 01-2 DEVELOPMENT		2002	2032	11	low income
33-01-01-15-152-122	FERRIS 01-4 DEVELOPMENT		2003	2033	11	low income
33-01-01-15-154-111	FERRIS 01-5 DEVELOPMENT		2003	2033	11	low income
33-01-01-16-108-161	WALNUT STREET LDHA - 517 N Walnut Apartments		2005	2035	9	low income
33-01-01-16-177-022	LANSING HOUSING COMMISSION					senior citizen
33-01-01-16-203-053	RIVERFRONT TOWERS		1980	2021	200	senior citizen
33-01-01-16-356-002	CAPITOL COMMONS SENIOR		1982	*	200	senior citizen
33-01-01-16-380-073	PORTER APARTMENTS		1982	2022	114	senior citizen
33-01-01-17-477-002	CAPITOL COMMONS II		2003	2033	146	low income
33-01-01-17-477-132	CAPITOL COMMONS I		2003	2033	146	low income
33-01-01-29-101-497	COLONIAL WOODS		1995	**	90	low & mod
33-01-01-29-476-032	OLIVER GARDENS		2007	2041	30	senior citizen
33-01-01-30-126-021	GRANDHAVEN MANOR		2000	**	150	senior citizen-MSHDA
33-01-01-32-201-282	SOMERSET APARTMENTS		1979	2020	100	senior citizen
33-01-05-05-327-003	SILVER STONE TOWNHOUSES		1999	2049		low & mod
33-01-05-08-102-001	ARBORS AT GEORGETOWN		2005	2035	160	low income
33-01-05-08-251-004	ASPEN HOLLOW APTS	Edgewood Glen/ Aspen Hollow Apts	1992	**	20	low & mod
33-01-05-08-251-014	EDGEWOOD VILLAS		2006	2042	150	low & mod
33-01-05-09-226-005	SOUTHBROOK VILLA		1980	2030	51	senior citizen
	Former PILOTs, Now on Tax Roll					
	Lansing Villa	800/900 W Edgewood BLVD				
	Capitol Manor Apartments I & II (2) listings in assesor's i	524/526 S Chestnut				
	Capitol Manor Apartments I & II (2) listings in assesor's i	515 S chestnut				
	* "Limited information, unable to verify" per Assessor's data					
	** shall remain in effect and shall not terminate so long as the mortgage loan for the housing development remains outstanding and unpaid, or for such period as the Authority or other governmental entity has any interest in the property					

submitted @ mtg

DRAFT #6
Feb 6, 2013

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO ADD SECTION 206.25 TO CHAPTER 206 OF THE LANSING CODIFIED ORDINANCES BY REQUIRING TRANSPARENCY IN THE BIDDING AND OPENING OF BIDS FOR PROJECTS THAT RECEIVE CERTAIN ECONOMIC INCENTIVES APPROVED BY THE LANSING CITY COUNCIL.

THE CITY OF LANSING ORDAINS:

Section 1. That Section 206.25 be added to Chapter 206 of the Codified Ordinances of the City of Lansing, Michigan to read as follows:

(A) PURPOSE. THE PURPOSE OF THIS SECTION IS TO PROMOTE FAIRNESS IN BIDDING ON PROJECTS THAT RECEIVE ECONOMIC INCENTIVES BY ENSURING TRANSPARENCY IN DISTRIBUTION, OPENING, AND AWARDING OF BIDS.

(B) DEFINITIONS. AS USED IN THIS SECTION:

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

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

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

(4) "ECONOMIC INCENTIVES" MEANS ANY OF THE FOLLOWING: AN INDUSTRIAL FACILITIES TAX ABATEMENT ISSUED UNDER PUBLIC ACT 198 OF 1974; A TAX ABATEMENT ISSUED UNDER PUBLIC ACT 328 OF 1998; A BROWNFIELD APPROVED UNDER PUBLIC ACT 381 OF 1996; OR, AN OBSOLETE PROPERTY REHABILITATION ACT ABATEMENT ISSUED UNDER PUBLIC ACT 146 OF 2000.

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

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

(7) "PUBLICLY ACCESSIBLE LOCATION" MEANS LANSING CITY HALL CITY COUNCIL CHAMBERS DURRING REGULAR BUSINESS HOURS.

(8) "PUBLICLY ADVERTISED" MEANS:

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

II. PUBLISHED ONCE IN A NEWSPAPER.

(8) "RESPONSIBLE BIDDER" MEANS THAT TERM AS DEFINED IN SECTION 206.01, EXCEPT THAT FOR PURPOSES HEREIN THE "DIRECTOR" SHALL BE THE APPLICANT. IN ADDITION TO THE REQUIREMENTS OF SECTION 206.01, A RESPONSIBLE BIDDER MUST NOT BE IN DEFAULT OF THE PAYMENT OF ANY TAXES, LICENSES, FEES, PERMITS OR ANY OTHER MONEY DUE TO THE CITY OR

IN ANY OTHER RESPECT DISQUALIFIED ACORDING TO ANY FEDERAL OR STATE LAW OR ANY CITY ORDINANCE PROVISION, AND SHALL HAVE OR PROCURE:

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

B. ALL REQUIRED LICENSES;

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

I. GENERAL LIABILITY;

II. WORKERS' COMPENSATION; AND

III. AUTOMOBILE LIABILITY.

(9) "RESPONSIVE BIDDER" SHALL MEAN THAT TERM AS DEFINED IN SECTION 206.01.

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

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

(E) CONTRACT AWARD. IF A CONTRACT IS AWARDED TO A BIDDER, THE APPLICANT AGREES TO AWARD THE CONTRACT TO THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER.

(F) AFTER AWARDING A CONTRACT TO A BIDDER WHOSE BID QUOTE FOR SERVICE WAS NOT THE LOWEST BID AS RECORDED AT THE BID OPENING APPLICANT AGREES TO NOTIFY IN WRITING WITHIN THIRTY (30) DAYS ALL BIDDERS WHOSE PREVIOUSLY RECORDED BID WAS LESS THAN THE CHOSEN BIDDER. IN THE WRITTEN NOTIFICATION THE APPLICANT SHALL SPECIFY IN DETAIL THE REASON THE BIDDER WAS NOT SELECTED IN ACCORDANCE WITH SECTION (E). A COPY OF EACH LETTER SHALL BE PROVIDED TO THE CITY OF LANSING UPON ITS REQUEST.

(G) APPLICATION. THIS ORDINANCE SHALL ONLY APPLY TO THE PROJECT, FROM THE TIME THE ECONOMIC INCENTIVE IS APPROVED BY THE LANSING CITY

COUNCIL UNTIL PROJECT COMPLETION AS DEFINED BY: A DEVELOMENT AGREEMENT BETWEEN THE APPLICANT AND THE CITY OF LANSING OR IF NO AGREEMENT EXISTS, BY THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY BY THE CITY OF LANSING. THIS ORDINANCE SHALL NOT APPLY TO ECONOMIC INTENTIVES INITIATED BY THE INGHAM COUNTY LAND BANK OR THE DEWITT CHARTER TWP. – CITY OF LANSING NEXT MICHIGAN DEVELOPMENT CORPORATION. THIS ORDINANCE SHALL NOT APPLY TO ANY ECONOMIC INCENTIVE OR PROJECT APPROVED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE.

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

(I) CITY COUNCIL MAY WAIVE THE REQUIREMENTS OF THIS ORDINANCE BY RESOLUTION.

(J) IN THE EVENT AN APPLICANT VIOLATES THE REQUIREMENTS OF THIS ORDINANCE, THE CITY MAY TAKE WHATEVER ACTION LEGALLY PERMISSIBLE TO REVOKE ECONOMIC INCENTIVES GRANTED, AND THE APPLICANT WILL NOT BE ELIGIBLE FOR FUTURE ECONOMIC INCENTIVES.

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

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

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

Approved as to form:

_____
City Attorney

Dated: _____

MINUTES
Committee on Development and Planning
Wednesday, February 6, 2013 – 12:00 p.m.
Tenth Floor Conference Room – Lansing City Hall

CALLL TO ORDER

The meeting called to order at 12:00 p.m.

ROLL CALL

Councilmember Brian Jeffries, Chair
Councilmember Derrick Quinney, Vice Chair
Councilmember Jody Washington, Member

OTHERS PRESENT

Diana Bitely, Council Staff
Carol Wood, Councilmember
Don Kulhanek, Law
Susan Stachowiak, Planning
Mary Elaine Kiener, Citizen
Lynne Martinez, Citizen
Jim Shaw, Citizen
Zane Hubbard, IVOE 324
Brian Brannick, Michigan Building Trades
Price Dobernick, UA 333
Glenn Freeman III, Greater Lansing Labor Council
Charles Drayton, Citizen

APPROVAL OF MINUTES

COUNCILMEMBER QUINNEY MADE A MOTION TO APPROVE THE MINUTES OF THE DECEMBER 17, 2012 COMMITTEE MEETING, AS SUBMITTED. MOTION CARRIED, 3-0.

PUBLIC COMMENT ON AGENDA ITEMS

None.

DISCUSSION/ACTION

Transparency Ordinance Update

Mr. Kulhanek reported that the outcome of the Associated Builders case will affect the legality of this ordinance and he suggested that the Committee to wait until the Court of Appeals rules before moving forward. There were a couple of issues he thought to be pending.

Councilmember Jeffries questioned if the ordinance is ready for a public hearing.

Mr. Kulhanek stated that there was a public hearing last October, but it would need to be reset.

Councilmember Jeffries suggested an amendment to the ordinance to read "Nothing in this ordinance shall be interpreted to prohibit or require an applicant or any contractor or subcontractor of an applicant from requiring in bid specifications that a successful bidder enter into a project labor agreement or other collective bargaining agreement as a condition of contract award."

COUNCILMEMBER QUINNEY MADE A MOTION TO AMEND THE RESOLUTION TO READ "NOTHING IN THIS ORDINANCE SHALL BE INTERPRETED TO PROHIBIT OR REQUIRE AN APPLICANT OR ANY CONTRACTOR OR SUBCONTRACTOR OF AN APPLICANT FROM REQUIRING IN BID SPECIFICATIONS THAT A SUCCESSFUL BIDDER ENTER INTO A PROJECT LABOR AGREEMENT OR OTHER COLLECTIVE BARGAINING AGREEMENT AS A CONDITION OF CONTRACT AWARD. MOTION CARRIED, 3-0.

COUNCILMEMBER QUINNEY MADE A MOTION TO SET A PUBLIC HEARING FOR MONDAY, FEBRUARY 25, 2013 IN CONSIDERATION OF AN ORDINANCE ADDING SECTION 206.25 TO CHAPTER 206 OF THE LANSING CODIFIED ORDINANCES BY REQUIRING TRANSPARENCY IN THE BIDDING AND OPENING OF BIDGS FOR PROJECTS THAT RECEIVE CERTAIN ECONOMIC INCENTIVES APPROVED BY THE LANSING CITY COUNCIL. MOTION CARRIED, 3-0.

Niowave Review (WNA Letter) and SLU Ordinance Update

Councilmember Jeffries provided a brief overview of the history surrounding Niowave's Personal Property Exemption and the resulting building, commonly referred to as "the pole barn." He anticipates that at the next D&P, the Committee will likely set the public hearing for the Niowave PPE. He then anticipates referring it to Committee of the Whole to allow for full Council discussion because of the response from the surrounding neighborhoods to both the building constructed as well as future property exemptions that may result in these types of buildings.

The Committee will also continue discussions on the Special Land Use Ordinance.

Ms. Kiener expressed her appreciation for the continued discussion and she looks forward to seeing how this plays out.

Ms. Martinez commented that they are anxious to find some language that the Planning Board can insert into special land uses to avoid issues like the Niowave one.

Ms. Stachowiak stated that the Planning and Neighborhood Development is taking steps to ensure that the language within each special land use that they forward to Council is very specific.

Mr. Kulhanek stated that those conditions put forward in the SLU Ordinance are not conditions, they are “findings”. The only condition in the resolution is that the applicant must identify methods of retaining playground equipment.

Councilmember Jeffries stated that during consideration, there were criteria set forth by Council. He requested that Mr. Kulhanek review the other tax incentives that were approved concurrently. Look at “use” and how that was clarified, particularly with regard to manufacturing. He questioned if the SLU would

Ms. Stachowiak stated that the criteria only addressed the use of the property and not the construction of the property.

Councilmember Wood questioned if there is a violation of criteria identified by resolution, what would the consequences of the violation.

Ms. Stachowiak stated that the Special Land Use could be revoked if there were a violation, but it is very clear that criteria apply only to the use of the property.

Councilmember Jeffries requested that Law move forward with the SLU Ordinance. At the December 5, 2012 meeting, and Mr. Smith

Ms. Keiner commented that the neighborhood is frustrated with the length of time that this is taking without resolution.

Councilmember Jeffries requested that a draft #2 is presented at the next D&P meeting.

Setting a Public Hearing for SLU-7-2012; Church at 2405 W. Mt. Hope Avenue

Ms. Stachowiak reported that this would be for a small church and the property is surrounded by park land. There is one property next door. The parking still must be able to accommodate the congregation, and the available parking is currently adequate. The language is very specific that it is limited to the use of the existing building at this location, which means that if they were to put on an addition, then it would have to come back in a new SLU.

COUNCILMEMBER QUINNEY MADE A MOTION TO SET A PUBLIC HEARING FOR MONDAY, FEBRUARY 25, 2013 IN CONSDIERATION OF SLU-7-2012; CHURCH AT 2405 W. MT. HOPE. MOTION CARRIED, 3-0.

Resolution Approving Act-13-2012; Marketing City Property for Sale – Waverly and Michigan Parks

Mr. Rieske reported that this has been approved by the voters; the Planning Board has recommended the marketing based on the finding that it is surplus property according to Parks and Recreation. No other agency has otherwise stepped forward to say we need the property.

Mr. Johnson stated that they have not had any serious interest, but have had some groups express interest in athletic activities. We want to be sure that we are able to market for sale before they take any definitive steps. It is located in Lansing Township and they are not sure if the City will use a Real Estate Broker or a Request for Purchase. We have not done appraisals yet for the property, preferring not to spend the money until we are sure that we can market it for sale.

Councilmember Quinney reminded the Committee that they had hoped to see the sledding hill retained; they know the concerns of Council, but he is only marketing it for sale. He will never say to our representative that there are no contingencies; he would disclose that and encourage selling off the north end of the property first. What happens on the site is outside of our jurisdiction.

Councilmember Jeffries expressed concern that access to the sledding hill after the sale of the remaining property.

Mr. Johnson is not sure what the Township would permit, but he will definitely present the case to them as it being a city asset and wanting to preserve it for the purpose of sledding.

Mr. Rieske stated that the Planning Board did discuss the sledding hill and recommended approval based upon what Council put forward as the legal description.

Councilmember Wood clarified that Mr. Johnson would conduct a survey and either secure Broker representation or an RFP. She questioned if the sledding hill could be carved out prior to putting it up for sale.

Mr. Johnson planned on going through the bidding process to conduct the survey next week. They are ready to go in the Planning Department. He will not make any recommendations that the sledding hill “is good to go”. He will disclose it as Council requests.

COUNCILMEMBER QUINNEY MADE A MOTION TO APPROVE ACT-13-12, WAVERLY AND MICHIGAN AVENUE PARKS – MARKET FOR SALE. MOTION CARRIED, 3-0.

Resolution Approving the Capitol Commons Senior PILOT

Mr. Johnson stated that this is a taxation issue and when the development comes under consideration and whether it meets the affordability needs, but Planning Department does not really deal with PILOTs.

Mr. Kulhanek stated that the two PILOT’s up for discussion today have been held up in discussions. The property owner would like to market for these by next week. This means, they are asking for approval this coming Monday. One of the two resolutions does need some technical legal changes, which are very small, but he is working with them on it.

Councilmember Wood requested a list of repairs

COUNCILMEMBER QUINNEY MADE A MOTION APPROVING THE CAPITOL COMMONS SENIOR PILOT. MOTION CARRIED, 2-0.

Resolution Approving the Riverfront PILOT

COUNCILMEMBER QUINNEY MADE A MOTION APPROVING THE RIVERFRONT PILOT. MOTION CARRIED, 2-0.

Councilmember Jeffries expressed frustration at receiving items at the last minute and without the supporting documentation.

Councilmember Washington echoed the frustration.

RECEIPT OF COMMUNICATIONS

None

OTHER

None.

PENDING

None.

ADJOURN

The meeting was adjourned at 1:01 p.m.
Submitted by,
Diana Bitely, Recording Secretary
Lansing City Council
Approved by the Committee on 2/20/2013.

Appropriate documents attached to original set of minutes.

Ingham County Lead Poisoning Prevention Snapshot

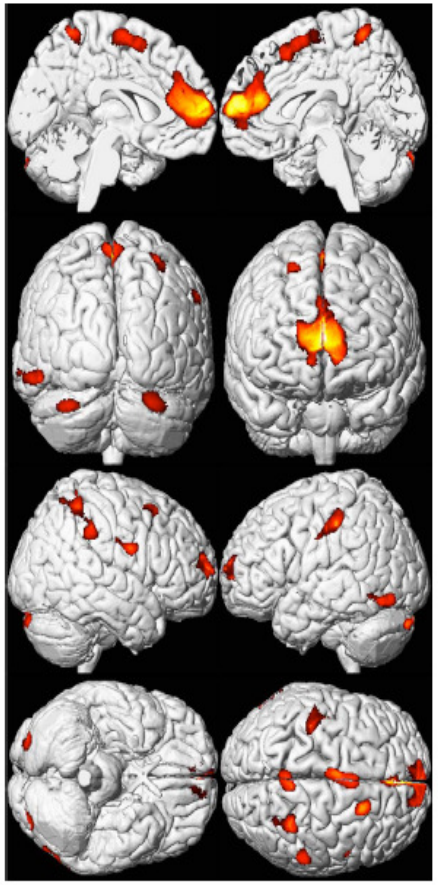
February 2015

OPEN ACCESS Freely available online PLoS MEDICINE

Decreased Brain Volume in Adults with Childhood Lead Exposure

Kim N. Dietrich[1,5], Mekibib Altaye[3], John C. Egelhoff[2], [illegible], Kelly Jarvis[4], Bruce P. Lanphear[1,3,5]

[illegible]ical Center, Cincinnati, Ohio, United States of America, 2 Department of Radiology, [illegible] 3 Department of Pediatrics, University of Cincinnati College of Medicine, Cincinnati, [illegible]College of Medicine, Cincinnati, Ohio, United States of America, 5 Department of [illegible]ited States of America



Kids' brains don't grow as well when they have lead in their blood.

Areas affected: decision-making, mood and hand-eye coordination.

A lead poisoned child is:

- 7 times more likely to drop out of high school
- 6 times more likely to enter the juvenile justice system
- 50% more likely to do poorly on the MEAP achievement test

(Clear Corps Detroit Lead Poisoning 101)

Figure 1. Regional Brain Volume Loss for the Cincinnati Lead Study Participants

A composite representation of regions with significant volume loss for male and female participants associated with average childhood blood lead concentrations is shown with red and yellow clusters overlaid upon a standard brain template

Brain template source reference [51].doi:10.1371/journal.pmed.0050112.g001

The #1 cause of lead poisoning in Michigan is dust from paint.

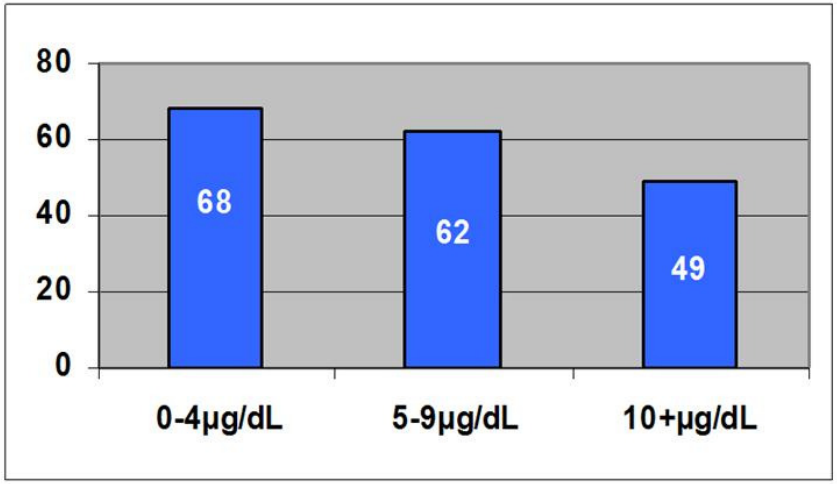
1 tsp of lead dust spread throughout a 1,200 sq ft house is enough to poison a child.

This is equivalent to the amount in one Sweet ‘N Low packet.

Even low levels of lead in children's blood are associated with lower academic performance.

PEDIATRICS®
OFFICIAL JOURNAL OF THE AMERICAN ACADEMY OF PEDIATRICS

% Above Fall PALS-K Benchmark by Blood Lead Level



Phonological And Literacy Screening – Kindergarten (PALS-K) Test, a reading readiness test administered in fall and spring of kindergarten

Elevated Blood Lead Levels and Reading Readiness at the Start of Kindergarten
Pat McLaine, Ana Navas-Acien, Rebecca Lee, Peter Simon, Marie Diener-West and Jacqueline Agnew
Originally published online May 13, 2013

In 2012, the Centers for Disease Control changed the "Level of Concern" from 10 to 5 mg/DL.

Ingham County Lead Poisoning Data 2008 - 2013

Year	# kids under age 6 tested	# kids with EBLL ≥ 5 mg/DL
2008	5,118	386
2009	5,310	492
2010	5,176	230
2011	4,795	219
2012	4,750	156
2013	4,700	215

About 17% of kids in Ingham County are tested each year, but 60% of the homes in the county were built pre-1978 (the year lead-based paint was banned for residential use).

State lawmakers are looking for ways to increase testing rates so all kids living in pre-1978 housing are tested.

Source: Michigan Department of Community Health

Ingham County vs. National vs. City of Lansing

- From 2007-2009, 2.6% of kids in the U.S. had an EBLL at or above 5 mg/DL. [1]
- The overall rate in Ingham from 2007-2009 was 10%. [2]
- From 2009-2013, the overall rate in Ingham has dropped slightly, to around 5%. [2]
- For the period 2008-2012, half of Lansing census tracts had rates of 10-13%, and no other area of the county has rates this high. [2]

1 – Centers for Disease Control data as reported 5/14/14
http://vitals.nbcnews.com/_news/2013/04/04/17602637-cdc-500000-kids-have-high-lead-levels-in-their-blood?lite

2 – 2007 – 2013 Michigan Department of Community Health Lead Surveillance Data

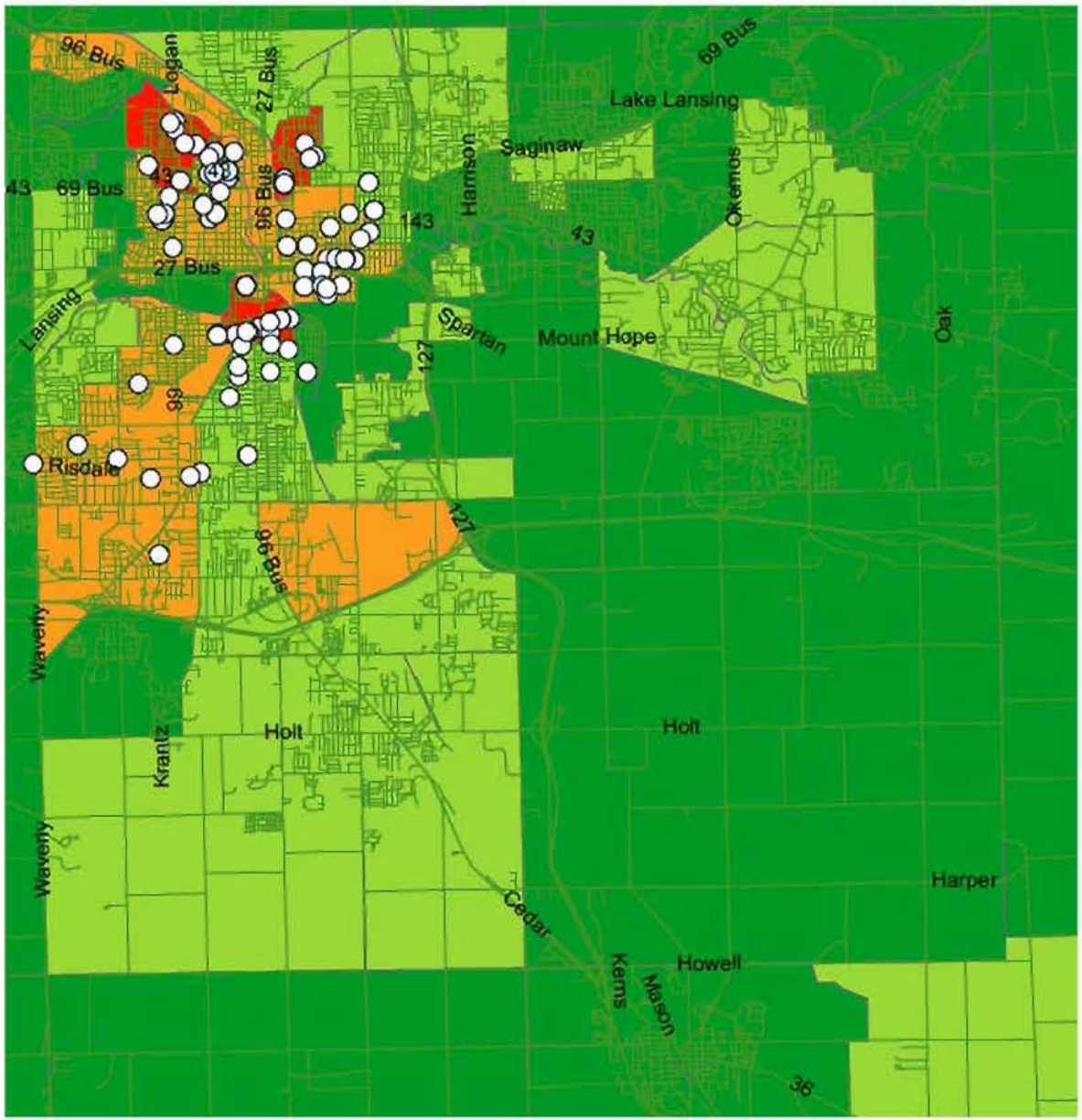
Ingam County Lead Testing Data 2008-2012

Lead Safe
Lansing Made Safe

EBLL >or=5mg per DL

- 0 - 6
- 7 - 27
- 28 - 63
- 64 - 95

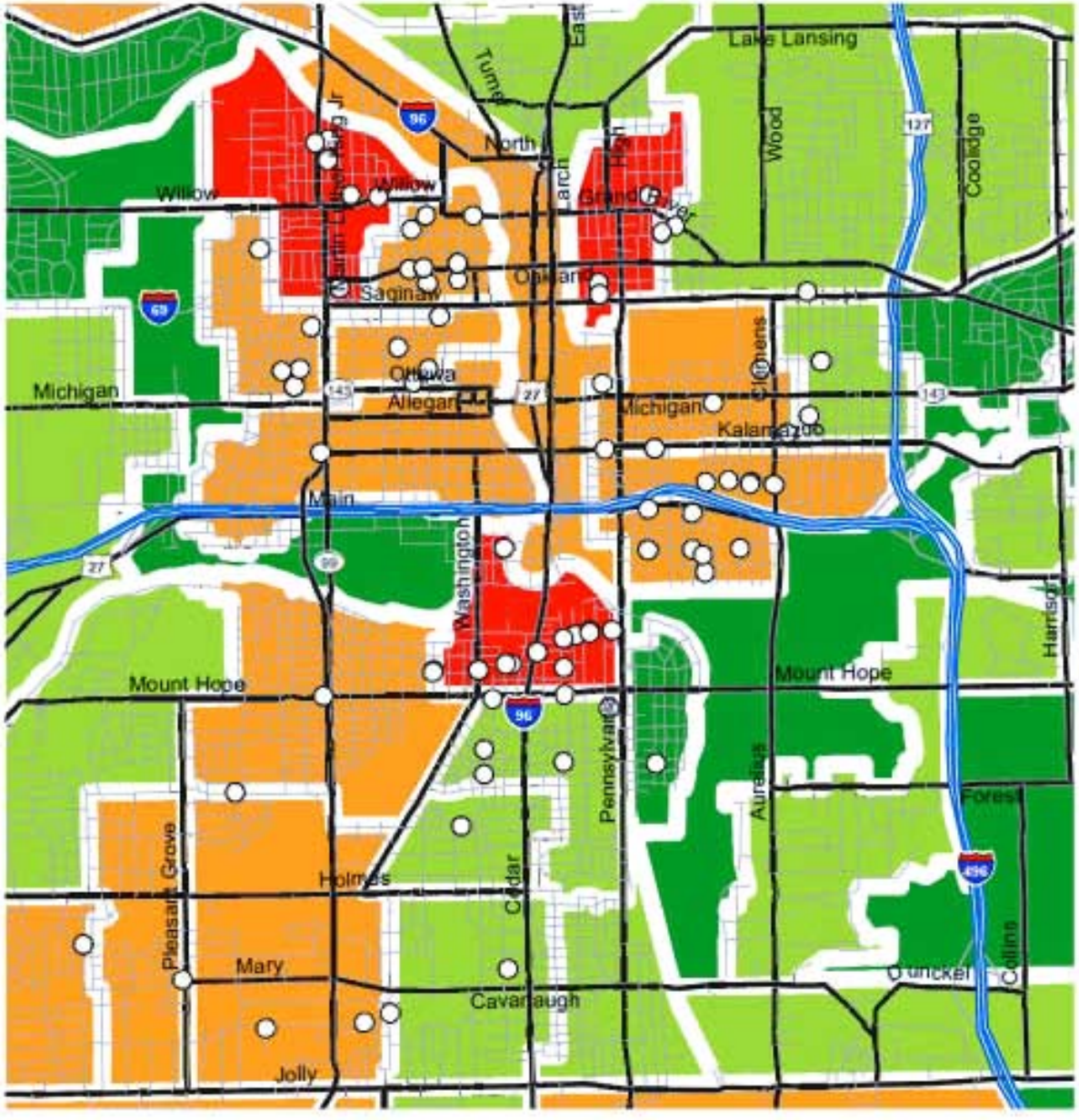
Census Tract Boundaries outlined in purple.



0 0.4 0.8 1.6 Miles

2008-2012 EBLL Test Data from MDCH
Jessica Yorko May 2014

High Lead-Poisoning Areas and Homes Made Lead-Safe



○ Made Safe With City Grant

Number of Lead-Poisoned Children

- 0 - 6
- 7 - 27
- 28 - 63
- 64 - 95

White borders are census tract boundaries.

N

0 0.150.3 0.6 Miles

Ingham County Health Department

2008-2012 EBLL Test Data from MDCH
Jessica Yorko May 2014

City and County activities to reduce childhood lead poisoning:

- $6M in Lead Safe Lansing grants from HUD from 2010-2013 and from 2007-2010.

- Participation in Michigan Alliance for Lead Safe Housing, which has secured $1.75 M in state general fund for lead abatement grants in priority counties, which is currently available in Ingham County (applications at www.michigan.gov/leadsafe).

- Outreach to rental property owners and property managers.

- Code Enforcement CLP Assessment Tool, which evaluates best practices by building safety, code compliance, public housing, and legal offices.

- Lead poisoning prevention activities and supplies for families with children with elevated blood lead levels (above > 5ug/dL).

- Renovation, Repair and Painting (RRP) Law information being provided with building permit applications and orders for code-related repairs, to stress the importance of complying with federal laws on lead-safe work practices.

- City/County Health and Housing Workgroup to proactively look for ways for these agencies to support each others' work in ensuring safe and healthy housing.