AGENDA
Committee on Development and Planning
With Committee of the Whole
Thursday, December 8, 2016 @ 10:00 a.m.
City Council Chambers, City Hall- 10th Floor

Committee on Development and Planning
Councilmember Jody Washington, Chair
Councilmember Jessica Yorko, Vice Chair
Councilmember Judi Brown Clarke, Member

Committee of the Whole
Council Member Brown Clarke
Council Member Yorko
Council Member Washington
Council Member Houghton
Council Member Hussain
Council Member Wood
Council Member Spitzley
Council Member Dunbar

1. **Call to Order**

2. **Public Comment on Agenda Items**

3. **Minutes:**
    - Development & Planning -November 10, 2016
    - Development & Planning - November 23, 2016

4. **Discussion/Action:**

A.) OPRA District; 204 E. Grand River Avenue; Looney Moon LLC

B.) OPRA Certificate; 204 E Grand River Avenue; Looney Moon LLC

C.) ORDINANCE – Transparency in the Bidding and Opening of Bids for Projects that Receive Certain Economic Incentives Approved by the Lansing City Council

5) **Other/Pending**
RESOLUTION – Introduction & Set Public Hearing; Z-8-2016; Rezoning 3001 S Washington Avenue; D-1 Professional Office and J- Parking District to F- Commercial District

6) **Adjourn**

DRAFT

MINUTES
Committee on Development and Planning
Thursday, November 10, 2016 @ 10:00 a.m.
Council Chambers, City Hall

CALL TO ORDER
The meeting was called to order at 10:02 a.m.

ROLL CALL
Council Member Jody Washington, Chair
Council Member Jessica Yorko, Vice Chair- excused
Councilmember Judi Brown Clarke, Member

OTHERS PRESENT
Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Eric Farrington, Sheet Metal Workers
Brian Brannick
Steve Japinga, Lansing Regional Chamber of Commerce
Mark Mello, Sheet Metal Workers
Zane Hubbard, IUDE 324
Joseph Lopez
Eric Brewer, Internal Auditor

Ordinance – Transparency in the Bidding and Opening of Bids for Projects that Receive Certain Economic Incentives Approved by the Lansing City Council
Council Member Washington highlighted notes from Council Member Wood on the history of the ordinance and outlined the process of the establishment of the Ordinance. Council Member Washington then acknowledged the organizations that participated in the process including the Lansing Chamber, the labor unions, and LEAP. Through the Chamber and LEAP businesses have been made aware of the proposed ordinance, and until the final draft nothing was heard from the businesses until the final draft. Because of that interest after the public hearing there was another meeting schedule with the group and the business was invited however they did not attend, and no one offered any further input. Council Member Washington referenced items in the ordinance which does not state who a developer has to hire but what they have to use for the criteria for hiring. This merely states developers have to put the bid out through the appropriate venues, and open the bids at a published place and time. The ordinance is not requiring a decision at the time of the opening, and they do not have to give the job to the lowest bidder. The ordinance would require they notify bidders if they did not get the bid but they don't' have to say why. These charges are done because if the City is giving tax dollars, the local

regions should have the right to apply for the jobs. If the developers are willing to do all the paperwork and go through the steps to get the incentives, the developers should be willing to agree to this. Council Member Washington read information from Council Member Wood that time the Mayor signed an executive order which was the same as what the Council had been working on. But because the Executive Order was approved before the Ordinance passed the active document is the Executive Order not the Ordinance. This recent ordinance is a contractual ordinance which is an addendum to the universal development agreement. This would put a requirement to those that request tax incentives and make it open and open bidding opening in public locations. There will be public advertisement of bids, dates and opening dates, and bids of three or more. It was noted that there was a changed added to the earlier proposed ordinance that changed the sunset period on the Ordinance from 10 years to five years. The ordinance will take effect 30 days after adoption by Council and be done as part of the contract with LEAP who will work with City Attorneys on the procedures.

PUBLIC COMMENT

Mr. Japinga acknowledged the Council members who worked on the ordinance, the union and all other participants in the group, along with allowing the Chamber to participate. Mr. Japinga did confirm that the Lansing Chamber cannot agree with the ordinance, and agrees some developers are doing the right thing, and there needs to be a line on transparency. The Chamber has reached out to the Mayor's office on the earlier Executive Order to see if there are any changes that can be made. Council has the opportunity to vet the properties and ask the questions. Mr. Japinga confirmed the Chambers understanding of these amendments and understands that with the Executive Order what Council can do. Mr. Japinga concluded by stating his opinion that if there are going to be changes, it needs to be uniform across the county. They do not want Lansing to have any disadvantages and they want Lansing to compete with a transparent system.

Council Member Brown Clarke stated that the frame work is not to be problematic, and even in duplication of process, some times that is best practice. It is not duplication, but an additional application. With all the things happening in a development agreement, the City is asking to take that information in a form to show that the process has been followed. She continued by stating that moving forward Council does not want to sway a builder, but this shows integrity and trust in the process. The City Council's only ability is having to do this in an Ordinance, and they are not trying to be obstructive.

Council Member Washington acknowledged the Mr. Japinga and the Lansing Chamber for their participation, recognized that the surrounding townships and cities are not participating, however the City cannot wait. It was noted with the ordinance the developers do not have to hire but this would require them to allow the local contractors the opportunity to apply.

MINUTES

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE MINUTES FROM OCTOBER 27, 2016 AS PRESENTED. MOTION CARRIED 2-0.

Council Member Washington informed the public that the Ordinance will be up for passage at the November 14, 2016 Council meeting.

Mr. Smiertka stated he had no comments.

Council Member Washington introduced the new Internal Auditor.

DRAFT

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE ORDINANCE AND MOVE IT TO THE FULL COUNCIL. MOTION CARRIED 2-0.

Council Member Brown Clarke encouraged a follow up meeting with the group that worked on the ordinance after it is passed to review any unintended consequesnces.

Adjourn at 10:27 a.m.
Submitted by,
Sherrie Boak, Recording Secretary,
Lansing City Council
Approved by the Committee on_________________

DRAFT

MINUTES
Committee on Development and Planning
Wednesday, November 23, 2016 @ 10:00 a.m.
Council Conference Room, City Hall 10th Floor

CALL TO ORDER
The meeting was called to order at 10:04 a.m.

ROLL CALL
Council Member Jody Washington, Chair
Council Member Jessica Yorko, Vice Chair
Councilmember Judi Brown Clarke, Member-excused

OTHERS PRESENT
Sherrie Boak, Council Staff
Jim Smiertka, City Attorney-left at 10:52 a.m.
Mark Dotson
Joan Nelson
Jarl Brey, Capital Zip
Elaine Womboldt
Jessica DeBone, PM Environmental
Kathy Miles
Tim Ayers, Fluid Chillers
Bob Johnson, Planning & Neighborhood Development Director
Susan Stachowiak, Planning & Neighborhood Development
Karl Dorschimer, LEAP

PUBLIC COMMENT
Public comment was taken during the agenda items.

MINUTES
MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE MINUTES FROM OCTOBER 27, 2016 AS PRESENTED. MOTION CARRIED 2-0.

Action on the minutes from November 10, 2016 will be addressed at the next meeting.

DISCUSSION – ORDINANCE AMENDMENTS TO ADDRESS URBAN AGRICULTURE USES
Council Member Washington announced that the Committee did receive an email copy of the proposed ordinance amendments. Mr. Smiertka apologized stating the version was done in a fast pace and he will review it again and make changes. He then noted there is a Michigan

Farm Act that will effect and super-cede local ordinances. Under that Act there can be zoning ordinances however if it conflicts with the Right-to-Farm Act it cannot be enforced. Mr. Smiertka offered to make changes to the proposed ordinance to make it clear.

Council Member Washington apologized for the confusion on the process that was followed thus far, and assured everyone that Council wants to make sure there is something that works with and for everyone. Mr. Smiertka confirmed his changes would be ready for the next meeting. Council Staff was asked to email a copy of the Ordinance to the Committee prior to the next meeting.

Ms. Nelson informed the Committee of her role in the creation of the amendments and the steps that were taken at the Planning Board. The goal is to have a structure to make sure it is a mutually beneficial experience.

RESOLUTION – Lease Agreement; City of Lansing & Zip the Grand , Inc.

Council Member Washington stated for the record that Council Member Wood informed her that she is opposed to the project and had asked the Internal Auditor to look into the financial aspect of the project and report out Monday, 11/28/2016.

Council Member Yorko acknowledged her questions have been answered.

Mr. Bryl confirmed that the Liability Form had been completed and agreed upon by his legal team and the City Attorney. There was an assurance also that if the project fails, it will be removed at his expense.

Mr. Dotson asked if Council Member Washington had a written document of Council Member Wood's request to the Internal Auditor, and it was confirmed it was not in writing.

Ms. Womboldt spoke in opposition to the project and presented a list of 10 questions. Council Member Washington read thru the questions, beginning with a comment on question 1 which stated Ms. Womboldt's belief that Lansing residents could not financially support the project. Council Member Washington stated her belief that Lansing residents are not the only people Capital Zip is targeting, but they are creating a destination, along with working with corporate team building and school districts for their participants.

Question 3 asked if other surrounding businesses were in support of Zip the Grand. Mr. Kaschinske answered that question, affirming that neighboring properties were asked and have not given any opposition. A local developer in the area was also contacted and supports it along with the Old Town and Historic areas.

Ms. Womboldt's question 4 was regarding a survey and plan and that was provided to her by Council staff. The Plan was also in the Committee packets, and it was confirmed that it was part of the electronic packet on line.

Question 6 spoke about the $6,000 license fee, and Mr. Bryl was asked if that would ever increase. Mr. Bryl confirmed that the rent is fixed for that period of time for 20 years, and 2.5% of gate that will go to it. It is negotiable and can be revisited for the profitability.

Council Member Washington read question 7 which spoke to security on site. Mr. Bryl stated he has agreed to security cameras and LPD having complete access and full disclosure.

Mr. Bryl addressed question 8 which spoke to garbage and maintenance of the site. There will be trash receptacles on site, and they will be responsible, along with providing 50 parking spaces and bathrooms. It will also meet all ADA requirements.

Question 9 spoke to fees for admissions, and Mr. Bryl informed Ms. Womboldt that the zip line and the ropes course are two options and fees are set for each of those individually. These will be part of the gross gate sales, and 2.5% of whatever the patron pays for. Ms. Womboldt asked if there was a fee for spectators, and Mr. Bryl stated no. Ms. Womboldt then asked Mr. Bryl about special events, and why his lease did not include 2.5% of the sales for those. Mr. Bryl confirmed they do not exclude Common Ground, and when corporations rent the structure for a day, outside of normal business. The 2.5% is for the normal gate. Ms. Womboldt requested the contract be changed, and Mr. Bryl noted it is outlined in his business plan. Mr. Smiertka added that the wording in the lease will refer back to the business plan.

Council Member Washington pointed out that question 10 was answered in the attached business plan.

Ms. Miles spoke in opposition to the project and asked Committee to consider asking for more than 2.5%.

Council Member Washington asked why the City of Grand Rapids turned down his project. Mr. Bryl clarified that they did not, he chose not to pursue it there because they provided him with seven (7) locations and all would have cost his company close to $1 million. There were engineering questions and concerns because of the span over the river in that area, and therefore the tower would have to be twice as tall along with the need for an elevator. Mr. Bryl assured the Committee that the contractor that will build the structure is qualified throughout the world, building for Disney, and cruise lines. There are annual inspections that are also performed.

Mr. Smiertka briefly touched on governmental immunity, noted there are governmental functions such as roads where there is governmental immunity. Then there are other functions, such as property functions such as ballfields where there is no governmental immunity. Because the City is taking a portion of the gross receipts this could be a property function, but the City could argue it is a governmental function. It was noted that the City is listed under indemnification, they are requiring insurance, and the participants are required to sign a waiver.

Council Member Washington spoke in support of the project and activity similar to this in this appropriate park setting. Mr. Kaschinske was then asked the Parks position on private industry on public land. Mr. Kaschinske noted that there are other examples in the City where the City has arrangements with non-profit and for profit agencies. He continued by affirming that this project will fit within the mission of the department to provide activities that are otherwise not available.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR THE LEASE AGREEMENT; CITY OF LANSING @ ZIP THE GRAND, INC. MOTION CARROED 2-0.

RESOUTION - OPRA District; 1141 South Washington Avenue & 1149 South Washington Avenue; L & P Properties, Inc.
RESOLUTION – OPRA Certificate; 1141 South Washington Avenue; L & P Properties, Inc.
RESOLUTION – OPRA Certificate; 1149 South Washington Avenue; L & P Properties, Inc.
Mr. Dorshimer stated there have been no changes since the Committee set the public hearing and since the public hearing at Council on November 14, 2016.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR THE OPRA DISTRICT FOR 1141 AND 1149 SOUTH WASHINGTON AVENUE. MOTION CARRIED 2-0.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR THE OPRA CERTIFICATE FOR 1141 SOUTH WASHINGTON AVENUE. MOTION CARRIED 2-0.

MOTION BY COUNCILMEMBER YORKO TO APPROVE THE RESOLUTION FOR THE OPRA CERTIFICATE FOR 1149 SOUTH WASHINGTON AVENUE. MOTION CARRIED 2-0.

RESOUTION - OPRA District; 221 West Saginaw; Motion Properties
RESOLUTION – OPRA Certificate; 221 West Saginaw; Motion Properties
Mr. Dorshimer stated there have been no changes since the Committee set the public hearing and since the public hearing at Council on November 14, 2016.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR THE OPRA DISTRICT FOR 221 WEST SAGINAW; MOTION PROPERTIES. MOTION CARRIED 2-0.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR THE OPRA CERTIFICATE FOR 221 WEST SAGINAW; MOTION PROPERTIES. MOTION CARRIED 2-0.

RESOLUTION – Introduction & Set Public Hearing; Z-8-2016; Rezoning 3001 S Washington Avenue; D-1 Professional Office and J- Parking District to F- Commercial District
Council Member Washington tabled any discussion on this agenda item due to the recent criminal activity at the property on November 21, 2016.

Ms. Womboldt spoke in opposition to the rezoning request.

No applicants were present.

RESOLUTION – Set a Public Hearing; Brownfield Redevelopment Plan #66; Fluid Chiller Expansion
Mr. Dorschimer outlined the business, which has been in existence since 2007 in Lansing, and manufactures custom design chillers for industrial, medical and airo-space, recently building for NASA. They are located at Alpha Access by Mc Claren and provide skilled jobs, high wage rate and benefits. Ms. DeBone distributed a handout which outlined the property layout in an aerial photo. Included in the handout were details on the 5.44 acres, which will include 15 new jobs, 10 more jobs 5 years later, after 12 years, there will be $328,740 of Brownfield eligible costs, with a project increase of tax value and captures. They are committed to $600,000 investment into the property, 15 new jobs in 3 years. The LSRRF reimbursement will be $10,035 in environmental assessments.

MOTOIN BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARIN FOR DECEMBER 12, 2016 FOR BROWNFIELD REDEVELOPMENT PLAN #66; FLUID CHILLER EXPANSION. MOTION CARRIED 2-0.

Ms. Womboldt spoke in support of the project.

RESOLUTION – Rejection of Unsold Tax Reverted Property from Ingham County Treasurer

Mr. Johnson presented an updated resolution removing one parcel, 721 Leslie, that the Parks and Recreation Department is interested in because it abuts Regent Park. Mr. Kaschinske confirmed it would allow park access off of Leslie because it is a vacant parcel.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION TO REJECT THE UNSOLD TAX REVERTED PROPERTIES FROM INGHAM COUNTY. MOTION CARRIED 2-0.

RESOLUTION – Rejection of Unsold Tax Reverted Property from Eaton County Treasurer

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION TO REJECT THE UNSOLD TAX REVERED PROPERTY FROM EATON COUNTY. MOTION CARRIED 2-0.

Adjourn at 11:10 a.m.
Submitted by,
Sherrie Boak, Recording Secretary,
Lansing City Council
Approved by the Committee on_________________

OFFICE OF MAYOR VIRG BERNERO
124 W. MICHIGAN AVENUE – NINTH FLOOR
LANSING, MI 48933

AGREEMENT IN CONSIDERATION OF DEVELOPMENT INCENTIVES

THIS AGREEMENT in Consideration of Development Incentives ("Agreement") is made and entered this ______day of _________________, _______, by and between the City of Lansing, Michigan, a Michigan municipal corporation ("City"), and Looney Moon, LLC, a Michigan Corporation ("Applicant"), (collectively the "Parties");

I. STATEMENT OF PURPOSE:

The City of Lansing welcomes new investment and the creation of new jobs. To achieve these goals, the City offers a variety of economic incentives that are designed to facilitate the expansion of existing businesses and the location of new businesses within the City, as well as the rehabilitation of obsolete structures and the reuse of environmentally contaminated sites.

Economic incentives typically do not provide City funds to developers or businesses, but rather encourage new investment and job creation in the City that would not have occurred without the incentive. The purpose of this Agreement is to establish performance expectations, reporting requirements and preferences for Lansing-based firms, resident employees and union employees in hiring, contracting, subcontracting and procurement related to the acceptance of economic incentives by the Applicant.

Economic incentives are beneficial to both the City and the Applicant. The approval of incentives must be a transparent and public process that produces a clear agreement between the Parties regarding the responsibilities of both the City and the Applicant. This public process does not end with the approval of the incentive, but continues until the commitments made by the Applicant under this Agreement are met.

II. DEFINITIONS

As used in this Agreement, the definitions herein shall be the mutually understood meaning of the following terms:

"Incentive" means a reduction in City taxes levied on real or personal property, or other financial benefit to Applicant, for a limited number of years as specified in this Agreement, and which may include, but is not limited to, those tax reductions or other financial benefits authorized by the Obsolete Property Rehabilitation Act (Public Act 146 of 2000, as amended), Neighborhood Enterprise Zone Act (Public Act 147 of 1992, as amended), Brownfield Redevelopment Financing Act (Public Act 381 of 1996, as amended), Plant Rehabilitation and Industrial Development Districts (Public Act 198 of 1974, as amended) and the New Personal Property Tax Exemption authorized by Public Act 328 of 1998.

"Lansing-based firm" means an incorporated business entity that owns or leases an office, warehouse, distribution center, or wholesale or retail store located within the corporate limits of the City of Lansing.

"Full-time Equivalent Employees (FTE)" means a combination of full-time and part-time employees that represents all employees as a comparable number of full-time employees.

III. RECITALS:

A. APPLICANT/PROJECT INFORMATION

Name of Project: Redevelopment of 204 East Grand River

Location of Project (provide attached map):

Business Name of Applicant *(if applicable): Looney Moon, LLC*

Name of Parent Company *(if applicable):* ______________________________

List Managing Partner and all other Partners, including percentage ownership interest of each partner:

Thomas Arnold 100 %

______________________________ __________ %

______________________________ __________ %

Project description:

The project is a property owned by Looney Moon, LLC located at 204 East Grand River Avenue is a Darius Moon building built in 1890. This three story Romanesque revival style building is the last to be renovated in the 200 block in Old Town. The building requires a total rehabilitation. The renovation will, to name a few, include: All new plumbing and sewer connections, new basement floor and flooring throughout, new drywall and insulation, new (top to bottom) back wall, new storefront, new windows, new electrical and HVAC, new interior staircases and a new roof. The finished 6000 sq ft project will have office space in the basement, commercial/retail space on the first floor, 2 micro apartments with murphy beds on the second floor and 2 two story, one-bedroom loft apartments on the third floor and roof.

List all past projects started in the city of Lansing by any of the partners listed above:
101 East Grand River Avenue
200/202 East Grand River Avenue
1118 South Washington Avenue
List City incentive(s) and number of years requested for each:

OPRA Certificate	7	Years
No Incentive Requested		Years
OPRA	12	Years
OPRA	12	Years

List all Federal, State or other incentives and their estimated value that may be part of this project:

None

Name of Financial Institution(s) funding the Project *(if unavailable upon execution of this Agreement, Applicant agrees to furnish commitment letter(s) from lending institution(s) to the LEDC when available):*

N/A

Estimated number of new, permanent full-time equivalent employees (FTE) upon Project Completion *(if applicable):*

15 FTE

Estimated total investment in real and personal property, including acquisition and construction costs, upon Project Completion:

$ 1,150,960 (hard costs)

Estimated average hourly wage or annual salary of new, permanent employees *(if applicable):*

$ 40.00

B. APPLICANT ACCEPTANCE OF NOTICE AND REPORTING REQUIREMENTS AND LOCAL PREFERENCES IN HIRING, PROCUREMENT OF GOODS AND SERVICES, CONTRACTING AND SUBCONTRACTING

(initial spaces below to indicate acceptance)

TA Applicant agrees to notify the LEDC and City Assessor of any and all partnership changes during the term of any incentives approved for the Project.

TA Applicant agrees, and may be required to provide written documentation at the request of the LEDC, to consider and hire as many Lansing residents and Lansing-based firms, including but not limited to consultants, suppliers, contractors and sub-contractors, as reasonably possible.

TA Applicant agrees, and may be required to provide written documentation at the request of the LEDC, to make good faith efforts to hire contractors and sub-contractors that employ union labor when economically feasible.

TA Applicant agrees that all employees, contractors and sub-contractors related to this Project will pay all City individual income tax.

TA Applicant agrees to report annually to the City Treasurer all gross individual income taxes paid and current residential addresses of all employees.

TA Applicant agrees that all contractors and sub-contractors will report annually to the City Treasurer all gross individual income taxes paid and current residential addresses of all employees.

C. LEDC STAFF/ADMINISTRATION RECOMMENDATION

Name of Lead Staff Person: Karl Dorshimer

Revenue currently paid to the City (Region) by the site or project:	$ 2,504	($ 9,161)
Estimated total revenue to the City (Region) Project Completion:	$ 4,193	($ 83,153)
Estimated total value of City (Region) Incentive(s):	$ 55,097	($ 133,763)
Estimated total new net revenue to the City (Region):	$ 1,689	($ 73,992)

Staff Comments *(indicate reasons for providing Incentive and describe any additional value to the City as a result of approval)*:

The Developer is taking a completely vacant historic building and spending over $1,000,000 to renovated it into a classic great building that will come alive again.

Project Timeline: The project will commence with the approval of the OPRA Certificate by the City Council and be completed by December 31, 2018

Have all appropriate City Incentive fees been received? **YES** NO

Staff Recommendation: **APPROVE** DENY MODIFY

(if DENY or MODIFY please explain in space provided below)

Administration Recommendation: **APPROVE** DENY MODIFY

(if DENY or MODIFY please explain in space provided below)

D. ADDITIONS:

1. Applicant, in seeking local legislative approval, has made certain representations to the City as more fully set forth herein.

2. The Applicant has applied for Incentive for the purpose of the redevelopment of 204 East Grand River Avenue. The Project is expected to hire at least **20** or retain at least 0 new full-time equivalent employees (FTE) and requiring a total investment in real property of at least $1,150,960 and personal property of at least $39,500 when completed.

3. The Applicant has supplied to the LEDC all application and supporting documentation, including a list of all partners of the Applicant with an ownership interest in the Project, which in turn has been forwarded to the City prior to the approval of the Incentive.

4. The Applicant has provided to the LEDC detailed information including wage and benefit information for the Project and new, permanent full-time equivalent employees (FTE) expected to be hired or retained as a result of the Project, which in turn has been forwarded to the City prior to approval of the Incentive.

5. The Applicant and the City desire to enter into an agreement whereby the Applicant and City specify and agree on the Project performance measures under which the Incentive is granted, and some of the conditions under which such Incentive can be modified or revoked by the City and/or State of Michigan. Nothing in this Agreement supersedes or diminishes any rights of the City or the State established by Federal, State, or Local law or regulations.

6. The Lansing City Treasurer has verified in writing the Applicant is not delinquent and/or late on any property taxes owed to the City for all properties in which the applicant owns a twenty-five percent (25%) or more interest.

7. The Lansing City Treasurer has verified in writing the Applicant, if an employer in the City, is in compliance with all required City wage withholding and income reporting requirements for all of their employees.

8. The Lansing City Treasurer has verified in writing the Applicant is not delinquent and/or late on any corporate or other business income taxes owed the City, if any.

9. The LEDC has verified that all application fees due have been paid in full by the Applicant.

IV. AGREEMENT:

NOW, THEREFORE, in consideration of the recitals and mutual covenants and agreements herein contained and pursuant to MCL Public Act 146 of 2000 (the "Act"), as amended, the Parties agree as follows:

A. Reliance on Recitals

The Parties acknowledge Applicant has made representations contained within its application, and the recitals and additions above, with the purpose and intent of City's reliance thereon, as well as for compliance with the Act, as amended, and the City relies upon these representations in its determination that the Incentive should be approved.

B. Project Area

The location of the Project is commonly known as 204 East Grand River Avenue ("Project Area") and legally described as follows:

COM 44.44 FT W OF NE COR LOT 2, TH W 20 FT, S 80 FT, E 20 FT, N 80 FT TO BEG; SUB OF BLOCK 12

C. Project Timeframe.

The Applicant and City agree the City's approval of the Incentive is based upon completion of the Project within a specific time period ("Project Timeframe"). The Project Timeframe starts December 31, 2016 and ends December 31, 2018.

D. Project Completion

The Applicant and the City agree that for the Project to be considered complete, the Applicant must perform all of the following in the Project Area within the Project Timeframe ("Project Completion"):

1. Hire at least **15** new, permanent full-time equivalent employees (FTE) and/or retain at least 0 full-time equivalent employees (FTE).

2. Purchase and/or locate within the Project Area, personal property with a fair market value of at least $39,500. This personal property may not be moved to the Project Area from another location within the City of Lansing.

3. Make at least $1,150,960 of improvements to the real property. Improvements include only hard costs, and exclude architectural and engineering costs.

4. Obtain all necessary building permits and site plan approvals, including payment of all required fees, plus final inspections including a Certificate of Occupancy from the City of Lansing and all other appropriate authorities and agencies.

5. Upon Project Completion, the applicant will provide to the LEDC, upon request, any and all appropriate financial records that are referenced as part of this Agreement.

6. Project Completion must be performed by December 31, 2018.

E. Project Completion Progress Reports

The Applicant shall file an annual report with the LEDC on the Applicant's progress toward achieving Project Completion. Reports shall be submitted in compliance with all LEDC reporting requirements (on-line, not of a proprietary nature but based on information contained in this agreement). Applicant understands and agrees that the information submitted to the LEDC will be available for public viewing, unless prior approval is requested and granted for specific confidential business information that is not subject to disclosure under the Freedom of Information Act (Public Act 442 of 1976, being MCL 15.231 et. seq., as amended). Non-compliance with reporting requirements may result in the modification or revocation of the Incentive.

Lack of performance and compliance with this agreement, may be considered as relevant information in consideration of the approval of all future incentive applications to the LEDC or City by the Applicant or any person or entity with (25%) or more ownership in the Project.

F. Verification of Project Completion

No later than thirty (30) days after the end of the Project Timeframe, the Applicant shall provide in writing to the LEDC a Final Project Completion Report ("Final Report on-line") with proof of Project Completion. Acceptable forms of proof may include, as directed by LEDC, proof of employment, proof of paid invoices, executed and filed tax documentation, final financing documents and similar material which confirm original financial data, engineering and architectural "as-built" drawings, photographs, and other like evidence of completion of the Project in the Project Area. If at any time during the Project Timeframe the Applicant completes the Project as agreed upon in Section (4), the Applicant may submit the Final Project Completion Report to the LEDC on line.

G. Consideration of Applicant's Compliance with the Agreement.

Within 60 days of receiving the Final Report, or 90 days after the end of the Project Timeframe, the LEDC shall make a preliminary determination if the Applicant has achieved Project Completion. In the event the preliminary determination concludes the Project was completed per this Agreement, written notification of such finding shall be sent from the LEDC to the Applicant and the City of Lansing Finance Director. In the event the LEDC makes the determination the Applicant did not complete the project per this Agreement, the LEDC will forward in writing its findings and a recommended course of action to the Applicant and the City of Lansing Finance Director. Prior to any action that might lead to the modification or revocation of all or part of the Incentive, the City shall offer the Applicant the reasonable opportunity to appear before the Council and be heard. In the event of the revocation of all or part of the Applicant's Incentive, the City may consider the breach of contract when contemplating the approval of all future Incentive applications to the City by the Applicant or any partners listed as required in the Recitals.

H. Failure of Applicant to Pay Tax Applicable to Personal Property

If any property tax applicable to the personal property that makes up the project is not paid within the time permitted by law for payment without penalty during the life of the Incentive being granted by this Agreement, the City may seize and sell the personal property to pay the tax, expenses of sale, and interest on the tax, or may commence civil litigation to recover the amount of tax an interest thereon, in accordance with Michigan law.

I. Failure of Applicant to Pay Tax Applicable to Real Property

If any property tax applicable to the real property that makes up the project is not paid within the time permitted by law for payment without penalty during the life of the Incentive being granted by this Agreement, the City may place a lien on the real property. The City may enforce the lien in the same manner as provided by law for the foreclosure in the circuit courts of mortgage liens upon real property, in accordance with Michigan law.

J. City's Rights under Act

Nothing in this Agreement shall supersede the City's ability to request the State Tax Commission to revoke the Incentive as otherwise provided, or as may hereafter be provided, under the Act, as amended. Nothing in this Agreement supersedes or diminishes any rights of the City or the State established by Federal, State, or Local law or regulations.

K. Ambiguity

If this Agreement or any of its terms and conditions is determined to be ambiguous, this Agreement and all its terms and conditions shall be considered as if drafted by both parties.

L. Rights and Remedies Cumulative

The Parties shall have all the rights and remedies available at law, in equity or in this Agreement to enforce the rights and obligations under this Agreement. All remedies shall be cumulative and none will be exclusive of any other. The exercise by either party of any one or more of such remedies shall not preclude the exercise by it, at the same or different times, of any other such remedies for the same default or breach or of any of its remedies for any other default or breach by the other party. No waiver made by either such party with respect to the performance, or manner or time thereof, or any obligation under the Agreement shall be considered a waiver of any rights of the party making the waiver with respect to the particular obligation of the other party or condition to its own obligation beyond those expressly waived in writing and to the extent thereof, or a waiver in any respect in regard to any other rights of the party making the waiver or any other obligations of the other party.

M. Right In Third Parties

This Agreement is not intended nor shall it create any rights, expectations or benefit to any third parties, including any creditor of the parties.

N. Severability

The invalidity of any portion of this Agreement shall not affect the validity of the remainder thereof.

O. Subsequent Waivers

One or more waivers of any provision, covenant, or condition of this Agreement shall not be construed as a waiver of a subsequent breach of the same provision, covenant, or condition, or as a waiver of a subsequent breach of other provisions, covenants, or conditions. The consent or approval to or for any act shall not be deemed to render unnecessary the consent or approval to or for any subsequent similar act.

P. Termination

This Agreement terminates upon the end of the life of the incentive.

Q. Authority.

The Applicant's execution, delivery and performance of this Agreement have been duly authorized. The Applicant's representative executing this Agreement does so with requisite authority to fully and completely bind the Applicant.

IN WITNESS WHEREOF, the undersigned Parties hereto execute this Agreement as of the day and year first above written.

WITNESSES:

____

____

____

____

____

____

LOONEY MOON, LLC

By:________________________

Its: ________________________

CITY OF LANSING:

By:________________________
Virg Bernero

Its: Mayor

LANSING ECONOMIC DEVELOPMENT CORPORATION:

By:________________________
Karl R. Dorshimer

Its: Authorized Representative

Approved as to form:

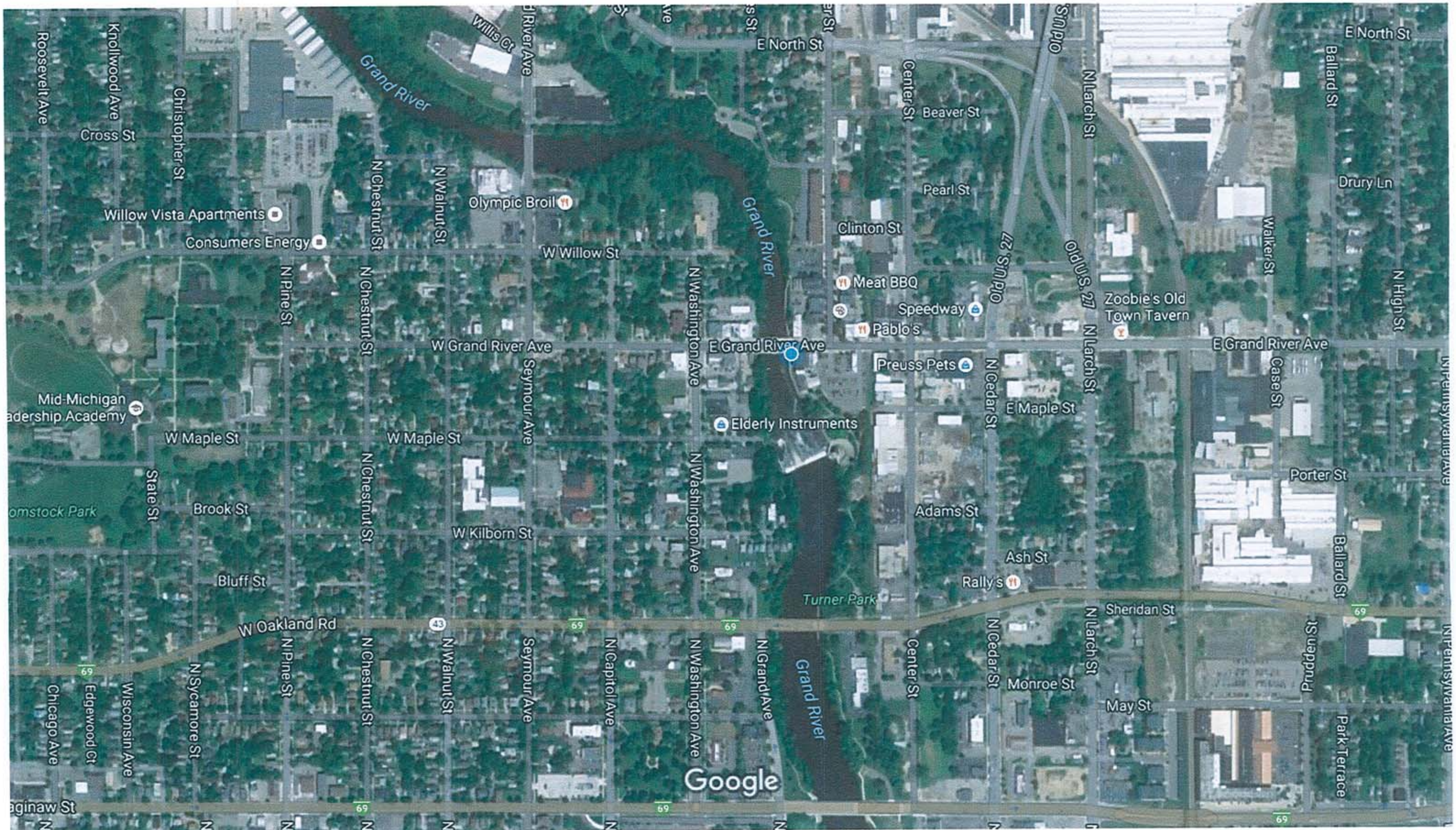
____
James Smiertka

City Attorney

I hereby certify that funds are available in Account No.:________________

____
City Controller

Google Maps



Imagery ©2016 Cnes/Spot Image, DigitalGlobe, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2016 Google 500 ft

Looney Moon, LLC - 204 E. Grand River Ave. OPRA

1	Base Personal Property Tax Value	$0
2	Base Land Property Tax Value	$3,300
3	Base Building Property Tax Value	$15,100
4	New Personal Property Investment	$39,500
5	New Building Property Investment (hard costs)	$1,111,460
6	Total Investment	$1,150,960
7	Total Personal Property Taxes Collected (7 years)	$6,181
8	City's Portion of Personal Property Taxes Collected	$1,689
9	Amount of Personal Property Taxes Abated	$0
10	Total Real Property Taxes Collected (7 years)	$76,972
11	City's Portion of Real Property Taxes Collected	$2,504
12	Amount of Real Property Taxes Abated	$133,763
13	City's Portion of Real Property Taxes Abated	$55,097
14	**Total Taxes Paid by Developer**	**$83,153**
15	**Total Taxes Abated**	**$133,763**
16	**Total Lansing Taxes Collected**	**$4,193**
17	**Total Lansing Taxes Abated**	**$55,097**
18	**Taxes Collected Without Project**	**$9,161**
19	**Taxes Collected With Project**	**$83,153**
20	**Increase in Total Taxes**	**$73,992**
21	**City Taxes Collected Without Project**	**$2,504**
22	**City Taxes Collected With Project**	**$4,193**
23	**Increase in City Taxes**	**$1,689**

Submitted 10/17

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

Resolution to Establish an Obsolete Property Rehabilitation Act District
204 East Grand River Avenue

WHEREAS, the owner of property located at 204 East Grand River Avenue in the City of Lansing, Michigan (the “Properties”) has requested in writing that the City of Lansing establish an Obsolete Property Rehabilitation District (the “District”) as enabled by Public Act 146 of 2000, the Obsolete Property Rehabilitation Act (the “Act”), and

WHEREAS, the owner is Looney Moon, LLC, hereinafter called the “Developer”, and

WHEREAS, the Developer is the legal owner of greater than fifty percent (50%) of all taxable value of the property located within the proposed District, and

WHEREAS, the Developer has, in writing, requested the District for the Properties and for the City of Lansing to take all necessary steps and actions to establish the District on their behalf, and

WHEREAS, the properties in question and the proposed boundary of the District is legally described as:

COM 44.44 FT W OF NE COR LOT 2, TH W 20 FT, S 80 FT, E 20 FT, N 80 FT TO BEG; SUB OF BLOCK 12, 33-01-01-09-402-081, and

WHEREAS, the Act requires that before establishing the District the Lansing City Council shall give written notice by certified mail to the owners of all real property within the proposed District and shall hold a public hearing in order to provide an opportunity for owners, residents or other taxpayers of the City of Lansing to appear and be heard regarding the establishment of the District and that such notice was given and said public hearing was held on (**Insert Date**);

NOW THEREFORE BE IT RESOLVED that the following properties are hereby approved and established as an Obsolete Property Rehabilitation District as provided by Public Act 146 of 2000 legally described as:

COM 44.44 FT W OF NE COR LOT 2, TH W 20 FT, S 80 FT, E 20 FT, N 80 FT TO BEG; SUB OF BLOCK 12, 33-01-01-09-402-081.

BE IT FINALLY RESOLVED that this resolution shall not be construed as the City Council’s approval of any future application for an Obsolete Properties Rehabilitation Exemption

Certificate for the Developer or any other applicant.

October 18, 2016

Lansing City Clerk
City Hall
124 West Michigan Ave.
Lansing, MI 48933

Re: Obsolete Property Rehabilitation Act District Application
204 East Grand River, Lansing MI

General Project Description

The project is a property owned by Looney Moon, LLC located at 204 East Grand River Avenue is a Darius Moon building built in 1890. This three story Romanesque revival style building is the last to be renovated in the 200 block in Old Town. The building requires a total rehabilitation. The renovation will, to name a few, include: All new plumbing and sewer connections, new basement floor and flooring throughout, new drywall and insulation, new (top to bottom) back wall, new storefront, new windows, new electrical and HVAC, new interior staircases and a new roof. The finished 6000 sq. ft. project will have office space in the basement, commercial/retail space on the first floor, 2 micro apartments with murphy beds on the second floor and 2 two story, one-bedroom loft apartments on the third floor and roof.

District Establishment Purpose

In an effort to maximize the utility value of the functionally obsolete building, the applicant is committed to doing complete rehabilitation of the building. In that context, and as more fully detailed below, the developer will incur considerable renovation costs. The establishment of the OPRA District, with its multi-year property tax deferment benefit is vital to making the economics of this project work.

Community Benefits

Redevelopment of the property would provide numerous benefits to the City. While the specific facility would undergo considerable renovation, the entire area would benefit from the transformation of a vacant building into a thriving and fully utilized property. The revitalized building will become a desirable structure and reverse the decline in aesthetic appeal, loss of retail and other amenities that had previously been fostered by the blight and abandonment in the neighborhood. 204 E. Grand River Avenue will add to the trend of growth and redevelopment in the area and encourage the addition of future development projects. With the creation of residential space, there will be an increase in population and foot traffic throughout the neighborhood and will thus increase the demand for entertainment, restaurants, retail, as well as other commercial services.

Basis of Eligibility

As to the eligibility of this project under OPRA, an investigation of the Subject Property by Sharon Frischman, City of Lansing Assessor, on 10/6/2016 resulted in a finding that the Building meets the definition of functionally obsolete. Functionally obsolete property is property that is "unable to be used to adequately perform the function of which it was intended due to a substantial loss in value resulting from factors such as overcapacity, changes in technology, deficiencies or super inadequacies in design, or other similar factors that affect the property itself or the property's relationship with other surrounding property." MCL § 125.2652(s). The building at this location is a three-story, downtown building constructed around 1890. The first floor of the building had been used as commercial retail space, while the second and third floors had been used as residential rental units. According to assessing records, this building appears to have been vacant since 2000. The building is currently a "shell" with no interior walls, no electrical, no plumbing and only a nonfunctioning space heater on the second floor. The windows and doors on the front are very old and inefficient by current standards. The rear wall has been removed due to crumbling bricks.

Project Costs and Phasing

The OPRA tax abatement is a significant component of the funding of this project. The applicant has estimated the total costs for this rehabilitation project to be $1,441,340. Renovations are scheduled to commence promptly following the approval of the ORPA tax abatement. The renovation cost estimates are as follows:

Site Construction	117,600
Concrete	27,720
Masonry	30,000
Metals	46,200
General Trades	55,000
Thermal & Moisture Protection	33,360
Door & Windows	91,300
Finishes	186,190
Specialties	16,300
Equipment	37,000
Furnishings	2,500
Special Construction	10,000
Mechanical	326,190
Electrical	171,600
Total Hard Costs	1,150,960
Soft Costs	290,380
Total Project Cost	1,441,340

Property Taxable Value and Legal Description

This property covers one parcel of real property containing a total of 0.037 acres and listed in the City of Lansing's Assessment records as having an address of 204 East Grand River Avenue, Lansing, MI 48906. Specifics on the Subject Property are as follows:

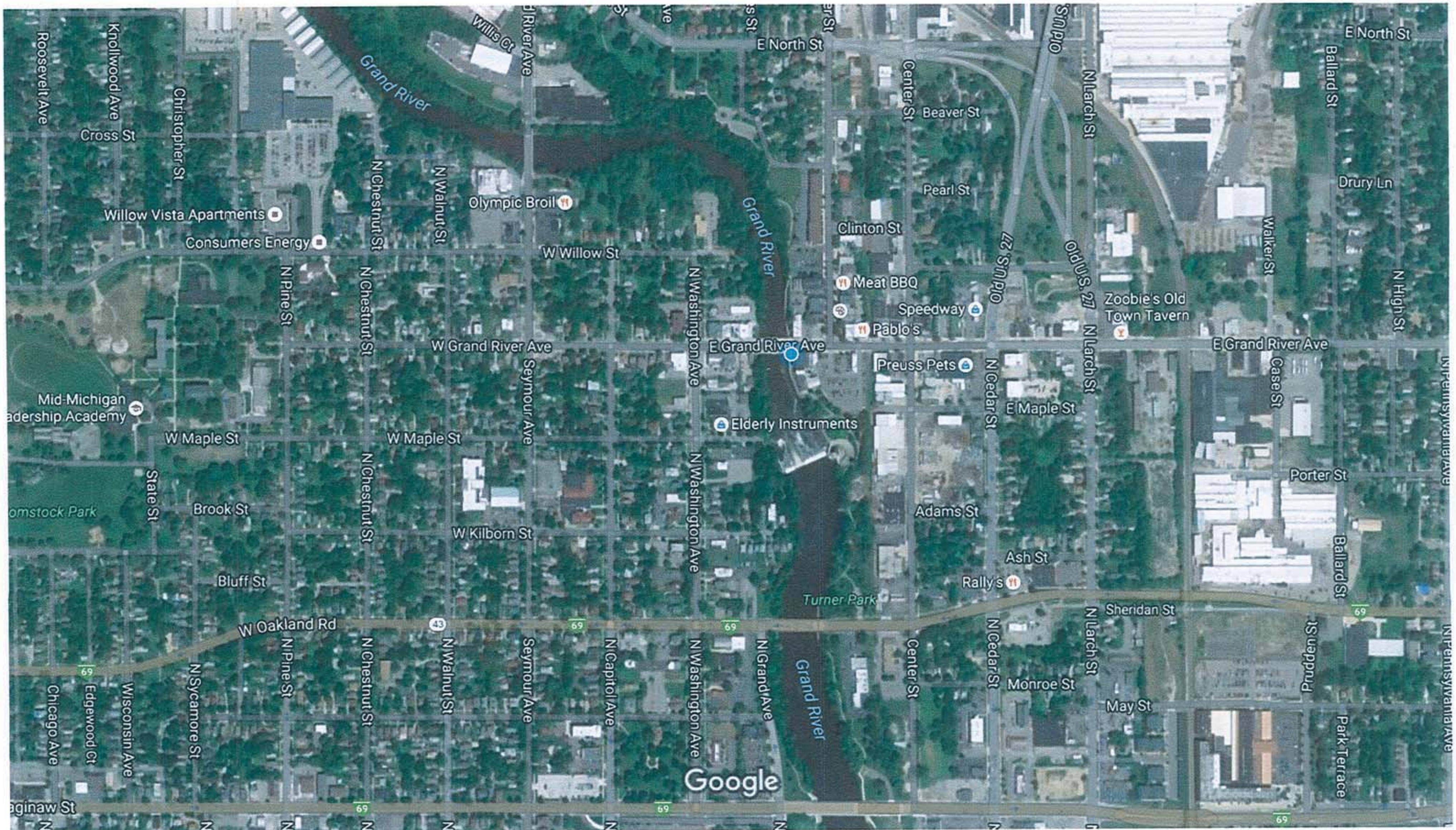
Address:	204 E. Grand River Ave
Owner's Name:	Looney Moon, LLC

Acreage of Land:	.037
Sq. Feet of Building:	Approximately 4,260
Tax Parcel Identification No.:	33-01-01-09-402-081
Taxable Value Land:	$ 3,300
SEV Land:	$ 3,300
Taxable Value Building:	$ 15,100
SEV Building:	$ 15,100
Legal Description:	COM 44.44 FT W OF NE COR LOT 2, TH W 20 FT, S 80 FT, E 20 FT, N 80 FT TO BEG; SUB OF BLOCK 12

Thank you in advance for your assistance and consideration in this matter.

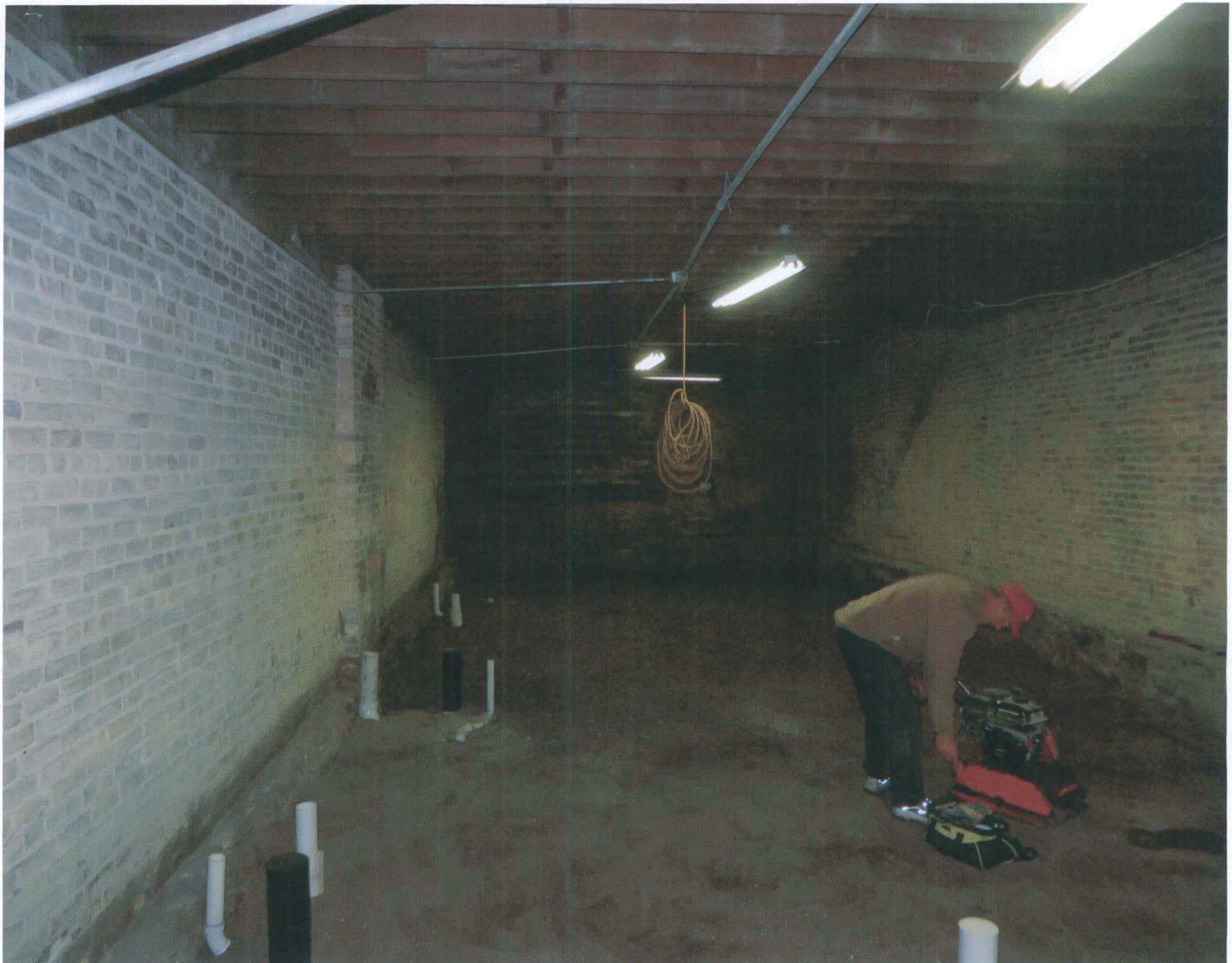
Sincerely,
Looney Moon, LLC

Google Maps

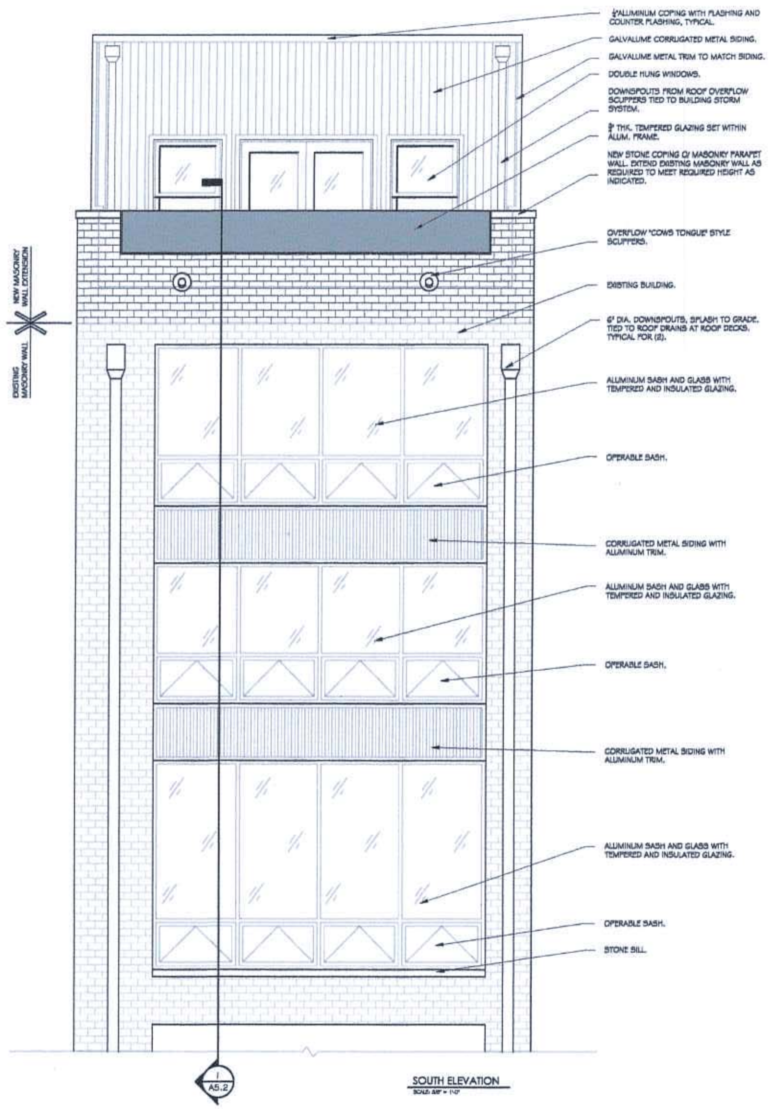


Imagery ©2016 Cnes/Spot Image, DigitalGlobe, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2016 Google 500 ft

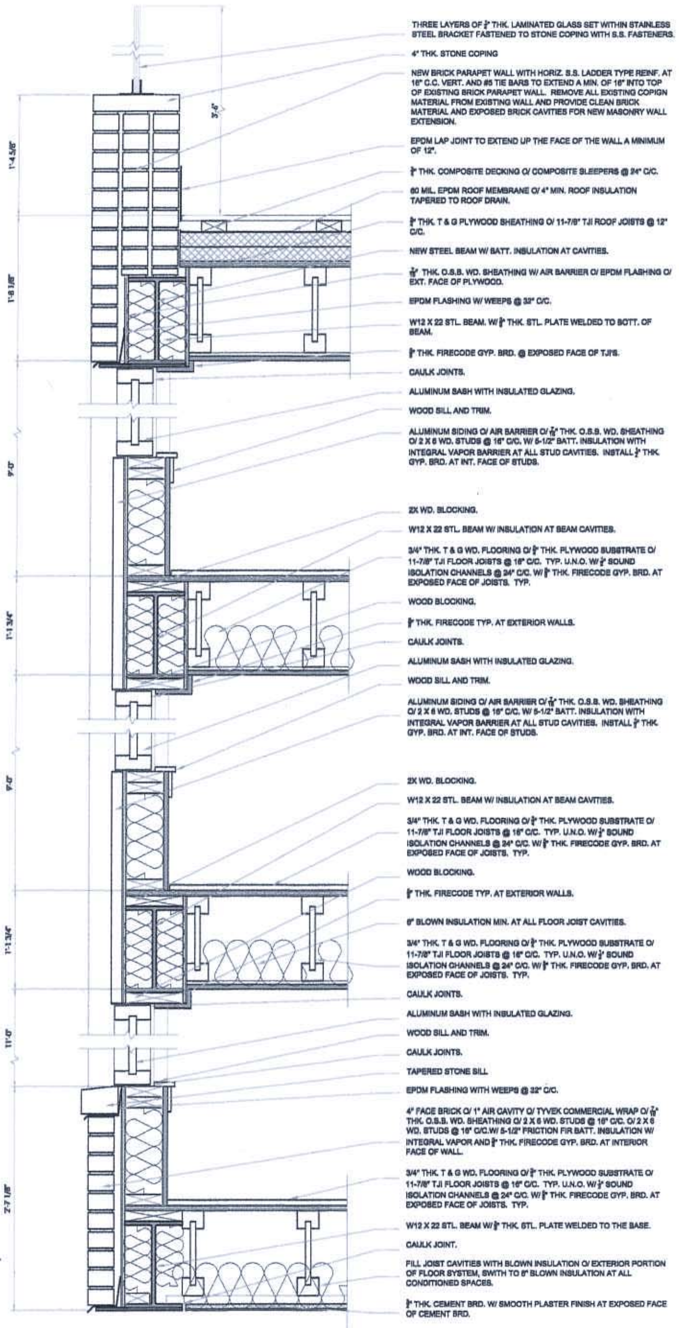

890
OPEN
202
200




204
Hypertherm



SOUTH ELEVATION
SCALE: 3/8" = 1'-0"



1 A5.2 DETAIL
SCALE: 1-1/2" = 1'-0"

the peabody group
ARCHITECTS & DESIGNERS
4740 Marsh Road
Okemos, Michigan 48864
Phone: (517) 349-0902
Fax: (517) 349-0909
www.tpgarch.com

11.12.15 REVIEW
12.12.15 PERMITS

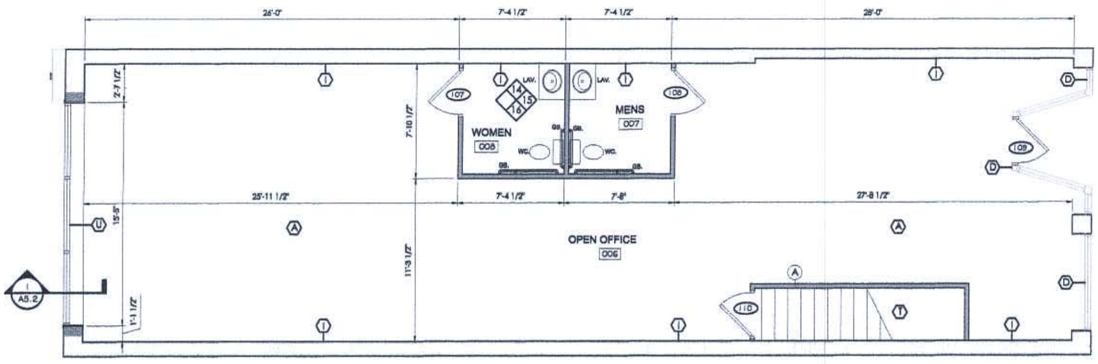
PROJECT MANAGER:

DRAWN BY:

BUILDING RENOVATION
ARNOLD LOFTS
LANSING, MICHIGAN

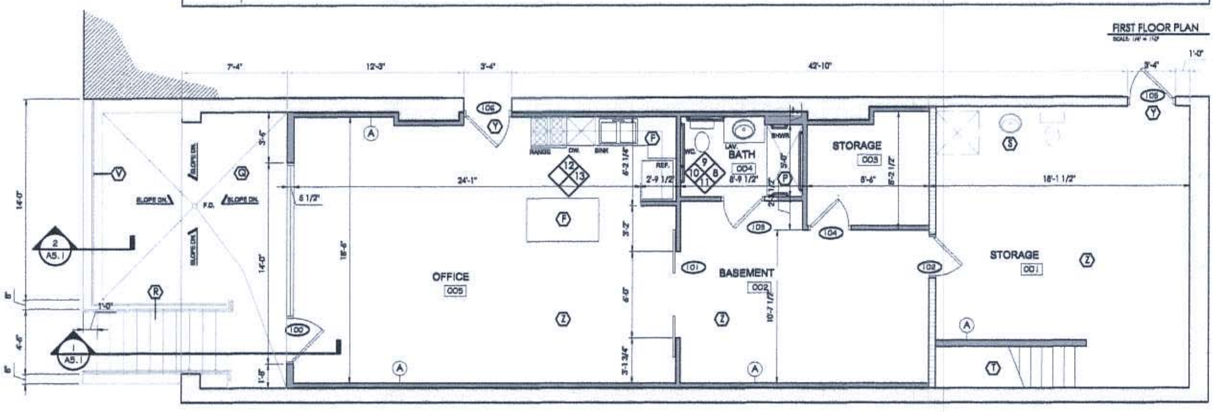
A5.2

submitted @ mtg



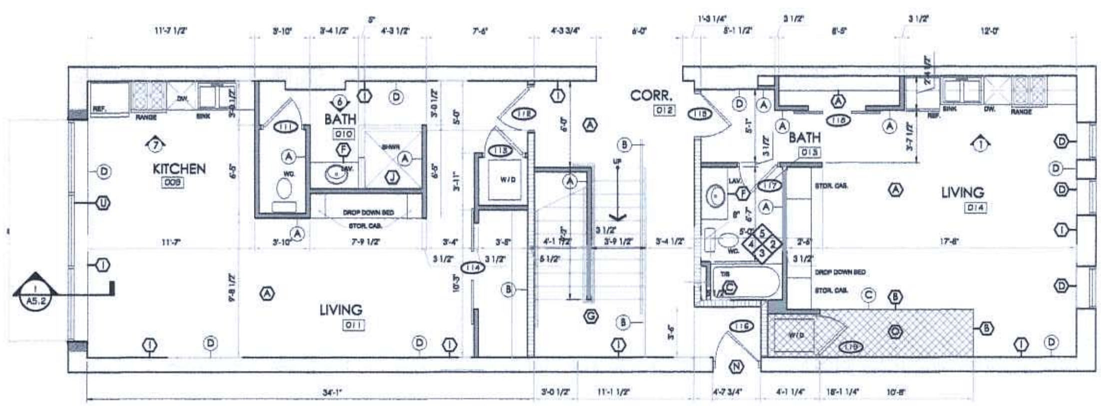
FIRST FLOOR PLAN

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



BASEMENT FLOOR PLAN

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



SECOND FLOOR PLAN

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

PROJECT NOTES

- (A) EXISTING WOOD FLOORS TO REMAIN, SAND SMOOTH AND REFINISH WITH (2) COATS URETHANE, STAIN WOOD IF DESIRED BY OWNER.
- (B) EXISTING WALL TO REMAIN, INSTALL (1) LAYER OF 5/8" THK. FIRECODE GYP. BRD. SEE WALL LEGEND.
- (C) NEW ONE PIECE SHOWER/TUB UNIT. SEE INTERIOR ELEVATIONS FOR MORE INFORMATION.
- (D) EXISTING WINDOWS TO REMAIN, INSTALL NEW WOOD SILLS AND TRIM. SEE SECTION FOR MORE INFORMATION.
- (E) NEW PREFABRICATED VINYL WRAPPED STEEL SHELF / ROD
- (F) NEW PREFABRICATED UPPER AND LOWER CABINETS WITH GRANITE TOPS WITH MATCHING BACK AND SIDE SPLASHES.
- (G) NEW WOOD STAIR WITH RUBBER FLOORING, TREADS AND RISERS W/ PAINTED H.M. RAILINGS BOTH SIDES OF STAIR.
- (H) NEW WOOD STAIR WITHIN RESIDENTIAL UNITS, INSTALL NEW WOOD TREADS AND RISERS SANDED, STAINED AND SEALED. INSTALL NEW PAINTED WOOD HANDRAILS AT BOTH SIDES OF STAIR.
- (I) SANDBLAST EXISTING MASONRY WALL WITH NUTSHELLS, CLEAN AND SEAL WITH SATIN FINISH MASONRY SEALER.
- (J) NEW ONE PIECE FIBERGLASS SHOWER PAN WITH TILE SURROUND.
- (K) NEW VINYL WINDOWS WITH WOOD CASEWORK. FINISH AS REQUIRED BY OWNER.
- (L) NEW COMPOSITE "TREX" DECKING O/ P.T. WD. SLEEPERS O/ 60 MIL. EPDM ROOF MEMBRANE O/ ROOF SUBSTRATE. SEE SECTION.
- (M) 42" HIGH STUD WALL WITH WOOD CAP.
- (N) BUILDING SEPARATION DOOR TO REMAIN.
- (O) REMOVE EXISTING STAIR, INFILL WITH NEW FLOOR SYSTEM TO MATCH EXISTING. SEE STRUCTURAL DRAWINGS FOR FLOOR RECONSTRUCTION.
- (P) INSTALL NEW ONE PIECE SHOWER WITH INTEGRAL WOOD BLOCKING AND GRAB BARS AS DEPICTED WITHIN INTERIOR ELEVATIONS.
- (Q) NEW 4" THK. CONCRETE FLOOR SLAB O/ 6 MIL. VAPOR BARRIER O/ MIN. 4" COMP. SAND BASE. TAPER SLAB TOWARD FLOOR DRAIN.
- (R) NEW CAST CONCRETE STEPS WITH HANDRAILS AND GUARDRAILS. SEE SECTION.
- (S) LOCATION OF UNDERGROUND SANITARY PLUMBING FOR POTENTIAL FUTURE RESTROOM LOCATION.
- (T) EXISTING STAIRS TO REMAIN.
- (U) REMOVE EXISTING MASONRY FACADE TO ACCOMMODATE NEW FLOOR TO CEILING ALUM. SASH AND GLASS FACADE W/ STUD WALL. SEE STRUCTURAL DRAWINGS AND SECTION FOR MORE INFORMATION REGARDING RETROFIT OF STEEL INTO OPENING. SEE DETAILS FOR MORE INFORMATION.
- (V) NEW 42" HIGH GUARDRAIL SET ON TOP OF NEW 12" CONCRETE RETAINING WALL. SEE SECTION.
- (W) TILED SHOWER AND WALLS W/ TEMPERED GLASS DOOR AND S.S. HARDWARE.
- (X) INSTALL NEW 3/4" THK. T & G SOLID WD. FLOORING O/ 3/4" THK. T &G PLYWOOD SUBSTRATE O/ NEW 11-7/8" TJI FLOOR JOISTS @ 16" O/C. WITH TWO ROWS OF BRIDGING W/ 1/2" THK. SOUND ISOLATION CHANNELS AT BOTT. SIDE OF TJI'S AND 5/8" THK. TYPE 'X' GYP. BRD. FIRE-TAPED AND CAULKED.
- (Y) SAWCUT EXISTING MASONRY WALL TO ACCOMMODATE NEW FIRE RATED DOORS AND FRAMES INTO EXISTING MASONRY WALLS.
- (Z) INSTALL NEW 4" THK. CONCRETE FLOOR SLAB O/ 6 MIL. VAPOR BARRIER O/ 4" COMPACTED SAND BASE. TYPICAL.
- (AA) NEW 4" ROOF DRAIN LOCATED DIRECTLY BENEATH COMPOSITE ROOF DECKING. TIE TO HORIZONTAL 6" CONDUCTOR LOCATED DIRECTLY BENEATH ROOF DECK AND EXITING DIRECTLY TO THE OUTSIDE. SEE PLANS AND ELEVATIONS.
- (BB) NEW 4" OVERFLOW ROOF DRAIN LOCATED DIRECTLY BENEATH COMPOSITE ROOF DECKING AND TIED TO A SEPARATE CONDUCTOR.

GENERAL NOTES

1. CONTRACTOR TO FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO THE START OF DEMOLITION. ANY CONDITIONS FOUND TO BE CONTRARY TO WHAT IS INDICATED WITHIN THESE DOCUMENTS SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY.
2. ALL CONTRACTORS AND ANY OTHER PERSONS DOING WORK ON THIS BUILDING SHALL BE RESPONSIBLE TO BE FAMILIAR WITH THE CONTENTS OF ALL OF THE CONSTRUCTION DOCUMENTS.
3. PRIOR TO THE INSTALLATION OF ANY OF THE WALLS, ALL WALLS NEED TO BE LAID OUT AND ALL DIMENSIONS NEED TO BE VERIFIED AGAINST THE CONSTRUCTION DOCUMENTS PRIOR TO THEIR INSTALLATION.
4. ALL CONTRACTORS SHALL BE RESPONSIBLE FOR FIELD MEASURING ALL THE EXISTING CONDITIONS THAT PRETAIN TO THEIR SCOPE OF WORK. THE DIMENSIONS WITHIN THESE DOCUMENTS ARE FOR ILLUSTRATIVE PURPOSES ONLY AND SHOULD NOT BE USED FOR SHOP DRAWINGS AND PREFABRICATED ITEMS. ALL PREFABRICATED ITEMS THAT ARE SENSITIVE DIMENSIONALLY TO THE EXISTING CONDITIONS NEED TO BE FIELD MEASURED BY THE MANUFACTURER.
5. ALL DEMOLISHED MATERIALS SHALL BE DISPOSED OF IN A CONTRACTOR SUPPLIES DUMPSTER AND DISPOSED OF OFF-SITE.
6. INSTALL WOOD BLOCKING WITHIN ALL WALLS THAT ARE TO RECEIVE WALL HUNG ITEMS AND AT ALL DOOR JAMB LOCATIONS.
7. FRAMING OF NEW WALLS SHALL CONFORM WITH THE 2012 M.B.C. AND IN CONFORMANCE WITH ALL STANDARDS AS DESCRIBED WITHIN AND AS CONSIDERED STANDARDS OF PRACTICE.
8. ALL NEW WALLS TO RECEIVE (2) COATS OF PAINT, ALL EXISTING MASONRY WALLS TO BE SANDBLASTED WITH NUTSHELLS, CLEANED AND SEALED WITH A CLEAR MASONRY SEALER.
9. SEE ELECTRICAL, HVAC AND PLUMBING PLANS AS SUPPLIED BY OTHERS FOR ADDITIONAL INFORMATION REGARDING THOSE SYSTEMS.

WALL TYPES

- (A) 2 X 4 WD. STUDS @ 16" O/C. W/ 3-1/2" NON-FACED BATTS AT STUD CAVITIES. INSTALL 5/8" THK. GYP. BRD. AT EXPOSED FACE OF WALL.
- (B) 2 X 6 WD. STUDS @ 16" O/C W/ 5-1/2" NON-FACED BATT INSULATION AT STUD CAVITIES. INSTALL 1/2" SOUND ISOLATION CHANNELS AT ONE SIDE OF WALL AND 5/8" THK. FIRECODE GYP. BRD. AT BOTH SIDES OF WALL. FIRETAPE AND FIRECAULK.
- (C) EXISTING WALLS TO REMAIN.
- (D) EXISTING MASONRY WALLS TO REMAIN. SANDBLAST WITH NUTSHELLS, CLEAN AND SEAL WITH SATIN FINISHED MASONRY SEALER.
- (E) 2 X 6 WD. STUDS @ 16" O/C W/ 5-1/2" BATT INSULATION W/ INTEGRAL VAPOR BARRIER AT STUD CAVITIES. INSTALL 7/16" THK. O.S.B. WD. SHEATHING EXTERIOR FACE OF WALL W/ TYVEK COMMERCIAL WRAP AT EXTERIOR FACE OF SHEATHING INSTALL HARD-I-BOARD PANELS WITH ALUM. TRIM AT EXTERIOR FACE OF WALL AND 5/8" THK. GYP. BRD. AT INTERIOR FACE OF WALL TYPICAL FOR ALL NEW EXTERIOR WALLS.

SYMBOL LEGEND

DESCRIPTION OF USE	SYMBOL
DOOR NUMBER	100
ROOM NUMBER	100
INTERIOR ELEVATION	A
WALL TAG	A
NOTE TAG	A
SECTION CUTS	X / X-X

the peabody group

ARCHITECTS & DESIGNERS

4740 Marsh Road
Okemos, Michigan 48864
Phone: (517) 349-0902
Fax: (517) 349-0969

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11.12.15 REVIEW
12.12.15 PERMITS

PROJECT MANAGER:

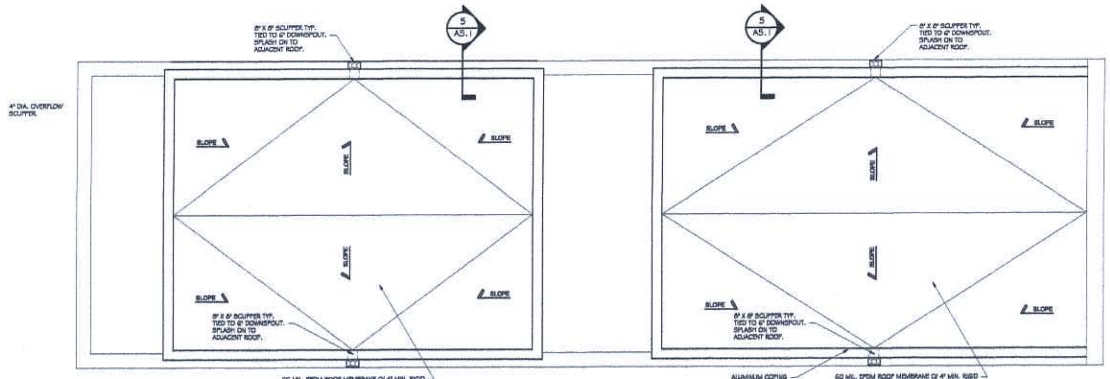
DRAWN BY:

BUILDING RENOVATION

ARNOLD LOFTS

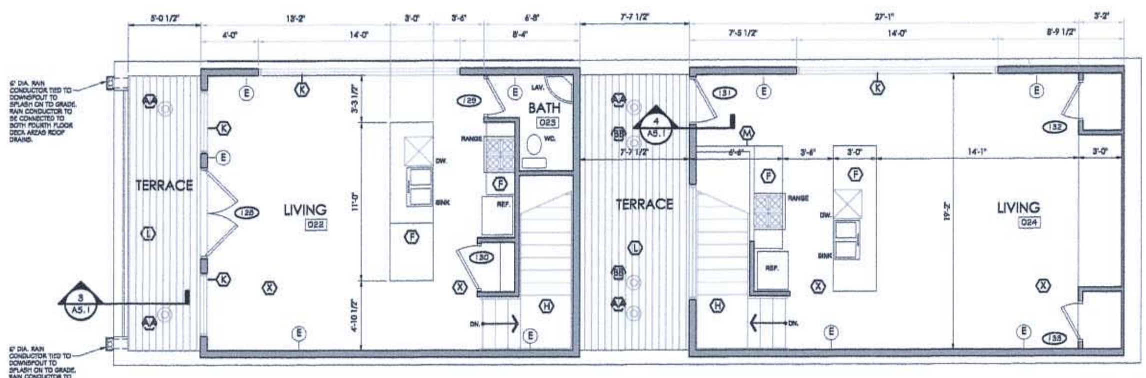
LANSING, MICHIGAN

A1.2



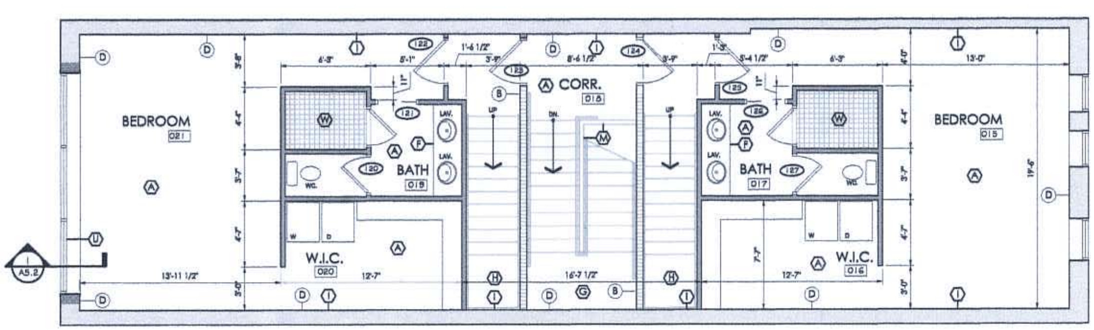
ROOF PLAN

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



FOURTH FLOOR PLAN

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



THIRD FLOOR PLAN

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

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- (B) EXISTING WALL TO REMAIN, INSTALL (1) LAYER OF ⅝" THK. FIRECODE GYP. BRD. SEE WALL LEGEND.
- (C) NEW ONE PIECE SHOWER/TUB UNIT. SEE INTERIOR ELEVATIONS FOR MORE INFORMATION.
- (D) EXISTING WINDOWS TO REMAIN, INSTALL NEW WOOD SILLS AND TRIM. SEE SECTION FOR MORE INFORMATION.
- (E) NEW PREFABRICATED VINYL WRAPPED STEEL SHELF / ROD
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- (L) NEW COMPOSITE "TREX" DECKING O/ P.T. WD. SLEEPERS O/ 60 MIL. EPDM ROOF MEMBRANE O/ ROOF SUBSTRATE. SEE SECTION.
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- (X) INSTALL NEW ¾" THK. T & G SOLID WD. FLOORING O/ ¾" THK. T &G PLYWOOD SUBSTRATE O/ NEW 11-7/8" TJI FLOOR JOISTS @ 16" O.C. WITH TWO ROWS OF BRIDGING W/ ½" THK. SOUND ISOLATION CHANNELS AT BOTT. SIDE OF TJI'S AND ⅝" THK. TYPE 'X' GYP. BRD. FIRE-TAPED AND CAULKED.
- (Y) SAWCUT EXISTING MASONRY WALL TO ACCOMMODATE NEW FIRE RATED DOORS AND FRAMES INTO EXISTING MASONRY WALLS.
- (Z) INSTALL NEW 4" THK. CONCRETE FLOOR SLAB O/ 6 MIL. VAPOR BARRIER O/ 4" COMPACTED SAND BASE. TYPICAL.
- (AA) NEW 4" ROOF DRAIN LOCATED DIRECTLY BENEATH COMPOSITE ROOF DECKING. TIE TO HORIZONTAL 6" CONDUCTOR LOCATED DIRECTLY BENEATH ROOF DECK AND EXITING DIRECTLY TO THE OUTSIDE. SEE PLANS AND ELEVATIONS.
- (BB) NEW 4" OVERFLOW ROOF DRAIN LOCATED DIRECTLY BENEATH COMPOSITE ROOF DECKING AND TIED TO A SEPARATE CONDUCTOR.

GENERAL NOTES

1. CONTRACTOR TO FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO THE START OF DEMOLITION. ANY CONDITIONS FOUND TO BE CONTRARY TO WHAT IS INDICATED WITHIN THESE DOCUMENTS SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY.
2. ALL CONTRACTORS AND ANY OTHER PERSONS DOING WORK ON THIS BUILDING SHALL BE RESPONSIBLE TO BE FAMILIAR WITH THE CONTENTS OF ALL OF THE CONSTRUCTION DOCUMENTS.
3. PRIOR TO THE INSTALLATION OF ANY OF THE WALLS, ALL WALLS NEED TO BE LAID OUT AND ALL DIMENSIONS NEED TO BE VERIFIED AGAINST THE CONSTRUCTION DOCUMENTS PRIOR TO THEIR INSTALLATION.
4. ALL CONTRACTORS SHALL BE RESPONSIBLE FOR FIELD MEASURING ALL THE EXISTING CONDITIONS THAT PRETAIN TO THEIR SCOPE OF WORK. THE DIMENSIONS WITHIN THESE DOCUMENTS ARE FOR ILLUSTRATIVE PURPOSES ONLY AND SHOULD NOT BE USED FOR SHOP DRAWINGS AND PREFABRICATED ITEMS. ALL PREFABRICATED ITEMS THAT ARE SENSITIVE DIMENSIONALLY TO THE EXISTING CONDITIONS NEED TO BE FIELD MEASURED BY THE MANUFACTURER.
5. ALL DEMOLISHED MATERIALS SHALL BE DISPOSED OF IN A CONTRACTOR SUPPLIED DUMPSTER AND DISPOSED OF OFF-SITE.
6. INSTALL WOOD BLOCKING WITHIN ALL WALLS THAT ARE TO RECEIVE WALL HUNG ITEMS AND AT ALL DOOR JAMB LOCATIONS.
7. FRAMING OF NEW WALLS SHALL CONFORM WITH THE 2012 M.B.C. AND IN CONFORMANCE WITH ALL STANDARDS AS DESCRIBED WITHIN AND AS CONSIDERED STANDARDS OF PRACTICE.
8. ALL NEW WALLS TO RECEIVE (2) COATS OF PAINT, ALL EXISTING MASONRY WALLS TO BE SANDBLASTED WITH NUTSHELLS, CLEANED AND SEALED WITH A CLEAR MASONRY SEALER.
9. SEE ELECTRICAL, HVAC AND PLUMBING PLANS AS SUPPLIED BY OTHERS FOR ADDITIONAL INFORMATION REGARDING THOSE SYSTEMS.

WALL TYPES

- (A) 2 X 4 WD. STUDS @ 16" O/C. W/ 3-1/2" NON-FACED BATTS AT STUD CAVITIES. INSTALL ⅝" THK. GYP. BRD. AT EXPOSED FACE OF WALL.
- (B) 2 X 6 WD. STUDS @ 16" O/C W/ 5-1/2" NON-FACED BATT INSULATION AT STUD CAVITIES. INSTALL ½" SOUND ISOLATION CHANNELS AT ONE SIDE OF WALL AND ⅝" THK. FIRECODE GYP. BRD. AT BOTH SIDES OF WALL. FIRETAPE AND FIRECAULK.
- (C) EXISTING WALLS TO REMAIN.
- (D) EXISTING MASONRY WALLS TO REMAIN, SANDBLAST WITH NUTSHELLS, CLEAN AND SEAL WITH SATIN FINISHED MASONRY SEALER.
- (E) 2 X 6 WD. STUDS @ 16" O/C W/ 5-1/2" BATT INSULATION W/ INTEGRAL VAPOR BARRIER AT STUD CAVITIES. INSTALL ⅝" THK. O.S.B. WD. SHEATHING EXTERIOR FACE OF WALL W/ TYVEK COMMERCIAL WRAP AT EXERIOR FACE OF SHEATHING INSTALL HARD-I-BOARD PANELS WITH ALUM. TRIM AT EXTERIOR FACE OF WALL AND ⅝" THK. GYP. BRD. AT INTERIOR FACE OF WALL TYPICAL FOR ALL NEW EXTERIOR WALLS.

SYMBOL LEGEND

DESCRIPTION OF USE	SYMBOL
DOOR NUMBER	100
ROOM NUMBER	100
INTERIOR ELEVATION	A
WALL TAG	A
NOTE TAG	A
SECTION CUTS	X / X-X

4740 Marsh Road
Okemos, Michigan 48864
Phone: (517) 349-9902
Fax: (517) 349-0989
www.tpgarch.com

the peabody group
ARCHITECTS & DESIGNERS

11.12.15 REVIEW
12.12.15 PERMITS

PROJECT MANAGER:

DRAWN BY:

BUILDING RENOVATION
ARNOLD LOFTS
LANSING, MICHIGAN

A1.1

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

Resolution to Approve an Obsolete Property Rehabilitation Act Certificate
204 East Grand River Avenue

WHEREAS, pursuant to the Michigan Obsolete Property Rehabilitation Act, being Public Act 146 of 2000 (PA 146 of 2000), Looney Moon, LLC has filed an application for an Obsolete Property Rehabilitation Exemption Certificate (OPRA Certificate) with the Lansing City Clerk, for a proposed obsolete facility at 204 East Grand River Avenue, Lansing, Michigan (Obsolete Property); and

WHEREAS, Looney Moon, LLC (the Developer) owns the proposed Obsolete Property; and

WHEREAS, the proposed Obsolete Property is located within an Obsolete Property Rehabilitation District legally established by resolution adopted (**Insert Date**), after a public hearing was held on (**Insert Date**), as provided by section 3 of PA 146 of 2000; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) does not exceed 5% of the total taxable value of the City of Lansing; and

WHEREAS, a public hearing was held on (**Insert Date**) in order to provide an opportunity for the applicant, the City Assessor, a representative of the affected taxing units, the residents, and other taxpayers of the City of Lansing general public appear and be heard regarding the approval of the OPRA Certificate; and

WHEREAS, the Looney Moon, LLC has been certified in writing by the City of Lansing Treasurer to be not delinquent in any taxes related to the facility; and

WHEREAS, the application is for 7 years and under no circumstances or criteria will an extension of the exemption be considered; and

WHEREAS, the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000; and

WHEREAS, the applicant Looney Moon, LLC has provided answers to all required questions under the application instructions to the City of Lansing; and

WHEREAS, the City of Lansing requires that rehabilitation of the facility shall be completed by December 31, 2018; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in the City of Lansing eligible under Public Act 146 of 2000 to establish such a district; and

WHEREAS, completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, revitalize an urban area, and increase the number of residents in the community in which the facility is situated; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby grants an Obsolete Property Rehabilitation Exemption for the real property, excluding land, located in an Obsolete Property Rehabilitation District at 204 East Grand River Avenue legally described as LOT 8 & N 1 R LOT 7 BLOCK 63 ORIG PLAT, 33-01-01-16-127-001; for a period of 7 years, beginning December 31, 2016, and ending December 30, 2023, pursuant to the provisions of PA 146 of 2000, as amended.

BE IT FINALLY RESOLVED that the City Clerk shall cause the Application for Obsolete Property Rehabilitation Certificate to be completed, including the “Clerk Certification” and shall file the completed application, together with a certified copy of this resolution with the State Tax Commission.

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 DEVELOPMENTS AND CONSTRUCTION PROJECTS THAT RECEIVE ECONOMIC INCENTIVES FROM THE CITY OF LANSING BY ENSURING TRANSPARENCY IN THE DISTRIBUTION, OPENING, AND AWARDING OF BIDS. THE ORDINANCE ADOPTING THIS SECTION CONSTITUTES A PUBLIC PURPOSE OF THE CITY OF LANSING.

(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.

(2) "BID" MEANS A SEALED OFFER TO PROVIDE SERVICES PURSUANT TO A SOLICITATION FOR BIDS.

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

(4) “CONSTRUCTION WORK” MEANS THE ACT OF CONSTRUCTING A BUILDING OR INFRASTRUCTURE (INCLUDING DEMOLITION WORK) OR CLEARING A SITE WHICH REQUIRES A PERMIT FOR IMPROVEMENT OR ALTERATIONS. CONSTRUCTION WORK DOES NOT REFER TO ANY OTHER ACT THAT MIGHT BE ASSOCIATED WITH A PROJECT SUCH AS PLANNING AND/OR ARCHITECTURAL WORK.

(5) “ECONOMIC INCENTIVE(S)” MEANS ANY OF THE FOLLOWING: PAYMENT IN LIEU OF TAXES (PILOT) THAT IS CONTINGENT ON RECEIVING APPROVAL FROM LANSING CITY COUNCIL; 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.

(6) “PERMIT” MEANS A BUILDING PERMIT, MECHANICAL PERMIT, ELECTRICAL PERMIT, OR PLUMBING PERMIT, ISSUED BY THE LANSING BUILDING SAFETY OFFICE.

(7) “PROJECT” MEANS A REAL ESTATE DEVELOPMENT IN THE CITY OF LANSING WHICH IS RECEIVING AN ECONOMIC INCENTIVE AND THE CONSTRUCTION WORK THAT WILL BE DONE ON THE DEVELOPMENT PURSUANT TO A PERMIT.

(8) “PUBLICLY ACCESSIBLE LOCATION” MEANS ONE OF THE FOLLOWING LOCATIONS: LETTS COMMUNITY CENTER; ALFREDA SCHMIDT COMMUNITY

CENTER, GIER COMMUNITY CENTER, FOSTER COMMUNITY CENTER, LANSING CITY HALL CITY COUNCIL CHAMBERS, OR A CITY-OWNED BUILDING DURING REGULAR BUSINESS HOURS.

(9) “PUBLICLY ADVERTISED” MEANS:

(a) ADVERTISED AT A TIME AND LOCATION CUSTOMARY IN THE RELEVANT TRADE; AND,

(b) PUBLISHED ONCE IN A NEWSPAPER.

(10) “TRANSPARENT AND FAIR BIDDING PROCESS” MEANS: A BIDDING PROCESS THAT INCLUDES:

- OPENESS AND TRANSPARENCY;
- BID OPENINGS AT PUBLICLY ACCESSIBLE LOCATIONS;
- PUBLIC ADVERTISEMENTS OF BIDS WITH THE DATE, TIME, AND LOCATION FOR RESPONSE AND BID OPENING;
- SOLICITATION OF BIDS FROM THREE OR MORE SUPPLIERS REGARDLESS OF LABOR ORGANIZATION AFFILIATION;
- SEVEN BUSINESS DAYS OR MORE TO RESPOND FOR PROSPECTIVE BIDDERS;
- PUBLIC DISCLOSURE OF ALL BIDDERS AND BID AMOUNTS; AND
- NOTIFICATION TO BIDDERS NOT SELECTED OF THE BIDDER SELECTED AND THE AMOUNT OF THE SUCCESSFUL BID.

(C) REQUIREMENTS.

EVERY PROJECT SUBMITTED TO THE LANSING CITY COUNCIL FOR APPROVAL OF AN ECONOMIC INCENTIVE REQUESTED BY AN APPLICANT SHALL INCLUDE THE WRITTEN AGREEMENT OF THE APPLICANT CONSISTING OF, AND INCLUDING, THE FOLLOWING:

(1) THAT THE APPLICANT WILL ABIDE BY THE PRINCIPLES OF A TRANSPARENT AND FAIR BIDDING PROCESS AS DEFINED IN THIS SECTION; AND

(2) THAT ANY ECONOMIC INCENTIVES AWARDED TO THE APPLICANT'S PROJECT ARE SUBJECT TO REVOCATION OR OTHER PENALTIES OR SANCTIONS ALLOWED BY THE AUTHORIZING STATUTE FOR THE PARTICULAR ECONOMIC INCENTIVE; AND

(3) A CERTIFICATION THAT THE APPLICANT IS NOT IN FINANCIAL DEFAULT TO THE CITY OF LANSING RELATING TO TAXES, LICENSES, PERMITS, OR FEES; AND

(4) PROOF OF A VALID TAX IDENTIFICATION NUMBER, REQUIRED LICENSES, AND CERTIFICATES OF INSURANCE NECESSARY FOR THE PROJECT; AND

(5) THE SPECIFIC PLAN OF THE APPLICANT TO ABIDE BY THE PRINCIPLES OF A TRANSPARENT AND FAIR BIDDING PROCESS, INCLUDING ANY CONSTRUCTION WORK INCLUDED WITHIN THE RESPONSIBILITIES OF A GENERAL CONTRACTOR; AND

(6) A DISCLOSURE OF ANY CITATION FOR A VIOLATION OF A TRANSPARENT AND FAIR BIDDING PROCESS; AND

(7) A DISCLOSURE OF ANY GOVERNMENTAL DEBARMENT OR SUSPENSION FROM BIDDING OR CONTRACTING.

(D) APPLICATION. THIS SECTION SHALL ONLY APPLY TO A PROJECT FROM THE TIME THE ECONOMIC INCENTIVE IS APPROVED BY THE LANSING CITY COUNCIL UNTIL PROJECT COMPLETION AS DEFINED BY A DEVELOPMENT 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. THE ACCEPTANCE OF AN APPLICATION BY THE CITY DOES NOT CONSTITUTE THE APPROVAL OF AN ECONOMIC INCENTIVE. THE APPLICANT MAY INCLUDE INFORMATION IN THE APPLICATION TO ENABLE COUNCIL TO DETERMINE WHETHER, AND TO WHAT EXTENT, THE APPLICANT HAS ENGAGED IN A PRE- CONSTRUCTION TRANSPARENT AND FAIR BIDDING PROCESS PRIOR TO THE APPLICANT'S FILING.THIS SECTION SHALL NOT APPLY TO ECONOMIC INCENTIVES 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 THE ORDINANCE ADOPTING THIS SECTION.

(E) PROJECT LABOR AGREEMENTS. NOTHING IN THIS SECTION 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.

(F) VIOLATIONS. IN THE EVENT AN APPLICANT VIOLATES THE REQUIREMENTS OF THIS ORDINANCE, THE CITY MAY TAKE WHATEVER ACTION LEGALLY PERMISSIBLE TO REVOKE ANY ECONOMIC INCENTIVE PURSUANT TO THE WRITTEN AGREEMENT GRANTED AND MAY CAUSE THE APPLICANT TO BE INELIGIBLE FOR FUTURE ECONOMIC INCENTIVES. ANY COMPLAINT MADE CONCERNING AN ALLEGED VIOLATION OF A PROJECT'S WRITTEN AGREEMENT MADE PURSUANT TO SECTION 206.25 (C) SHALL BE SUBMITTED TO THE CITY ATTORNEY AND THE CITY COUNCIL WITH SUPPORTIVE DOCUMENTATION.

(G) SUNSET. THIS ORDINANCE SHALL EXPIRE ON A DATE FIVE YEARS FROM THE DATE OF ENACTMENT.

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 by the City Attorney on ________________________2016

____

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: 11/10/16

RE: Z-8-2016, 3001 S. Washington Avenue, Rezoning

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

VB/rh
Attachment

LANSING MICHIGAN
Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM - Z-8-2016, 3001 S. Washington Avenue, Rezoning

Date: November 2, 2016

The Lansing Planning Board, at its regular meeting held on November 1, 2016, voted (6-0) to recommend approval of a request by Green Key Properties, LLC to rezone the property at 3001 S. Washington Avenue from “D-1” Professional Office & “J” Parking Districts to “F” Commercial District. The purpose of the rezoning is to permit a retail establishment (medical marijuana dispensary) on the subject property.

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

At the Planning Board public hearing held on November 1, 2016, the applicants and one other person spoke in favor of and two persons spoke in opposition to the rezoning.

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

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

Attachments

BY THE COMMITTEE ON DEVELOPMENT & PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

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

Z-8-2016: 3001 S. Washington Avenue, Rezoning from "D-1" Professional Office and "J" Parking Districts to "F" Commercial District

[29906:2:20161102:093134]

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-8-2016
Parcel Number's:	33-01-01-28-304-002
Legal Descriptions:	Lots 4 & 5 & the East 90 feet of Lot 6, Holmesdale Subdivision, City of Lansing, Ingham County, MI, from "D-1" Professional Office & "J" Parking Districts to "F" Commercial District.

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

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

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

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-8-2016: 3001 S. Washington Avenue, Rezoning from "D-1" Professional Office and "J" Parking Districts to "F" Commercial 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.

CITY OF LANSING
NOTICE OF PUBLIC HEARING

Z-8-2016, 3001 S. Washington Avenue
Rezoning from “D-1” Professional Office & “J” Parking Districts to “F” Commercial District

The Lansing City Council will hold a public hearing on Monday, , 2016, at 7:00 p.m. in Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan to consider **Z-8-2016.** This is a request by Green Key Properties, LLC to rezone the property at 3001 S. Washington Avenue from “D-1” Professional Office & “J” Parking Districts to “F” Commercial District. The purpose of the rezoning is to permit a commercial retail establishment on the subject property.

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

Chris Swope, City Clerk

ORDINANCE # _______

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

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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.

GENERAL INFORMATION

APPLICANT/OWNER:	Gordon Green, Member-Manager Green Key Properties, LLC 6824 Brightwood Avenue Waterford, MI 48329
REQUESTED ACTIONS:	Rezone 3001 S. Washington Avenue from "D-1" Professional Office & "J" Parking Districts to F" Commercial District
EXISTING LAND USE:	Unauthorized Medical Marijuana Dispensary
EXISTING ZONING:	"D-1" Professional Office & "J" Parking Districts
PROPOSED ZONING:	"F" Commercial District
PROPERTY SIZE:	Irregular Shape - .39 acres
SURROUNDING LAND USE:	N: Kent Cleaners S: Church E: Residential W: Residential
SURROUNDING ZONING:	N: "F" Commercial & "J" Parking Districts S: "A" Residential & "D-1" Professional Office Districts E: "A" Residential District W: "A" Residential & "D-1" Professional Office Districts
MASTER PLAN:	The Design Lansing Comprehensive Plan designates the subject property for "Residential Corridor" land use. S. Washington Avenue is designated as a minor arterial.

DESCRIPTION:

This is a request by Green Key Properties, LLC to rezone the property at 3001 S. Washington Avenue from "D-1" Professional Office & "J" Parking Districts to "F" Commercial District. The purpose of the rezoning is to permit a retail establishment (medical marijuana dispensary) on the subject property.

It was recently brought to the attention of the Planning Office that a medical marijuana dispensary was being operated out of the building at 3001 S. Washington Avenue. Since this property is zoned "D-1" Professional Office, which district does not permit medical marijuana dispensaries, the owner of the property was issued a violation notice requiring the discontinuation of this use. In response, the owner has applied to have the property rezoned to the "F" Commercial district which, if approved, would allow a medical marijuana dispensary, once an ordinance is enacted and the current moratorium on these types of facilities has been lifted.

AGENCY RESPONSES

BWL:	
Building Safety:	The BSO has no objection to the rezoning. However, FYI, the current retail occupant (without a C of O) is a Medical Marihuana facility.
Fire Marshal:	
Parks & Recreation:	No comments.
Public Service:	
Traffic Engineer:	The Transportation and Non-motorized has no objection to the rezoning request, however, this does not constitute a review or approval of any site plan or other process that may be required for a project to move forward on this property

COMPATIBILITY WITH SURROUNDING LAND USE

The subject property is currently zoned "D-1" Professional Office district, with the exception of the parking lot east of the building that is zoned "J" Parking district. The area of the site that is zoned "D-1" was rezoned from "F" Commercial in 2002 at the request of the owner at that time. The purpose of that rezoning was to allow an expansion of the child care center capacity because the requirements for such use are less stringent under the "D-1" district.

The property directly to the north of the subject property is zoned "F" Commercial and therefore, the proposed rezoning will not result in a "spot zone" which is typically considered to be an unacceptable planning practice.

It is not anticipated that the rezoning will be disruptive to the residential neighborhood to the east. Medical marijuana dispensaries typically do not generate much traffic, noise or other nuisances that would negatively impact the quality of life for nearby residents. In fact, the City has not received any complaints about the existing medical marijuana facility that has been operating illegally at this location for several weeks. The facility is illegal because it was established after the moratorium on such facilities went into effect in March of this year. This violation was brought to the attention of the Planning Office after the City electrical inspector noticed that the facility was operating without having obtained the necessary permits to ensure that the electrical system in the building was adequate to accommodating the use. Medical marijuana grow operations typically require an inordinate amount of heat and lighting which can place a serious burden on the building's electrical system.

COMPLIANCE WITH MASTER PLAN

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

"To allow medium-density residential development in a variety of urban formats, rather than a conversion of residential to commercial use, along certain high-traffic streets that also serve as transit routes or are within easy walking distance (¼ mile)."

The proposed rezoning is clearly not in compliance with the Master Plan. It is, however, consistent with a general goal of Master Planning which is to concentrate commercial land uses along major or minor arterials that already have a strong presence of nonresidential land uses and a transportation system designed to accommodate the traffic.

IMPACT ON VEHICULAR AND PEDESTRIAN TRAFFIC

The proposed rezoning will have no impact on traffic in the area. The site is located on S. Washington Avenue which is a minor arterial designed to carry a high volume of traffic.

IMPACT ON PUBLIC FACILITIES

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

ENVIRONMENTAL IMPACT

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

IMPACT ON FUTURE PATTERNS OF DEVELOPMENT

Approval of the requested rezoning is not anticipated to have any negative impacts on future patterns of development in the area. The proposed zoning will not result in a "spot zone" as the property directly to the north is already zoned "F" Commercial. Furthermore, in 2002, the subject property was rezoned from "F" Commercial to "D-1" Professional Office so that the child care center that occupied the site at that time could expand its capacity without having to provide as much outdoor play area. The current owner of the property is requesting that the 2002 rezoning be reversed so that the site can be used for retail sales that would include medical marijuana. If the rezoning were to be denied, it would deprive the property owner of land use rights that are already afforded to the property owner directly to the north and to the previous owners of the property, prior to them having the property rezoned. If the site had not previously been zoned "F" Commercial, staff would not be making a positive recommendation on this request. Since there are no other sites in the area that have been downzoned from "F" Commercial, approval of this rezoning will not set a negative precedent for future requests to rezone property in the area to the "F" Commercial district.

SUMMARY

This is a request by Green Key Properties, LLC to rezone the property at 3001 S. Washington Avenue from "D-1" Professional Office & "J" Parking Districts to "F" Commercial District. The purpose of the rezoning is to permit a retail establishment (medical marijuana dispensary) on the subject property. The findings of fact as outlined in this staff report support a positive recommendation for the requested rezoning.

RECOMMENDATIONS

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

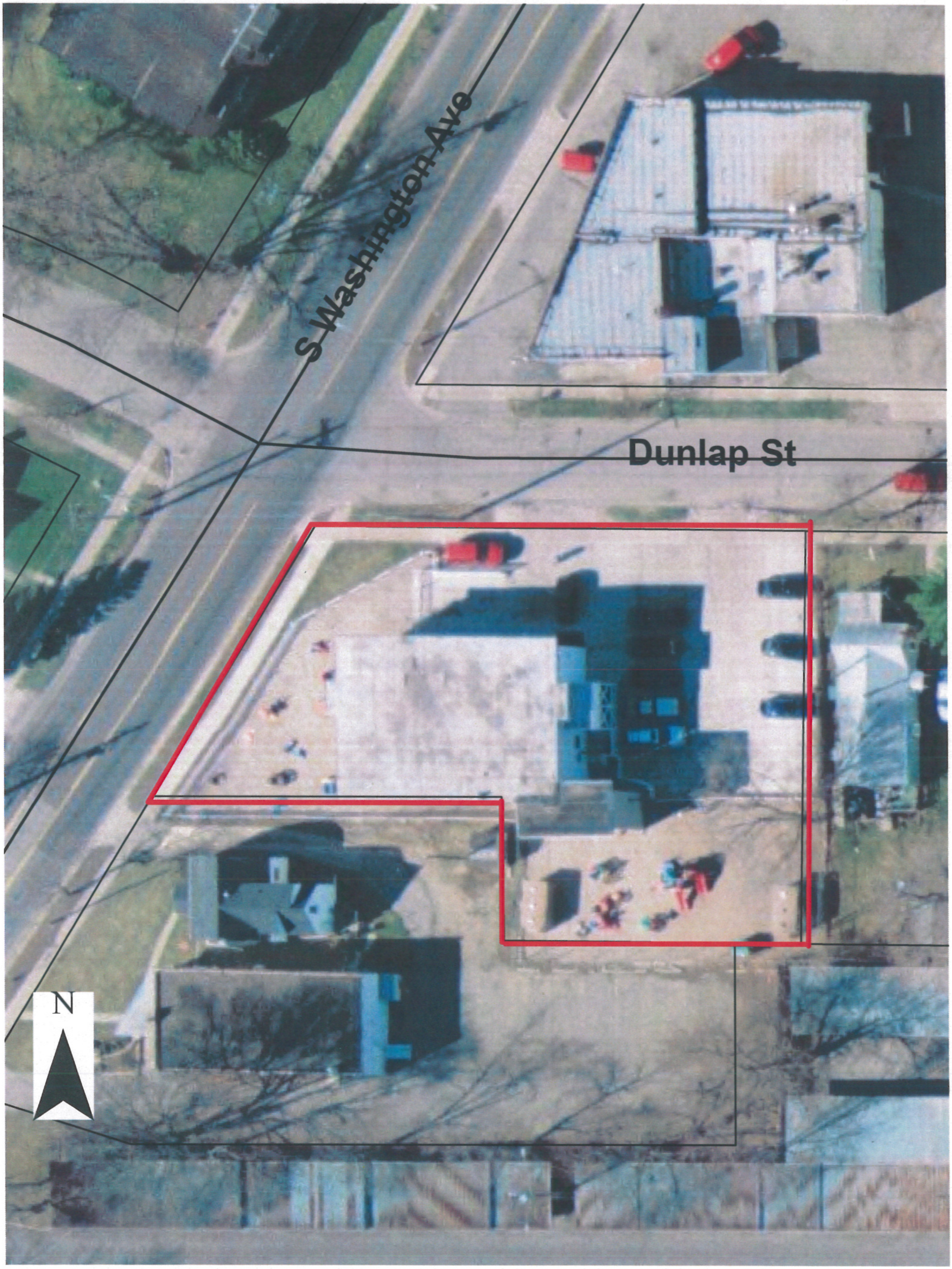
> Z-8-2016 be approved to rezone the property at 3001 S. Washington Avenue from "D-1" Professional Office and "J" Parking Districts to "F" Commercial District.

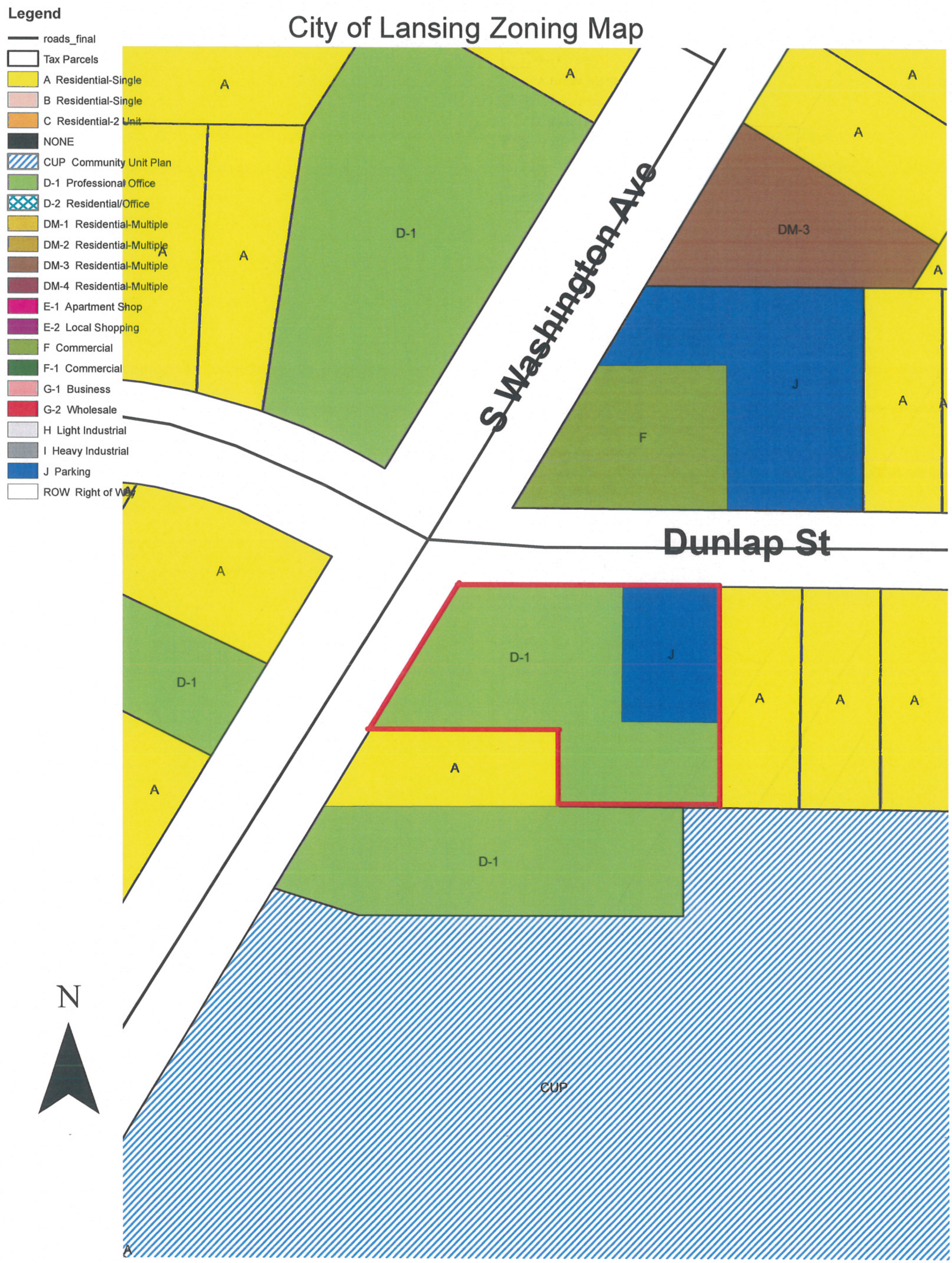
Respectfully Submitted,

Susan Stachowiak
Zoning Administrator


3001
NOW
ENROLLING


3001


S Washington Ave
Dunlap St
N


Legend
roads_final
Tax Parcels
A Residential-Single
B Residential-Single
C Residential-2 Unit
NONE
CUP Community Unit Plan
D-1 Professional Office
D-2 Residential/Office
DM-1 Residential-Multiple
DM-2 Residential-Multiple
DM-3 Residential-Multiple
DM-4 Residential-Multiple
E-1 Apartment Shop
E-2 Local Shopping
F Commercial
F-1 Commercial
G-1 Business
G-2 Wholesale
H Light Industrial
I Heavy Industrial
J Parking
ROW Right of Way
City of Lansing Zoning Map
S Washington Ave
Dunlap St
A
D-1
DM-3
J
F
CUP
N