2REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF LANSING, MICHIGAN
CITY COUNCIL CHAMBERS, 10TH FLOOR
LANSING CITY HALL
124 W. MICHIGAN AVENUE

AGENDA FOR APRIL 24, 2017

TO THE HON. MAYOR AND MEMBERS OF THE CITY COUNCIL:

The following items were listed on the agenda in the City Clerk's Office in accordance with Section 3-103(2) of the City Charter and will be ready for your consideration at the regular meeting of the City Council on Monday, April 24, 2017 at 7:00 p.m. at the Council Chambers, 10th Floor, City Hall.

I. ROLL CALL

II. MEDITATION AND PLEDGE OF ALLEGIANCE

III. READING AND APPROVAL OF PRINTED COUNCIL PROCEEDINGS

Approval of the Printed Council Proceedings of April 10 and April 12, 2017

IV. CONSIDERATION OF LATE ITEMS (Suspension of Council Rule #9 is needed to allow consideration of late items. Late items will be considered as part of the regular portion of the meeting to which they relate.)

V. TABLED ITEMS

VI. SPECIAL CEREMONIES

1. Tribute; in recognition of Lansing Community College Basketball Coach Mike Ingram on his induction into the Community College Basketball Hall of Fame

2. Tribute; in recognition of Nick Hilton, Special Olympics Medalist

3. Mayoral Presentation; in recognition of Memorial Day Planning Committee and Volunteers

VII. COMMENTS BY COUNCIL MEMBERS AND CITY CLERK

VIII. COMMUNITY EVENT ANNOUNCEMENTS (Time, place, purpose, or definition of event – 1 minute limit)

IX. SPEAKER REGISTRATION FOR PUBLIC COMMENT ON LEGISLATIVE MATTERS

X. MAYOR'S COMMENTS

XI. SHOW CAUSE HEARINGS

XII. PUBLIC COMMENT ON LEGISLATIVE MATTERS (Legislative matters consist of the following items on the agenda: public hearings, resolutions, ordinances for introduction, and ordinances for passage. The public may comment for up to three minutes. *Speakers must sign up on white form.*)

A. SCHEDULED PUBLIC HEARINGS

1. In consideration of Noise Waiver Chapter 654, Noise Ordinance, Section 654.11, Special Permits, to modify the notice requirement to go to residents living within 500 feet of the emitter twelve days in advance of the public hearing

2. In consideration of the FY 2018 City Budget

3. In consideration of an Ordinance to authorize renewal of a Video Service Local Franchise Agreement with Comcast

XIII. COUNCIL CONSIDERATION OF LEGISLATIVE MATTERS

A. REFERRAL OF PUBLIC HEARINGS

B. CONSENT AGENDA

1. BY COUNCIL MEMBERS BROWN CLARKE, HUSSAIN, DUNBAR, HOUGHTON, SPITZLEY, WASHINGTON, WOOD, AND YORKO

a. Tribute; in recognition of Lansing Community College Basketball Coach Mike Ingram on his induction into the Community College Basketball Hall of Fame

b. Tribute; in recognition of Nick Hilton, Special Olympics Medalist

c. Setting a Public Hearing in consideration of the FY 2018 City Budget

2. BY THE COMMITTEE ON PUBLIC SERVICES

a. Public Improvement V, Assessment Roll B-095 for 2015 Sidewalk Repair

3. BY THE COMMITTEE OF THE WHOLE

a. Council Rules, Amend Rule 27 to allow Standing Committee Public Comment at scheduled Committee of the Whole meetings (per Council Rule #41, motion is eligible for adoption)

C. RESOLUTIONS FOR ACTION

D. REPORTS FROM COUNCIL COMMITTEES

E. ORDINANCES FOR INTRODUCTION and Setting of Public Hearings

F. ORDINANCES FOR PASSAGE

1. BY THE COMMITTEE ON PUBLIC SERVICES

a. An Ordinance of the City of Lansing, Michigan to amend Chapter 1026, Special Assessments, Section 1026.06, Assessment Procedure, to eliminate the requirement that notice be published in a daily newspaper of the City

2. BY THE COMMITTEE OF THE WHOLE

a. An Ordinance to authorize renewal of a Video Service Local Franchise Agreement with Comcast

XIV. SPEAKER REGISTRATION FOR PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

XV. REPORTS OF CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS **(Motion that all items be considered as being read in full and that the proper referrals be made by the President)**

A. REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS

1. Letter(s) from the City Clerk re:

a. Memo and minutes from the Zoning Administrator regarding Planning Board Action on the proposed Medical Marijuana Ordinance

2. Letter(s) from the Mayor re:

a. SLU-1-2017; 700 E. Oakland, Residential Use in the “I” Heavy Industrial District

b. Z-2-2017; 5025 S. Pennsylvania Avenue, Rezoning from “E-2” Local Shopping District to “F” Commercial District

c. Z-3-2017; 3512 S. Martin Luther King Jr. Blvd., Rezoning from “F” Commercial & “J” Parking Districts to “H” Light Industrial District

d. Brownfield Redevelopment Plan #68; Belen Buildings Redevelopment Project, 513 and 515 W. Ionia St

e. Brownfield Redevelopment Plan #69; 221 West Saginaw Avenue Redevelopment Project

f. Amendment to the City’s Deferred Compensation (457) Plan for provisions of the United Auto Workers (UAW) 2013-2016 Collective Bargaining Agreement

g. Appointment of Alicia Banks as an At-Large Member of the Board of Fire Commissioners for a term to expire June 30, 2021

h. Appointment of Gina Nelson as the Fourth Ward Member of the Board of Fire Commissioners for a term to expire June 30, 2020

i. Appointment of Wyatt Ludman as an At-Large Member of the Board of Fire Commissioners for a term to expire June 30, 2019

j. Appointment of Tim Lloyd as an At-Large Member to the Board of Zoning Appeals for a term to expire June 30, 2018

k. Appointment of Kimberly Whitfield as the First Ward Member of the Park Board for a term to expire June 30, 2021

l. Appointment of Farhan Bhatti as an At-Large Member of the Planning Board for a term to expire June 30, 2021

m. Appointment of Katie Johnson as an At-Large Member of the Planning Board for a term to expire June 30, 2018

n. Reappointments of six individuals to various Boards, Commissions, and Authorities

B. COMMUNICATIONS AND PETITIONS, AND OTHER CITY RELATED MATTERS

1. Notice from the Michigan Liquor Control Commission regarding:

a. Transfer Ownership Escrowed 2016 SDD and SDM Licensed Business with Sunday Sales Permit (AM) and Sunday Sales Permit (PM) from Store 103, LLC, 1826 S. Cedar Street

b. New SDM License; New Sunday Sales Permit (AM); New Gas Pumps for American Gas & Oil, Inc., 4019 S. Martin Luther King Blvd., Lansing

XVI. MOTION OF EXCUSED ABSENCE

XVII. REMARKS BY COUNCIL MEMBERS

XVIII. REMARKS BY THE MAYOR OR EXECUTIVE ASSISTANT

XIX. PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS (City government related matters are issues or topics relevant to the operation or governance of the city. The public may comment for up to three minutes. *Speakers must sign up on yellow form*.)

XX. ADJOURNMENT

Chris Swope

CHRIS SWOPE, CITY CLERK

Persons with disabilities who need an accommodation to fully participate in this meeting should contact the City Clerk's Office at (517) 483-4131 (TDD (517) 483-4479). 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.

CITY OF LANSING
NOTICE OF PUBLIC HEARING

The Lansing City Council will hold a public hearing on **Monday, April 24, 2017**, at 7:00 p.m. in Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan to consider An Ordinance of the City of Lansing, Michigan to amend Chapter 654, Noise Ordinance, Section 654.11, Special Permits, to modify the notice requirement to twelve days in advance of the public hearing.

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., on the day of the Public Hearing 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, Lansing City Clerk
www.lansingmi.gov/Clerk
www.facebook.com/LansingClerkSwope

ORDINANCE NO: ________

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN TO AMEND CHAPTER 654, NOISE ORDINANCE, SECTION 654.11, SPECIAL PERMITS, TO MODIFY THE NOTICE REQUIREMENT TO GO TO RESIDENTS LIVING WITHIN 500 FEET OF THE EMITTER TWELVE DAYS IN ADVANCE OF THE PUBLIC HEARING.

THE CITY OF LANSING ORDAINS:

SECTION 1. That Section 654.11 of Chapter 654 of the Lansing Codified Ordinances ("Code") be amended to read as follows:

654.11. - Special permits.

(a) Following a public hearing at a regularly scheduled Council meeting, and upon recommendation of the Mayor and approval by an affirmative vote of two-thirds of the members of Council, a permit for relief from any of the restrictions or noise level requirements of this chapter may be granted. Applications for a permit for such relief may be made to the Mayor or his or her designated representative. Such a permit for relief may be granted if it is found:

(1) That additional time is necessary for the applicant to alter or modify its operation to comply with this chapter, or that the activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with the other requirements of this chapter;

(2) That no reasonable alternative is available to the applicant; and

(3) That the noise created will not unreasonably damage or endanger the health, safety or welfare of the public.

(b) Residents living within ~~300~~ 500 feet of the real property boundary line of the noise emitter applying for such a permit must be given notice of the application ~~thirty~~ TWELVE days in advance of the hearing thereon. Such notice shall be delivered by mail to all such residents. Unintentional failure to notify any such resident as required in this subsection shall not invalidate a permit issued pursuant to this section.

(c) Any permit granted pursuant to this section may be subject to and prescribe any conditions, limitations or requirements which Council deems necessary to minimize adverse effects upon the community, persons within the community or the surrounding neighborhood.

(d) Any permit granted pursuant to this section shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective, not to exceed two years.

(e) Any permit granted pursuant to this section shall be revoked if the conditions to which it is subject are violated, or when issued pursuant to subsection (a) hereof, if the conditions set forth in such subsection are no longer satisfied or fulfilled.

(f) If it is decided to revoke any permit granted pursuant to this section, written notice of revocation shall be served upon the permittee or his or her agent or officer personally or by certified mail, return receipt requested. If the activities being conducted or the noise created pursuant to such a permit endangers the public health or safety, such revocation will be effective immediately; otherwise the revocation will be effective ten days after service of the notice of revocation.

(g) If a permittee wishes to appeal the revocation of a permit issued pursuant to this section, an appeal may be initiated by filing a written notice of appeal at the office of the City Clerk. The notice must state specifically the reasons and facts upon which the permittee bases the appeal. The notice of appeal must be filed within ten days of the service of the notice of revocation of the permit or of the denial of the permit. If such a notice of appeal has been filed in a timely fashion, and if the revocation of the permit was not given immediate effect based on danger to public health and safety, the revocation of the permit will be suspended until such time as the permittee's appeal is decided or until such time as Council finds that the activities engaged in or the noise produced pursuant to the permit endangers the health or safety of the public.

(h) If an appeal of the revocation or denial of a permit granted pursuant to this section is made, the appellant shall be granted a hearing before Council or such persons as Council, by resolution, may designate. If the permit involved has been revoked and such revocation has not been suspended, the hearing shall be conducted and a decision on the appeal rendered as soon as reasonably possible. At any hearing conducted pursuant to this section, the appellant shall be permitted to be represented by counsel of choice, to present such pertinent testimony and other proof as he or she desires and to confront any witness or evidence submitted in the support of the revocation. The decision on the appeal shall be rendered in writing and a copy of the decision shall be supplied to the appellant. In the appeal, the appellant shall have the burden of proof as to all matters.

(i) Fees shall be established by resolution of Council for the permits, appeals or variances granted pursuant to this section. Such fees shall reflect the costs of granting and investigating the permit or variance request, or, in the case of an appeal, the cost of conducting the hearing of the appeal, and shall be approved by Council.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules, inconsistent with the provisions hereof are hereby repealed in their entirety and shall be 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 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.

**********************PLEASE NOTE THAT THE BOLDED LANGUAGE MUST APPEAR IN 11 POINT BOLD FACE TYPE*************

NOTICE OF PUBLIC HEARING ON THE
CITY OF LANSING'S PROPOSED FISCAL YEAR 2018 BUDGET

The City Council of the City of Lansing will conduct a Public Hearing on Monday, April 24, 2017, at 7:00 p.m. in the City Council Chambers on the 10^{th} Floor of Lansing City Hall located at 124 W. Michigan Ave., on the proposed City of Lansing budget and capital improvements. **The property tax millage rate proposed to be levied to support the proposed budget will be a subject of this hearing.**

The proposed budget is available for public inspection on weekdays, in the City Clerk's Office, 9^{th} floor City Hall, between 8:00 a.m. and 5:00 p.m.

All persons desiring to express an opinion about the proposed city budget, the tax rate, or proposed capital improvements are invited to attend this public hearing or submit written comments. 517-483-4141.

CHRIS SWOPE, LANSING CITY CLERK

Chris Swope
Lansing City Clerk

April 21, 2017

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

Dear President and Council Members:

In regards to the public hearing, the Fiscal Year 2018 Budget is available for review at http://mi-lansing.civicplus.com/783/Accounting-Budget

Sincerely,

Chris Swope

Chris Swope, CMC
Lansing City Clerk

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

CITY OF LANSING
NOTICE OF PUBLIC HEARING

The Lansing City Council will hold a public hearing on **Monday, April 24, 2017**, at 7:00 p.m. in Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan to consider An Ordinance of the City Of Lansing, Michigan, to amend Section 810.22 of the Lansing Codified Ordinances by entering into a new Video Service Franchise Agreement.

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., on the day of the Public Hearing 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, Lansing City Clerk
www.lansingmi.gov/Clerk
www.facebook.com/LansingClerkSwope

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Sent via UPS

March 24, 2017

Mr. Chris Swope, Clerk
City of Lansing
124 W. Michigan Ave., 9th Floor
Lansing, MI 48933

Re: Michigan Uniform Video Service Local Franchise Agreement Renewal

Dear Mr. Swope:

In accordance with the instructions set forth by the Michigan Public Service Commission in its provision of the Uniform Video Service Local Franchise Agreement and with provisions set forth in Section 3(7) of Public Act 480 of 2006, enclosed please find two completed Renewal Uniform Video Service Local Franchise Agreements along with the necessary Attachment 1s thereto filed on behalf of Comcast of Michigan, LLC. Kindly return one executed copy of the Agreement in the self-addressed stamped envelope.

If you have any questions, please contact me directly at 517-334-5686 or Leslie Brogan, Senior Director of Government Affairs, at 517-334-5890. We look forward to continuing to be the company that your residents look to first for the communication products and services that connect them to what's important in their lives.

Sincerely,

John P. Gardner

John P. Gardner
Director, External Affairs
Comcast, Heartland Region
1401 E. Miller Rd.
Lansing, MI 48911

Enclosure

Cc: Leslie A. Brogan, Comcast

INSTRUCTIONS FOR UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT

Pursuant to 2006 Public Act 480, MCL 484.3301 *et seq*, any Video Service Provider seeking to provide video service in one or more service areas in the state of Michigan after January 30, 2007, shall file an application for a Uniform Video Service Local Franchise Agreement with the Local Unit of Government ("Franchising Entity") that the Provider wishes to service. Pursuant to Section 2(2) of 2006 PA 480, "Except as otherwise provided by this Act, a person shall not provide video services in any local unit of government without first obtaining a uniform video service local franchise as provided under Section 3." Procedures applicable to incumbent video service providers are set forth below.

As of the effective date (January 1, 2007) of the Act, no existing franchise agreement with a Franchising Entity shall be renewed or extended upon the expiration date of the agreement. The incumbent video Provider, at its option, may continue to provide video services to the Franchising Entity by electing to do one of the following:

1. Terminate the existing franchise agreement before the expiration date of the agreement and enter into a new franchise under a uniform video service local franchise agreement.

2. Continue under the existing franchise agreement amended to include only those provisions required under a uniform video service local franchise.

3. Continue to operate under the terms of an expired franchise until a uniform video service local franchise agreement takes effect. An incumbent video Provider with an expired franchise on the effective date has <u>120</u> days after the effective date of the Act to file for a uniform video service local franchise agreement.

On the effective date (January 1, 2007) of the Act, any provisions of an existing Franchise that are inconsistent with or in addition to the provisions of a uniform video service local Franchise Agreement are unreasonable and unenforceable by the Franchising Entity.

If, at a subsequent date, the Provider would like to provide video service to an additional Local Unit of Government, the Provider must file an additional application with that Local Unit of Government.

<u>The forms shall meet the following requirements:</u>

- The Provider must complete both the "<u>Uniform Video Service Local Franchise Agreement</u>" and "<u>Attachment 1 - Uniform Video Service Local Franchise Agreement</u>" forms if they are seeking a new/renewed Franchise Agreement, and send the forms by mail (certified, registered, first-class, return receipt requested, or by a nationally recognized overnight delivery service) to the appropriate Franchising Entity. Until otherwise officially notified by the Franchising Entity, the forms shall be sent to the Clerk or any official with the responsibilities or functions of the Clerk in the Franchising Entity. **"<u>Attachment 2 - Uniform Video Service Local Franchise Agreement</u>" is not required to be filed at this time *unless* it is being used regarding amendments, terminations, or transfers pertaining to an <u>existing</u> Uniform Video Service Local Franchise Agreement. (Refer to Sections X to XII of the Agreement, as well as Section 3(4-6) of the Act.)**

- Pursuant to Section 11 of the Act: Except under the terms of a mandatory protective order, trade secrets and commercial or financial information designated as such and submitted under the Act to the Franchising Entity or Commission are exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246 and MUST BE KEPT CONFIDENTIAL.

    1. The Provider may specify which items of information should be deemed "confidential." It is the responsibility of the provider to clearly identify and segregate any confidential information submitted to the franchising entity with the following information:

        "[insert PROVIDER'S NAME]
        [CONFIDENTIAL INFORMATION]"

    2. The Franchising Entity receiving the information so designated as confidential is required (a) to protect such information from public disclosure, (b) exempt such information from any response to a

FOIA request, and (c) make the information available only to and for use only by such local officials as are necessary to approve the franchise agreement or perform any other task for which the information is submitted.

3. Any Franchising Entity which disputes whether certain information submitted to it by a provider is entitled to confidential treatment under the Act may apply to the Commission for resolution of such a dispute. Unless and until the Commission determines that part or all of the information is not entitled to confidential treatment under the Act, the Franchising Entity shall keep the information confidential.

- Responses to all questions must be provided and must be amended appropriately when changes occur.

- All responses must be printed out, typed, signed/dated (where appropriate), and mailed (certified, registered, first class, return receipt requested, or by a national recognized overnight delivery service) to the appropriate party.

- The Agreement and Attachments are templates. Tab through the documents and fill in as appropriate, use the appropriate "dropdown box" (City/Village/Township) when indicated.

- For sections that need explanation, if the Provider runs out of space, the Provider should then submit the application with typed attachments that are clearly identified.

- The Franchising Entity shall notify the Provider as to whether the submitted Franchise Agreement is complete as required by this Act within 15 business days after the date that the Franchise Agreement is filed. If the Franchise Agreement is not complete, the Franchising Entity shall state in its notice the reasons the franchise agreement is incomplete. The Franchising Entity cannot declare an application to be incomplete because it may dispute whether or not the applicant has properly classified certain material as "confidential."

- A Franchising Entity shall have 30 days after the submission date of a complete Franchise Agreement to approve the agreement. If the Franchising Entity does not notify the Provider regarding the completeness of the Franchise Agreement or approve the Franchise Agreement within the time periods required under this subsection, the franchise agreement shall be considered complete and the Franchise Agreement approved. The Provider shall notify both the Franchising Entity and the Michigan Public Service Commission of such an approved and completed Agreement by completing **Attachment 3 - Uniform Video Service Local Franchise Agreement**.

- For changes to an existing Uniform Video Service Local Franchise Agreement (amendments, transfers, or terminations), the Provider must complete the "**Attachment 2 - Uniform Video Service Local Franchising Entity**" form, and send the form to the appropriate Franchising Entity.

- For information that is to be submitted to the Michigan Public Service Commission, please use the following address:

  Michigan Public Service Commission
  Attn: Video Franchising
  6545 Mercantile Way
  P.O. Box 30221
  Lansing, MI 48909

  Fax: (517) 284-8200

Questions should be directed to the Telecommunications Division, Michigan Public Service Commission at (517) 284-8190.

UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT

THIS UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT ("Agreement") is made, pursuant to 2006 PA 480, MCL 484.3301 *et seq*, (the "Act") by and between the City of Lansing, a Michigan municipal corporation (the "Franchising Entity"), and Comcast of Michigan, LLC, a Delaware limited Liability Company doing business as Comcast.

I. Definitions

For purposes of this Agreement, the following terms shall have the following meanings as defined in the Act:

- **A.** "Cable Operator" means that terms as defined in 47 USC 522(5).
- **B.** "Cable Service" means that terms as defined in 47 USC 522(6).
- **C.** "Cable System" means that term as defined in 47 USC 522(7).
- **D.** "Commission" means the Michigan Public Service Commission.
- **E.** "Franchising Entity" means the local unit of government in which a provider offers video services through a franchise.
- **F.** "FCC" means the Federal Communications Commission.
- **G.** "Gross Revenue" means that term as described in Section 6(4) of the Act and in Section VI(D) of the Agreement.
- **H.** "Household" means a house, an apartment, a mobile home, or any other structure or part of a structure intended for residential occupancy as separate living quarters.
- **I.** "Incumbent video provider" means a cable operator serving cable subscribers or a telecommunication provider providing video services through the provider's existing telephone exchange boundaries in a particular franchise area within a local unit of government on the effective date of this act.
- **J.** "IPTV" means internet protocol television.
- **K.** "Local unit of government" means a city, village, or township.
- **L.** "Low-income household" means a household with an average annual household income of less than $35,000.00 as determined by the most recent decennial census.
- **M.** "METRO Act" means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3101 *et seq*.
- **N.** "Open video system" or "OVS" means that term as defined in 47 USC 573.
- **O.** "Person" means an individual, corporation, association, partnership, governmental entity, or any other legal entity.
- **P.** "Public rights-of-way" means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easements dedicated for compatible uses.
- **Q.** "Term" means the period of time provided for in Section V of this Agreement.
- **R.** "Uniform video service local franchise agreement" or "franchise agreement" means the franchise agreement required under the Act to be the operating agreement between each franchising entity and video provider in this state.
- **S.** "Video programming" means that term as defined in 47 USC 522(20).
- **T.** "Video service" means video programming, cable services, IPTV, or OVS provided through facilities located at least in part in the public rights-of-way without regard to delivery technology, including internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 USC 332(d) or provided solely as part of, and via, a service that enables users to access content, information, electronic mail, or other services offered over the public internet.
- **U.** "Video service provider" or "Provider" means a person authorized under the Act to provide video service.
- **V.** "Video service provider fee" means the amount paid by a video service provider or incumbent video provider under Section 6 of the Act and Section VI of this Agreement.

II. Requirements of the Provider

- **A.** An unfranchised Provider will not provide video services in any local unit of government without first obtaining a uniform video service local franchise agreement as provided under **Section 3 of the Act** (except as otherwise provided by the Act).
- **B.** The Provider shall file in a timely manner with the Federal Communications Commission all forms required by that agency in advance of offering video service in Michigan.
- **C.** The Provider agrees to comply with all valid and enforceable federal and state statutes and regulations.
- **D.** The Provider agrees to comply with all valid and enforceable local regulations regarding the use and occupation of public rights-of-way in the delivery of the video service, including the police powers of the Franchising Entity.
- **E.** The Provider shall comply with all Federal Communications Commission requirements involving the distribution and notification of federal, state, and local emergency messages over the emergency alert system applicable to cable operators.
- **F.** The Provider shall comply with the public, education, and government programming requirements of Section 4 of the Act.
- **G.** The Provider shall comply with all customer service rules of the Federal Communications Commission under 47 CFR 76.309 (c) applicable to cable operators and applicable provisions of the Michigan Consumer Protection Act, 1976 PA 331, MCL 445.901 to 445.922.
    - i. Including but not limited to: MCL 445.902; MCL 445.903 (1)(a) through 445.903(1)(cc); MCL 445.903(1)(ff) through (jj); MCL 445.903(2); MCL 445.905; MCL 445.906; MCL 445.907; MCL 445.908; MCL 445.910; MCL 445.911; MCL 445.914; MCL 445.915; MCL 445.916; MCL 445.918.
- **H.** The Provider agrees to comply with in-home wiring and consumer premises wiring rules of the Federal Communications Commission applicable to cable operators.
- **I.** The Provider shall comply with the Consumer Privacy Requirements of 47 USC 551 applicable to cable operators.
- **J.** If the Provider is an incumbent video provider, it shall comply with the terms which provide insurance for right-of-way related activities that are contained in its last cable franchise or consent agreement from the Franchising Entity entered before the effective date of the Act.
- **K.** The Provider agrees that before offering video services within the boundaries of a local unit of government, the video Provider shall enter into a Franchise Agreement with the local unit of government as required by the Act.
- **L.** The Provider understands that as the effective date of the Act, no existing Franchise Agreement with a Franchising Entity shall be renewed or extended upon the expiration date of the Agreement.
- **M.** The Provider provides an exact description of the video service area footprint to be served, pursuant to **Section 2(3)(e) of the Act**. If the Provider is not an incumbent video Provider, the date on which the Provider expects to provide video services in the area identified under **Section 2(3)(e) of the Act** must be noted. The Provider will provide this information in <u>Attachment 1</u> - Uniform Video Service Local Franchise Agreement.
- **N.** The Provider is required to pay the Provider fees pursuant to **Section 6 of the Act**.

III. Provider Providing Access

- **A.** The Provider shall not deny access to service to any group of potential residential subscribers because of the race or income of the residents in the local area in which the group resides.
- **B.** It is a defense to an alleged violation of Paragraph A if the Provider has met either of the following conditions:
    - i. Within <u>3 years</u> of the date it began providing video service under the Act and the Agreement; at least <u>25%</u> of households with access to the Provider's video service are low-income households.
    - ii. Within <u>5 years</u> of the date it began providing video service under the Act and Agreement and from that point forward, at least <u>30%</u> of the households with access to the Provider's video service are low-income households.
- **C.** **[If the Provider is using telecommunication facilities]** to provide video services and has more than 1,000,000 telecommunication access lines in Michigan, the Provider shall provide access to its video service to a number of households equal to at least <u>25%</u> of the households in the provider's telecommunication

service area in Michigan within 3 years of the date it began providing video service under the Act and Agreement and to a number not less than 50% of these households within 6 years. **The video service Provider is not required to meet the 50% requirement in this paragraph until 2 years after at least 30% of the households with access to the Provider's video service subscribe to the service for 6 consecutive months.**

D. The Provider may apply to the Franchising Entity, and in the case of paragraph C, the Commission, for a waiver of or for an extension of time to meet the requirements of this section if 1 or more of the following apply:
   i. The inability to obtain access to public and private rights-of-way under reasonable terms and conditions.
   ii. Developments or buildings not being subject to competition because of existing exclusive service arrangements.
   iii. Developments or buildings being inaccessible using reasonable technical solutions under commercial reasonable terms and conditions.
   iv. Natural disasters
   v. Factors beyond the control of the Provider

E. The Franchising Entity or Commission may grant the waiver or extension only if the Provider has made substantial and continuous effort to meet the requirements of this section. If an extension is granted, the Franchising Entity or Commission shall establish a new compliance deadline. If a waiver is granted, the Franchising Entity or Commission shall specify the requirement or requirements waived.

F. The Provider shall file an annual report with the Franchising Entity and the Commission regarding the progress that has been made toward compliance with paragraphs B and C.

G. Except for satellite service, the provider may satisfy the requirements of this paragraph and Section 9 of the Act through the use of alternative technology that offers service, functionality, and content, which is demonstrably similar to that provided through the provider's video service system and may include a technology that does not require the use of any public right-of-way. The technology utilized to comply with the requirements of this section shall include local public, education, and government channels and messages over the emergency alert system as required under Paragraph II(E) of this Agreement.

IV. Responsibility of the Franchising Entity

A. The Franchising Entity hereby grants authority to the Provider to provide Video Service in the Video Service area footprint, as described in this Agreement and Attachments, as well as the Act.

B. The Franchising Entity hereby grants authority to the Provider to use and occupy the Public Rights-of-way in the delivery of Video Service, subject to the laws of the state of Michigan and the police powers of the Franchising Entity.

C. The Franchising Entity shall notify the Provider as to whether the submitted Franchise Agreement is complete as required by the Act within 15 business days after the date that the Franchise Agreement is filed. If the Franchise Agreement is not complete, the Franchising Entity shall state in its notice the reasons the Franchise Agreement is incomplete. The Franchising Entity cannot declare an application to be incomplete because it may dispute whether or not the applicant has properly classified certain material as "confidential."

D. The Franchising Entity shall have 30 days after the submission date of a complete Franchise Agreement to approve the agreement. If the Franchising Entity does not notify the Provider regarding the completeness of the Franchise Agreement or approve the Franchise Agreement within the time periods required under **Section 3(3) of the Act**, the Franchise Agreement shall be considered complete and the Franchise Agreement approved.
   i. If time has expired for the Franchising Entity to notify the Provider, The Provider shall send (via mail: certified or registered, or by fax) notice to the Franchising Entity and the Commission, using Attachment 3 of this Agreement.

E. The Franchising Entity shall allow a Provider to install, construct, and maintain a video service or communications network within a public right-of-way and shall provide the provider with open, comparable, nondiscriminatory, and competitively neutral access to the public right-of-way.

F. The Franchising Entity may not discriminate against a video service provider to provide video service for any of the following:
   i. The authorization or placement of a video service or communications network in public right-of-way.
   ii. Access to a building owned by a governmental entity.
   iii. A municipal utility pole attachment.

G. The Franchising Entity may impose on a Provider a permit fee only to the extent it imposes such a fee on incumbent video providers, and any fee shall not exceed the actual, direct costs incurred by the Franchising Entity for issuing the relevant permit. A fee under this section shall not be levied if the Provider already has paid a permit fee of any kind in connection with the same activity that would otherwise be covered by the permit fee under this section or is otherwise authorized by law or contract to place the facilities used by the Provider in the public right-of-way or for general revenue purposes.

H. The Franchising Entity shall not require the provider to obtain any other franchise, assess any other fee or charge, or impose any other franchise requirement than is allowed under the Act and this Agreement. For purposes of this Agreement, a franchise requirement includes but is not limited to, a provision regulating rates charged by video service providers, requiring the video service providers to satisfy any build-out requirements, or a requirement for the deployment of any facilities or equipment.

I. Notwithstanding any other provision of the Act, the Provider shall not be required to comply with, and the Franchising Entity may not impose or enforce, any mandatory build-out or deployment provisions, schedules, or requirements except as required by **Section 9 of the Act**.

J. The Franchising Entity is subject to the penalties provided for under Section 14 of the Act.

V. Term

A. This Franchise Agreement shall be for a period of 10 years from the date it is issued. The date it is issued shall be calculated either by **(a)** the date the Franchising Entity approved the Agreement, provided it did so within 30 days after the submission of a complete franchise agreement, or **(b)** the date the Agreement is deemed approved pursuant to **Section 3(3) of the Act**, if the Franchising Entity either fails to notify the Provider regarding the completeness of the Agreement or approve the Agreement within the time periods required under that subsection.

B. Before the expiration of the initial Franchise Agreement or any subsequent renewals, the Provider may apply for an additional 10-year renewal under **Section 3(7) of the Act.**

VI. Fees

A. A video service Provider shall calculate and pay an annual video service provider fee to the Franchising Entity. The fee shall be 1 of the following:

- i. If there is an existing Franchise Agreement, an amount equal to the percentage of gross revenue paid to the Franchising Entity by the incumbent video Provider with the largest number of subscribers in the Franchising Entity.
- ii. At the expiration of an existing Franchise Agreement or if there is no existing Franchise Agreement, an amount equal to the percentage of gross revenue as established by the Franchising Entity of 5 % (percentage amount to be inserted by Franchising Entity which shall not exceed 5%) and shall be applicable to all providers

B. The fee shall be due on a quarterly basis and paid within 45 days after the close of the quarter. Each payment shall include a statement explaining the basis for the calculation of the fee.

C. The Franchising Entity shall not demand any additional fees or charges from a provider and shall not demand the use of any other calculation method other than allowed under the Act.

D. For purposes of this Section, "gross revenues" means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the provider from subscribers for the provision of video service by the video service provider within the jurisdiction of the franchising entity.

1. **Gross revenues shall include all of the following:**
   - i. All charges and fees paid by subscribers for the provision of video service, including equipment rental, late fees, insufficient funds fees, fees attributable to video service when sold individually or as part of a package or bundle, or functionally integrated, with services other than video service.
   - ii. Any franchise fee imposed on the Provider that is passed on to subscribers.
   - iii. Compensation received by the Provider for promotion or exhibition of any products or services over the video service.
   - iv. Revenue received by the Provider as compensation for carriage of video programming on that Provider's video service.
   - v. All revenue derived from compensation arrangements for advertising to the local franchise area.
   - vi. Any advertising commissions paid to an affiliated third party for video service advertising.

2. **Gross revenues do not include any of the following:**
   - i. Any revenue not actually received, even if billed, such as bad debt net of any recoveries of bad debt.
   - ii. Refunds, rebates, credits, or discounts to subscribers or a municipality to the extent not already offset by subdivision (D)(i) and to the extent the refund, rebate, credit, or discount is attributable to the video service.
   - iii. Any revenues received by the Provider or its affiliates from the provision of services or capabilities other than video service, including telecommunications services, information services, and services,

capabilities, and applications that may be sold as part of a package or bundle, or functionality integrated, with video service.

iv. Any revenues received by the Provider or its affiliates for the provision of directory or internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing.

v. Any amounts attributable to the provision of video service to customers at no charge, including the provision of such service to public institutions without charge.

vi. Any tax, fee, or assessment of general applicability imposed on the customer or the transaction by a federal, state, or local government or any other governmental entity, collected by the Provider, and required to be remitted to the taxing entity, including sales and use taxes.

vii. Any forgone revenue from the provision of video service at no charge to any person, except that any forgone revenue exchanged for trades, barters, services, or other items of value shall be included in gross revenue.

viii. Sales of capital assets or surplus equipment.

ix. Reimbursement by programmers of marketing costs actually incurred by the Provider for the introduction of new programming.

x. The sale of video service for resale to the extent the purchaser certifies in writing that it will resell the service and pay a franchise fee with respect to the service.

E. In the case of a video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the video Provider's revenue attributable to the other services, capabilities, or applications shall be included in gross revenue unless the Provider can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.

F. Revenue of an affiliate shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate has the effect of evading the payment of franchise fees which would otherwise be paid for video service.

G. The Provider is entitled to a credit applied toward the fees due under **Section 6(1) of the Act** for all funds allocated to the Franchising Entity from annual maintenance fees paid by the provider for use of public rights-of-way, minus any property tax credit allowed under **Section 8 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (METRO Act)**, 2002 PA 48, MCL 484.3108. The credits shall be applied on a monthly pro rata basis beginning in the first month of each calendar year in which the Franchising Entity receives its allocation of funds. The credit allowed under this subsection shall be calculated by multiplying the number of linear feet occupied by the Provider in the public rights-of-way of the Franchising Entity by the lesser of 5 cents or the amount assessed under the **METRO Act**. The Provider is not eligible for a credit under this section unless the provider has taken all property tax credits allowed under the **METRO Act**.

H. All determinations and computations made under this section shall be pursuant to generally accepted accounting principles.

I. Any claims by a Franchising Entity that fees have not been paid as required under **Section 6 of the Act**, and any claims for refunds or other corrections to the remittance of the Provider shall be made within 3 years from the date the compensation is remitted.

J. The Provider may identify and collect as a separate line item on the regular monthly bill of each subscriber an amount equal to the percentage established under **Section 6(1) of the Act**, applied against the amount of the subscriber's monthly bill.

K. The Franchising Entity shall not demand any additional fees or charges from a Provider and shall not demand the use of any other calculation method other than allowed under the Act.

VII. Public, Education, and Government (PEG) Channels

A. The video service Provider shall designate a sufficient amount of capacity on its network to provide for the same number of public, education, and government access channels that are in actual use on the incumbent video provider system on the **effective date of the Act** or as provided under **Section 4(14) of the Act**.

B. Any public, education, or government channel provided under this section that is not utilized by the Franchising Entity for at least 8 hours per day for 3 consecutive months may no longer be made available to the Franchising Entity and may be programmed at the Provider's discretion. At such a time as the Franchising Entity can certify a schedule for at least 8 hours of daily programming for a period of 3 consecutive months, the Provider shall restore the previously reallocated channel.

C. The Franchising Entity shall ensure that all transmissions, content, or programming to be retransmitted by a video service Provider is provided in a manner or form that is capable of being accepted and retransmitted by a Provider, without requirement for additional alteration or change in the content by the Provider, over the particular network of the Provider, which is compatible with the technology or protocol utilized by the Provider to deliver services.

D. The person producing the broadcast is solely responsible for all content provided over designated public, education, or government channels. The video service Provider *shall not* exercise any editorial control over any programming on any channel designed for public, education, or government use.
E. The video service Provider is not subject to any civil or criminal liability for any program carried on any channel designated for public, education, or government use.
F. If a Franchising Entity seeks to utilize capacity pursuant to **Section 4(1) of the Act** or an agreement under **Section 13 of the Act** to provide access to video programming over one or more PEG channels, the Franchising Entity shall give the Provider a written request specifying the number of channels in actual use on the incumbent video provider's system or specified in the agreement entered into under **Section 13 of the Act**. The video service Provider shall have 90 days to begin providing access as requested by the Franchising Entity. The number and designation of PEG access channels shall be set forth in an addendum to this agreement effective 90 days after the request is submitted by the Franchising Entity.
G. A PEG channel shall only be used for noncommercial purposes.

VIII. PEG Fees

A. The video service Provider shall also pay to the Franchising Entity as support for the cost of PEG access facilities and services an annual fee equal to one of the following options:
   1. If there is an existing Franchise on the effective date of the Act, the fee (enter the fee amount _ 0_) paid to the Franchising Entity by the incumbent video Provider with the largest number of cable service subscribers in the Franchising Entity as determined by the existing Franchise Agreement;
   2. At the expiration of the existing Franchise Agreement, the amount required under (1) above, which is __2__% of gross revenues. (The amount under (1) above is not to exceed 2% of gross revenues);
   3. If there is no existing Franchise Agreement, a percentage of gross revenues as established by the Franchising Entity and to be determined by a community need assessment, is __2__% of gross revenues. (The percentage that is established by the Franchising Entity is not to exceed 2% of gross revenues.); and
   4. An amount agreed to by the Franchising Entity and the video service Provider.
B. The fee required by this section shall be applicable to all providers, pursuant to Section 6(9) of the Act.
C. The fee shall be due on a quarterly basis and paid within 45 days after the close of the quarter. Each payment shall include a statement explaining the basis for the calculation of the fee.
D. All determinations and computations made under this section shall be pursuant to generally accepted accounting principles.
E. Any claims by a Franchising Entity that fees have not been paid as required under **Section 6 of the Act**, and any claims for refunds or other corrections to the remittance of the Provider shall be made within 3 years from the date the compensation is remitted.
F. The Provider may identify and collect as a separate line item on the regular monthly bill of each subscriber an amount equal to the percentage established under **Section 6(8) of the Act**, applied against the amount of the subscriber's monthly bill.
G. The Franchising Entity shall not demand any additional fees or charges from a Provider and shall not demand the use of any other calculation method other than allowed under the Act.

IX. Audits

A. No more than every 24 months, a Franchising Entity may perform reasonable audits of the video service Provider's calculation of the fees paid under **Section 6 of the Act** to the Franchising Entity during the preceding 24-month period only. All records reasonably necessary for the audits shall be made available by the Provider at the location where the records are kept in the ordinary course of business. The Franchising Entity and the video service Provider shall each be responsible for their respective costs of the audit. Any additional amount due verified by the Franchising Entity shall be paid by the Provider within 30 days of the Franchising Entity's submission of invoice for the sum. If the sum exceeds 5% of the total fees which the audit determines should have been paid for the 24-month period, the Provider shall pay the Franchising Entity's reasonable costs of the audit.
B. Any claims by a Franchising Entity that fees have not been paid as required under **Section 6 of the Act**, and any claims for refunds or other corrections to the remittance of the provider shall be made within 3 years from the date the compensation is remitted.

X. Termination and Modification

This Franchise Agreement issued by a Franchising Entity may be terminated or the video service area footprint may be modified, except as provided under **Section 9 of the Act**, by the Provider by submitting notice to the Franchising Entity. The Provider will use Attachment 2, when notifying the Franchising Entity.

XI. Transferability

This Franchise Agreement issued by a Franchising Entity or an existing franchise of an incumbent video service Provider is fully transferable to any successor in interest to the Provider to which it is initially granted. A notice of transfer shall be filed with the Franchising Entity within 15 days of the completion of the transfer. The Provider will use Attachment 2, when notifying the Franchising Entity. The successor in interest will assume the rights and responsibilities of the original provider and will also be required to complete their portion of the Transfer Agreement located within Attachment 2.

XII. Change of Information

If any of the information contained in the Franchise Agreement changes, the Provider shall timely notify the Franchising Entity. The Provider will use Attachment 2, when notifying the Franchising Entity.

XIII. Confidentiality

Pursuant to Section 11 of the Act: Except under the terms of a mandatory protective order, trade secrets and commercial or financial information designated as such and submitted under the Act to the Franchising Entity or Commission are exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246 and MUST BE KEPT CONFIDENTIAL.

A. The Provider may specify which items of information should be deemed "confidential." It is the responsibility of the provider to clearly identify and segregate any confidential information submitted to the franchising entity with the following information:
"[insert PROVIDER'S NAME]
[CONFIDENTIAL INFORMATION]"

B. The Franchising Entity receiving the information so designated as confidential is required (a) to protect such information from public disclosure, (b) exempt such information from any response to a FOIA request, and (c) make the information available only to and for use only by such local officials as are necessary to approve the franchise agreement or perform any other task for which the information is submitted.

C. Any Franchising Entity which disputes whether certain information submitted to it by a provider is entitled to confidential treatment under the Act may apply to the Commission for resolution of such a dispute. Unless and until the Commission determines that part or all of the information is not entitled to confidential treatment under the Act, the Franchising Entity shall keep the information confidential.

XIV. Complaints/Customer Service

A. The Provider shall establish a dispute resolution process for its customers. Provider shall maintain a local or toll-free telephone number for customer service contact.

B. The Provider shall be subjected to the penalties, as described under **Section 14 of the Act**, and the Franchising Entity and Provider may be subjected to the dispute process as described in **Section 10 of the Act**.

C. Each Provider shall annually notify its customers of the dispute resolution process required under **Section 10 of the Act**. Each Provider shall include the dispute resolution process on its website.

D. Before a customer may file a complaint with the Commission under **Section 10(5) of the Act**, the customer shall first attempt to resolve the dispute through the dispute resolution process established by the Provider in **Section 10(2) of the Act**.

E. A complaint between a customer and a Provider shall be handled by the Commission pursuant to the process as described in **Section 10(5) of the Act**.

F. A complaint between a Provider and a franchising entity or between two or more Providers shall be handled by the Commission pursuant to the process described in **Section 10(6) of the Act**.

G. In connection with providing video services to the subscribers, a provider shall not do any act prohibited by Section 10(1)(a-f) of the Act. The Commission may enforce compliance to the extent that the activities are not covered by **Section 2(3)(l) in the Act**.

XV. Notices

Any notices to be given under this Franchise Agreement shall be in writing and delivered to a Party personally, by facsimile or by certified, registered, or first-class mail, with postage prepaid and return receipt requested, or by a nationally recognized overnight delivery service, addressed as follows:

If to the Franchising Entity:
(must provide street address)

City of Lansing:

City Clerk
124 W Michigan Ave 9th Floor
Lansing MI 48933
Attn: Chris Swope, Clerk
Fax No.: 517-377-0068

If to the Provider:
(must provide street address)

1.
41112 Concept Dr.
Plymouth, MI 48170
Attn: VP of Government Affairs
Fax No.: 248-233-4719

2.
600 Galleria Pkwy
Atlanta, GA 30339
Attn: Sen. Vice President, Government Relations

3.
One Comcast Center
Philadelphia, PA 19103
Attn: Government Affairs Department

Or such other addresses or facsimile numbers as the Parties may designate by written notice from time to time.

XVI. Miscellaneous

- **A.** Governing Law. This Franchise Agreement shall be governed by, and construed in accordance with, applicable Federal laws and laws of the State of Michigan.
- **B.** The parties to this Franchise Agreement are subject to all valid and enforceable provisions of the Act.
- **C.** Counterparts. This Agreement may be signed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute on and the same agreement.
- **D.** Power to Enter. Each Party hereby warrants to the other Party that it has the requisite power and authority to enter into this Franchise Agreement and to perform according to the terms hereof.
- **E.** The Provider and Franchising Entity are subject to the provisions of 2006 Public Act 480.

IN WITNESS WHEREOF, the Parties, by their duly authorized representatives, have executed this Franchise Agreement.

City of Lansing, a Michigan Municipal Corporation

By

Print Name

Title

Address

City, State, Zip

Phone

Fax

Email

Comcast of Michigan, LLC, a Delaware Limited Liability Company doing business as Comcast

By

Timothy P. Collins

Print Name

Regional Senior Vice President

Title

41112 Concept Drive

Address

Plymouth, MI 48170

City, State, Zip

734-254-1525

Phone

248-233-4719

Fax

Tim_Collins@cable.comcast.com

Email

FRANCHISE AGREEMENT *(Franchising Entity to Complete)*

Date submitted:	March 27, 2017
Date completed and approved:	

ATTACHMENT 1

UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT
(Pursuant To 2006 Public Act 480)
(Form must be typed)

Date: March 1, 2017		
Applicant's Name: Comcast of Michigan, LLC		
Address 1: 41112 Concept Dr.		
Address 2		Phone: 248-233-4700
City: Plymouth	State: MI	Zip: 48170
Federal I.D. No. (FEIN): 84-1365047		

Company executive officers:

Name(s): Timothy P. Collins
Title(s): Regional Senior Vice President

Person(s) authorized to represent the company before the Franchising Entity and the Commission:

Name: John Gardner		
Title: Director, External Affairs		
Address: 1401 E. Miller Rd., Lansing, MI 48911		
Phone: 517-334-5686	Fax: 517-657-3743	Email: John_Gardner@comcast.com

Name: Leslie A. Brogan		
Title: Senior Director, Government Affairs		
Address: 1401 E. Miller Rd., Lansing, MI 48911		
Phone: 517-334-5890	Fax: 517-657-3743	Email: Leslie_Brogan@comcast.com

Describe the video service area footprint as set forth in Section 2(3e) of the Act. (An exact description of the video service area footprint to be served, as identified by a geographic information system digital boundary meeting or exceeding national map accuracy standards.)

As an incumbent provider, Comcast, is satisfying this requirement by allowing a franchising entity to seek right-of-way related information comparable to that required by a permit under the metropolitan extension telecommunications rights-of-way oversight act, 2002 PA 48, MCL 484.3101 to 484.3120, as set forth in its last cable franchise entered before the effective date of this act.

[**Option A**: for Providers that Options B and C are not applicable, a description based on a geographic information system digital boundary meeting or exceeding national map accuracy standards]

[**Option B:** for Providers with 1,000,000 or more access lines in Michigan using telecommunication facilities to provide Video Service, a description based on entire wire centers or exchanges located in the Franchising Entity]

[**Option C**: for an Incumbent Video Service Provider, it satisfies this requirement by allowing the Franchising Entity to seek right-of-way information comparable to that required by a permit under the METRO Act as set forth in its last cable franchise or consent agreement from the Franchising Entity entered into before the effective date of the Act]

Pursuant to Section 2(3)(d) of the Act, if the Provider is not an incumbent video Provider, provide the date on which the Provider expects to provide video services in the area identified under Section 2(3)(e) (the Video Service Area Footprint).

Date:

For All Applications:

Verification
(Provider)

I, Timothy P. Collins, of lawful age, and being first duly sworn, now states: As an officer of the Provider, I am authorized to do and hereby make the above commitments. I further affirm that all statements made above are true and correct to the best of my knowledge and belief.

Name and Title (printed): Timothy P. Collins, Regional Senior Vice President	
Signature: T. P. Collins	*Date:* 3-3-17

(Franchising Entity)

City of Lansing, a Michigan municipal corporation

By

Print Name

Title

Address

City, State, Zip

Phone

Fax

Email

Date

ATTACHMENT 1

DRAFT

DRAFT #1
April 10, 2017

ORDINANCE NO. ___________

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND SECTION 810.22 OF THE LANSING CODIFIED ORDINANCES BY ENTERING INTO A NEW VIDEO SERVICE FRANCHISE AGREEMENT.

THE CITY OF LANSING ORDAINS:

810.00 Video service franchise.

The City authorizes a video service franchise with Comcast of Michigan, LLC with those video service provider fees previously established by the City pursuant to the process set forth by Public Act 480 of 2006 (the Uniform Video Services Local Franchise Act), which requires video service providers to obtain a franchise from the City by means of a uniform video service local franchise agreement (uniform franchise) as follows:

(a) Pursuant to its authority under the Uniform Video Services Local Franchise Act and consistent with its uniform franchise with Arialink Telecom LLC, the City has previously established that an annual fee of two percent of gross revenues from video service providers is necessary as support for the cost of public, education, and government (PEG) access facilities and services, as determined by the City's community needs assessment.

(b) Pursuant to its authority under the Uniform Video Services Local Franchise Act and consistent with its uniform franchise with Arialink Telecom LLC, the City has previously established a fee of five percent of gross revenues from video service providers as the annual video service provider fee, sometimes called a franchise fee.

(c) Pursuant to its authority under the Uniform Video Services Local Franchise Act, the City hereby approves the uniform video service local franchise agreement submitted by Comcast of

DRAFT

Michigan, LLC with a five percent fee in Section VI.A.II and a two percent PEG support fee in Section VIII.A.3.

(d) The approval of Comcast of Michigan, LLC's uniform video service local franchise agreement and the signature of the Mayor on it shall not be construed or understood to be a waiver by the City of its police powers; rights it may possess under, or authority it may possess under, the Uniform Video Services Local Franchise Act, Michigan Law, the Michigan Constitution, or federal law; or its right to challenge or modify a uniform franchise if the act in whole or in part is overturned by the courts.

Approved as to form:

____

City Attorney

Dated: ______________________________

BY COUNCIL MEMBERS BROWN CLARKE, DUNBAR, HOUGHTON, HUSSAIN, SPITZLEY, WASHINGTON, WOOD, AND YORKO
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Michael Ingram head coach of the Lansing Community College Men's Basketball team, has been selected as an inductee for the 2017 National Junior College Athletic Association Hall of Fame.

WHEREAS, Coach Ingram is a graduate of LCC and Central Michigan University. He was an All-American player at LCC, played two years at CMU, and played high school basketball.

WHEREAS, Coach Ingram has been a part of LCC's Men's Basketball coaching staff since 1998 and has an impressive 556-221 record. Ingram began as the assistant coach and has since coached his team to four National Junior College Athletic Association finishes, and 19 Michigan Community College Athletic Association Championships.

WHEREAS, Coach Ingram was named Region XII Coach of the Year in 1990-1991, 2005-2006, 2014-2015, 2015-2016 and has received the Western Conference Coach of the Year award 19 times. Ingram is active in basketball camps, clinics, and host of the Amateur Athletic Union and recreation basketball tournaments.

BE IT RESOLVED, the Lansing City Council wishes to congratulate Michael Ingram on his induction into the 2017 National Junior College Athletic Association. We greatly appreciate your dedication to the Lansing community and wish you continued success in the coming years.

BY COUNCIL MEMBERS BROWN CLARKE, DUNBAR, HOUGHTON, HUSSAIN, SPITZLEY, WASHINGTON, WOOD, AND YORKO
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Nick Hilton currently a student at Lansing's Beekman Center. Previously attended Everett High School where his love of sports began. Nick enjoys Poly Hockey, Bowling and Basketball. However snowshoeing is the sport he decided to further pursue; and

WHEREAS, Nick Hilton began his winning streak in 2010, and went on to win a gold medal at the 2016 Special Olympics Michigan State Winter Games in Traverse City. This win put him in the running for the 2017 Special Olympics World Winter Games. He then traveled to Vermont for training in preparation for the games; and

WHEREAS, Nick Hilton went on to win gold in the 400 meter snowshoe race in Austria with a time of one minute, 41 seconds. Along with winning a bronze medal for the 4x100 meter relay and a participation ribbon for the 200 meter snowshoe race.

BE IT RESOLVED that the Lansing City Council, along with friends and family hereby pay tribute to the honors and accomplishments of Nick Hilton. And commend you for your hard work and dedication, we wish you continued success!

DRAFT

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Council President Spitzley recommends the Lansing City Council reset the public hearing for the City of Lansing Fiscal Year 2017/2018 Budget for Monday, May 8, 2017.

NOW THEREFORE BE IT RESOLVED, the Lansing City Council hereby approves the recommendation of the public hearing be reset for the City of Lansing Fiscal Year 2017/2018 Budget on Monday, May 8, 2017 at the regularly scheduled City Council meeting at 7:00 p.m.

DRAFT

BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT V

WHEREAS, it was deemed to be a public necessity to repair Sidewalk in the areas described below, and

WHEREAS, the construction of PS #01113, known as the 2015 SIDEWALK REPAIR Construction Project, has been completed, and

WHEREAS, changes to the Assessment Roll have been conveyed to the City Assessor Roll # B-095, as ratified by City Council, and

WHEREAS, there was an error in the reported estimated cost of $41,152.90 assessable to the property owner(s) in Resolution #2015-223, and

WHEREAS, the reported estimated cost assessable to the property owner should have stated $40,574.64, and

WHEREAS, the benefitted properties are as follows:

PROPERTY BENEFITTED:

SIDEWALK:

- Glasgow Drive (from Deerfield Avenue to Inverary Drive); and
- Christine Drive (from Norwich Road to Inverary Drive); and
- Inverary Drive (from Norwich Road to Glasgow Drive); and
- Brisbane Drive (from Norwich Road to Averill Drive); and
- Oban Road (from Christine Drive to Glasgow Drive); and
- Sunderland Road (from Brisbane Drive to Inverary Drive);

Excepting all public streets and alleys and other land deemed not benefited.

ROLL B-095	ESTIMATED COST	ACTUAL COST	DIFFERENCE
2015 Sidewalk Repair	$40,574.64	$37,390.68	($3,183.96)

RESOLVED, by the City Council of the City of Lansing, that the supplementary Special Assessment Roll B-095, Public Service # 01113, known as 2015 SIDEWALK REPAIR CONSTRUCTION Project, as returned by the City Assessor be and the same is hereby ratified and confirmed, and that the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to adjust the assessments of all persons who have paid said tax as originally assessed to pro rata amount of difference as shown in said supplementary roll, and collect all unpaid tax as shown on said roll 90 days after approval.

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, pursuant to Rule 41 of the Lansing City Council Rules, a proposed rule revision shall be placed on the Council Agenda for Council receipt and review, but "shall not be considered for adoption sooner than the next council meeting".

THEREFORE BE IT RESOLVED, that the City Council hereby moves to amend the City Council Rule 27 as fully set forth below.

LANSING CITY COUNCIL RULE

Rule 27. Rules in Committee. The Rules of Council shall be observed in the Committee of the Whole except for limiting debate and moving to vote immediately AND FURTHER EXCEPT THAT WHEN THE COMMITTEE OF THE WHOLE MEETS AT A SCHEDULED TIME, PUBLIC COMMENT SHALL BE GOVERNED BY RULE 17. A motion that the Committee rise shall always be in order and shall be decided without debate. Motions recommending action by Council shall take precedence in the same order as analogous motions in Council. A motion to reconsider shall be in order in the Committee of the Whole.

PASSAGE OF ORDINANCE

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN TO AMEND CHAPTER 1026, SPECIAL ASSESSMENTS, SECTION 1026.06, ASSESSMENT PROCEDURE, TO ELIMINATE THE REQUIREMENT THAT NOTICE BE PUBLISHED IN A DAILY NEWSPAPER OF THE CITY.

Is read a second time by its title. The Ordinance was reported from the Committee of the Whole and is on the order of immediate passage.

COUNCIL MEMBER	YEAS	NAYS
BROWN CLARKE		
DUNBAR	☐	☐
HOUGHTON	☐	☐
HUSSAIN	☐	☐
SPITZLEY	☐	☐
WASHINGTON	☐	☐
WOOD	☐	☐
YORKO	☐	☐

☐ ADOPTED ☐ FAILED

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ORDINANCE NO: ________

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN TO AMEND CHAPTER 1026, SPECIAL ASSESSMENTS, SECTION 1026.06, ASSESSMENT PROCEDURE, TO ELIMINATE THE REQUIREMENT THAT NOTICE BE PUBLISHED IN A DAILY NEWSPAPER OF THE CITY.

THE CITY OF LANSING ORDAINS:

SECTION 1. That Section 1026.06 of Chapter 1026 of the Lansing Codified Ordinances ("Code") be amended to read as follows:

1026.06. - Assessment procedure.

The assessment procedure for public improvements assessed according to this chapter shall be as follows:

(a) *Estimating and Apportioning Cost; Petition for Grading Street.* Whenever Council determines that the whole or any part of the expense of public improvements shall be defrayed by an assessment on the lands to be benefited thereby, and to the owners of or the parties in interest thereof, it shall declare the same by an entry in its minutes. After ascertaining, as it may think proper, the estimated or final expense of such improvement, Council shall declare by any entry in its minutes whether the whole, or what portion thereof, shall be assessed to such owners or parties in interest, specifying the sum to be assessed and the portion of the City which it deems to be benefited by such improvements.

The cost and expenses of making estimates, plans and assessments incidental thereto shall be included in the estimated expense of such improvement.

(b) *Assessing Costs; Assessment Roll.* Pursuant to the order of Council, the City Assessor shall make an assessment roll for the lands within the portion of the City so designated showing the amount of expense, in case of construction of sewers and drains, of the opening of streets or alleys, or of any other improvement, except as hereinafter provided in this subsection, in proportion as nearly as possible to the benefits which each person is deemed to acquire by the making of such improvement, and in case of grading, graveling, paving and all other street improvements, according to foot frontage. The Assessor shall make out an assessment roll which shall include the names of the owners or parties in interest of such lands, as shown from the Assessor's records, the description of the property assessed, and the amount assessed to each person respectively.

In case any lot or parcel of real estate belongs to a nonresident owner or party of interest, or the owner or party of interest is unknown, the same shall be entered accordingly, with a description of such lot or premises, as is required by law in assessment rolls made by the City Assessor, with the amount assessed thereon. The assessment roll shall be subscribed by the City Assessor and returned within two weeks to Council, unless such time is extended by resolution of Council.

(c) *Hearings on Assessment Roll.*

(1) Upon the making and filing of the assessment roll, as required in subsection (b) hereof, Council shall hold a public hearing before the roll is confirmed. ~~The City Clerk shall cause notice of the public hearing to be~~

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~~published, not more than twenty days and not less than ten days before such hearing, in a daily newspaper of the City. The notice shall contain the following:~~

~~A. The time and place of the hearing;~~

~~B. A description of the section or area of the City determined by Council to be within the assessment district as contained in the special assessment roll;~~

~~C. Where the special assessment roll is on file and may be examined;~~

~~D. That any person aggrieved by the assessment as contained in the special assessment roll, or the necessity of the improvement, may file a written objection thereto which must be delivered to the City Clerk prior to the close of the hearing, or the person may appear and protest the same at the public hearing in person or by his or her representative;~~

~~E. That the appearance and protest or written protest in the manner described is required if the person desires to appeal the amount of the assessment to the Michigan Tax Tribunal; and~~

~~F. That any appeal to the Michigan Tax Tribunal must be taken within thirty days of the confirmation of the special assessment roll, provided a protest was timely made.~~

(2) ~~In addition, the~~ THE CITY Clerk shall give notice of hearings in special assessment proceedings to each owner of, or party in interest in, property to be assessed, whose name appears upon the last local tax assessment records, by first class mail addressed to such owner or party at the address

shown on the tax records, at least ten days before the date of such hearing. As used in this section, "last local tax assessment records" means the last assessment roll for ad valorem tax purposes that has been reviewed by the local board of review, as supplemented by any subsequent changes in the names and addresses of owners or parties listed thereon. Notice given under this subsection shall comply with any mandatory statutory provision governing the same.

(3) Where any person claims an interest in real property whose name and correct address do not appear upon the last local tax assessment records, he or she shall be obligated to file immediately his or her name and address with the City Assessor and to provide evidence acceptable to the City Assessor that he or she is entitled to be the taxpayer of record. The Assessor shall immediately enter on the local tax assessment records any changes in the names and addresses of owners or parties in interest filed with him or her and shall at all times keep such tax assessment records current, complete and available for public inspection.

(4) On the day appointed for the hearing and on such other days as the hearing may be adjourned to, Council shall receive all written protests and hear the allegations and proofs of all persons who appear and protest the assessment. Council may rectify and amend such assessment roll in whole or in part, or may set such roll aside and direct a new assessment, either by the same person or by such other person as Council appoints for that purpose. In such case, the same proceedings as are herein provided for the

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first order of assessment shall be conducted for the new assessment, or Council may ratify and confirm such assessment roll without any corrections or with such corrections therein as it may deem proper.

(d) *Correction of Deficient or Excessive Assessment.* If the estimated expense of the improvement was used to establish the special assessment and the special assessment proves insufficient to pay for the improvement or work for which it was levied, and for the expenses incident thereto, Council may, within the limitations prescribed for such assessments, make an additional pro rata assessment to supply the deficiency. If a larger amount is collected than is necessary, the excess shall be refunded ratably to those by whom it was paid.

(e) *Liens on Property for Assessments.* When any special assessment for public, local or other improvements, or for any other purpose authorized by ordinance, has been made, as provided in this chapter, and the tax roll for such assessment is delivered to the City Treasurer for collection, the assessment shall be a lien upon the premises upon which it was assessed from and after the date of the warrant for the collection thereof. The Treasurer may levy on and collect such tax from any personal property in the possession of the person charged with such tax, or in any other manner permitted by law.

If the assessment is not paid, the Treasurer shall, within five days after the time prescribed by the warrant for the collection thereof has expired, make a report to the City Clerk of the sum and interest, as the case may be, due and so remaining unpaid, which has not been collected, together with a description of the premises assessed for such unpaid taxes. The Clerk, within five days

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thereafter, shall, in like manner, notify the City Assessor of the amount of such taxes, and the description of the premises assessed and charged with such tax, who shall assess such unpaid taxes on such premises, in the tax roll of the proper ward next thereafter to be made.

Real property exempt from taxation by law shall nevertheless, with or without valuation, be subject to taxation for special improvements, the same as other property. Such tax or taxes shall then be levied, collected and returned, and the premises may be sold or forfeited for nonpayment of the ordinary City taxes.

(f) *Interest-Bearing Notes for Street Paving Taxes.* Council may direct and authorize the Mayor and the City Clerk to issue and negotiate for and on behalf of the City, not exceeding five percent per annum, interest-bearing notes, with interest at market rates and as shall be permitted by law, free of taxation, for the aggregate amount of any paving taxes, the time for the payment of which has been extended beyond the year of the date of the original warrant for their collection. Such notes shall be made payable at the office of the City Treasurer and fall due at such times as Council shall determine such taxes can be collected, and the proceeds of such notes shall be deposited with the Treasurer, and disbursed thereby on the order of Council, in payment of the cost and expenses of any pavement on account of which such notes have been issued, and for no other purpose whatsoever. The proceeds of such extended taxes, when collected, shall be used for the payment of such notes and for no other purpose whatsoever.

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(g) *Invalid Assessments; Reassessments.* Whenever any special assessment to defray the expense of any improvement is invalid, in the opinion of Council, Council may vacate and set the same aside. When any such special assessment is so vacated, or is held invalid by the judgment or decree of any court of competent jurisdiction, Council may, from time to time until a valid assessment is made, cause a new assessment to be made for the purpose for which the original assessment was made and in the manner provided for making the original assessment.

Whenever the tax or any part thereof assessed upon any lot or parcel of real estate by the original assessment set aside or held invalid as aforesaid has been paid, and is not refunded, the City Treasurer shall apply such payment upon the reassessment on the lot or parcel of real estate and make a notation thereof upon the new assessment roll. Such reassessment shall, to the extent of such payment, be deemed paid and satisfied, after which no part of the amount paid on the original assessment shall be refunded, unless the amount paid as aforesaid exceeds the amount of the reassessment, in which case the excess shall be refunded, and the person or his or her legal representative who paid such amount shall be entitled to the amount to be refunded.

All the provisions of this chapter making special assessments a lien upon the lots and parcels of real estate enforced therein, and also those relating to the collection of special assessments, shall apply to such reassessments.

This section shall apply to assessments made before, as well as after, the effective date of this section.

(h) *New Warrants of Collection.* Whenever any special assessment has not been collected within the life of the Mayor's warrant affixed to the assessment roll, and is not vacated or held invalid, the Mayor may affix a new warrant to such assessment roll, extending the time for the collection of the assessment so long as Council directs. The Mayor may continue to affix new warrants to any assessment roll, from time to time, under the direction of Council, until the assessment is collected or returned.

Whenever any special assessment roll is hereafter ratified and confirmed, the time of payment of such special assessment is not extended over a term of years, and such special assessment is not collected within the life of the Mayor's first warrant affixed to such special assessment roll and is not vacated or held invalid, there shall be added to, paid and collected with such tax or assessment on each particular parcel or description of land, or any undivided share thereof, a penalty of four percent at the time of the expiration of the Mayor's first warrant affixed to such roll, together with interest at one-half percent per month, computed from the date of confirmation thereof, until paid or required by law to be returned as delinquent to the County Treasurer.

(i) *Assessment of Nonresidents' or Unoccupied Lands.* The lands of nonresidents and unoccupied lands of the City may be assessed their just proportion of the expenses of all improvements in the City, in the same manner and in the same amounts as assessments for improvements of other lands.

(j) *Assessment of State Land.* The Board of State Auditors shall allow the City moneys in proportion to the assessment upon adjoining property for any

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improvements made under this chapter upon any street upon which any block or parts of a block of land belonging to the State abut. The Auditor General, on the presentation to him or her of any such account duly allowed, shall draw his or her warrant on the State Treasurer therefor.

(k) *Application of Section.* The provisions of this section are applicable to all public improvements permitted by law, including, but not limited to, streets, sidewalks, drains, sewers, malls and promenades.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules, inconsistent with the provisions hereof are hereby repealed in their entirety and shall be 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 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.

PASSAGE OF ORDINANCE

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND SECTION 810.22 OF THE LANSING CODIFIED ORDINANCES BY ENTERING INTO A NEW VIDEO SERVICE FRANCHISE AGREEMENT.

Is read a second time by its title. The Ordinance was reported from the Committee of the Whole and is on the order of immediate passage.

COUNCIL MEMBER	YEAS	NAYS
BROWN CLARKE		
DUNBAR	☐	☐
HOUGHTON	☐	☐
HUSSAIN	☐	☐
SPITZLEY	☐	☐
WASHINGTON	☐	☐
WOOD	☐	☐
YORKO	☐	☐
	______	______

☐ ADOPTED ☐ FAILED

DRAFT #1
April 10, 2017

ORDINANCE NO. ___________

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND SECTION 810.22 OF THE LANSING CODIFIED ORDINANCES BY ENTERING INTO A NEW VIDEO SERVICE FRANCHISE AGREEMENT.

THE CITY OF LANSING ORDAINS:

810.00 Video service franchise.

The City authorizes a video service franchise with Comcast of Michigan, LLC with those video service provider fees previously established by the City pursuant to the process set forth by Public Act 480 of 2006 (the Uniform Video Services Local Franchise Act), which requires video service providers to obtain a franchise from the City by means of a uniform video service local franchise agreement (uniform franchise) as follows:

(a) Pursuant to its authority under the Uniform Video Services Local Franchise Act and consistent with its uniform franchise with Arialink Telecom LLC, the City has previously established that an annual fee of two percent of gross revenues from video service providers is necessary as support for the cost of public, education, and government (PEG) access facilities and services, as determined by the City's community needs assessment.

(b) Pursuant to its authority under the Uniform Video Services Local Franchise Act and consistent with its uniform franchise with Arialink Telecom LLC, the City has previously established a fee of five percent of gross revenues from video service providers as the annual video service provider fee, sometimes called a franchise fee.

(c) Pursuant to its authority under the Uniform Video Services Local Franchise Act, the City hereby approves the uniform video service local franchise agreement submitted by Comcast of

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Michigan, LLC with a five percent fee in Section VI.A.II and a two percent PEG support fee in Section VIII.A.3.

(d) The approval of Comcast of Michigan, LLC's uniform video service local franchise agreement and the signature of the Mayor on it shall not be construed or understood to be a waiver by the City of its police powers; rights it may possess under, or authority it may possess under, the Uniform Video Services Local Franchise Act, Michigan Law, the Michigan Constitution, or federal law; or its right to challenge or modify a uniform franchise if the act in whole or in part is overturned by the courts.

Approved as to form:

____

City Attorney

Dated: ____________________________

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XV A.1.a

Chris Swope
Lansing City Clerk

April 21, 2017

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

Dear Councilmembers:

The attached memo and minutes have been placed on file in the City Clerk's Office from the Planning Board.

Sincerely,

Chris Swope

Chris Swope, CMC
Lansing City Clerk

LANSING MICHIGAN

Virg Bernero, Mayor

DEPARTMENT OF PLANNING AND NEIGHBORHOOD DEVELOPMENT

316 N. CAPITOL AVENUE ● LANSING, MI 48933-1236 ● (517) 483-4066 ● FAX: (517) 483-6036

PLANNING OFFICE
316 N. CAPITOL AVE., SUITE D-1

MEMO

TO: Chris Swope, City Clerk

FROM: Susan Stachowiak, Zoning Administrator

DATE: March 31, 2017

RE: Draft Medical Marijuana Ordinance – Planning Board Action

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Attached are the minutes of the February 7, 2017 Planning Board meeting relative to the proposed medical marijuana ordinance for forwarding on to the City Council agenda. The Planning Board voted unanimously to recommend approval of pages 25, 26 & 27 (see attached) of the proposed medical marijuana ordinance dated January 31, 2017 with the deletion of "…another medical marijuana provisioning center;…" from the first paragraph on page 26 and the deletion of the entire second paragraph on page 26.

The Planning Board was asked by the City Attorney's Office to take action only on pages 25-27 as that is the part of the ordinance that deals with the zoning aspects regulating medical marijuana facilities.

Please let me know if you have any questions.

cc: Bob Johnson, Director, Planning & Neighborhood Development Dept.
Jim Smiertka, City Attorney
Joe McDonald, Mayor's Office

(6) FOR A PROCESSOR, ALL MEDICAL MARIHUANA SHALL BE CONTAINED WITHIN A BUILDING IN ACCORDANCE WITH THE MICHIGAN MMFLA, AS AMENDED FROM TIME TO TIME; A SECURE TRANSPORTER SHALL ABIDE BY THE MMFLA AND RULES PROMULGATED THEREUNDER;

(7) ALL NECESSARY BUILDING, ELECTRICAL PLUMBING AND MECHANICAL PERMITS SHALL BE OBTAINED FOR ANY PORTION OF THE STRUCTURE IN WHICH ELECTRICAL WIRING FOR DEVICES THAT SUPPORT THE PROCESSING OR SECURE TRANSPORTING OF MARIHUANA ARE LOCATED;

(8) THAT PORTION OF THE STRUCTURE WHERE THE STORAGE OF ANY CHEMICALS EXIST SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LANSING FIRE DEPARTMENT TO INSURE COMPLIANCE WITH THE MICHIGAN FIRE PROTECTION CODE;

(9) THE DISPENSING OF MEDICAL MARIHUANA AT THE MEDICAL MARIHUANA PROCESSOR OR SECURE TRANSPORTER FACILITY SHALL BE PROHIBITED EXCEPT AS AUTHORIZED BY LANSING CITY CHARTER AND STATE LAW;

(10) THERE SHALL BE NO OTHER ACCESSORY USES PERMITTED WITHIN THE SAME FACILITY OTHER THAN THOSE ASSOCIATED WITH PROCESSING OR SECURE TRANSPORTING. MULTI-TENANT COMMERCIAL BUILDINGS MAY PERMIT ACCESSORY USES IN SUITES SEGREGATED FROM A PROCESSOR OR SECURE TRANSPORTER FACILITY;

(B) EXTERIOR SIGNAGE OR ADVERTISING IDENTIFYING THE FACILITY AS A PROCESSOR OR SECURE TRANSPORTER FACILITY SHALL BE PROHIBITED.

1300.13 – LOCATION, BUFFERING, DISPERSION, AND ZONING REQUIREMENTS FOR MEDICAL MARIHUANA ESTABLISHMENTS.

(A) EXCEPT IN ACCORDANCE WITH SECTION 1300.18, FOR BUFFERING AND DISPERSION PURPOSES, NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE LOCATED WITHIN:

(1) FIVE HUNDRED (500) FEET OF THE FOLLOWING BUFFERED USES: A SCHOOL; PUBLIC PLAYGROUND EQUIPMENT LOCATED IN A PARK; A COMMERCIAL CHILD CARE ORGANIZATION (NON-HOME OCCUPATION) THAT IS REQUIRED TO BE LICENSED OR REGISTERED WITH THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES,

OR ITS SUCCESSOR AGENCY, UNDER THE CHILD CARE ORGANIZATIONS ACT, 1973 PA 116, MCL 722.11 ET SEQ.; A CHURCH; ANOTHER MEDICAL MARIHUANA PROVISIONING CENTER;; A FACILITY AT WHICH SUBSTANCE ABUSE PREVENTION SERVICES OR SUBSTANCE ABUSE TREATMENT AND REHABILITATION SERVICES, AS THOSE TERMS ARE DEFINED IN PART 61 OF PA 368 OF 1978, MCL 333.6101 ET SEQ., ARE OFFERED; AND THREE HUNDRED (300) FEET OF A PARK.

(2) ONE THOUSAND (1000) FEET FROM THE TWO EXISTING USES FOR ANY NEW MEDICAL MARIHUANA PROVISIONING CENTER WHERE TWO MEDICAL MARIHUANA PROVISIONING CENTERS EXIST WITHIN 1000 FEET OF EACH OTHER.

(B) MEDICAL MARIHUANA PROVISIONING CENTERS SHALL BE LIMITED TO F AND F1-COMMERCIAL, G2-WHOLESALE, H-LIGHT INDUSTRIAL, AND I-HEAVY INDUSTRIAL AS SUCH DISTRICTS ARE DESCRIBED AND DESIGNATED BY THE ZONING PROVISIONS OF THE LANSING CODIFIED ORDINANCES.

(C) NO MEDICAL MARIHUANA PROVISIONING CENTER SHALL BE LOCATED WITHIN ANOTHER BUSINESS.

(D) FOR THE PURPOSE OF CALCULATING THE BUFFERING AND DISPERSION REQUIREMENTS OF THIS SECTION 1300.13, THE DISTANCE SHALL BE MEASURED ALONG THE CENTER LINE OF THE STREET OR STREETS OF ADDRESS BETWEEN TWO FIXED POINTS ON THE CENTER LINE DETERMINED BY PROJECTING STRAIGHT LINES, AT RIGHT ANGLES TO THE CENTER LINE, FROM THE PART OF THE BUFFERED USE NEAREST TO THE CONTEMPLATED LOCATION OF THE MEDICAL MARIHUANA ESTABLISHMENT AND FROM THE PART OF THE CONTEMPLATED LOCATION NEAREST TO THE BUFFERED USE.

(E) ALL MEDICAL MARIHUANA SAFETY COMPLIANCE FACILITIES, MEDICAL MARIHUANA PROCESSOR FACILITIES, AND MEDICAL MARIHUANA SECURE TRANSPORTER FACILITIES SHALL BE SUBJECT TO SECTION 1300.13(E) AND SHALL BE LIMITED TO THE H-LIGHT INDUSTRIAL, I-HEAVY INDUSTRIAL, OR G2-WHOLESALE ZONING DISTRICTS AS IDENTIFIED IN THE LANSING CODIFIED ORDINANCES. MEDICAL MARIHUANA GROWER FACILITIES SHALL BE SUBJECT TO SUBSECTION 1300.13(E) AND LIMITED TO H-LIGHT INDUSTRIAL AND I-HEAVY INDUSTRIAL ZONING DISTRICTS.

(F) NO MEDICAL MARIHUANA ESTABLISHMENT SHALL BE LOCATED IN AN UNZONED AREA OR IN AN AREA SUBJECT TO AN AGREEMENT ENTERED INTO PURSUANT TO PUBLIC ACT 425 OF 1984.

(G) EXCEPT AS OTHERWISE PERMISSIBLE UNDER THE LANSING CITY CHARTER AT SECTION 8-501, NO PERSON SHALL ALLOW THE CONSUMPTION OF MARIHUANA OR MARIHUANA INFUSED PRODUCTS ON LICENSED PREMISES.

1300.14 - DENIAL AND REVOCATION.

(A) A LICENSE ISSUED UNDER THIS CHAPTER MAY BE REVOKED AFTER AN ADMINISTRATIVE HEARING AT WHICH THE CITY CLERK DETERMINES THAT ANY GROUNDS FOR REVOCATION UNDER SUBSECTION (B) EXIST. NOTICE OF THE TIME AND PLACE OF THE HEARING AND THE GROUNDS FOR REVOCATION MUST BE GIVEN TO THE LICENSEE AT LEAST TEN DAYS PRIOR TO THE DATE OF THE HEARING BY FIRST CLASS MAIL TO THE ADDRESS GIVEN ON THE LICENSE APPLICATION OR ANY ADDRESS PROVIDED TO THE CITY CLERK IN WRITING SUBSEQUENT TO THE FILING OF AN APPLICATION.

(B) A LICENSE APPLIED FOR OR ISSUED UNDER THIS CHAPTER MAY BE DENIED OR REVOKED ON ANY OF THE FOLLOWING BASES:

(1) A MATERIAL VIOLATION OF ANY PROVISION OF THIS CHAPTER, INCLUDING, BUT NOT LIMITED TO, THE FAILURE TO PROVIDE THE INFORMATION REQUIRED BY SUBSECTION 1300.15 (A);

(2) ANY CONVICTION OF A DISQUALIFYING FELONY BY A PERSON ISSUED A LICENSE UNDER THE PROVISIONS OF THIS CHAPTER OR THE MMFLA FOR AN ESTABLISHMENT OR THE OPERATION OF AN ESTABLISHMENT, INCLUDING ANY PERSON IN CHARGE OF THE DAY-TO-DAY OPERATIONS OF AN ESTABLISHMENT, AS THE CASE MAY BE;

(3) COMMISSION OF FRAUD OR MISREPRESENTATION OR THE MAKING OF A FALSE STATEMENT BY THE APPLICANT OR ANY STAKEHOLDER OF THE APPLICANT WHILE ENGAGING IN ANY ACTIVITY FOR WHICH THIS CHAPTER REQUIRES A LICENSE;

(4) FAILURE TO OBTAIN A CERTIFICATE OF APPROVAL FROM THE MEDICAL MARIHUANA COMMISSION;

(5) THE MEDICAL MARIHUANA ESTABLISHMENT IS DETERMINED BY THE CITY TO HAVE BECOME A PUBLIC NUISANCE OR OTHERWISE IS

B. Old Business

1. Medical Marihuana Ordinance

City Attorney, Jim Smiertka, stated that the City Council's Committee on Public Safety has been working on an ordinance to regulate medical marijuana facilities for a few years now. They have listened to many hours of public comment, held many meetings and came up with the current draft 6.a. Once approved, this ordinance would replace Chapter 20 in the Zoning Ordinance that currently regulates medical marijuana facilities in the City. Mr. Smiertka said that at the beginning of October, he issued a letter requesting an additional 60 days to ensure that the ordinance would be consistent with the State law. In the meantime, Ms. Stachowiak provided him with a list of the Planning Board's concerns about the ordinance and the 3 pages contained in the Board's packet are intended to address those concerns. Mr. Smiertka said that they have looked at how other cities are handling medical marijuana and have come up with a new draft. The Planning Board is being provided with that section of the new draft that deals with the zoning aspects as that is the aspect of the ordinance that the Planning Board is charged with reviewing. The Planning Board's recommendation will be forwarded to the Public Safety Committee and eventually, the Council will hold a public hearing before taking action on the final draft

Mr. Smiertka said that the State Act itself allow dispensing medical marijuana via caregiver operations. These are allowed in the City as a home occupation. He said that there are 5 types of medical marijuana establishments. These include dispensaries, cultivation, testing, processing and transport. Mr. Smiertka said that the State law has been in effect since December 20, 2016 but no licenses will be issued by the State until December of this year. This will give the Committee that has been appointed at the State level a chance to promulgate the rules governing the licensing of these facilities. Mr. Smiertka said that a license cannot be issued by the City without the State issuing a license. He stated excise taxes will come back to the City as well as other taxing entities from these facilities.

Mr. Smiertka said that several changes have been based on the Planning Boards' concerns about the exclusionary aspect of the ordinance. The new draft does not include an distance or separation requirements for any medical marijuana establishment, except dispensaries. The State law requires that grow facilities are limited to properties that are zoned industrial or agricultural. These types of facilities will be permitted in the City in the "H" & "I" Industrial and 'G-2" Wholesale districts. Mr. Smiertka said that in addition, the distance requirements for dispensaries have been reduced from 1,000 to 500 feet for church, child care centers, schools, etc. and to 300 feet from City parks. These distance requirements will be measured in the same manner as liquor licenses rather than "as the crow flies" which reduces the separation areas.

Sam Quon, City of Lansing Information Technology Department, said that dispensaries are permitted in all commercial districts, except the "G-1" district. Mr. Quon presented 3 maps. The first map depicts the restricted areas under the original draft 6.a. The draft allowed for 619 parcels completely outside of the restricted areas and 346 parcels that were partially outside of the restricted areas. The second map shows the restricted areas under the new draft. This allows for 1,288 parcels completely outside and 645 parcels partially outside the restricted areas. The changes, thus, have significantly increased the number of parcels that would allow a dispensary. The third map shows the differences between the 2 maps.

Ms. Martinez asked Ms. Stachowiak to email the Board members the new maps that Mr. Quon just presented.

Ms. Henry asked if the different enterprises cannot co-locate on the same parcel of land.,

Mark Dotson, Deputy City Attorney, stated that they may be able to operate in the same facility as long as both enterprises comply with all aspects of the ordinance.

Ms. Brown-Clarke asked if a medical marijuana facility will become nonconforming if a church moves in after it is already established.

Mr. Smiertka said that if the facility is there first, the church has no effect on it.

Ms. Henry asked if there is a list of existing facilities.

Mr. Quon replied no.

Mr. Hovey thanked the City Attorney' Office for listening to the Planning Board's concerns and making the changes to address those concerns. He asked if the 3 pages that the Board is reviewing will just be a part of draft 6.a.

Mr. Smiertka said that there will be an entirely new draft that contains the 3 pages the Board is currently reviewing. He said that this is the only part of the ordinance that the Planning Board is being asked to review and make a recommendation on. Mr. Smiertka said that the remaining changes will involve enhancing the definitions and making sure that the ordinance is consistent with the State law.

Mr. Ruge asked about the purpose of buffering medical marijuana facilities from churches, school, parks, etc. when we have no such requirements for pharmacies and liquor establishments.

Mr. Smiertka said that it is a matter of public policy. He said that it is similar to the State of Michigan determining that it is good public policy to require that liquor establishments are located at least 500 feet from churches. Mr. Smiertka said that the Public Safety Committee has determined that it is good public policy to require a separate between medical marijuana facilities and certain uses, including churches. He said that there are drug free zones and other state and federal laws dealing with marijuana. Mr. Smierka stated that the City will make it clear to all licensees that by issuing a license, the City is only saying that the facilities complies with City ordinances. The license will include a statement that, by signing the license/application, the licensee acknowledges that the facility/activity may not comply with all federal and state laws and by issuing the license, the City is not sanctioning or protecting them from prosecution for a violation of state or federal law. It is the risk that the licensee will have to accept.

Ms. Martinez said that the ordinance addresses licensing but the licensing will be through the State.

Mr. Smiertka said that the State will license the operator, whereas, the City will license the premises.

Ms. Martinez said that the ordinance deals with security, sanitation, financial requirements, including cash in the bank, etc. She said that she would like to see the entire ordinance.

Ms. Stachowiak said that the only part of the ordinance that is within the Planning Board's purview is the zoning and that is why only that portion of the ordinance has been provided to the Board. She said that the Planning Board is being asked to act on this ordinance at this meeting so that the City can move forward with finalizing the ordinance.

Ms. Henry said that she is concerned about the "first come, first serve" method of issuing licenses with respect to the separation requirements from one facility to another

Mr. Dotson said that the separation requirement between facilities only applies to dispensaries.

Mr. Hovey said that if the product is medicinal, then why is it being regulated as though it were recreational. He said that what is being presented is much better than the previous draft of the ordinance.

Ms. Martinez said that if the entire ordinance is not going to be provided to the Board, she will abstain from voting.

Mr. Ruge said that a Board member can only abstain if there is a conflict of interest. He also said that the remainder of the ordinance deals with regulation on the operations of medical marijuana facilities rather than the land use aspect which is what the Planning Board is charged with reviewing.

Mr. Hovey made a motion, seconded by Ms. Henry to delete "...another medical marijuana provisioning center;..." from the first paragraph on page 26 and to delete the entire second paragraph on page 26. On a voice vote (4-0), the motion carried unanimously.

Mr. Ruge said that the City does not require a separation between pharmacies or liquor license establishments. He questioned why medical marijuana facilities have to be separated from each other.

Ms. Henry agreed with Mr. Ruge. She said that medical marijuana has been legalized in Michigan and the facilities that dispense it need to be considered legitimate, allowable uses. Ms. Henry said that there should be no shame in operating or patronizing these facilities. She stated that they should not be looked upon as a seedy type of business and we should not just assume that they are going to be a problem when there is no evidence that they are a problem.

Mr. Dotson suggested that some of the Planning Board members come to the Council committee meetings at which the ordinance is being discussed to express their concerns.

Ms. Martinez asked Ms. Stachowiak to forward the committee agendas.

Mr. Hovey said that there are hundreds of medical marijuana dispensaries in Denver Colorado and they are not even noticeable as being different from any other business.

Ms. Martinez asked that the Council consider a sign ordinance amendment to address signs associated with medical marijuana facilities. She said that some of the signs in the City give a negative impression of these businesses.

Ms. Brown-Clarke said that the signs referred to on page 25 relate only to processing and transporting facilities.

Mr. Hovey made a motion, seconded by Ms. Henry to recommend approval of pages 25, 26 and 27 of the proposed medical marijuana ordinance dated January 31, 2017 with the deletion of "...another medical marijuana provisioning center;..." from the first paragraph on page 26 and the deletion of the entire second paragraph on page 26. On a voice vote (4-0), the motion carried unanimously.

C. New Business

1. Design Lansing Plan – 5-year Review

Ms. Stachowiak said that the Design Lansing Comprehensive Plan, adopted in April, 2012, will soon reach the 5-year mark. She said that Section 45(2) of the Michigan Planning Enabling Act (P.A. 33 of 2008) states that: "At least every 5 years after adoption of a master plan, a planning commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the planning commission."

Ms. Stachowiak said that The Design Lansing Comprehensive Plan has functioned well, and implementation is now in process. She said that Mr. Rieske is recommending that the City begin the Comprehensive Plan update after the completion and enactment of the Form–Based Code and "Shaping the Avenue" provisions and a suitable "breaking in" period (e.g. six months). The update should address the City of Lansing's P.A. 425 areas in Alaiedon, Delta, DeWitt, and Meridian Townships, any recommendations to fine-tune the Form-Based Code, and other issues as identified during the course of the update.

Ms. Stachowiak said that it could take till the end of the year to finalize the Form-Based Code because we are going to have to go over it in detail with the

OFFICE OF THE MAYOR
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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 Patricia Spitzley and Councilmembers

FROM: Mayor Virg Bernero

DATE: 4-21-17

RE: SLU-1-2017, 700 E. Oakland, Residential Use in the "I" district

---

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

VB/rh
Attachment

City of Lansing

Inter-Departmental Memorandum

To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM
SLU-1-2017, 700 E. Oakland, Residential Use in the "I" district

Date: April 19, 2017

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, _________________, 2017, 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-1-2017: Special Land Use Permit, Residential Use in the "I" Heavy Industrial District, 700 E. Oakland Avenue and 3 Adjoining Parcels to its South.

GENERAL INFORMATION

APPLICANT/OWNER:	Summit Street Development, LLC 700 May Street Lansing, MI 48906
LOCATION:	700 E. Oakland Street & 3 vacant parcels to its south
REQUESTED ACTION:	Special Land Use Permit to residential use in the "I" Heavy Industrial District
EXISTING LAND USE:	Vacant/Parking Lot
EXISTING ZONING:	"I" Heavy Industrial District
PROPOSED ZONING:	No change
PROPERTY SIZE & SHAPE:	6.22 acres
SURROUNDING LAND USE:	N: Industrial Building S: Office Building E: Office Building W: Vacant
SURROUNDING ZONING:	N: "I" Heavy Industrial District S: "I" Heavy Industrial District E: "I" Heavy Industrial District W: "I" Heavy Industrial District
MASTER PLAN DESIGNATION:	The Design Lansing Master Plan designates the subject property as "Downtown Mixed-Use Center: Edge". Prudden Street and May Street are both designated as local roads.

SPECIFIC INFORMATION

This is a request by Summit Street Development, LLC to construct up to 522 residential units on the property bounded by Oakland Avenue to the north, May Street to the south, Prudden Street to the east and the former railroad right-of-way to the west. Residential land use is permitted in the "1" Heavy Industrial district, which is the designation of the subject property, if a Special Land Use permit is approved by the Lansing City Council.

AGENCY RESPONSES:

BWL:

Building Safety: The BSO has no objections.

Development:

Fire Marshal:

Parks & Recreation: No comments.

Public Service: Any redevelopment of the site with significant site changes will require a site plan review.

Transportation:

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 located between May Street to the south and Oakland Avenue to the north on the west side of Prudden Street. The applicant is seeking a special land use permit to allow the construction of up to 522 residential units on a site that includes 4 existing parcels of land totaling 6.22 acres. The apartments will be a mix of 1, 2 and 3 bedroom units. The site is currently zoned "I" Heavy industrial which district permits residential land uses, with a special land use permit.

Residential development is the most appropriate use of the subject property, given the land use pattern already established in the area. The property south of May Street is an office building and the parcel to its south is a former industrial building that was converted to apartments in the 1990's. Both of these parcels are zoned "I" Heavy Industrial. To the southwest of the subject property is a more recent residential development that is also zoned "I" Heavy Industrial. Special land use permits were granted by the City to allow both of these residential developments.

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

As described above, multiple family residential use of the subject property will not change the essential character of the area which is already primarily characterized by multiple family residential developments. In fact, if the site were to be used for one of the heavy industrial permitted by right in the "I" Heavy Industrial district, it would have more of an impact on the essential character of the area than the residential development being proposed.

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

Residential use of the site will not interfere with the enjoyment of adjacent properties. The "I" Heavy Industrial district permits manufacturing, open storage yards, recycling, power stations and other high impact industrial uses as a matter of right. Such uses could generate noise, odors, vibrations, heavy traffic, etc. that would negatively impact and interfere with enjoyment of the existing residential and office uses 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?

Development of the property for residential use is considered to be an "improvement" to the property and to the surrounding area in general. The site is currently used for a parking lot that detracts rather than contributes to the area in which it is located.

5. Will the proposed special land use be hazardous to adjacent property or involve uses, activities, materials or equipment which are detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare?

No nuisances are anticipated to result from residential use of the subject property. In fact, residential use of the property will likely have much less of an impact on the surrounding area as most heavy industrial uses that would be permitted as a matter of right in the "I" Heavy Industrial district.

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 with regard to impacts on public facilities and services. The proposed development will need to be reviewed through the City's administrative site plan review process which includes review and approval of a storm water management plan by the City engineers.

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

The adequacy of utilities and transportation systems to accommodate the proposed development will be determined during the City's administrative 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?

Residential development of the subject property will be consistent with the intent and purpose of both the Zoning Ordinance and the Design Lansing Master Plan. The Zoning Ordinance permits residential land use in the "I" Heavy Industrial district, with a special land use permit when it can be determined through an analysis of the criteria contained in Section 1282.03(f)(1)-(9) of the Zoning Ordinance that such use is appropriate for the proposed location. In this particular case, residential use of the property will comply with the necessary criteria, subject to compliance with the specific requirements for development in the "I" Heavy Industrial district. This is described in detail under item 9 below.

The Design Lansing Comprehensive Plan designates the subject property for "Downtown Mixed-Use Center: Edge". The intent of this designation as stated in the Plan is:

> "To support the downtown area by allowing a mix of uses and to enhance the quality of the pedestrian environment; maintain the presence of older, often historic buildings; and provide for a transition in building height and use intensity to near-downtown neighborhoods."

The Master Plan lists the following as typical uses for this designation:

> "Office, institutions, entertainment, live-work and residential. Retail and personal services as an accessory use should be located in the same building as a primary use. Automobile-oriented uses and light industrial are permitted with special approval. High rise office and residential towers with large surface parking lots and limited street frontage should *not* be permitted."

> "Typical densities/building heights: Base density/height and bonuses for residential, mixed-income housing, ground floor retail, open space and other desired development features will need to be determined. Minimum 2 stories; **up to 10 stories should be considered** with height overlay zones and bonuses for desired development features. Residential densities of 20-100 dwelling units/acre depending on sub-area location and existing development context."

> The applicant's proposal is consistent with the intent and purpose of the Master Plan. As noted above, residential use is listed as one of the uses that should be allowed for this district. The proposed building(s) will be a maximum of 10 stores and area and the proposed density of 83 dwelling units per acre is also within the acceptable density levels for this district.

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

The "I" Heavy Industrial district permits residential development, with approval of a special land use permit, if the proposed development complies with the dimensional requirements of the "DM-4" Residential district. The dimensional requirements applicable to this proposal are as follows:

Density: 700 square feet of lot for each 1-bedroom unit
950 square feet of lot for each 2-bedroom unit
1,400 square feet of lot for each 3+-bedroom unit

The applicant has not provided a breakdown of the proposed number of units by bedroom count. The applicant simply states that the development will consist of up to 522 units that will be a mix of 1, 2 and 3 bedrooms. The site contains 6.22 acres of land (270,943.2 square feet). Thus, even if the applicant were proposing to construct all 1-bedroom units, 365,400 square feet of lo area would be required. Therefore, the applicant's proposal well exceeds the density levels permitted by the Zoning Ordinance.

Building Height: 120 feet

The applicant has not provided any renderings or plans of the proposed building(s), however, the application states that the building(s) will be "up to 10 stories". The 120 foot height limitation should be adequate to accommodate 10 stories.

Parking: 1-bedroom unit – 1.5 spaces
2+ bedroom unit – 2 spaces

The applicant has not provided any details on how parking for the proposed development will be accommodated, particularly since some of the parking in the existing lot north of May Street is necessary to fulfill the requirements for the office/residential uses south of May Street.

The applicant may need to request variances from the Board of Zoning Appeals with respect to density and parking.

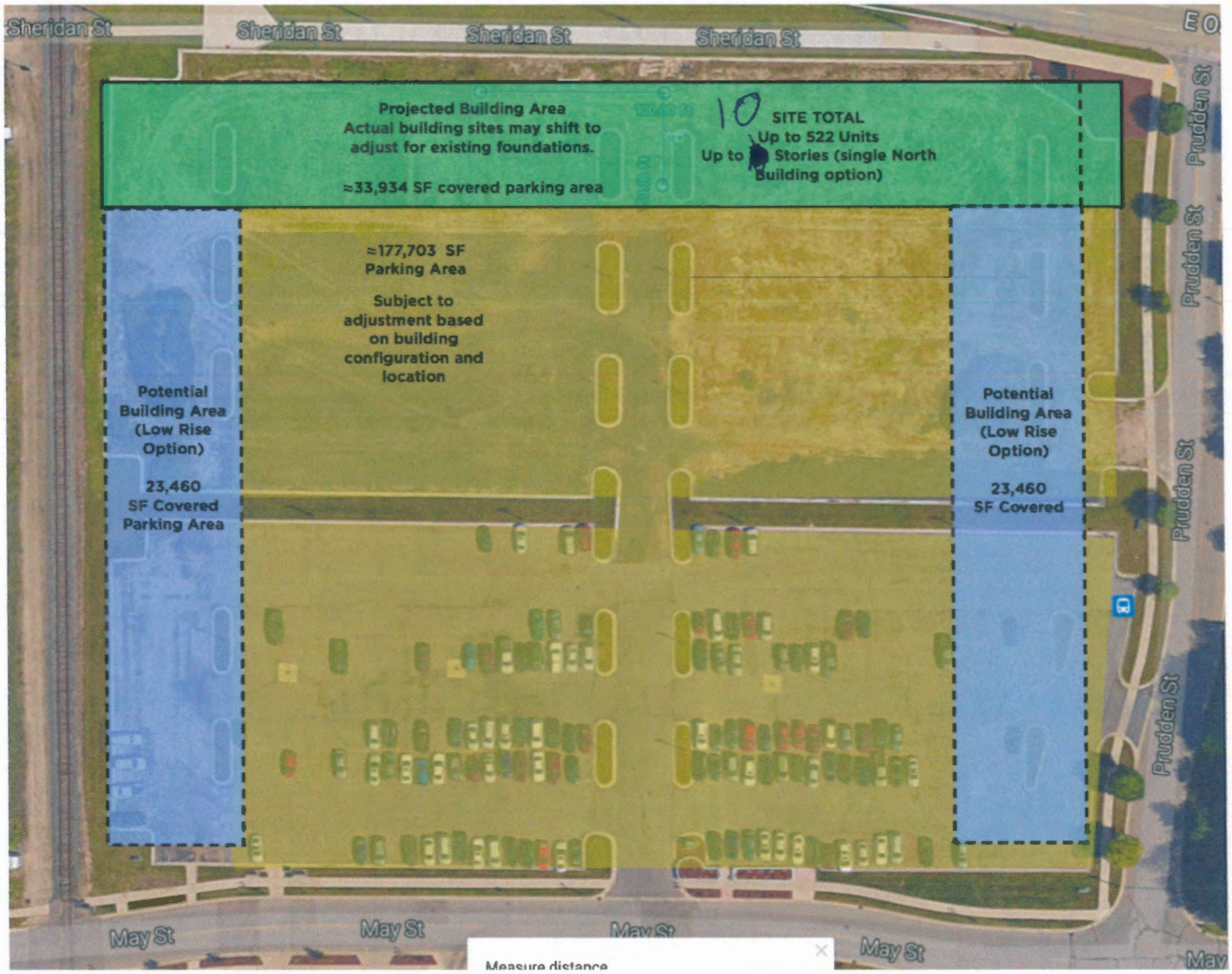
RECOMMENDATION

Based on the findings of fact contained in the staff report, it is recommended that SLU-1-2017 be approved to permit the development of the property bounded by Oakland Avenue to the north, May Street to the south, Prudden Street to the east and the former railroad right-of-way to the west, for multiple family residential use to the density permitted under the "DM-4" district, unless a variance to the allowable density is permitted by the Board of Zoning Appeals.

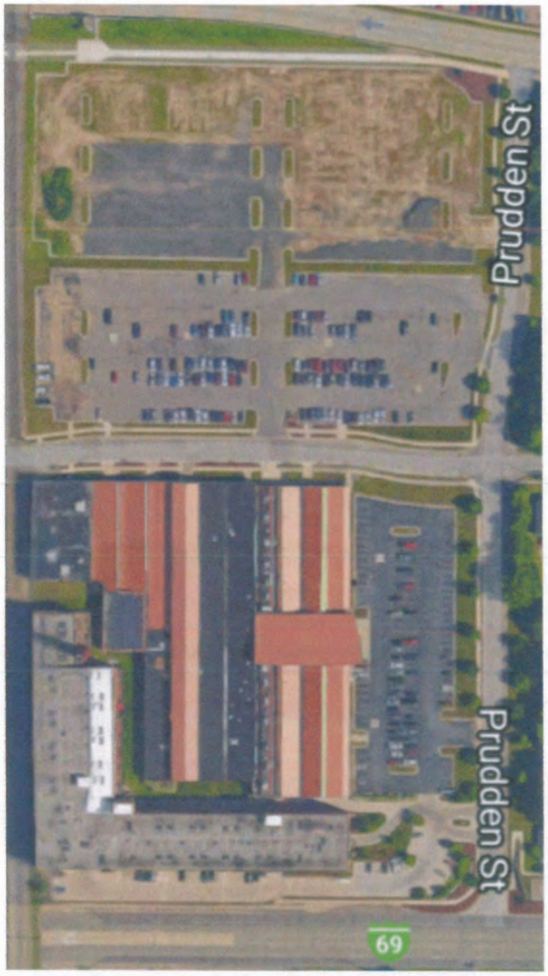
Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

Site Plan
Intended General Areas



Site Photos



Arial Overhead

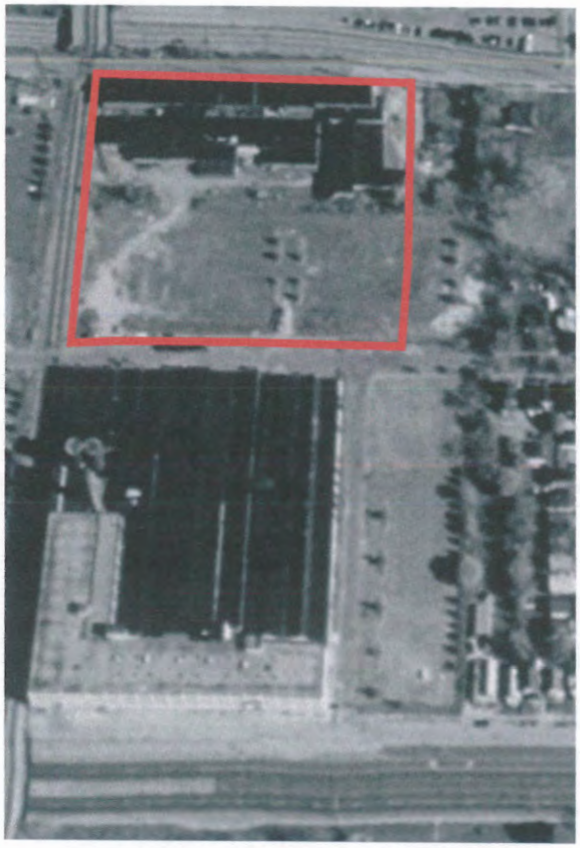
View to southwest from northeast corner. Looking down Oakland Avenue; Demmer on right, Site on left. Prudden Tech Centre and Motor Wheel far left.

Site Photos

View from center of site looking North. Demmer is across Oakland viaduct.

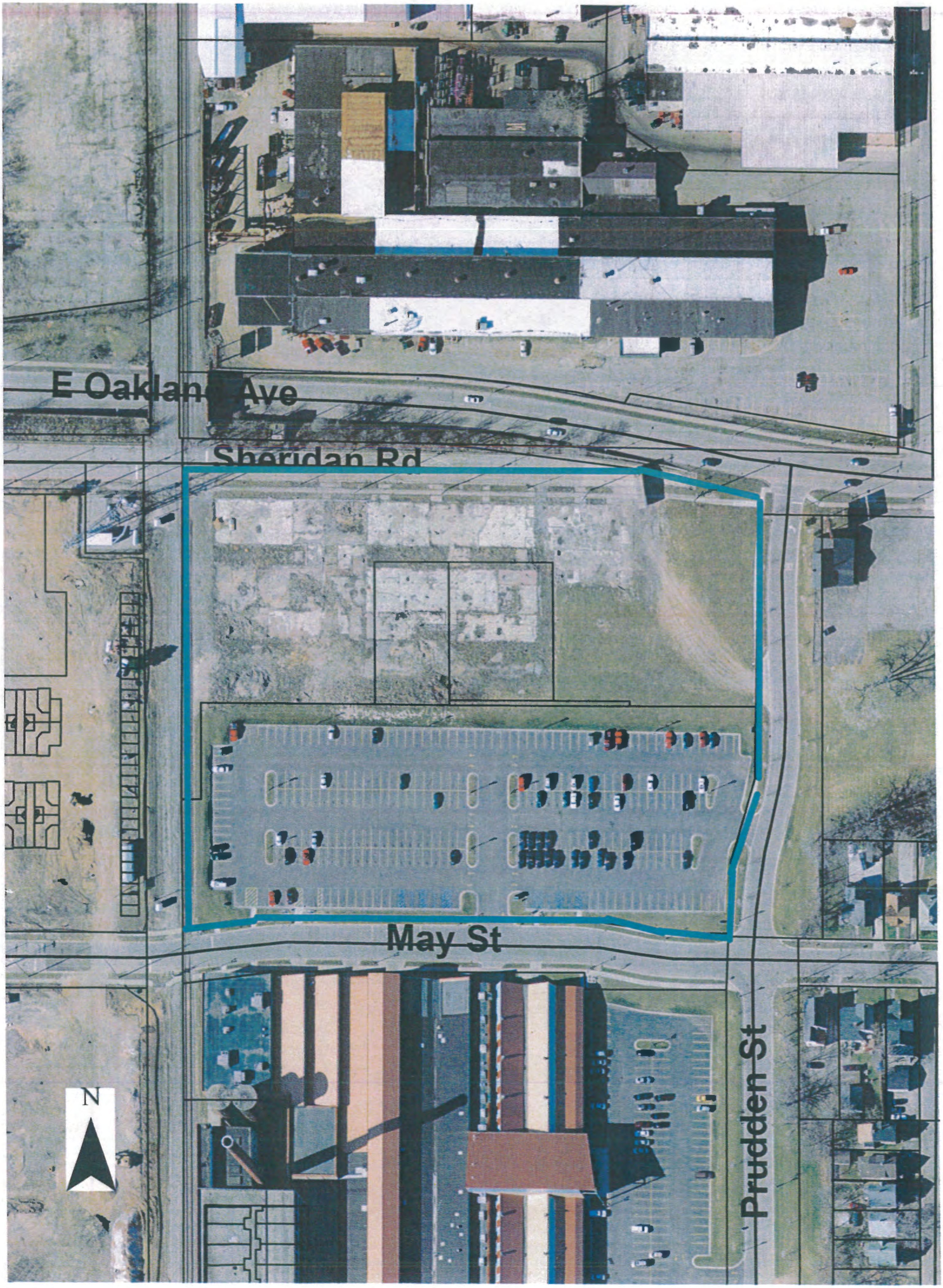
View from above Demmer looking South toward site.

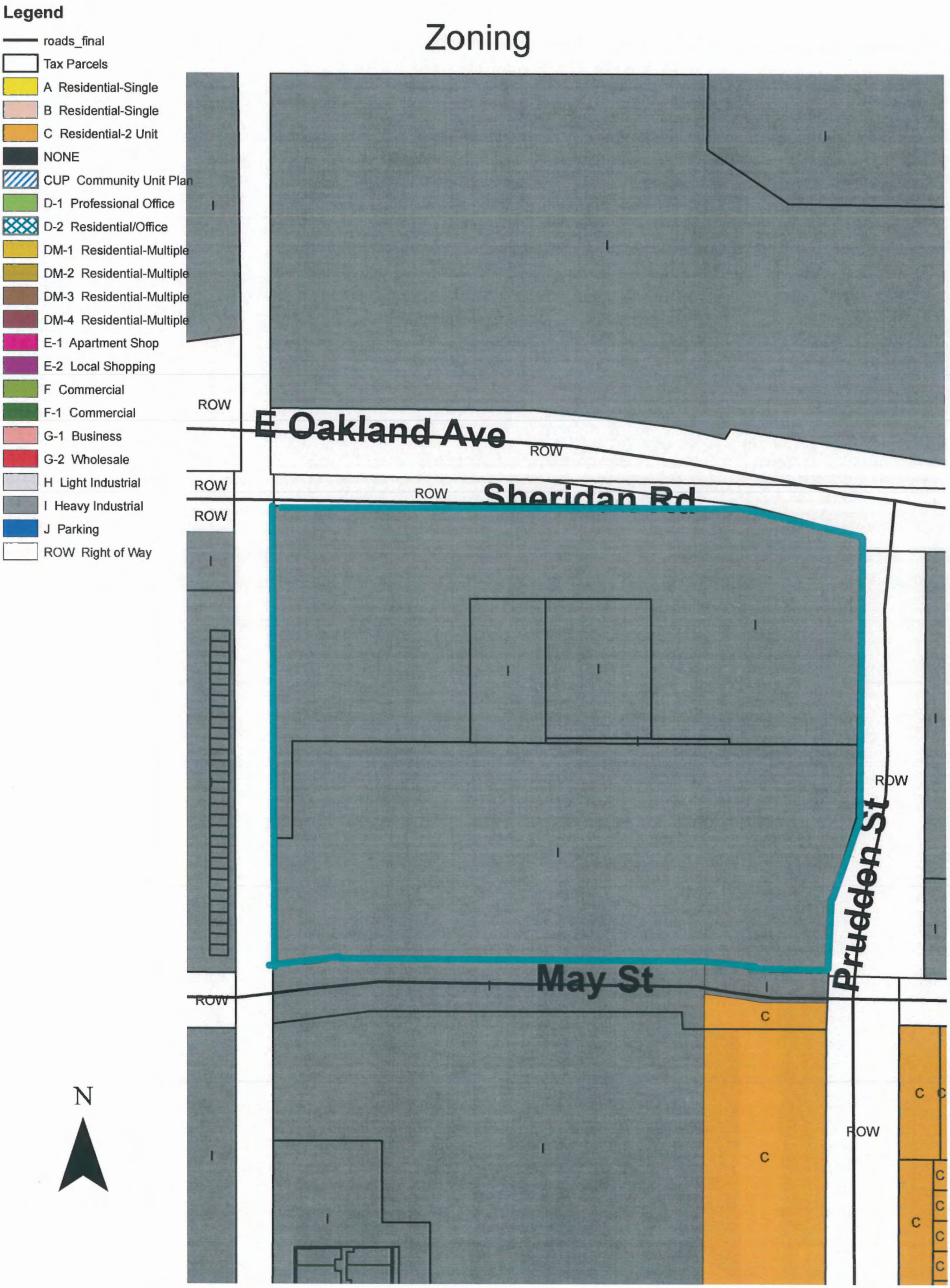
PARCEL HISTORY
Historic Configuration



1998 arial photograph showing pre-existing structures on the subject parcels.

2005 arial photograph showing the remaining foundations, now buried, on the subject site.


E Oakland Ave
Sheridan Rd
May St
Prudden St
N


Zoning
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
E Oakland Ave
Sheridan Rd
May St
Prudden St
ROW
I
C
N

CITY OF LANSING
NOTICE OF PUBLIC HEARING

SLU-1-2017, 700 E. Oakland Street
Special Land Use Permit - Residential Use in the "I" Heavy Industrial District

The Lansing City Council will hold a public hearing on Monday, , 2017, at 7:00 p.m. in Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan to consider SLU-1-2017. This is a request by Summit Street Development, LLC to construct up to 522 residential units on the property bounded by Oakland Avenue to the north, May Street to the south, Prudden Street to the east and the former railroad right-of-way to the west. Residential land use is permitted in the "1" Heavy Industrial district, which is the 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, 2017 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 OF DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

SLU-1-2017
Residential Use in the "I" Heavy Industrial District
700 E. Oakland & 3 Vacant Parcels to its South

WHEREAS, Summit Street Development, LLC has requested a Special Land Use permit (SLU-1-2017) to permit up to 522 residential units on the property bounded by Oakland Avenue to the north, May Street to the south, Prudden Street to the east and a former railroad right-of-way to the west; and

WHEREAS, the property is zoned "I" Residential District, where residential use is permitted subject to obtaining a Special Land Use permit; and

WHEREAS, a review was completed by staff evaluating the character, location and impact of the proposal on the surrounding area, the environment and public services as well as its consistency with the existing zoning and land use patterns in the area and with the objectives of the Design Lansing Comprehensive Plan; and

WHEREAS, the Planning Board held a public hearing on April 4, 2017, at which the applicant's representatives spoke in favor of the request and 4 persons asked questions, two of whom expressed concerns about its impact on the residential neighborhood to the east; and

WHEREAS, the Planning Board, at its April 18, 2017 meeting, voted (4-0) to recommend approval of SLU-1-2017 for a Special Land Use to permit up to 522 residential units on the property bounded by Oakland Avenue to the north, May Street to the south, Prudden Street to the east and a former railroad right-of-way to the west; and

WHEREAS, the City Council held a public hearing regarding SLU-1-2017 on 2017; and

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

NOW THEREFORE BE IT RESOLVED that the Lansing City Council hereby approves SLU-1-2017, a Special Land Use permit to permit up to 522 residential units on the property bounded by Oakland Avenue to the north, May Street to the south, Prudden Street to the east and a former railroad right-of-way to the west

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 residential development is compatible with the essential character of the surrounding area, as designed.

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

CITY OF LANSING
NOTICE OF PUBLIC HEARING

SLU-1-2017, 700 E. Oakland Street
Special Land Use Permit - Residential Use in the "I" Heavy Industrial District

The Lansing City Council will hold a public hearing on Monday, , 2017, at 7:00 p.m. in Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan to consider SLU-1-2017. This is a request by Summit Street Development, LLC to construct up to 522 residential units on the property bounded by Oakland Avenue to the north, May Street to the south, Prudden Street to the east and the former railroad right-of-way to the west. Residential land use is permitted in the "1" Heavy Industrial district, which is the 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, 2017 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 OF DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

SLU-1-2017
Residential Use in the "I" Heavy Industrial District
700 E. Oakland & 3 Vacant Parcels to its South

WHEREAS, Summit Street Development, LLC has requested a Special Land Use permit (SLU-1-2017) to permit up to 522 residential units on the property bounded by Oakland Avenue to the north, May Street to the south, Prudden Street to the east and a former railroad right-of-way to the west; and

WHEREAS, the property is zoned "I" Residential District, where residential use is permitted subject to obtaining a Special Land Use permit; and

WHEREAS, a review was completed by staff evaluating the character, location and impact of the proposal on the surrounding area, the environment and public services as well as its consistency with the existing zoning and land use patterns in the area and with the objectives of the Design Lansing Comprehensive Plan; and

WHEREAS, the Planning Board held a public hearing on April 4, 2017, at which the applicant's representatives spoke in favor of the request and 4 persons asked questions, two of whom expressed concerns about its impact on the residential neighborhood to the east; and

WHEREAS, the Planning Board, at its April 18, 2017 meeting, voted (4-0) to recommend approval of SLU-1-2017 for a Special Land Use to permit up to 522 residential units on the property bounded by Oakland Avenue to the north, May Street to the south, Prudden Street to the east and a former railroad right-of-way to the west; and

WHEREAS, the City Council held a public hearing regarding SLU-1-2017 on ___________________, 2017; and

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

NOW THEREFORE BE IT RESOLVED that the Lansing City Council hereby approves SLU-1-2017, a Special Land Use permit to permit up to 522 residential units on the property bounded by Oakland Avenue to the north, May Street to the south, Prudden Street to the east and a former railroad right-of-way to the west

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

OFFICE OF THE MAYOR
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124 W. Michigan Avenue
Lansing, Michigan 48933-1694
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(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President Patricia Spitzley and Councilmembers

FROM: Mayor Virg Bernero

DATE: 4-20-17

RE: Z-2-2017, 5025 S. Pennsylvania - Rezoning

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

VB/rh
Attachment

City of Lansing

Inter-Departmental Memorandum

To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM - Z-2-2017, 5025 S. Pennsylvania - Rezoning

Date: April 19, 2017

The Lansing Planning Board, at a special meeting held on April 18, 2016, voted (4-0) to recommend approval of Z-2-2017, a request by the Gamut Group, LLC to rezone the property at 5025 S. Pennsylvania Avenue from "E-2" Local Shopping District to "F" Commercial District. The purpose of the rezoning is to permit a commercial retail establishment 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 land use patterns in the area and with goals of the future land use pattern being advanced in the Design Lansing Comprehensive Plan.

No comments were received at the Planning Board public hearing held on April 4, 2017.

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, ____________________, 2017, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-2-2017: 5025 S. Pennsylvania Avenue, Rezoning from “E-2” Local Shopping District to “F” Commercial District

GENERAL INFORMATION

APPLICANT/OWNER:	Gamut Group, LLC P.O. Box 27222 Lansing, MI 48909
REQUESTED ACTIONS:	Rezone 5025 S. Pennsylvania Avenue from "E-2" Local Shopping & "J" Parking Districts to F" Commercial District
EXISTING LAND USE:	Vacant Gasoline Station Building
EXISTING ZONING:	"E-2" Local Shopping & "J" Parking Districts
PROPOSED ZONING:	"F" Commercial District
PROPERTY SIZE:	132' x 133'= 17,556 square feet - .40 acres
SURROUNDING LAND USE:	N: Office S: Commercial E: Residential W: Commercial
SURROUNDING ZONING:	N: "D-1" Professional Office & "J" Parking Districts S: "F" Commercial & "G-2" Wholesale Districts E: "A" Residential District W: "F" Commercial District
MASTER PLAN:	The Design Lansing Comprehensive Plan designates the subject property for "Urban Mixed-Use Corridor" land use. S. Pennsylvania is designated as a principal arterial and E. Jolly Road is designated as a minor arterial.

DESCRIPTION:

Z-2-2017. This is a request by the Gamut Group, LLC to rezone the property at 5025 S. Pennsylvania Avenue from "E-2" Local Shopping & "J" Parking Districts to "F" Commercial District. The purpose of the rezoning is to permit a commercial retail establishment (medical marijuana dispensary) on the subject property.

AGENCY RESPONSES

Building Safety: The BSO has no objections to the rezoning.

Development Office:

Parks & Recreation: No comments.

Public Service:

- If any changes are proposed to the site, a full site plan must be submitted.
- There are existing sanitary and storm sewers located in both Pennsylvania Ave and Jolly Rd that are currently serving the site. These sewers may continue to serve the proposed development.

Traffic Engineer:

COMPATIBILITY WITH SURROUNDING LAND USE:

The subject property contains a 1,960 square foot commercial building and is located in an area that is characterized by commercial, quasi-industrial, office and residential land uses. Since the property at the other 3 corners of the Pennsylvania/Jolly intersection are already zoned "F" Commercial, it is unclear as to why the subject property is zoned "E-2" Local Shopping district. Given the surrounding zoning patter, the request will not result in a "spot zone", which is typically considered to be an unacceptable planning practice. In fact, the rezoning will actually eliminate a spot zone as the subject property is the only one in the area zoned "E-2" Local Shopping.

The primary difference between the "E-2" Local Shopping district and the "F" Commercial district is that the "F" district permits automobile sales, hotels/motels, private clubs, comparison retail uses and possibly medical marijuana dispensaries. The "E-2" district, by contrast, is intended to allow conveniences type commercial uses that draw its primary customer base from the surrounding area. In other words, it is not intended to permit destination type uses. The applicant is requesting the rezoning for the purpose of permitting a medical marijuana dispensary in the existing building at 5025 S. Pennsylvania Avenue. While it is acknowledged that the City is still in the process of developing an ordinance to regulate such facilities, the subject property is not within 1000 feet of any churches, schools, parks, child care centers or any other uses that may disqualify it from being used as a dispensary based on the ordinance drafts that have been considered thus far.

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's Planning Office has not received complaints of any such issues associated with the existing medical marijuana dispensaries in the City. While the applicant is requesting the rezoning for the purpose of allowing a medical marijuana facility, a rezoning should be considered based on any of the uses that would be permitted under the proposed zoning designation. Given the surrounding zoning pattern, as well as the location of the site at the intersection of a principal and a minor arterial, the uses allowed under the "F" Commercial district are appropriate for the subject property. Basic planning principles dictate that commercial land use should be concentrated along primary roads that are designed to carry a high volume of traffic and which are already characterized mainly by nonresidential land uses. Denying the applicants request for "F" Commercial zoning would deprive the applicant of land use rights that are already afforded to the property owners at all other 3 corners of the S. Pennsylvania/E. Jolly Road intersection.

COMPLIANCE WITH MASTER PLAN:

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

> "To encourage the redevelopment of strip commercial corridors between cores to create a transit-supportive mix of uses, with a clear pedestrian orientation"

The Plan lists the following as typical uses for this classification:

> "Retail and personal services, medium-density residential in an urban format (see Residential Corridor), office, live-work, R&D and selected light industrial with special approval. Smaller-scale automobile-oriented uses may be acceptable when appropriate architecture and screening are used, and driveway curb cuts can be located and designed to maintain a clear pedestrian orientation."

The "F" Commercial district is the most appropriate zoning designation to facilitate the "Urban Mixed-Use Corridor" land use development strategy being advanced in Design Lansing Master Plan. It allows for restaurants, retail stores, gasoline stations, car washes and other general commercial uses as well as automobile-oriented site design regulations. In addition, the current layout of the site is consistent with the placemaking characteristics described above.

IMPACT ON VEHICULAR AND PEDESTRIAN TRAFFIC:

The proposed rezoning will have no impact on vehicular or pedestrian traffic. The subject property is located at the intersection of S. Pennsylvania Avenue which is a principal arterial and E. Jolly Road which is a minor arterial, both of which are 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. As evidenced by the attached zoning map, rezoning the subject property to "F" Commercial would make it consistent with the north line of "F" Commercial zoning that exists on the west side of S. Pennsylvania. Thus, there would be no basis for rezoning the property north of the subject property and the properties to the east are part of an established residential neighborhood.

SUMMARY

This is a request by the Gamut Group, LLC to rezone the property at 5025 S. Pennsylvania Avenue from "E-2" Local Shopping & "J" Parking Districts to "F" Commercial District. The purpose of the rezoning is to permit a commercial 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. The proposed rezoning will be consistent with the existing zoning and land use patterns in the area and with the future land use pattern being advanced in the Design Lansing Comprehensive Plan. Additionally, the proposed rezoning will have no negative impacts on traffic patterns, the environment or future patterns of development in the area.

RECOMMENDATIONS

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

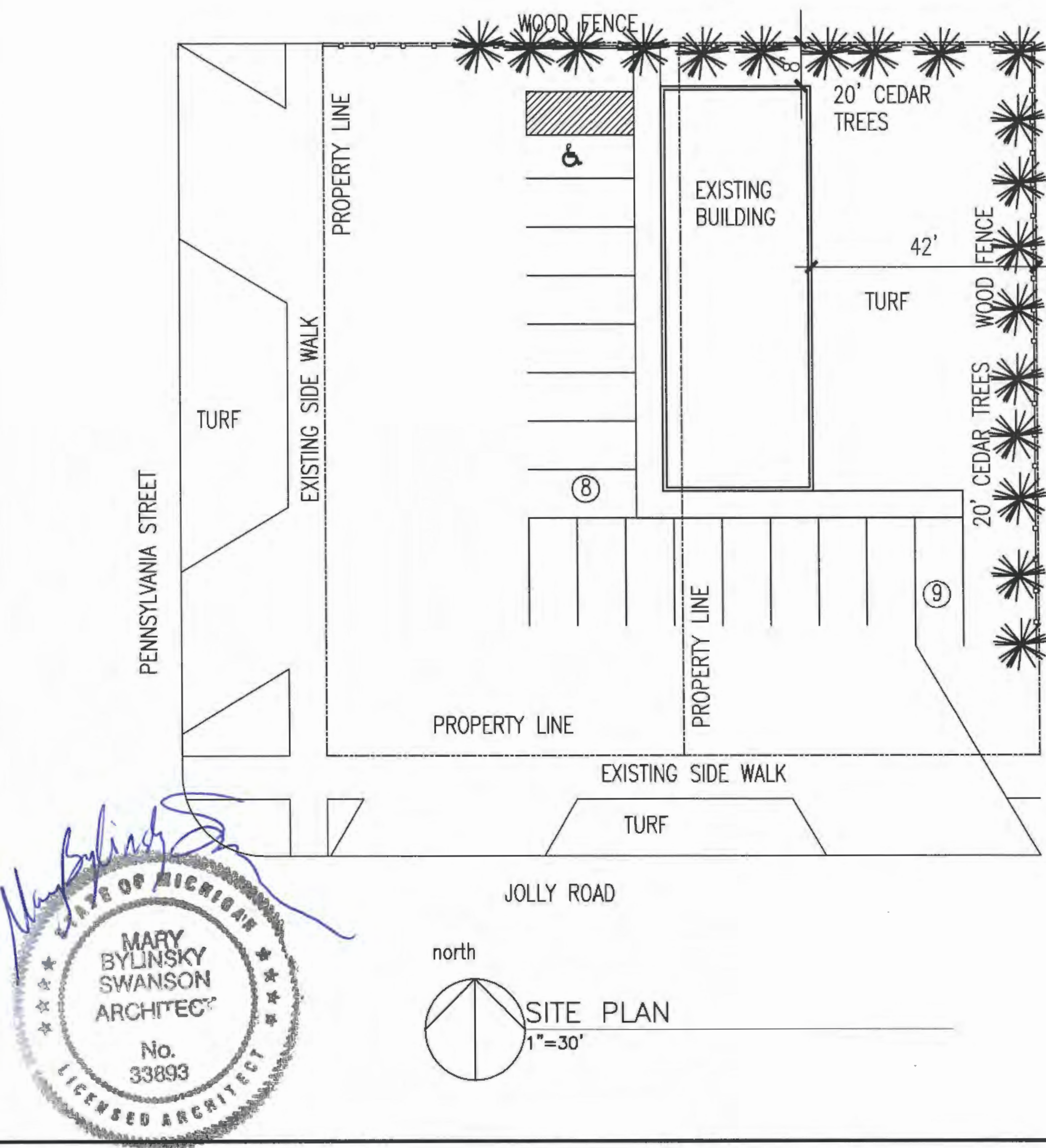
> Z-2-2017 be approved to rezone the property at 5025 S. Pennsylvania Avenue from "E-2" Local Shopping & "J" Parking Districts to "F" Commercial District.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

SWANSON DESIGN STUDIOS

ARCHITECTURE DESIGN INTERIOR ARCHITECTURE



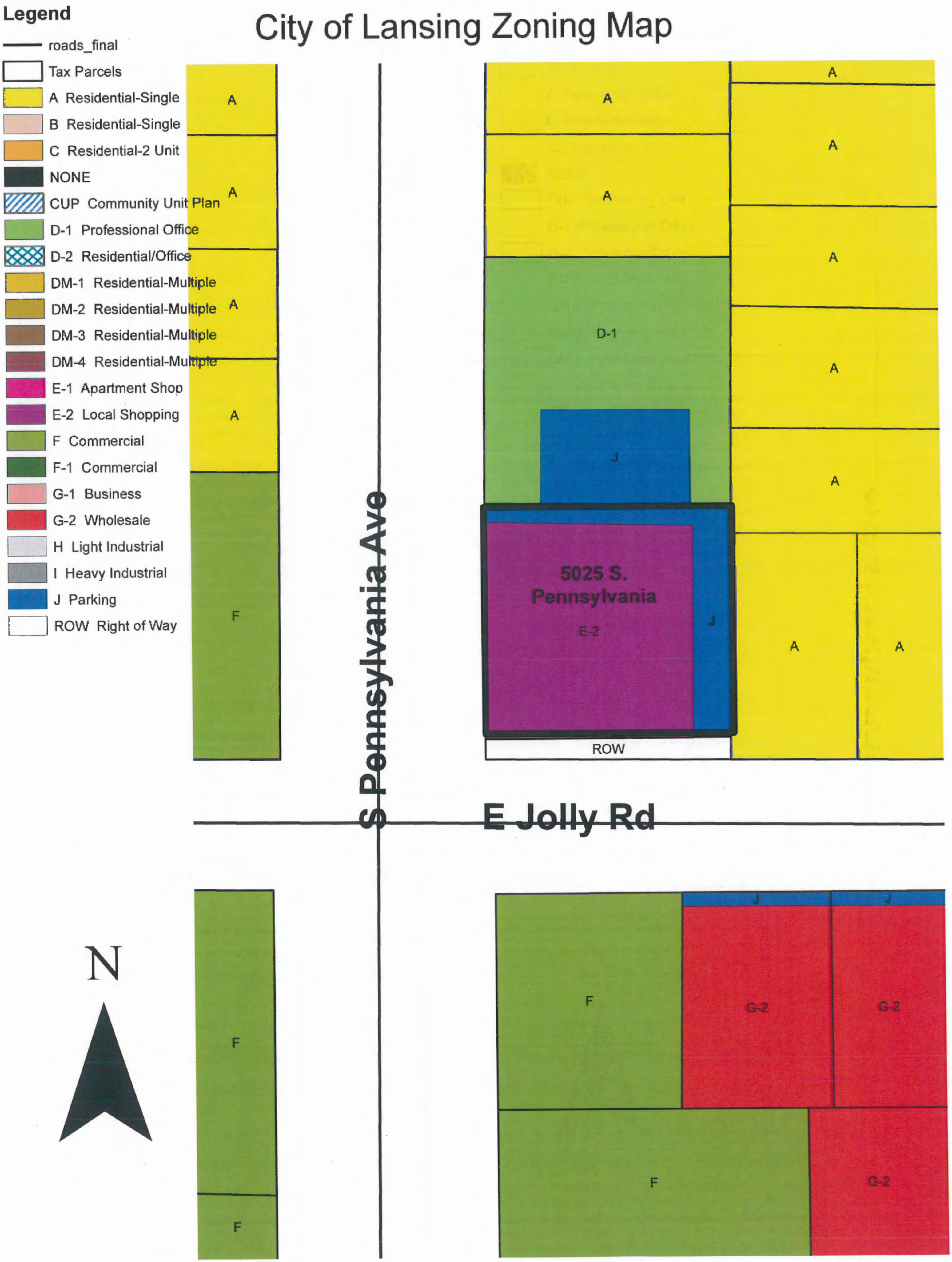
SITE PLAN	DATE: 2/23/17
5025 S. PENNSYLVANIA LANSING, MICHIGAN	JOB NO: 2017.018 — C1

PH(517)482-9039 329 EAST GRAND RIVER AVE. LANSING, MICHIGAN 48906 FAX(517)482-9290
WWW.SWANSONDESIGN.COM

Image/Sketch for Parcel: 33-01-01-34-376-131

5025 S.
Pennsylvania
E Jolly Rd
N

City of Lansing Zoning Map



CITY OF LANSING
NOTICE OF PUBLIC HEARING

Z-2-2017, 5025 S. Pennsylvania Avenue
Rezoning from "E-2" Local Shopping District to "F" Commercial District

The Lansing City Council will hold a public hearing on Monday, , 2017 at 7:00 p.m. in Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan to consider Z-2-2017. This is a request by the Gamut Group, LLC to rezone the property at 5025 S. Pennsylvania Avenue from "E-2" Local Shopping District 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, , 2017 at the City Clerk's Office, Ninth Floor, City Hall, 124 West Michigan Ave., Lansing, MI 48933 or email city.clerk@lansingmi.gov.

Chris Swope, City Clerk

ORDINANCE # _______

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

The City of Lansing ordains:

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

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

Case Number:	Z-2-2017
Parcel Number's:	33-01-01-34-376-131
Legal Descriptions:	Lots 35 & 36 Except the South 7 Feet thereof, Pleasant Ridge Plat, City of Lansing, Ingham County, MI, from "E-2" Local Shopping and "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 _________, 2017, 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-2-2017: 5025 S. Pennsylvania Avenue, Rezoning from “E-2” Local Shopping District to “F” Commercial District

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

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 Patricia Spitzley and Councilmembers

FROM: Mayor Virg Bernero

DATE: 4-20-17

RE: Z-3-2017, 3512 S. MLK, Rezoning

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

VB/rh
Attachment

City of Lansing

Inter-Departmental
Memorandum

To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM - Z-3-2017, 3512 S. MLK, Rezoning

Date: April 19, 2017

The Lansing Planning Board, at a special meeting held on April 18, 2016, voted (4-0) to recommend approval of Z-3-2017, a request by MLK Storage Center, LLC to rezone the area of the property at 3512 S. ML King that is currently zoned "J" Parking district and a 70 foot x 370 foot section of the property that is currently zoned "F" Commercial to "H" Light Industrial. The purpose of the rezoning is to permit storage facilities 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 land use patterns in the area and with goals of the future land use pattern being advanced in the Design Lansing Comprehensive Plan.

No comments were received at the Planning Board public hearing held on April 4, 2017.

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

"Equal Opportunity Employer"

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, ________________________, 2017, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-3-2017: 3512 S. M. L. King Jr. Blvd., Rezoning from “F” Commercial & “J” Parking Districts to “H” Light Industrial District

CITY OF LANSING
NOTICE OF PUBLIC HEARING

Z-3-2017, 3512 S. ML King Jr. Blvd.
Rezoning from "F" Commercial & "J" Parking Districts to "H" Light Industrial District

The Lansing City Council will hold a public hearing on Monday, , 2017 at 7:00 p.m. in Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan to consider Z-3-2017. This is a request by MLK Storage Center, LLC to rezone the area of the property at 3512 S. ML King that is currently zoned "J" Parking district and a 70 foot x 370 foot section of the property that is currently zoned "F" Commercial to "H" Light Industrial. The purpose of the rezoning is to permit storage facilities 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, , 2017 at the City Clerk's Office, Ninth Floor, City Hall, 124 West Michigan Ave., Lansing, MI 48933 or email city.clerk@lansingmi.gov.

Chris Swope, City Clerk

ORDINANCE # _______

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

The City of Lansing ordains:

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

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

Case Number: Z-3-2017

Parcel Number's: 33-01-01-32-201-223

Legal Descriptions: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 32; THENCE S89DEG 48MIN 18SEC E 881.10 FEET ALONG THE NORTH LINE OF SAID SECTION 32 FOR A PLACE OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE S89DEG 48MIN 18SEC E 200.00 FEET; THENCE S00DEG 20MIN 42SEC W 33.00 FEET; THENCE N89DEG 48MIN 18SEC W 74.76 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF HOLMES ROAD (33 FEET 1/2 WIDTH); THENCE SO0DEG 11MIN 42SEC W 365.67 FEET; THENCE S89DEG 48MIN 18SEC E 284.73 FEET; THENCE NO3DEG 16MIN 38SEC E 236.01 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF MARTIN LUTHER KING JR. BOULEVARD (100 FEET WIDE); THENCE S89DEG 48MIN 18SEC E 22.70 FEET; THENCE SO0DEG 20MIN 42SEC W 496.76 FEET; THENCE N89DEG 56MIN 45SEC W 695.71 FEET ALONG THE NORTH LINE OF THE PLAT OF MONTCLAIR NO. 1, AS RECORDED IN LIBER 16 OF PLATS, PAGE 46 OF THE INGHAM COUNTY RECORDS; THENCE N00DEG 20MIN 42SEC E 418.47 FEET; THENCE S89DEG 48MIN 18SEC E 250.00 FEET; THENCE N00DEG 20MIN 42SEC E 243.00 FEET TO THE PLACE OF BEGINNING, CONTAINING 6.44- ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE NORTH 33.00 FEET, AS OCCUPIED BY HOLMES ROAD AND ON THE EAST BY MARTIN LUTHER KING JUNIOR BOULEVARD THEREOF, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY, EXCEPT THE NORTH 243 FEET THEREOF, CITY OF LANSING, INGHAM COUNTY, MI,

FROM “J” PARKING & “F” COMMERCIAL DISTRICTS TO “H” LIGHT INDUSTRIAL 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 _________, 2017, 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:	MLK Storage Center, LLC 979 S. Old US 23 Brighton, MI 48114
EXISTING LAND USE:	Vacant building being renovated for self-storage
EXISTING ZONING:	"F" Commercial, "J" Parking & "H" Light Industrial Districts
PROPOSED ZONING:	"H" Light Industrial District
PROPERTY SIZE:	256,712.1 square feet – 5.893 acres
SURROUNDING LAND USE:	N: Commercial S: Single Family Residential & Commercial E: Commercial W: Multi-Family Residential & Commercial
SURROUNDING ZONING:	N: "F" Commercial S: "A" Residential, "J" Parking & "F" Commercial E: "F" Commercial W: "DM-3" Residential & "F" Commercial District
MASTER PLAN:	The Design Lansing Master Plan designates the subject property for "community mixed-use center". S. ML King is designated as a principal arterial and W. Holmes Road is designated as a minor arterial.

DESCRIPTION:

Z-3-2017. This is a request by MLK Storage Center, LLC to rezone the area of the property at 3512 S. ML King that is currently zoned "J" Parking district and a 70 foot x 370 foot section of the property that is currently zoned "F" Commercial to "H" Light Industrial. The purpose of the rezoning is to permit storage facilities on the subject property.

AGENCY RESPONSES

BWL:

Building Safety: The building safety office has no objections to the rezoning.

Development Office:

Fire Marshal:

Parks & Recreation:	No comments.
Public Service:	We have no objection to the rezoning. Any changes in imperviousness or drainage patterns of the site would require a site plan be submitted for review. Any changes to the site would require storm water control measures to not adversely affect the City storm system or adjacent properties
Traffic Engineer:	

REZONING ANALYSIS

COMPATIBILITY WITH SURROUNDING LAND USE:

This rezoning request involves the areas of the site currently zoned "J" Parking and an area of the site currently zoned "F" Commercial at the northwest corner of the property that measures approximately 70 feet wide from north to south and 370 feet wide from east to west. The area of the site that connects to W. Holmes Road will remain zoned "F" Commercial in order to preserve the frontage for commercial rather than industrial land use. The building on the subject property is within area of the site that is already zoned "H" Light Industrial and is in the process of being renovated for self-storage. The purpose of the rezoning is to permit drive-up storage on the area of the site west of the existing building. This includes 67 covered car/RV/boat storage spaces, 32 parking spaces along the north property line and 5 enclosed storage buildings. Attached is a site plan that illustrates the proposed development.

The site adjoins a single family residential neighborhood to the south and a multiple family residential complex to the west. The new development will be required to install a landscape buffers strip, at least 8 feet in width, along all property lines that adjoin residential uses. This will mitigate any potential negative impacts from the development in terms of light glare, noise and unsightly conditions. In terms of general compatibility with the surrounding residential neighborhoods, the proposed self-storage development is one of the most desirable uses for the subject property since such uses typically produce very little activity/traffic.

The subject property was originally developed as a vehicle dealership (Metro Ford). As was the custom at that time, the building was zoned for the use and the remainder of the site was zoned strictly for parking. Although not an appropriate planning practice, this allowed the City to have complete control over its development. The site has not been used as a dealership for some time and the current zoning makes reuse of the site difficult as a large portion of it can only be used for parking. The proposed rezoning allows for use of the entire site subject to the standard Zoning Ordinance controls such as setback, parking, landscape, screening and buffering requirements.

COMPLIANCE WITH MASTER PLAN:

The Design Lansing Master Plan designates the subject property for "community mixed-use center". The Plan specifies the following for this land use classification:

> "To encourage the transformation of large commercial concentrations into mixed-use districts"

The Plan lists the following as typical uses for this classification:

> "Offices, institutions, live-work, retail, personal services, entertainment, hotel and residential. Ground floor retail uses are encouraged in the mixed-use center core. Larger footprint retail and office uses are allowed, but should be part of an overall plan that includes other scale uses and the integration of placemaking principles noted below. R&D and selected light industrial is permitted with special approval."

Since "light industrial uses with special approval" is one of the typical uses listed above for the "Community Mixed-Use Center" designation, the proposed rezoning is consistent with the land use pattern being advanced in the Master Plan. The proposed self-storage development will have less of an impact on the adjoining residential properties as most commercial uses as such facilities typically do not generate a high level of activity.

IMPACT ON VEHICULAR AND PEDESTRIAN TRAFFIC:

The proposed development will not have any negative impacts on vehicular or pedestrian traffic in the area. Self-storage facilities generate a low volume of traffic in comparison to most commercial uses. Furthermore, the property is accessed via S. MLK which is a principle arterial and W. Holmes Road which is a minor arterial, both of which are designed to accommodate a high volume of traffic.

IMPACT ON PUBLIC FACILITIES:

The addition of more than 1,000 square feet of new impervious surface to the site will require administrative site plan review, at which time the adequacy of the utility systems to accommodate the proposed improvements will be evaluated.

ENVIRONMENTAL IMPACT:

Since the proposed development will require administrative site plan review, the entire site will have to brought into compliance will all applicable City codes and ordinance. This will include storm water management and landscape, screening and buffering along the east, west and parts of the south and north property lines.

IMPACT ON FUTURE PATTERNS OF DEVELOPMENT:

The proposed rezoning will not negatively impact future patterns of development and nor will it set a precedent for future rezoning requests in the area. The subject property is unique in that approximately half of the site is already zoned "H" Light Industrial and the owner cannot make reasonable use of the remainder of the site given the current zoning. Rezoning the property to a less intensive zoning designation such as "F" Commercial would not allow for reasonable use of the subject property as the "F" district permits the type of uses that typically depend on street visibility to draw customers. The area of the subject property that is the subject of this rezoning has no visibility from either W. Holmes or S. ML King and thus, it is only viable for destination type uses such as that being proposed by the applicant.

SUMMARY

Z-3-2017. This is a request by MLK Storage Center, LLC to rezone the area of the property at 3512 S. ML King that is currently zoned "J" Parking district and a 70 foot x 370 foot section of the property that is currently zoned "F" Commercial to "H" Light Industrial. The purpose of the rezoning is to permit storage facilities on the subject property.

The findings of fact as outlined in this staff report support a positive recommendation for the rezoning. The proposed rezoning is consistent with the existing land use and zoning patterns in the area and will have no negative impacts on transportation, utilities or future patterns of development in the area.

RECOMMENDATION

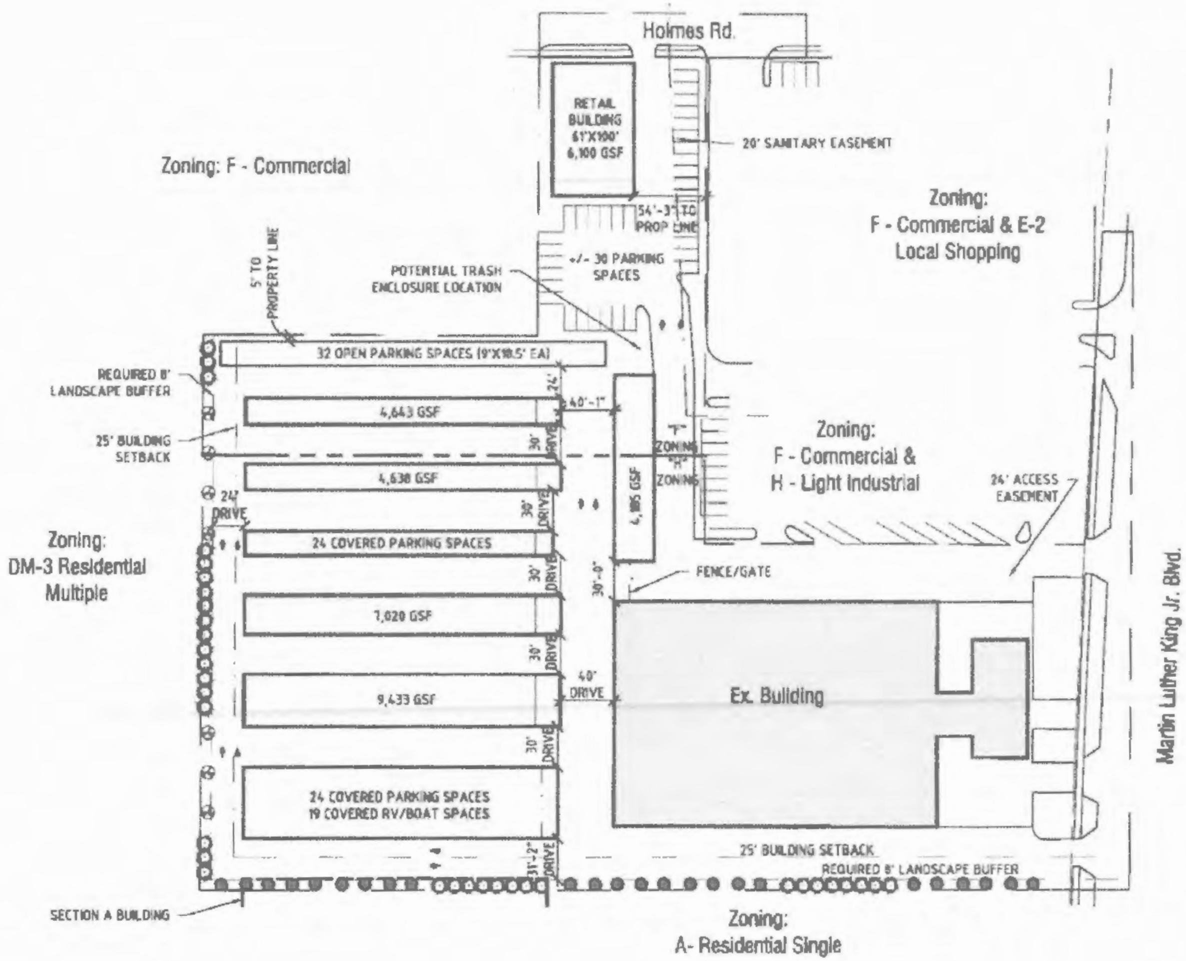
Pursuant to the findings described above, the following recommendations are offered for the Planning Board's consideration:

> Staff recommends that Z-3-2017 be approved to rezone the area of the property at 3512 S. ML King that is currently zoned "J" Parking district and a 70 foot x 370 foot section of the property that is currently zoned "F" Commercial to "H" Light Industrial, based on the findings of fact as outlined in this staff report.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

My Space Self Storage



MySpace Self Storage
Lansing

Parcel ID: 33-01-01-32-201-223
3512 South M.L.K Jr. Blvd.
Lansing MI

Zoned: F- Commercial
J - Parking District
H - Light Industrial

8' Landscape Buffer against residential zoning
25' Building Setback against residential zoning

Covered Car/RV/Boat Parking Spaces: 67
Open Parking Spaces: 32

Total Storage Building Square Footage: 29,919 GSF

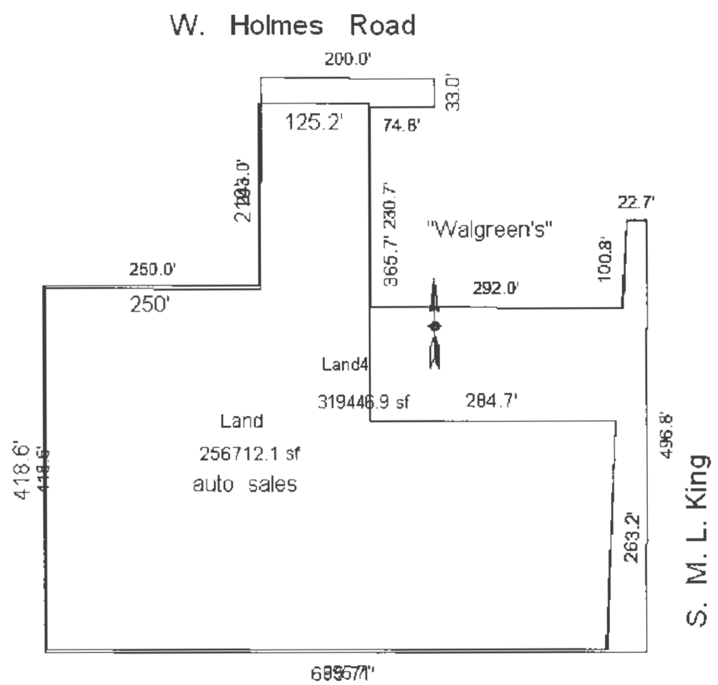
Total Retail Square Footage: 6,100 GSF
Net Retail Square Footage: 4,880 SF
Retail Parking: (1/150 Usable SF) 33 Spaces Required

February 7th,2017

301 Walnut Blvd | Rochester, Michigan | 48307 | p 248 601 4422 | www.designhaus.com

D

Image/Sketch for Parcel: 33-01-01-32-201-223



Sketch by Apex IV™

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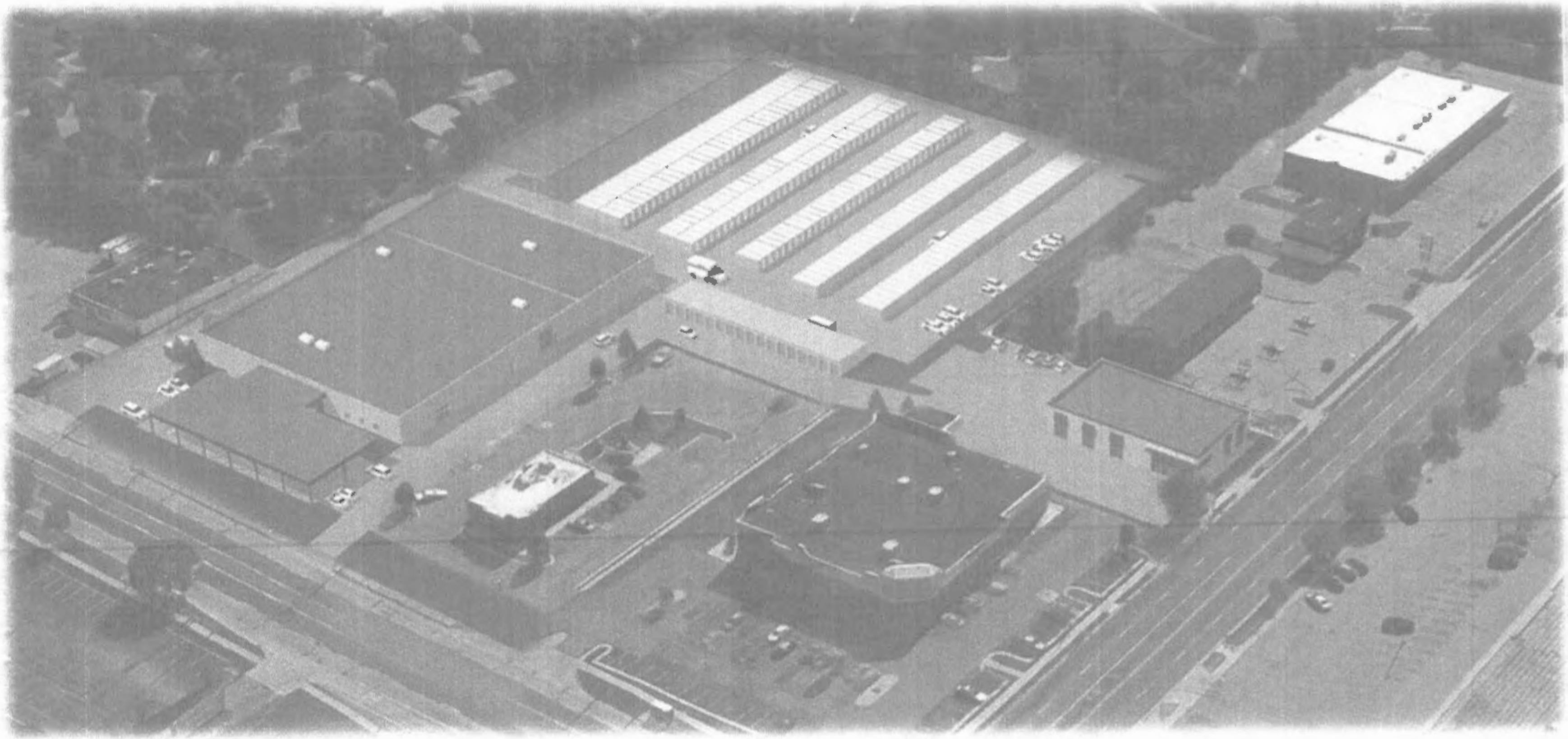
My Space Self Storage

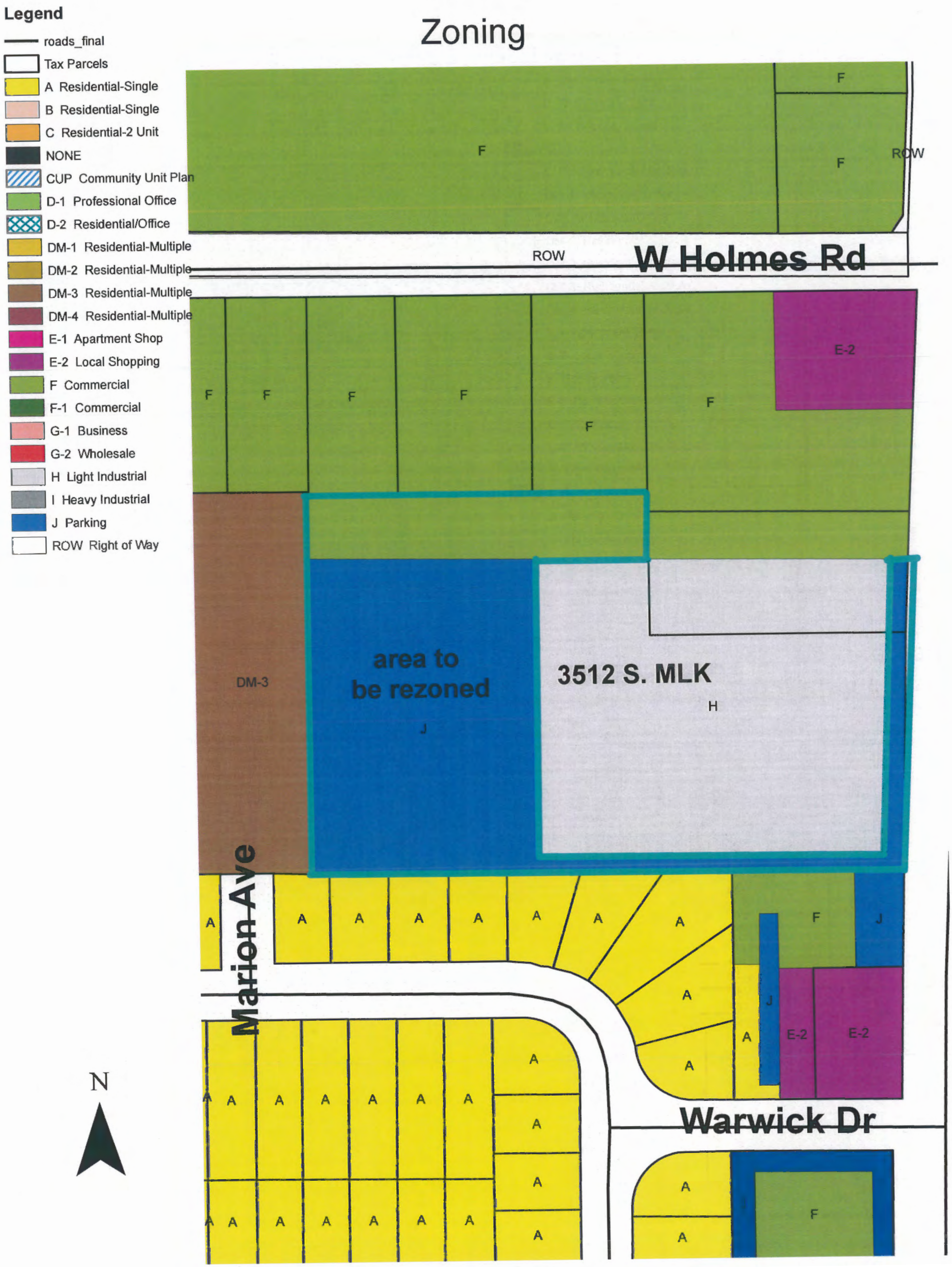


February 7th,2017

301 Walnut Blvd | Rochester, Michigan | 48307 | p 248 601 4422 | www.designhaus.com


W Holmes Rd
area to be rezoned
Text
3512 S. MLK
S Martin Luther King Jr Blvd
Marion Ave
Warwick Dr
N

Zoning



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
W Holmes Rd
ROW
area to be rezoned
3512 S. MLK
DM-3
Marion Ave
Warwick Dr
N

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-3-2017: 3512 S. M. L. King Jr. Blvd., Rezoning from “F” Commercial & “J” Parking Districts to “H” Light Industrial 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.

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 Patricia Spitzley and Councilmembers

FROM: Mayor Virg Bernero

DATE: 4-21-17

RE: Brownfield Plan #68, 513 and 515 W. Ionia St, Belen Buildings

---

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

VB/rh
Attachment

City of Lansing

Inter-Departmental Memorandum

To: Virg Bernero, Mayor

From: Karl Dorshimer, LEAP

Subject: CITY COUNCIL AGENDA ITEM - Brownfield Plan #68, 513 and 515 W. Ionia St, Belen Buildings

Date: 4-20-17

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
RESOLUTION TO SET A PUBLIC HEARING FOR
BROWNFIELD PLAN #68
BELEN BUILDINGS REDEVELOPMENT PROJECT

WHEREAS, the Lansing Brownfield Redevelopment Authority has prepared and forwarded an approved Brownfield Plan pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act 381 of 1996, as amended, for property commonly referred to as 513 & 515 Ionia Street located in the City of Lansing; and

WHEREAS, prior to Council′s action on this request, it is necessary to hold a public hearing on the Plan, to allow for any resident, taxpayer or ad valorem taxing unit the right to appear and be heard;

WHEREAS, maps, plats, and a description of the brownfield plan are available for public inspection at the Lansing Economic Area Partnership, 1000 South Washington, Suite 201, Lansing, MI 48912, and that all aspects of the brownfield plan are open for discussion at the public hearing.

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on **(INSERT DATE)** at 7:00 p.m. on Brownfield Plan #68 – Belen Buildings Redevelopment Project under the Brownfield Redevelopment Financing Act, for property more particularly described as:

513 Ionia street Lansing, MI 48933. Parcel number 33-01-01-16-157-081; W 2 R LOTS 1 & 2 ALSO E 55 FT LOTS 11 & 12 BLOCK 92 ORIG PLAT

And that the City Clerk cause notice of such hearing to be published twice in a publication of general circulation, no less than 10 days or more than 40 days prior to the date of the public hearing, and that the City Clerk also cause the legislative body of each taxing unit levying ad valorem taxes on this property, to be notified of Brownfield Plan #69 221 West Saginaw Avenue Block Redevelopment Project and the scheduled public hearing.

CITY ASSESSORS OFFICE
Sharon L Frischman, Assessor
3rd Floor City Hall
124 West Michigan Avenue
Lansing, Michigan 48933
(517) 483-4020
FAX: (517) 483-4101
www.lansingmi.gov/pubserv

LANSING MICHIGAN
Virg Bernero, Mayor

WORKING TOWARD A CLEANER GREENER LANSING

Address: 513 and 515 W Ionia St.

Parcel No.: 33-01-01-16-157-081

RE: Statement of Obsolescence

This property has been reviewed and inspected by the City of Lansing Assessing Department. The buildings at this location are two story buildings completely separate of each other but assessed on one tax parcel.

The heating and electrical systems are out of date and need modernization.
The second level floors are not well supported and are uneven.
The ceilings are caving in. The second level has not been occupied in a very long time and is not habitable now.

I have determined that this (these) buildings suffer from more than 50% functional obsolescence both together and separately.

Sharon L Frischman, MMAO (4), MCPPE, MCGA

Date: 1/30/17

Lansing Brownfield Redevelopment Authority

Lansing Brownfield Redevelopment Authority
Belen Buildings Redevelopment Project

Brownfield Plan #68

513 W. Ionia Street
Lansing, Michigan 48933

PREPARED BY:

Triterra
1375 S. Washington Avenue, Suite 300
Lansing, Michigan 48910
Contact Person: J.P. Buckingham
jp.buckingham@triterra.us
Phone: 517-702-0470

REVIEWED BY:

Lansing Brownfield Redevelopment Authority
1000 S. Washington Avenue, Suite 201
Lansing, Michigan 48910
Contact Person: Karl Dorshimer
karl@purelansing.com
Phone: 517-999-9039

March 3, 2017

Approved by the LBRA on ____________

Adopted by the Lansing City Council on ____________

Table of Contents

1. Project Summary Sheet

The purpose of this Brownfield Plan (the "Plan") is to identify eligible activities and cost estimates for redevelopment of the property located at 513 W. Ionia Street in Lansing, Michigan. Brownfield tax increment financing is necessary to support redevelopment of the property.

Project Name: Belen Buildings Redevelopment Project (the "Project")

Developer: 515 Ionia, LLC

Property Location: 513 W. Ionia Street, Lansing, Michigan 48933 (the "Property")

Parcel Information: Parcel ID 33-01-01-16-157-081

Type of Eligible Property: "Functionally Obsolete"

Project Description: A complete rehabilitation development of two existing, functionally obsolete buildings located in the immediate vicinity of the State Capital in downtown Lansing. The Project includes the renovation of two 2-story buildings totaling 9,132 square feet. The mixed-use redevelopment will result in a total of 4,500 square feet of office/retail use on the first floor and 6 market rate residential units.

Brownfield Eligible activities include asbestos surveys, asbestos abatement, demolition, site preparation, public infrastructure improvements and preparation of the Brownfield Plan and Act 381 Work Plan.

Total Capital Investment: Property and Building Improvements: Estimated at $1,300,000 of which $220,420 is estimated as eligible for Brownfield Reimbursement.

Estimated Job Creation/Retention: The redevelopment is anticipated to generate 4 to 6 new full-time equivalent (FTE) jobs in the office/retail components of the Project. In addition, this redevelopment will result in the creation/retention of 15 to 20 temporary construction related jobs.

Duration of Plan: 19 years (starting in 2018)

Uses of New Taxes and Tax Increment Revenue (TIR):

Revenue	**Uses**	
TIR	To Reimburse Developer for Eligible Activity Costs	$ 193,300.00
	To Reimburse LBRA/Lansing Regional Brownfield Coalition (LRBC) for Eligible Activity Costs under EPA Brownfield Assessment Grant	$ 0.00
	To Reimburse LBRA for Eligible Activity Costs under Local Site Remediation Revolving Fund (LSRRF)	$ 0.00
	To Reimburse Developer for Contingency (15%) on Eligible Activity Costs*	$ 27,120.00
	To Reimburse Developer for Interest on Eligible Activity Costs	$ 0.00
	Total Reimbursement to Developer	**$ 220,420.00**
TIR	To LBRA Plan Administration	$ 7,966.50
TIR	To LBRA Local Site Remediation Revolving Fund (LSRRF)	$ 7,966.50
TIR	To State Revolving Fund (SRF)	$ 12,272.00
	Total TIR Captured	**$ 248,625.00**
New Taxes	(10%) Distribution to Taxing Units	$ 26,261.00
New Taxes	New Taxes to Lansing City Debt and School Debt	$ 20,086.00
	TOTAL	**$ 294,972.00**

* Brownfield Plan and Act 381 Work Plan preparation activities are excluded from contingency calculation

2. Purpose of Brownfield Plan and Past Use of the Property

The City of Lansing Brownfield Redevelopment Authority (Authority or "LBRA"), duly established by resolution of the City Council of the City of Lansing, pursuant to the Brownfield Redevelopment Financing Act, Michigan Public Act 381 of 1996, MCLA 125.2651 et. seq., as amended (Act 381), is authorized to exercise its powers within the City of Lansing, Michigan. The purpose of this Plan, to be implemented by the LBRA, is to satisfy the requirements for a Brownfield Plan as specified in Act 381

The Plan will allow the LBRA to use tax increment financing to reimburse 515 Ionia, LLC (the "Developer") for the costs of eligible activities required to redevelop the eligible property located at 513 W. Ionia Street in the City of Lansing, Michigan, (the "Property"). Any proposed redevelopment of the Property will only be economically viable with the support and approval of the brownfield redevelopment incentives described herein. The location of the Property is depicted on Figure 1.

The Property is fully defined in the following table and in Attachment A.

Eligible Property			
Address	**Associated Addresses**	**Tax ID**	**Basis of Eligibility**
513 W. Ionia Street	513/515 and 517/519 W. Ionia Street	33-01-01-16-157-081	Functionally Obsolete

The Property is located within the boundaries of the City of Lansing and is surrounded by commercial and residential property. Property layout and boundaries are depicted on Figure 2. The legal description of the Property is included in Attachment A.

The Property consists of a 0.267-acre parcel of land with two, two-story buildings totaling 9,132 square feet. The structures were constructed in 1927 and were used for commercial and residential purposes for much of the memorable past. The Property has been vacant since 2015.

The Property is considered an "eligible property" as defined by Act 381, Section 2 because: (a) the Property was previously utilized as a commercial property; (b) it is located within the City of Lansing, a qualified local governmental unit under MCL 125.2782(k); and (c) the Property has been determined to be "functionally obsolete" as defined in Section 2(s) of Act 381. Refer to Attachment B, Letter of Functional Obsolescence.

3. Brownfield Project Description

The Project includes a complete rehabilitation of two (2) existing functionally obsolete buildings. The mixed-use redevelopment will result in a total of 4,500 square feet of office/retail use on the first floor and 6 market rate residential units.

Total capital investment is estimated at $1,300,000. Redevelopment activities include asbestos abatement, demolition of the building interiors, site demolition, site preparation activities and infrastructure improvements.

The Project will result in the revitalization and reuse of two (2) vacant, historically underutilized, functionally obsolete properties in the city of Lansing in the immediate neighborhood northwest of the State Capitol. This Project will result in the creation of 4 to 6 new, full time equivalent jobs. The Project is also projected to create/leverage 15 to 20 temporary construction related jobs.

4. Developer Eligible Activities

The Developer will be reimbursed with the new taxes levied by the Project for the costs of eligible activities necessary to support redevelopment of the Property. The activities that are intended to be carried out at the Property are considered "eligible activities" as defined by Sec 2 of Act 381 and include asbestos surveys, asbestos abatement, demolition, site preparation, public infrastructure improvements and preparation of the Brownfield Plan and Act 381 Work Plan.

The costs of eligible activities included in, and authorized by, this Plan will be reimbursed with incremental local tax revenues generated by the Property redevelopment and captured by the LBRA, subject to any limitations and conditions described in this Plan and the terms of a Reimbursement Agreement between the Developer and the Authority (the "Reimbursement Agreement"). The total cost of activities eligible for reimbursement from tax increment revenues is projected to be $220, 420.

<u>ELIGIBLE ACTIVITIES</u>

NON-ENVIRONMENTAL

Asbestos Activities.. $41,000.00

Demolition.. $65,000.00

Site Preparation Activities.. $32,000.00

Public Infrastructure Improvements	$42,800.00
Total Non-Environmental Costs	**$180,800.00**
Contingency (15%)*	$27,120.00
Brownfield Plan & Act 381 Work Plan Preparation	$12,500.00
Total Anticipate TIR Available for Reimbursement	**$220,420.00**
LBRA Plan Administration	$7,966.50
LBRA Local Site Remediation Revolving Fund	$7,966.50
State Revolving Fund	$12,272.00
Total Local/State TIR Capture	**$248,625.00**

* Brownfield Plan and Act 381 Work Plan preparation activities are excluded from contingency calculation

The costs listed above are estimated and may increase or decrease depending on the nature and extent of unknown conditions encountered on the Property. The actual cost of those eligible activities encompassed by this Plan that will qualify for reimbursement from tax increment revenues captured by the LBRA shall be governed by the terms of a Reimbursement Agreement. No costs of eligible activities will be qualified for reimbursement except to the extent permitted in accordance with the terms and conditions of the Reimbursement Agreement and Section 2 of Act 381 of 1996, as amended (MCL 125.2652). The Reimbursement Agreement and this Plan will dictate the total cost of eligible activities subject to payment. As long as the total cost limit described in this Plan is not exceeded, line item costs of eligible activities may be adjusted after the date this Plan is approved by the City of Lansing City Council.

5. Captured Taxable Value and Tax Increment Revenues

The costs of eligible activities included in, and authorized by, this Plan will be reimbursed with incremental local and state tax revenues generated by the Property redevelopment and captured by the LBRA. The LBRA will not be obligated to reimburse the Developer for Eligible Activities completed after December 31, 2018. Reimbursement of Eligible Activities completed after December 31, 2018 will be evaluated by the LBRA on a case-by-case basis.
The taxable value of the Property at the completion of this Brownfield Plan was $101,000, which is the initial taxable value for this Plan. The new projected taxable value for 2018 was estimated at $300,000 upon completion of the Project. Estimated taxable values were based on estimates determined by the Project's development team. The actual taxable value will be determined by the City's Assessor after the Project is completed.

It is estimated that the LBRA will capture tax increment revenues from 2018 through 2036 to reimburse the Developer for the cost of eligible activities, pay for the LBRA's administration of the Plan and make deposits into the LBRA's Local Site Remediation Revolving Fund. Ten percent of the local and state taxes generated by the increase in taxable value will be returned to the taxing units.

The captured incremental taxable value and associated tax increment revenue will be determined by the City Assessor. The actual increased taxable value of the land and all future taxable improvements on the Property may vary. Furthermore, the amount of tax increment revenue available under this Plan will be based on the actual millage levied annually by each local taxing jurisdiction on the increase in tax value resulting from the redevelopment project that is eligible and approved for capture.

6. Method of Brownfield Plan Financing

The Developer is ultimately responsible for providing financing for the costs of eligible activities included in this Plan. At this time, neither the LBRA nor the County of Ingham will advance any funds to finance the eligible activities described in this Plan. However, the Developer is currently pursuing additional financial support through the Michigan Strategic Fund (MSF), Community Revitalization Program (CRP) administered by the Michigan Economic Development Corporation (MEDC). Eligible activities financed by the MEDC are not eligible for reimbursement by the LBRA.

The inclusion of eligible activities and estimates of cost to be reimbursed in this Plan are intended to authorize the Developer to fund such reimbursements. Reimbursements under the Reimbursement Agreement shall not exceed the cost of eligible activities and reimbursement limits described in this Plan.

The LBRA will be reimbursed for its costs to administer the Plan by utilizing 5% of the new local taxes captured per year for the duration of the Plan. The LBRA will also deposit 5% of the new local taxes captured per year for the duration of the Plan for deposit into its Local Site Remediation Revolving Fund (LSRRF). Total deposits into the LSRRF will not exceed the sum total of 5 years of local tax increment revenue.

7. Amount of Note or Bonded Indebtedness Incurred

None.

8. Duration of the Brownfield Plan

Unless amended by the Lansing City Council, the Plan is anticipated to remain in effect until all approved activities in this plan are covered or until the end of the year 2036, whichever occurs first.

9. Estimated Impact on Taxing Jurisdictions

The following table presents a summary of the new tax revenues generated by the taxing jurisdictions whose millage is subject to capture by the LBRA under this Plan. These are estimations based on the residential and commercial components of the proposed redevelopment.

Projected Impact to Taxing Jurisdictions			
Taxing Unit	**10% of New Taxes to Taxing Units**	**90% of New Taxes for BRA Administration, LSRRF Deposits and Developer Reimbursement**	**100% Total New Taxes**
Lansing Operating	$ 7,952	$ 71,572	$ 79,524
Ingham County	1,339	12,051	13,389
Ingham County Sum	2,612	23,505	26,116
Airport Authority	286	2,573	2,859
CATA	1,230	11,071	12,301
Capital Area District Library	638	5,743	6,382
Potter Park Zoo	168	1,509	1,677
Lansing Community College	1,557	14,017	15,574
Ingham Inter. School District	1,921	17,288	19,209
Lansing School District Operating	7,331	65,979	73,310
State Education Tax (3 mills)	1,227	11,045	12,272
Subtotals	***$ 26,261***	***$ 236,352***	***$ 262,614***
State Education Tax (3 mills State BRF)*			12,272
City Debt*			1,064
School Debt*			19,022
Subtotal			***$ 32,358***
Total			**$ 294,972**

* Increased by investment, but not captured for TIF reimbursement

Additional information related to the impact of tax increment financing on the various taxing jurisdictions is presented in Table 2.

10. Legal Description & Site Map

The Property location and boundaries are shown on Figures 1 and 2. The legal description of the Property is provided in Attachment A.

11. Personal Property

This Brownfield Plan will capture incremental tax revenues resulting from personal property to the extent they are available.

12. Displacement of Persons

No persons will be displaced as a result of this project.

13. LBRA Local Site Remediation Revolving Fund

No Local Site Remediation Revolving Funds will be used on this Brownfield Project. The LBRA will deposit 5% the new local taxes captured per year for the duration of the Plan into the LBRA’s Local Site Remediation Revolving Fund as permitted by Act 381 of 1996, as amended (“the Act”).

14. Other Information

The LBRA and the Lansing City Council, in accordance with the Act, may amend this Plan in the future in order to fund additional eligible activities associated with the Project described herein.

FIGURES

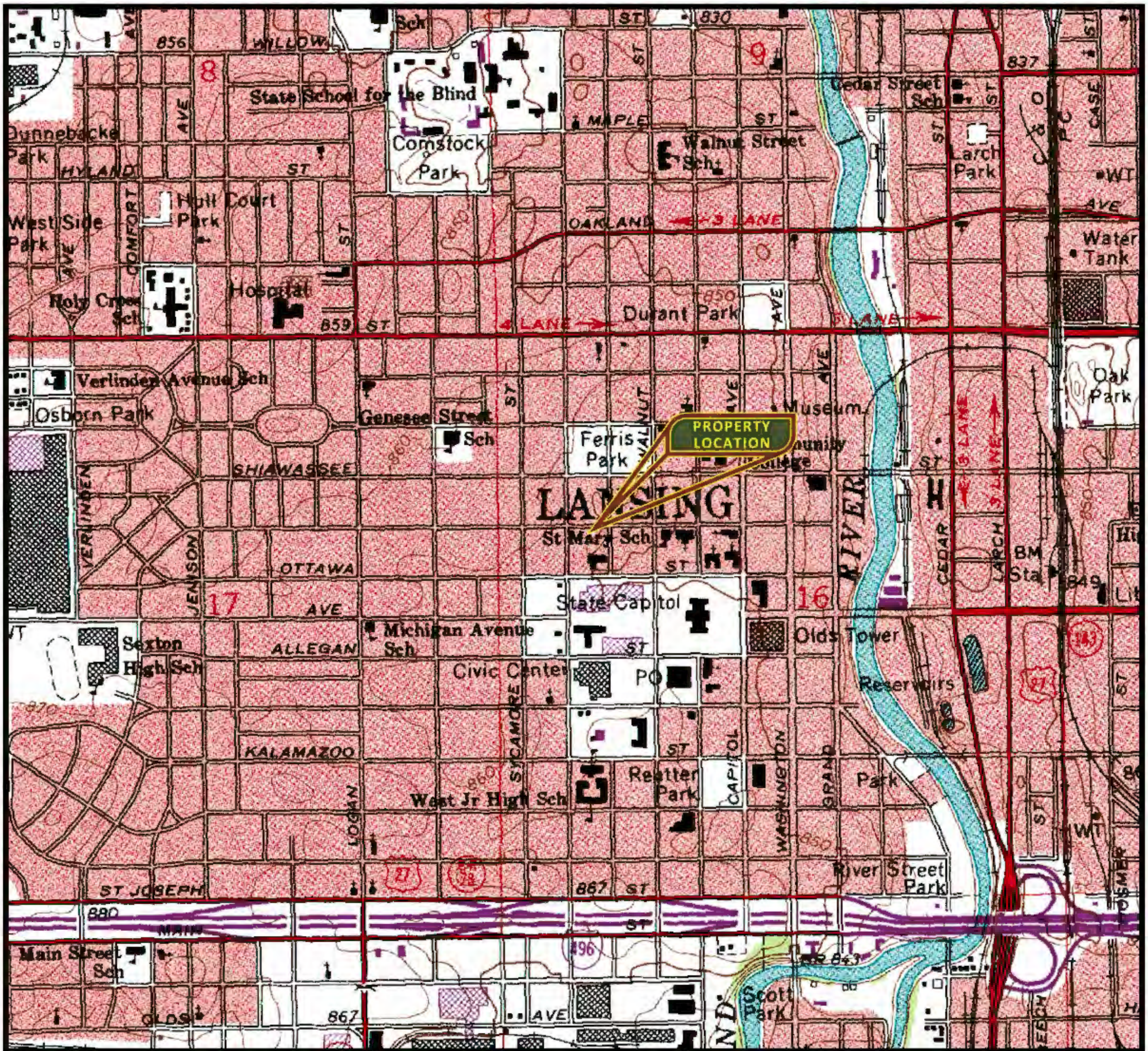


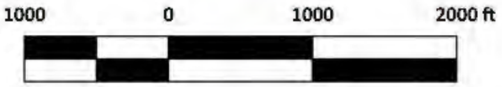
FIGURE 1
PROPERTY LOCATION

TRI TERRA

513-519 WEST IONIA STREET
LANSING, MICHIGAN 48823

INGHAM COUNTY
T. 04 N., R 02 W., Section 16

PROJECT NUMBER: 15-1432



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TRI TERRA

FIGURE 1

PROPERTY ORIENTATION DIAGRAM

PROJECT NUMBER: 15-1432

513 WEST IONIA STREET
LANSING, MICHIGAN 48933

DIAGRAM CREATED BY: RD DATE: 4/17/2015

TABLES

Table 1
Brownfield Eligible Activities
513 Ionia Street
Lansing, MI
February 20, *2017*

			INCREMENTAL TAX CAPTURE					
STATE AND LOCAL ELIGIBLE ACTIVITIES	**COST**		**STATE/SCHOOL**			**LOCAL**		
NON-ENVIRONMENTAL								
Asbestos Survey and Abatement	$	41,000	35.80%	$	14,678	64.20%	$	26,322
Demolition - Interior of Building	$	65,000	35.80%	$	23,270	64.20%	$	41,730
Site Preparation	$	32,000	35.80%	$	11,456	64.20%	$	20,544
Infrastructure Improvements	$	42,800	35.80%	$	15,322	64.20%	$	27,478
Non-Environmental Subtotal:	**$**	**180,800**		**$**	**64,726**		**$**	**116,074**
Contingency (15%)	$	27,120	35.80%	$	9,709	64.20%	$	17,411
Brownfield Plan Preparation/Act 381 Work Plan	$	12,500	35.80%	$	4,475	64.20%	$	8,025
GRAND TOTAL - ELIGIBLE ACTIVITIES:	**$**	**220,420**		**$**	**78,910**		**$**	**141,510**

NOTES:

These costs and revenue projections should be considered approximate estimates based on expected conditions and available information.
We cannot guarantee that the costs and revenue projections will not vary from these estimates

Contigency calculation excluded from Brownfield Plan and Act 381 Work Plan activities.

Table 2
Schedule of Tax Increment Revenue
513 Ionia Street
Lansing, MI
February 20, 2017

Calendar Year		2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Plan Year			1	2	3	4	5	6	7	8	9	10	11	12	13
Initial Taxable Value (TV)		$ 101,000	$ 101,000	$ 101,000	$ 101,000	$ 101,000	$ 101,000	$ 101,000	$ 101,000	$ 101,000	$ 101,000	$ 101,000	$ 101,000	$ 101,000	$ 101,000
Projected Annual Increase in TV				1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
Projected TV		$ 101,000	$ 300,000	$ 303,000	$ 306,030	$ 309,090	$ 312,181	$ 315,303	$ 318,456	$ 321,641	$ 324,857	$ 328,106	$ 331,387	$ 334,701	$ 338,048
Total Captured TV		$ -	$ 199,000	$ 202,000	$ 205,030	$ 208,090	$ 211,181	$ 214,303	$ 217,456	$ 220,641	$ 223,857	$ 227,106	$ 230,387	$ 233,701	$ 237,048
Annual TIF Revenue by Taxing Jurisdiction	**Millage Rate**														
Local Capture															
Lansing Operating	19.4400	$ -	$ 3,869	$ 3,927	$ 3,986	$ 4,045	$ 4,105	$ 4,166	$ 4,227	$ 4,289	$ 4,352	$ 4,415	$ 4,479	$ 4,543	$ 4,608
Ingham County	3.2731	$ -	$ 651	$ 661	$ 671	$ 681	$ 691	$ 701	$ 712	$ 722	$ 733	$ 743	$ 754	$ 765	$ 776
Ingham County Sum	6.3842	$ -	$ 1,270	$ 1,290	$ 1,309	$ 1,328	$ 1,348	$ 1,368	$ 1,388	$ 1,409	$ 1,429	$ 1,450	$ 1,471	$ 1,492	$ 1,513
Airport Authority	0.6990	$ -	$ 139	$ 141	$ 143	$ 145	$ 148	$ 150	$ 152	$ 154	$ 156	$ 159	$ 161	$ 163	$ 166
CATA	3.0070	$ -	$ 598	$ 607	$ 617	$ 626	$ 635	$ 644	$ 654	$ 663	$ 673	$ 683	$ 693	$ 703	$ 713
Capital Area District Library	1.5600	$ -	$ 310	$ 315	$ 320	$ 325	$ 329	$ 334	$ 339	$ 344	$ 349	$ 354	$ 359	$ 365	$ 370
Potter Park Zoo	0.4100	$ -	$ 82	$ 83	$ 84	$ 85	$ 87	$ 88	$ 89	$ 90	$ 92	$ 93	$ 94	$ 96	$ 97
Lansing Community College	3.8072	$ -	$ 758	$ 769	$ 781	$ 792	$ 804	$ 816	$ 828	$ 840	$ 852	$ 865	$ 877	$ 890	$ 902
Ingham Intermediate School District	4.6956	$ -	$ 934	$ 949	$ 963	$ 977	$ 992	$ 1,006	$ 1,021	$ 1,036	$ 1,051	$ 1,066	$ 1,082	$ 1,097	$ 1,113
School Capture															
School Operating	17.9208	$ -	$ 3,566	$ 3,620	$ 3,674	$ 3,729	$ 3,785	$ 3,840	$ 3,897	$ 3,954	$ 4,012	$ 4,070	$ 4,129	$ 4,188	$ 4,248
State Education Tax (SET)	6.0000	$ -	$ 1,194	$ 1,212	$ 1,230	$ 1,249	$ 1,267	$ 1,286	$ 1,305	$ 1,324	$ 1,343	$ 1,363	$ 1,382	$ 1,402	$ 1,422
Total Millage	67.1969														
Total Capture Available															
Local Tax Capture Available		$ -	$ 8,612	$ 8,742	$ 8,873	$ 9,005	$ 9,139	$ 9,274	$ 9,411	$ 9,548	$ 9,688	$ 9,828	$ 9,970	$ 10,114	$ 10,258
Sub-total State Tax Capture Available		$ -	$ 4,760	$ 4,832	$ 4,904	$ 4,978	$ 5,052	$ 5,126	$ 5,202	$ 5,278	$ 5,355	$ 5,433	$ 5,511	$ 5,590	$ 5,670
Capture for State Brownfield Redevelopment Fund (3 mills of SET) (25-Yrs)		$ -	$ 597	$ 606	$ 615	$ 624	$ 634	$ 643	$ 652	$ 662	$ 672	$ 681	$ 691	$ 701	$ 711
State Tax Capture Available		$ -	$ 4,163	$ 4,226	$ 4,289	$ 4,353	$ 4,418	$ 4,483	$ 4,549	$ 4,616	$ 4,683	$ 4,751	$ 4,820	$ 4,889	$ 4,959
Local Tax Increment to Taxing Units (10%)		$ -	$ 861	$ 874	$ 887	$ 901	$ 914	$ 927	$ 941	$ 955	$ 969	$ 983	$ 997	$ 1,011	$ 1,026
School Tax Increment to Taxing Units (10%)		$ -	$ 416	$ 423	$ 429	$ 435	$ 442	$ 448	$ 455	$ 462	$ 468	$ 475	$ 482	$ 489	$ 496
Local Tax Increment (90%)		$ -	$ 7,751	$ 7,868	$ 7,986	$ 8,105	$ 8,225	$ 8,347	$ 8,470	$ 8,594	$ 8,719	$ 8,845	$ 8,973	$ 9,102	$ 9,233
School Tax Increment (90%)		$ -	$ 3,747	$ 3,803	$ 3,860	$ 3,918	$ 3,976	$ 4,035	$ 4,094	$ 4,154	$ 4,215	$ 4,276	$ 4,338	$ 4,400	$ 4,463
Cumulative Captured Taxes (90%)		$ -	$ 11,498	$ 23,169	$ 35,015	$ 47,038	$ 59,239	$ 71,621	$ 84,185	$ 96,933	$ 109,867	$ 122,988	$ 136,299	$ 149,802	$ 163,498
Reimbursement of BRA Administration Costs															
Capture for BRA Administrative Costs		$ -	$ 388	$ 393	$ 399	$ 405	$ 411	$ 417	$ 423	$ 430	$ 436	$ 442	$ 449	$ 455	$ 462
Capture for BRA Local Site Revolving Loan Fund (LSRRF)		$ -	$ 388	$ 393	$ 399	$ 405	$ 411	$ 417	$ 423	$ 430	$ 436	$ 442	$ 449	$ 455	$ 462
Cumulative BRA Capture		$ -	$ 775	$ 1,562	$ 2,360	$ 3,171	$ 3,993	$ 4,828	$ 5,675	$ 6,534	$ 7,406	$ 8,291	$ 9,188	$ 10,098	$ 11,022
Reimbursement of Remaining Eligible Activities to Developer ($220,420)															
Local/State Annual Total Tax Capture		$ -	$ 10,723	$ 10,884	$ 11,048	$ 11,212	$ 11,379	$ 11,547	$ 11,717	$ 11,889	$ 12,062	$ 12,237	$ 12,414	$ 12,592	$ 12,773
Local/State Remaining Tax Increment Reimbursement		$ 220,420	$ 209,697	$ 198,813	$ 187,766	$ 176,553	$ 165,174	$ 153,627	$ 141,910	$ 130,021	$ 117,960	$ 105,723	$ 93,309	$ 80,716	$ 67,944

Taxes - Proportionality		
Local Taxes	43.2761	64.40%
State Taxes	23.9208	35.60%
Total	67.1969	100.00%

Debt Millage - Not Captured - New Tax Revenue		2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Lansing Debt	0.2600	$ -	$ 52	$ 53	$ 53	$ 54	$ 55	$ 56	$ 57	$ 57	$ 58	$ 59	$ 60	$ 61	$ 62
Lansing School Debt	4.6500	$ -	$ 925	$ 939	$ 953	$ 968	$ 982	$ 997	$ 1,011	$ 1,026	$ 1,041	$ 1,056	$ 1,071	$ 1,087	$ 1,102
Cumulative Debt Millage Capture	4.9100	$ -	$ 977	$ 1,969	$ 2,976	$ 3,997	$ 5,034	$ 6,086	$ 7,154	$ 8,238	$ 9,337	$ 10,452	$ 11,583	$ 12,730	$ 13,894

Table 2
Schedule of Tax Increment Revenue
513 Ionia Street
Lansing, MI
February 20, 2017

		2031	2032	2033	2034	2035	2036	
Calendar Year		**2031**	**2032**	**2033**	**2034**	**2035**	**2036**	
Plan Year		**14**	**15**	**16**	**17**	**18**	**19**	
Initial Taxable Value (TV)		$ 101,000	$ 101,000	$ 101,000	$ 101,000	$ 101,000	$ 101,000	
Projected Annual Increase in TV		1%	1%	1%	1%	1%	1%	
Projected TV		$ 341,428	$ 344,842	$ 348,291	$ 351,774	$ 355,291	$ 358,844	
Total Captured TV		$ 240,428	$ 243,842	$ 247,291	$ 250,774	$ 254,291	$ 24,333	
Annual TIF Revenue by Taxing Jurisdiction	**Millage Rate**							Total
Local Capture								
Lansing Operating	19.4400	$ 4,674	$ 4,740	$ 4,807	$ 4,875	$ 4,943	$ 473	$ 79,524
Ingham County	3.2731	$ 787	$ 798	$ 809	$ 821	$ 832	$ 80	$ 13,389
Ingham County Sum	6.3842	$ 1,535	$ 1,557	$ 1,579	$ 1,601	$ 1,623	$ 155	$ 26,116
Airport Authority	0.6990	$ 168	$ 170	$ 173	$ 175	$ 178	$ 17	$ 2,859
CATA	3.0070	$ 723	$ 733	$ 744	$ 754	$ 765	$ 73	$ 12,301
Capital Area District Library	1.5600	$ 375	$ 380	$ 386	$ 391	$ 397	$ 38	$ 6,382
Potter Park Zoo	0.4100	$ 99	$ 100	$ 101	$ 103	$ 104	$ 10	$ 1,677
Lansing Community College	3.8072	$ 915	$ 928	$ 941	$ 955	$ 968	$ 93	$ 15,574
Ingham Intermediate School District	4.6956	$ 1,129	$ 1,145	$ 1,161	$ 1,178	$ 1,194	$ 114	$ 19,209
School Capture								
School Operating	17.9208	$ 4,309	$ 4,370	$ 4,432	$ 4,494	$ 4,557	$ 436	$ 73,310
State Education Tax (SET)	6.0000	$ 1,443	$ 1,463	$ 1,484	$ 1,505	$ 1,526	$ 146	$ 24,545
Total Millage	67.1969							**$ 274,886**
Total Capture Available								
Local Tax Capture Available		$ 10,405	$ 10,553	$ 10,702	$ 10,853	$ 11,005	$ 1,053	
Sub-total State Tax Capture Available		$ 5,751	$ 5,833	$ 5,915	$ 5,999	$ 6,083	$ 582	
Capture for State Brownfield Redevelopment Fund (3 mills of SET) (25-Yrs)		$ 721	$ 732	$ 742	$ 752	$ 763	$ 73	$ 12,272
State Tax Capture Available		$ 5,030	$ 5,101	$ 5,174	$ 5,246	$ 5,320	$ 509	
Local Tax Increment to Taxing Units (10%)		$ 1,040	$ 1,055	$ 1,070	$ 1,085	$ 1,100	$ 105	$ 17,703
School Tax Increment to Taxing Units (10%)		$ 503	$ 510	$ 517	$ 525	$ 532	$ 51	$ 8,558
Local Tax Increment (90%)		$ 9,364	$ 9,497	$ 9,632	$ 9,767	$ 9,904	$ 948	
School Tax Increment (90%)		$ 4,527	$ 4,591	$ 4,656	$ 4,722	$ 4,788	$ 458	
Cumulative Captured Taxes (90%)		$ 177,389	$ 191,478	$ 205,765	$ 220,254	$ 234,947	$ 236,353	
Reimbursement of BRA Administration Costs								
Capture for BRA Administrative Costs		$ 468	$ 475	$ 482	$ 488	$ 495	$ 47	
Capture for BRA Local Site Revolving Loan Fund (LSRRF)		$ 468	$ 475	$ 482	$ 488	$ 495	$ 47	
Cumulative BRA Capture		$ 11,958	$ 12,908	$ 13,871	$ 14,848	$ 15,838	$ 15,933	$ 15,933
Reimbursement of Remaining Eligible Activities to Developer ($220,420)								
Local/State Annual Total Tax Capture		$ 12,955	$ 13,139	$ 13,325	$ 13,512	$ 13,702	$ 1,311	$ 220,420
Local/State Remaining Tax Increment Reimbursement		$ 54,989	$ 41,850	$ 28,526	$ 15,013	$ 1,311	$ 0	**$ 274,886**

Debt Millage - Not Captured - New Tax Revenue								
Lansing Debt	0.2600	$ 63	$ 63	$ 64	$ 65	$ 66	$ 6	$ 1,064
Lansing School Debt	4.6500	$ 1,118	$ 1,134	$ 1,150	$ 1,166	$ 1,182	$ 113	$ 19,022
Cumulative Debt Millage Capture	4.9100	$ 15,075	$ 16,272	$ 17,486	$ 18,718	$ 19,966	$ 20,086	**$ 20,086**
								$ 294,972

Attachment A

Legal Description of the Property

ATTACHMENT A

Legal Description of the Property
513 W. Ionia Street
Lansing, MI

Tax ID	Property Address	Legal Description
33-01-01-16-157-081	513 W. Ionia Street	W 2 R LOTS 1 & 2 ALSO E 55 FT LOTS 11 & 12 BLOCK 92 ORIG PLAT

513 W IONIA ST LANSING, MI 48933 (Property Address)

Parcel Number: 33-01-01-16-157-081

Item **1** of **5** 3 Images / 2 Sketches

Property Owner: TESSERIS SPIRO N & SOPHIA

Summary Information

- > Commercial/Industrial Building Summary
  - Yr Built: 1927
  - # of Buildings: 2
  - Total Sq.Ft.: 9,132
- > Property Tax Information found
- > Assessed Value: $101,000 | Taxable Value: $101,000
- > 1 Building Department records found across 1 property

Owner and Taxpayer Information

Owner	TESSERIS SPIRO N & SOPHIA 1832 ASBURY AVE EVANSTON, IL 60201	**Taxpayer**	515 IONIA L L C 1219 1/2 TURNER ST LANSING, MI 48906

General Information for Tax Year 2016

Property Class	COMMERCIAL	**Unit**	33 CITY OF LANSING - INGHAM
School District	LANSING	**Assessed Value**	$101,000
MAP #	B -0092 -0038	**Taxable Value**	$101,000
TOP TEN	*Not Available*	**State Equalized Value**	$101,000
NEW PERMITS	*Not Available*	**Date of Last Name Change**	08/14/2015
USER ALPHA 3	*Not Available*	**Notes**	*Not Available*
Historical District	*Not Available*	**Census Block Group**	*Not Available*
TYPE CODE	*Not Available*		

Principal Residence Exemption Information

Homestead Date 12/30/1997

Principal Residence Exemption	June 1st	Final
2016	0.0000 %	0.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2015	$96,500	$96,500	$96,500
2014	$153,400	$153,400	$119,102
2013	$143,800	$143,800	$117,227

Land Information

Zoning Code	*Not Available*	**Total Acres**	0.267
Land Value	$52,200	**Land Improvements**	$3,154
Renaissance Zone	No	**Renaissance Zone Expiration Date**	*Not Available*
ECF Neighborhood	R225-DOWNTOWN-RETAIL	**Mortgage Code**	*Not Available*
Lot Dimensions/Comments	*Not Available*	**Neighborhood Enterprise Zone**	No

Lot(s)	Frontage	Depth
No lots found.		
	Total Frontage: 0.00 ft	**Average Depth: 0.00 ft**

Legal Description

W 2 R LOTS 1 & 2 ALSO E 55 FT LOTS 11 & 12 BLOCK 92 ORIG PLAT

Sale History

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page
07/20/2015	$145,000.00	LC	TESSERIS SPIRO N & SOPHIA	515 IONIA L L C	L C	2015 028599
09/12/1984	$0.00	LC	NATIONAL CITY BANK OF MI/IL	TESSERIS SPIRO N & SOPHIA	1ST SALE AFTER BANK	3028-839

Building Information - 5244.00 sq ft Store, Retail (Commercial)

Floor Area	5,244 sq ft	**Estimated TCV**	*Not Available*
Occupancy	Store, Retail	**Class**	C
Stories Above Ground	2	**Average Story Height**	10 ft
Basement Wall Height	*Not Available*	**Identical Units**	*Not Available*
Year Built	1927	**Year Remodeled**	*Not Available*
Percent Complete	0%	**Heat**	Forced Air Furnace
Physical Percent Good	37%	**Functional Percent Good**	75%
Economic Percent Good	80%	**Effective Age**	62 yrs

Building Information - 3888.00 sq ft Store, Retail (Commercial)

Floor Area	3,888 sq ft	**Estimated TCV**	*Not Available*
Occupancy	Store, Retail	**Class**	C
Stories Above Ground	2	**Average Story Height**	12 ft
Basement Wall Height	*Not Available*	**Identical Units**	*Not Available*
Year Built	1927	**Year Remodeled**	*Not Available*
Percent Complete	0%	**Heat**	Package Heating & Cooling
Physical Percent Good	37%	**Functional Percent Good**	75%
Economic Percent Good	80%	**Effective Age**	62 yrs

Attachment B

Letter of Functional Obsolescence

LANSING MICHIGAN
Virg Bernero, Mayor

CITY ASSESSORS OFFICE
Sharon L Frischman, Assessor
3rd Floor City Hall
124 West Michigan Avenue
Lansing, Michigan 48933
(517) 483-4020
FAX: (517) 483-4101
www.lansingmi.gov/pubserv

WORKING TOWARD A CLEANER GREENER LANSING

Address: 513 and 515 W Ionia St.

Parcel No.: 33-01-01-16-157-081

RE: Statement of Obsolescence

This property has been reviewed and inspected by the City of Lansing Assessing Department. The buildings at this location are two story buildings completely separate of each other but assessed on one tax parcel.

The heating and electrical systems are out of date and need modernization.
The second level floors are not well supported and are uneven.
The ceilings are caving in. The second level has not been occupied in a very long time and is not habitable now.

I have determined that this (these) buildings suffer from more than 50% functional obsolescence both together and separately.

Sharon L Frischman, MMAO (4), MCPPE, MCGA

S Frisch

Date: 1/30/17

OVERALL PERSPECTIVE VIEW

IONIA STREET - DEVELOPMENT

Vesta BUILDING EFFICIENCY

architecture | design

OVERALL PERSPECTIVE VIEW

IONIA STREET - DEVELOPMENT

Vesta
BUILDING EFFICIENCY

architecture | design
ASL

OVERALL PERSPECTIVE VIEW

IONIA STREET - DEVELOPMENT

Vesta
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architecture | design

OVERALL PERSPECTIVE VIEW

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architecture | design
ASL

OVERALL PERSPECTIVE VIEW

IONIA STREET - DEVELOPMENT

Vesta
BUILDING EFFICIENCY

architecture | design

THE LANSING BROWNFIELD REDEVELOPMENT AUTHORITY

Resolution Recommending Approval of Plan #68
Belen Buildings Redevelopment Project

At a meeting of the Board of Directors of the Lansing Brownfield Redevelopment Authority (LBRA) Lansing, Michigan, held on the 7th day of April, 2017, at 8:30 a.m., pursuant to notice duly given:

MEMBERS PRESENT: Chair Andrea Ragan, Pierre LaVoie, Kimberly Coleman, Calvin Jones, Baldomero Garcia, Shelley Davis

MEMBERS ABSENT: Mayor Virg Bernero, James Butler III, Blake Johnson

The following preamble and resolution was offered by;

Member: Jones, and supported by;

Member: Garcia:

WHEREAS, The LBRA staff has worked closely with 515 IONIA, LLC (Developer) to draft Brownfield Plan #68 (Plan); and

WHEREAS, The LBRA staff has duly reviewed such Plan and has found it to be in compliance with the provisions of the Act and meets the following determinations and findings:

1. The Plan constitutes a public purpose under the Act;
2. The Plan meets all of the requirements for a brownfield plan set forth in Section 13 of the Act;
3. The proposed method of financing the cost of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;
4. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; and
5. The amount of the captured taxable value estimated to result from the adoption of the Plan is reasonable; and

WHEREAS, The LBRA staff recommends approval of the Plan:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LANSING BROWNFIELD REDEVELOPMENT AUTHORITY, AS FOLLOWS:

1. The Brownfield Plan described as Brownfield Plan #68 – Belen Buildings Redevelopment Project in the form filed herewith is hereby approved by the Lansing Brownfield Redevelopment Authority and recommended for consideration by the City Council of the City of Lansing pursuant to Act 381 of Michigan Public Acts of 1996, as amended.

2. The LBRA Board hereby requests that the Lansing City Council, after required notification as specified by the Act, hold a public hearing in consideration of this matter, and subsequently approve the Plan.

YEAS:	Six (6)
NAYS:	Zero (0)
ABSTENTIONS:	Zero (0)
ABSENT:	Three (3)

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
)SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a meeting of the Brownfield Redevelopment Authority held on the 7th day of April, 2017, and said resolution is on file in the office of the Lansing Brownfield Redevelopment Authority and is available to the public. Public notice of the said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan 1976, including in the case of a special or re-scheduled meeting, notice by publication or posting of at least eighteen (18) hours prior to the time set for the meeting. In addition, said meeting was held in full compliance with the Board's By-Laws.

IN WITNESS WHEREOF, I have hereunto affixed my official signature.

Pierre M. LaVoie

Pierre LaVoie, Secretary

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 **515 IONIA, LLC**, a Michigan Limited Liability Company ("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: Belen Buildings Redevelopment Project

Location of Project (provide attached map): 513 Ionia St. Lansing, MI

Business Name of Applicant *(if applicable)*: *515 IONIA, LLC*

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

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

Scott Schmidt	51%
Randy Schmidt	29%
Brad Mann	20%

Project description:

The Belen Buildings are a pair of red brick commercial buildings located at 513-515 and 517-519 West Ionia Street in Lansing, Michigan. Built in the mid-1920s, each of the buildings is a flat roofed, two-story duplex, with a pair of commercial storefronts at the first floor, and apartments above. Located just one block northwest of the Michigan State Capitol building, a National Historic Landmark, and five blocks west of the National Register listed Lansing Downtown Historic District, the buildings are representative of the American commercial style which prevailed during the building boom that followed World War I.

The Project includes the complete rehabilitation of two (2) existing functionally obsolete buildings. The mixed-use redevelopment will result in a total of 4,500 square feet of office/retail use on the first floor and 6 market rate residential units. Total capital investment is estimated at $1,300,000.

List all past projects started in the city of Lansing by any of the partners listed above:

1219 Turner St.
305 Beaver St.
1135 N. Washington Ave

List City incentive(s) and number of years requested for each:

Act 381 Brownfield Tax Increment Financing	19 Years
	Years
	Years
	Years

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

MEDC CRP 20% of project expenditures

Application submitted for Historical tax credit, 10% of qualifying measures for reimbursement.

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):*

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

_5 to 7_ FTE

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

$ 1,445,000

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

$ 45,000

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)

SS 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.

SS 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.

SS 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.

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

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

SS 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: Eric Pratt

Revenue currently paid to the City by the site or project:	$	7,548.85
Estimated total revenue to the City upon Project Completion:	$	7,952.00
Estimated total value of City Incentive(s):	$	262,614.00
Estimated total new net revenue to the City:	$	405.15

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

The Developer is taking two completely vacant historic buildings and is proposing to invest $1,300,000 to renovated the local landmarks and encourage the full utilization of the buildings.

Project Timeline: The project will commence with the approval of the Lansing City Council in Summer 2017 and will 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 [insert project description] ("Project"). The Project is expected to hire at least 5 to 7 or retain at least 0 full-time equivalent employees (FTE) and requiring a total investment in real property of at least $1,009,080 and personal property of at least $50,000 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 513 & 515 Ionia ("Project Area") and legally described as follows:

W 2 R LOTS 1 & 2 ALSO E 55 FT LOTS 11 & 12 BLOCK 92 ORIG PLAT

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 July 1, 2017 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 5 to 7 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 $50,000. This personal property may not be moved to the Project Area from another location within the City of Lansing.

3. Make at least $1,009,080 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:

____

____

515 IONIA, LLC

By: ______________________________
Scott Schmidt

Its: Manager

____

____

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

ECONOMIC DEVELOPMENT CORPORATION
LANSING CITY TREASURER APPROVAL FORM
BUSINESS

Business Name: 515 Ionia, LLC
Business Contact Person: Mr. Scott Schmidt
Phone Number: 517-749-7344

Project Location: 1219 Turner Street

Type of EDC Service: Brownfield Redevelopment Authority Application

EDC Contact Person Name: Eric Pratt

Email: eric@purelansing.com Phone Number: 517-643-1564

Due Date: As soon as possible

Approval:

Sammy Gard

City Treasurer

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
RESOLUTION TO SET A PUBLIC HEARING FOR
BROWNFIELD PLAN #68
BELEN BUILDINGS REDEVELOPMENT PROJECT

WHEREAS, the Lansing Brownfield Redevelopment Authority has prepared and forwarded an approved Brownfield Plan pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act 381 of 1996, as amended, for property commonly referred to as 513 & 515 Ionia Street located in the City of Lansing; and

WHEREAS, prior to Council's action on this request, it is necessary to hold a public hearing on the Plan, to allow for any resident, taxpayer or ad valorem taxing unit the right to appear and be heard;

WHEREAS, maps, plats, and a description of the brownfield plan are available for public inspection at the Lansing Economic Area Partnership, 1000 South Washington, Suite 201, Lansing, MI 48912, and that all aspects of the brownfield plan are open for discussion at the public hearing.

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on **(INSERT DATE)** at 7:00 p.m. on Brownfield Plan #68 – Belen Buildings Redevelopment Project under the Brownfield Redevelopment Financing Act, for property more particularly described as:

513 Ionia street Lansing, MI 48933. Parcel number 33-01-01-16-157-081; W 2 R LOTS 1 & 2 ALSO E 55 FT LOTS 11 & 12 BLOCK 92 ORIG PLAT

And that the City Clerk cause notice of such hearing to be published twice in a publication of general circulation, no less than 10 days or more than 40 days prior to the date of the public hearing, and that the City Clerk also cause the legislative body of each taxing unit levying ad valorem taxes on this property, to be notified of Brownfield Plan #69 221 West Saginaw Avenue Block Redevelopment Project and the scheduled public hearing.

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 Patricia Spitzley and Councilmembers

FROM: Mayor Virg Bernero

DATE: 4-20-17

RE: Brownfield Plan #69 221 West Saginaw Avenue Redevelopment Project

---

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

VB/rh
Attachment

City of Lansing

Inter-Departmental
Memorandum

To: Virg Bernero, Mayor

From: Karl Dorshimer, LEAP

Subject: CITY COUNCIL AGENDA ITEM - Brownfield Plan #69 221 West Saginaw Avenue Redevelopment Project

Date: 4-20-17

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
RESOLUTION TO SET A PUBLIC HEARING FOR
BROWNFIELD PLAN #69
221 WEST SAGINAW AVENUE REDEVELOPMENT PROJECT

WHEREAS, the Lansing Brownfield Redevelopment Authority has prepared and forwarded an approved Brownfield Plan pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act 381 of 1996, as amended, for property commonly referred to as 221 West Saginaw Avenue located in the City of Lansing; and

WHEREAS, prior to Council′s action on this request, it is necessary to hold a public hearing on the Plan, to allow for any resident, taxpayer or ad valorem taxing unit the right to appear and be heard;

WHEREAS, maps, plats, and a description of the brownfield plan are available for public inspection at the Lansing Economic Area Partnership, 1000 South Washington, Suite 201, Lansing, MI 48912, and that all aspects of the brownfield plan are open for discussion at the public hearing.

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on **(INSERT DATE)** at 7:00 p.m. on Brownfield Plan #69 – 221 West Saginaw Avenue Redevelopment Project under the Brownfield Redevelopment Financing Act, for property more particularly described as:

221 West Saginaw Avenue Lansing, MI 48933. Parcel number 33-01-01-16-127-001;
LOT 8 & N 1 R LOT 7 BLOCK 63 ORIG PLAT

And that the City Clerk cause notice of such hearing to be published twice in a publication of general circulation, no less than 10 days or more than 40 days prior to the date of the public hearing, and that the City Clerk also cause the legislative body of each taxing unit levying ad valorem taxes on this property, to be notified of Brownfield Plan #69 221 West Saginaw Avenue Block Redevelopment Project and the scheduled public hearing.
City Clerk

City of Lansing
Notice of Public Hearing

The Lansing City Council will hold a public hearing on **(INSERT DATE)** at 7:00 p.m. in the City Council Chambers, 10th Floor, Lansing City Hall, Lansing, MI, for the purpose stated below:

To afford an opportunity for all residents, taxpayers of the City of Lansing, other interested persons and ad valorem taxing units to appear and be heard on the approval of Brownfield Plan #69 – 221 West Saginaw Avenue Redevelopment Project pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act 381 of 1996, as amended, for property commonly referred to as 221 West Saginaw Avenue located in the City of Lansing, but more particularly described as:

221 West Saginaw Avenue Lansing, MI 48933. Parcel number 33-01-01-16-127-001;
LOT 8 & N 1 R LOT 7 BLOCK 63 ORIG PLAT

Approval of this Brownfield Plan will enable the Lansing Brownfield Redevelopment Authority to capture incremental tax increases which result from the redevelopment of the property to pay for costs associated therewith. Further information regarding this issue, including maps, plats, and a description of the brownfield plan will be available for public inspection and may be obtained from Karl Dorshimer – Director of Economic Development, Lansing Economic Area Partnership, 1000 South Washington, Suite 201, Lansing, MI 48912, (517) 702-3387.

Chris Swope

City Clerk

LANSING BROWNFIELD REDEVELOPMENT AUTHORITY
LOCAL SITE REMEDIATION REVOLVING FUND
PROMISSORY NOTE

Not to Exceed $40,000

Lansing, Michigan

FOR VALUE RECEIVED the undersigned, **MOTION PROPERTIES, INC.,** a Michigan company (the "Borrower"), hereby promises to pay to the order of, LANSING BROWNFIELD REDEVELOPMENT AUTHORITY, (the "Lender") the principal sum loaned by Lender to Borrower in an amount not to exceed FORTY THOUSAND AND 00/100 DOLLARS ($40,000) (hereinafter referred to as the "Loan Obligation"), plus interest which shall accrue on the Loan Obligation at the rate of Three Percent (3%) per annum. The Loan Obligation, plus accrued interest shall be payable at the offices of the Lender located at 1000 S. Washington Ave., Ste. 201, Lansing, Michigan 48910 or at such other place as may be designated by the Lender from time to time, in accordance with the following conditions.

This Note evidences a loan to the Borrower from the Lender under the Brownfield Authority's Local Site Remediation Revolving Fund ("LSRRF") Program for the exclusive purpose to use the LSRRF funds to pay for specific Eligible Activities as allowed by the Brownfield Redevelopment Financing Act, 1996 P.A. 381, as amended (the "Act"), for the property located in Lansing, Michigan and is legally described in "Exhibit A" (the "Project").

This Note is subject to the terms and conditions of the Brownfield Local Site Remediation Revolving Fund Agreement (the "Loan Agreement"). Borrower is entitled to the benefits and is subject to the terms and conditions of the Loan Agreement and this Promissory Note. All the terms, conditions and provisions of the Loan Agreement are incorporated herein, and shall control in the interpretation and enforcement of this Promissory Note.

The Borrower and the Lender acknowledge that the Loan shall be paid to the Lender in the following manner:

1. The Developer agrees to make annual interest and principal payments to the Lender, for a period of ten years (10), to pay off the balance of the loan.

The Borrower may at any time prepay any portion of unpaid balance, in whole or in part, without a prepayment premium. All prepayments will be applied to principal. Prepayments will not affect the schedule of payments, except to the extent that payments will no longer be required when the loan is paid in full.

In addition to the foregoing, the Borrower hereby promises to pay to the full extent required by the Agreement all costs and expenses of collection, including reasonable attorneys fees, incurred in connection with any default by the Borrower hereunder; and Borrower further promises to pay all other payments required to be made by the Borrower pursuant to the

Agreement.

In the event the Borrower should fail to make any of the payments required in this Promissory Note, such payments so in default shall continue as an obligation of the Borrower until the amount of default shall have been fully paid.

In case of default under this Promissory Note, or an "Event of Default" as defined in the Loan Agreement, the entire principal amount of the Loan Obligation together with any accrued and unpaid interest as provided for herein, at the option of the holder hereof, may be declared immediately due and payable.

The maker of this Note hereby waives presentation for payment, demand, notice of dishonor, notice of nonpayment and protest; and the maker consents that the time of payment may be extended without notice thereof and without waiver.

WITNESSES:

FOR: BORROWER

MOTION PROPERTIES INC., a Michigan company

By: ______________________
Tiffany Dowling
Its: President

Dated: 3/23/17

____
3.23.2017

STATE OF MICHIGAN)
) SS.
COUNTY OF INGHAM)

This document was acknowledged before me on March 23, 2017, by **Tiffany Dowling**, the President of **MOTION PROPERTIES, INC.**, a Michigan company, on behalf of **MOTION PROPERTIES, INC**.

Jaime Marie Hardesty, Notary Public
Ingham County, Michigan
Acting in Ingham County, Michigan
My Commission Expires: 12.15.2020

JAIME MARIE HARDESTY
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF INGHAM
My Commission Expires Dec. 15, 2020
Acting in the County of ______

EXHIBIT A

LOT 8 & N 1 R LOT 7 BLOCK 63 ORIG PLAT

Brownfield Plan #69 – 221 West Saginaw Avenue Redevelopment
Project Summary Sheet

Purpose	**-**	The purpose of this Brownfield Plan (the "Plan") is to identify eligible activities and cost estimates for redevelopment of the property located at 221 West Saginaw in Lansing, Michigan. Brownfield tax increment financing is necessary to support redevelopment of the property.
Project	-	Brownfield Plan #69 - 221 West Saginaw Building Redevelopment
Developer	-	Motion Properties, LLC
Project Cost	-	$816,000.00
Eligible Activities	-	Asbestos Abatement, Lead Base Paint Abatement, Site Prep.
Loan Amount	-	$40,000.00
Summary	-	On November 28, 2016, the Lansing City Council approved a 12-year Obsolete Property Rehabilitation Act Certificate (OPRA) to assist the Developer with the redevelopment of the building at 221 West Saginaw (the "Property"). Upon commencement of the project, the Developer encountered unexpected environmental conditions, including the present of asbestos and lead base paint. To remedy the environmental conditions, the Developer has requested a $40,000.00 Local Site Remediation Revolving Loan (LSRRL) from the Lansing Brownfield Redevelopment Authority (LBRA). Brownfield eligible activities would include asbestos abatement, lead base paint abatement and site preparation ("Eligible Activities"). This loan is to be paid back to the LBRA by the Developer. Pursuant to the State of Michigan Public Act 381 of 1996, MCLA 125.2651 et. Seq., as amended (Act 381), otherwise known as the "Brownfield Redevelopment Financing Act", the LBRA can only use the LSRRL to fund the cost of eligible activities required to redevelop an "eligible property." Approval of this plan would designate the building as an eligible property and satisfy the requirements of P.A. 381 of 1996, as amended. Redevelopment of the Property will only be economically viable with the support and approval of the brownfield plan.

THE LANSING BROWNFIELD REDEVELOPMENT AUTHORITY

Resolution Recommending Approval of Plan #69
221 W. Saginaw Avenue Redevelopment Plan

At a meeting of the Board of Directors of the Lansing Brownfield Redevelopment Authority (LBRA) Lansing, Michigan, held on the 7th day of April 2017, at 8:30 a.m., pursuant to notice duly given:

MEMBERS PRESENT: Chair Andrea Ragan, Pierre LaVoie, Kimberly Coleman, Calvin Jones, Baldomero Garcia, Shelley Davis

MEMBERS ABSENT: Mayor Virg Bernero, James Butler III, Blake Johnson

The following preamble and resolution was offered by;

Member: Jones, and supported by;

Member: Coleman:

WHEREAS, The LBRA staff has worked closely with M3 GROUP (Developer) to draft Brownfield Plan #69 (Plan); and

WHEREAS, The LBRA staff has duly reviewed such Plan and has found it to be in compliance with the provisions of the Act and meets the following determinations and findings:

1. The Plan constitutes a public purpose under the Act;
2. The Plan meets all of the requirements for a brownfield plan set forth in Section 13 of the Act;
3. The proposed method of financing the cost of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;
4. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; and
5. The amount of the captured taxable value estimated to result from the adoption of the Plan is reasonable; and

WHEREAS, The LBRA staff recommends approval of the Plan:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LANSING BROWNFIELD REDEVELOPMENT AUTHORITY, AS FOLLOWS:

1. The Brownfield Plan described as Brownfield Plan #69 – 221 W. Saginaw Avenue Redevelopment Plan in the form filed herewith is hereby approved by the Lansing Brownfield Redevelopment Authority and recommended for consideration by the City Council of the City of Lansing pursuant to Act 381 of Michigan Public Acts of 1996, as amended.

2. The LBRA Board hereby requests that the Lansing City Council, after required notification as specified by the Act, hold a public hearing in consideration of this matter, and subsequently approve the Plan.

YEAS:	Six (6)
NAYS:	Zero (0)
ABSTENTIONS:	Zero (0)
ABSENT:	Three (3)

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
)SS.
COUNTY OF INGHAM)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a meeting of the Brownfield Redevelopment Authority held on the 7th day of April, 2017, and said resolution is on file in the office of the Economic Development Corporation and is available to the public. Public notice of the said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan 1976, including in the case of a special or re-scheduled meeting, notice by publication or posting of at least eighteen (18) hours prior to the time set for the meeting. In addition, said meeting was held in full compliance with the Board's By-Laws.

IN WITNESS WHEREOF, I have hereunto affixed my official signature.

Pierre M. LaVoie

Pierre LaVoie, Secretary

Lansing Brownfield Redevelopment Authority

Brownfield Plan #69

221 West Saginaw Avenue Redevelopment

Motion Properties, LLC
610 & 614 Seymour Avenue
Lansing, Michigan 48933

Prepared By:

Lansing Brownfield Redevelopment Authority
1000 S. Washington Ave., Suite 201 – Krentel Building
Lansing, Michigan 48910
Contact Person: Eric Pratt
eric@purelansing.com
Phone: 517-643-1564

April 3, 2017

Approved by the LBRA on ______________

Approved by the Lansing City Council on_____________

TABLE OF CONTENTS

Section

1. INTRODUCTION AND PURPOSE

The City of Lansing Brownfield Redevelopment Authority (the "Authority"), duly established by resolution of the Lansing City Council, pursuant to the State of Michigan Public Act 381 of 1996, MCLA 125.2651 et. Seq., as amended (Act 381), otherwise known as the "Brownfield Redevelopment Financing Act", is authorized to exercise its powers within the City of Lansing, Michigan. The purpose of this Plan, to be implemented by the Authority, is to satisfy the requirements for a Brownfield Plan as specified in Act 381.

The sole purpose of the Plan is to allow the Authority to make a loan to the Motion Properties, LLC (the "Developer") from the Authority's Local Site Remediation Revolving Loan (LSRRL) fund, to pay for brownfield related costs (Eligible Activities) required to redevelop the eligible property located at 221 West Saginaw Avenue in the City of Lansing, Michigan, (the "Property"). This loan will not be paid back by the use of tax capture but rather directly by the Developer. Any proposed redevelopment of the Property will only be economically viable with the support and approval of the brownfield redevelopment incentives described herein. The location of the Property is depicted on Figure 1.

The Developer has already been granted an Obsolete Property Rehabilitation Act (OPRA) Certificate by the Lansing City Council for the project. The loan from the Authority will allow the Developer to fund the remediation of unexpected environmental conditions encountered on the redevelopment project.

II. ELIGIBLE PROPERTY INFORMATION

The Property is fully defined in the following table and in Attachment A.

Table 1 - Eligible Property			
Address	**Associated Address**	**PPN**	**Basis of Eligibility**
221 W. Saginaw Ave	221 W. Saginaw Ave	33-01-01-16-127-001	Functionally Obsolete

The Property is located within the boundaries of the City of Lansing and is surrounded by residential properties. Property layout and boundaries are depicted on Figure 1. The legal description of the Property is included in Attachment A.

The Property consist of a .365-acre parcel of land with a one-story former church and a two-story residential dwelling converted to offices; totaling 5,611 square feet. The structures were constructed around the 1900's and were used for both worship and residential purposes. The property has been vacant since 2015.

The Property is considered an "eligible property," as defined by Act 381, Section 2 because: (a) the property was previously utilized as a commercial property; (b) it is located within the City of Lansing, a qualified local government unit under MCL 125.2782(k); and (c) the property has been determined to be "functionally obsolete," as defined in Section 2(s) of Act 381. Refer to Attachment B, Letter of Functional Obsolescence.

III. PROPOSED REDEVELOPMENT

The project at 221 West Saginaw in Lansing will be the new headquarters of M3 Group. Currently, M3 Group, a branding and publications agency established in 2002, is located at 610 and 614 Seymour Ave. M3 Group has used the two buildings to grow over the last 14 years. At 25 full-time employees, the two buildings are inefficient and becoming too small.

The new renovation project proposed at 221 West Saginaw would put all M3 Group employees under one roof with room to grow. Specifics for the project include: creating additional windows in the lower level; updating the HVAC, electric and plumbing; creating a mezzanine level to add additional square footage and making use of the vaulted ceilings; newly insulated walls, ceiling and floors; and develop an open environment that is suitable for a creative team to thrive.

The Lansing City Council has already approved a 12-year Obsolete Property Rehabilitation Act (OPRA) Certificate for the building. An OPRA Certificate is a property tax exemption to assist in the rehabilitation of a commercial building. Under the OPRA program, the taxable value of the building is frozen over the life of the certificate. It is estimated that the total cost of this exemption is $100,083.00.

IV. BROWNFIELD CONDITIONS

The Developer intends to finance activities at the Property that are considered "eligible activities," as defined by Section 2 of Act 381 and include asbestos abatement, lead based paint abatement and site preparation.

The costs of eligible activities included in, and authorized by, this Plan will be financed by the LBRA, through its Local Site Remediation Revolving Loan fund and the Developer will repay this loan, subject to the terms and conditions described in this Plan and the terms of the Loan Agreement between the Developer and the Authority (the "Loan Agreement"). The total cost of activities eligible is $40,000.00.

V. BROWNFIELD PLAN ELEMENTS

A. Description of Costs to Be Paid for With Tax Increment Revenues

This Plan does not allow for any Eligible Activities to be reimbursed with tax increment revenues from the redevelopment project.

B. Summary of Eligible Activities

Eligible Activities

Non-Environmental

Asbestos Abatement………………………..………………$25,000.00

Lead Base Paint Abatement…………………..............$10,000.00

Site Preparation Activities………………………………..$ 5,000.00

Total Non-Environmental……………………..…………$40,000.00

Total Amount of Eligible Activities……………………..…………$40,000.00

The costs listed above are estimated and may increase or decrease depending on the nature and extent of unknown conditions encountered on the Property. The actual cost of those eligible activities encompassed by this Plan that will qualify for use of Local Site Remediation Revolving Loan funds by the Authority shall be governed by the terms of a Loan Agreement. No costs will be qualified as an eligible activity excerpt to the extent permitted in accordance with the terms and conditions of the Loan Agreement and Section 2 of Act 381 of 1996, as amended (MCL 125.2652). As long as the total cost limited described in this Plan is not exceeded, line item costs of eligible activities may be adjusted by the Authority after the date this Plan is approved by the City of Lansing City Council.

C. Estimate of Captured Taxable Value and Tax Increment Revenues

This Plan does not anticipate the capture of any taxable value, or tax increment revenues.

D. Method of Financing and Description of Advances Made by the Authority

The Developer is ultimately responsible for providing financing for the costs of eligible activities included in this Plan. However, to assist with the abatement of the eligible activities, the Authority intends to advance the total cost of the eligible activities, through the Local Site Remediation

Revolving Fund (LSRRF). These funds will be paid back to the Authority by the Developer in accordance with the terms and conditions of the Loan Agreement. The Authority will then deposit these payments back into its LSRRF.

E. Maximum Amount of Note or Bonded Indebtedness

None.

F. Duration of the Brownfield Plan

Unless amended by the Lansing City Council, the Plan is anticipated to remain in effect until all approved activities in the Plan are covered, or until the end of the year 2027, whichever occurs first.

G. Estimated Impact on Taxing Jurisdictions

None.

H. Legal Description, Property Map, Statement of Qualifying Characteristics and Personal Property

The Property location and boundaries are shown on Figure 1. The legal description of the Property is provided in Attachment A. Further, this Plan does not anticipate the capture of any tax increment revenues resulting from personal property.

I. Plan for Relocation of Displaced Persons

No person will be displaced as a result of this project, or Plan.

J. Provisions for Relocation Costs

None.

K. Strategy for Compliance with Michigan's Relocation Assistance Law

None.

L. Description of Proposed Use of LBRA Local Site Remediation Revolving Fund

The Authority intends to use its Local Site Remediation Revolving Fund (LSRRF) to finance the cost of the eligible activities described in this Brownfield Plan. The Developer will then repay the Authority these funds in accordance with the terms and conditions of the Loan Agreement. The Authority will then deposit those loan payments back into the LSRRF.

M. Other Material that the Authority of Governing Body Considers Pertinent

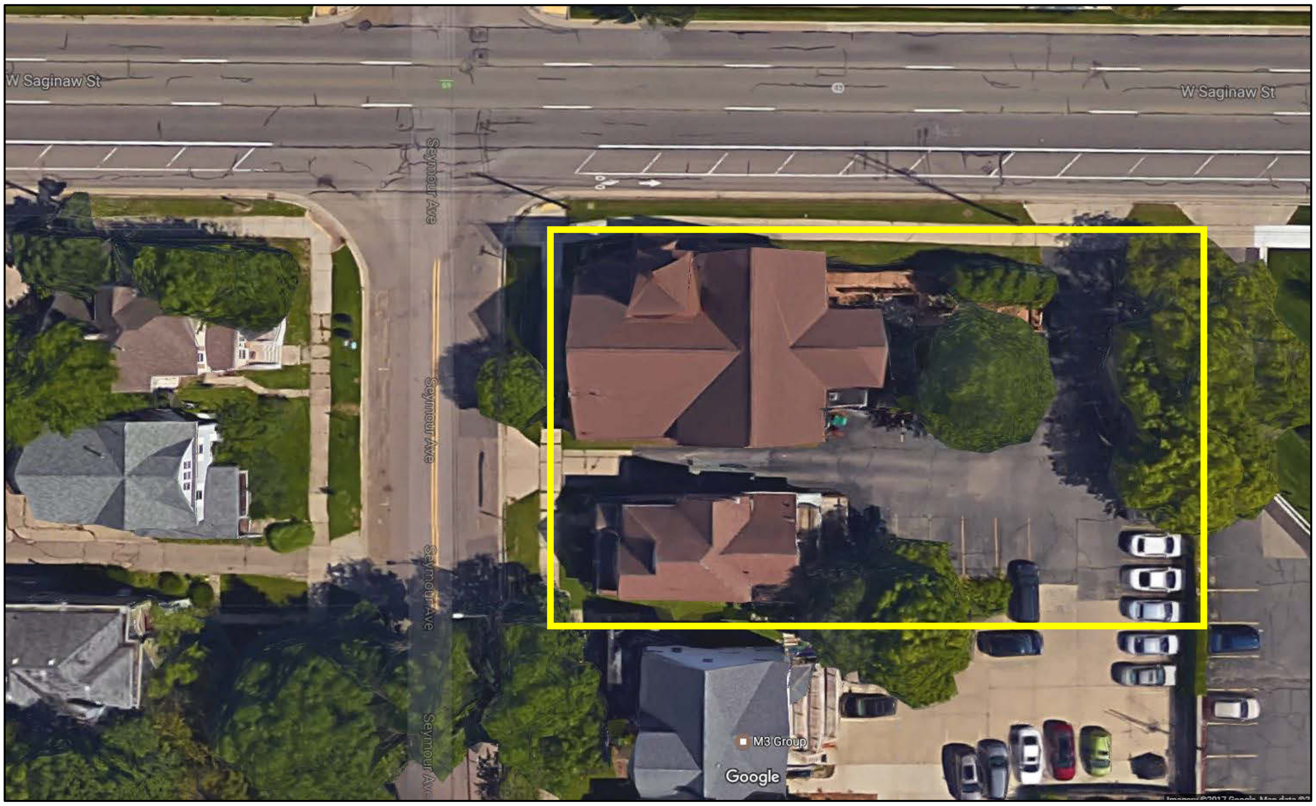
The Lansing Brownfield Authority and the Lansing City Council, in accordance with the Act, may amend this Plan in the future in order to fund additional eligible activities associated with the Project described herein.

FIGURE

Figure 1: Property Boundary Map

FIGURE 1

Property Boundary Map



TABLE

Table 1: Brownfield Eligible Activities

Table 1
Brownfield Eligible Activities
221 West Saginaw Avenue
Lansing, Michigan
March 31, 2017

STATE AND LOCAL ELIGIBLE ACTIVITIES	
NON-ENVIRONMENTAL	
Asbestos Abatement	$ 25,000.00
Lead Base Paint Abatement	$ 10,000.00
Site Preparation Activities	$ 5,000.00
Total Amount of Eligible Activities	**$ 40,000.00**

ATTACHMENT A

Legal Description of the Property

ATTACHMENT A

LEGAL DESCRIPTION OF PROPERTY

221 West Saginaw Avenue
Lansing, Michigan

PPN	Property Address	Legal Description
33-01-01-16-127-001	221 West Saginaw Avenue	LOT 8 & N 1 R LOT 7 BLOCK 63 ORIG PLAT

ATTACHMENT B

Statement of Functional Obsolescence

CITY OF LANSING
ASSESSING DEPARTMENT
Sharon L Frischman, Assessor
3rd Floor, City Hall
124 W. Michigan Ave.
Lansing, MI 48933
517-483-4020

Virg Bernero, Mayor

June 9, 2016

Statement of Functional Obsolescence
In Compliance with the Obsolete Property Rehabilitation Act (OPRA)
P.A. 146 of 2000

Address:	221 W. Saginaw
Parcel #:	33-01-01-16-127-001
Owner:	Connemara Properties LLC

RE: Statement of Obsolescence

The subject has two structures currently on this parcel. The main building is a one story former church and secondary building is a two story residential dwelling converted to offices. Assessing office personnel only performed an interior/exterior inspection of the church building. According to the potential buyer, the former residential structure suffers from extensive deferred maintenance; the future plans are to demolish this structure and use for parking. The church building was built around 1900. The windows and doors are old and inefficient to today's standards. The single pane windows do not open and the doors do not close tightly. The electrical, mechanical and plumbing are also inefficient for today's standards. Part of the electrical system may be knob and tube. Because the building was originally built as a church it is functionally obsolete to be used as an office due in part to the higher than normal ceiling heights and other characteristics that are not typically found in a modern office building. It is the opinion of this assessor that this building suffers more than 50% functional obsolescence.

Sharon Frischman, MMAO
City of Lansing Assessor

Date: June 9, 2016

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
RESOLUTION APPROVING BROWNFIELD PLAN #69
221 WEST SAGINAW AVENUE REDEVELOPMENT PROJECT

WHEREAS, the Brownfield Redevelopment Authority (the 'Authority') of the City of Lansing, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act, Public Act 381 of 1996, as amended, (the 'Act') has prepared a Brownfield Plan, submitted to Council and placed on file in the office of City Clerk, LBRA Brownfield Plan #69 – 221 West Saginaw Redevelopment Project (the 'Plan'); and

WHEREAS, a public hearing was held by the Lansing City Council on **(INSERT DATE)** and at least 10 days before the public hearing the taxing jurisdictions were provided notice to be fully informed about the fiscal and economic implications of the proposed Plan and given a reasonable opportunity to express their views and recommendations regarding the Plan in accordance with Section 13 (10) and 14(1) of the Act; and

WHEREAS, the Lansing City Council, before and during its public hearing on **(INSERT DATE)** reviewed testimony and evidence regarding the Plan, and found that:

1. the Plan provides for the reimbursement of costs attributable to eligible activities to the developer and the Authority,

2. the Project includes, in addition to the eligible activities identified in the Plan, the redevelopment of the property,

3. the Project may result in new private investment of approximately $816,500,

4. the Plan provides for the capture of property tax increment revenues due to the private investment on the site, and devotes them to repaying the Authority for its costs associated with eligible activities it performs, and to repaying the developer for their costs associated with eligible actives they perform, in accordance with the Plan,

WHEREAS, the Authority Board of Directors, at its meeting on April 7, 2017, unanimously recommended approval of the Plan, for this Project;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, after having duly considered the Plan, finds it is in compliance with the provisions of the Act and further finds:

- The Plan constitutes a public purpose under the Act;

- The Plan meets all of the requirements for a Brownfield Plan set forth in

Section 13 of the Act;

- The proposed method of financing the costs of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;

- The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; and

- The amount of the captured taxable value estimated to result from the adoption of the Plan is reasonable.

IT IS FINALLY RESOLVED that the Lansing City Council hereby approves the LBRA 'Brownfield Plan #69 – 221 West Saginaw Avenue Redevelopment Project'.

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 Patricia Spitzley and Councilmembers

FROM: Mayor Virg Bernero

DATE: 4-20-17

RE: Amendment to the City's Deferred Compensation (457) Plan, UAW

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: Mary Riley, HR

Subject: CITY COUNCIL AGENDA ITEM - Amendment to the City's Deferred Compensation (457) Plan, UAW

Date: 4-20-17

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

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

Attachments

RESOLUTION #
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS the City of Lansing (Employer) established the City of Lansing Public or Section 501 Tax – Exempt Employer Deferred Compensation Plan pursuant to Section 457 of the Internal Revenue Code, a/k/a the Deferred Compensation Plan (the 457 Plan), effective July 1, 1985; and

WHEREAS, the new collective bargaining agreement between the City of Lansing and UAW Local 2256, Lansing City Unit, ratified January 9, 2017 (the CBA), provides in part for the City, as the Employer, to allow union employees to utilize the 457 Plan as a retirement savings vehicle; and

WHEREAS the existing 457 Plan must first be amended to permit Employer plan contributions before this CBA provision can be effectuated; and

WHEREAS, the City, as Employer, desires to modify the 457 Plan by amending Section 2.03 before 2.03a, Section 2.09, adding a sentence to Section 2.13, adding a new Plan to Sections 2.15 and 2.16 of Article II, amending Section 4.01, Section 4.02a, and adding Section 4.02h to Section 4.02; and

WHEREAS, the City Attorney has presented the proposed 457 Plan amendments;

NOW, THEREFORE, BE IT RESOLVED that the City, as Employer, hereby amends the City of Lansing Deferred Compensation Plan as follows, with the effective date of these amendments being the date of this resolution unless otherwise set forth below:

1. Effective for limitation years beginning on and after January 1, 2017, the introductory language of Plan Section 2.03 before 2.03a is amended as follows:

> 2.03 <u>Deferred Compensation</u>: The amount of Compensation not yet earned, as designated in the Participation Agreement which is made a part hereof, which the Participant and the Employer mutually agree shall be deferred in accordance with the provisions of this Plan, **as well as contributions pursuant to Sections 4.02g and 4.02h, subject to the following limitations**

2. Effective for limitation years beginning on and after January 1, 2017, Plan Section 2.09 is amended as follows:

> 2.09 <u>Participation Agreement</u>: A written agreement between the Employer and a Participant setting forth certain provisions and elections relative to the Plan, establishing the amount of Deferred Compensation **(other than contributions pursuant to Plan Sections 4.02g and 4.02h(i) through (iii))**, the manner and method of paying benefits under the Plan, incorporating the terms and conditions of the Plan and, **other than as provided in Sections 4.02g and 4.02h**, establishing the Participant's participation in the Plan.

3. Effective for limitation years beginning on and after January 1, 2017, the following sentence is added to the end of Section 2.13 as follows:

> **Notwithstanding anything to the contrary herein, the Employer may designate a default Designated Institution and Investment Product in the event a Participant fails to make a designation in his or her Participation Agreement which shall be the deemed designation of the Participant.**

4. Effective for limitation years beginning on and after January 1, 2017, the following new Plan Sections 2.15 and 2.16 are added to the end of Article II:

> **2.15 <u>"10/21/13 UAW Local 2256 Employee"</u> means an employee of the Employer who either hired into or transferred into UAW Local 2256 on or after October 21, 2013.**
>
> **2.16 <u>"Base Wage"</u> means an employee's salary or wage determined by his or her classification at an annualized rate of pay contained in the appendix of the collective bargaining agreement with UAW Local 2256 as then in effect.**

5. Effective for limitation years beginning on and after January 1, 2017, Plan Section 4.01 is amended as follows:

> 4.01 <u>Eligibility.</u> Any **(i)** Eligible Participant of the Employer to whom Compensation is paid and who executes a Participation Agreement with the Employer is eligible to participate in the Plan **and (ii) any Eligible Participant who is a "10/21/13 UAW Local 2256 Employee" shall automatically be a Participant in the Plan.**

6. Effective for limitation years beginning on and after January 1, 2017, Plan Section 4.02a is amended as follows:

> a. Except as provided for in 4.02g or with respect to "10/21/13 UAW Local 2256 Employees" as provided for in 4.02h, to become a Participant an eligible individual must agree to defer Compensation not yet earned by entering into a Participation Agreement. The Participation Agreement will become effective no earlier than the first day of the calendar month following the date on which it is executed or any subsequent date that is administratively feasible as determined by the Employer.

7. The following new Plan section 4.02h is added to Plan Section 4.02:

> **h. Notwithstanding anything to the contrary herein:**
>
> **(i) commencing on and after the first day of the month immediately following the date this Third Amendment is adopted, those Eligible Participants who are "10/21/13 UAW Local 2256 Employees" will have**

2% of their Base Wage mandatorily withheld through regular payroll deduction and contributed to the Plan as a pre-tax annual deferral as defined by Treasury Regulation 1.457-2(b) to their Plan.

(ii) in addition, effective on and after the first day of the month immediately following the date this Third Amendment is adopted, the Employer will contribute to the Plan as a pre-tax annual deferral as defined by Treasury Regulation 1.457-2(b) on behalf of each 10/21/13 UAW Local 2256 Employee a percentage of their Base Wage as is required pursuant to the collective bargaining agreement then currently in force between the Employer and UAW Local 2256.

(iii) in 2017, the Employer will also contribute to the Plan as a pre-tax annual deferral as defined by Treasury Regulation 1.457-2(b) on behalf of each 10/21/13 UAW Local 2256 Employee who is employed by the Employer on the date of this Amendment's adoption a one-time, lump sum contribution in an amount equal to 2% of their Base Wage earned from (i) the later of such employee's date of hire or transfer into UAW Local 2256 or October 21, 2013, through (ii) the date such contribution is made.

(iv) a 10/21/13 UAW Local 2256 Employee may agree to defer additional Compensation not yet earned in excess of the aforementioned contributions in this Section 4.02h(i) through (iii) by entering into a Participation Agreement subject to the other provisions of the Plan.

(v) In the event the Employee has not completed a Participation Agreement, contributions made pursuant to Section 4.02 h(i) through (iii) shall be made in a manner consistent with the collective bargaining agreement currently in force between the Employer and Local 2256 until the Participation Agreement is completed.

(vi) notwithstanding anything in the Plan to the contrary, amounts contributed or deferred pursuant to this Section 4.02h are subject to and limited by the overall annual contribution limits under the Plan as set forth in Plan section 2.03 and Code Sections 414(v), 415 and 457(e) as applicable; provided, further, the Employer may require a 10/21/13 UAW Local 2256 Employee to complete a Participation Agreement even if such employee does not defer additional amounts pursuant to 4.02h(iv).

BE IT FINALLY RESOLVED that the City of Lansing Deferred Compensation Committee is hereby authorized to pass resolutions, sign documents and take such other action necessary and appropriate to effectuate and administer the amended and added subsections to the 457 Plan in conformity to the January 9, 2017 CBA.

THIS ITEM NOT AVAILABLE AT TIME OF PRINT

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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

RICK SNYDER
GOVERNOR

SHELLY EDGERTON
DIRECTOR

April 12, 2017
Cedar Super Store, LLC
c/o: Mohan Multani (lmultani@yahoo.com)

RID #900131 Reference/Transaction: Transfer Ownership Escrowed 2016 SDD and SDM Licensed Business with Sunday Sales Permit (AM) and Sunday Sales Permit (PM) from Store 103, LLC.

Please let this letter serve as notice the Michigan Liquor Control Commission has referred your application to our Enforcement Division for investigation of your request.

Applicant/Licensee: Cedar Super Store, LLC

Business address and phone number: 1826 S Cedar Street, Lansing, MI 48910

Home address and phone number of partner(s)/subordinates:
Mohan Multani – 2014 Walmar Drive, Lansing, MI 48917; C: (517) 204-4171

As part of the licensing process, an investigation is required by the Michigan Liquor Control Commission Enforcement Division. The Enforcement investigation will be conducted from the following designated District Office: **Lansing District Office (866) 813-0011**

Escanaba District Office (906) 786-5553
Lansing District Office (866) 813-0011
Grand Rapids District Office (616) 447-2647
Southfield District Office (313) 456-1170

You may contact your designated District Office regarding any appointments or questions on documentation requested by the Investigator. **Failure to provide requested information or to keep scheduled appointments will cause the application to be returned to the Lansing office for cancellation.**

Since this request is a transfer under MCL 436.1529(1), approval of the local unit of government is not required. However, a copy of this notice is also being provided to **Lansing City Clerk** should they wish to submit an opinion on the application or advise of any local non-compliance issues.

Under administrative rule R 436.1105, the Commission shall consider the opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business when determining whether an applicant may be issued a license or permit.

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. The licensee must obtain all other required state and local licenses, permits, and approvals before using this license for the sale of alcoholic liquor. Approval of this license by the Michigan Liquor Control Commission does not waive any of these requirements.

MICHIGAN LIQUOR CONTROL COMMISSION
Retail Licensing Division
(866) 813-0011

cc: Store 103, LLC (c/o Edwar Zeineh – 2800 E Grand River Avenue, Suite B, Lansing, MI 48912) / Lansing City Clerk (city.clerk@lansingmi.gov)

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

RICK SNYDER
GOVERNOR

SHELLY EDGERTON
DIRECTOR

April 6, 2017
American Gas & Oil, Inc.
c/o: Joseph A. Lucas
(jalucas@rhodesmckee.com)

RID #900959 Reference/Transaction: New SDM License issued under MCL 436.1533(7); New Sunday Sales Permit (AM); New Gas Pumps to be issued under MCL 436.151(6) 5' (inside)

Please let this letter serve as notice the Michigan Liquor Control Commission has referred your application to our Enforcement Division for investigation of your request.

Applicant/Licensee: American Gas & Oil, Inc.

Business address and phone number: 4019 S. Martin L King, Lansing, MI 48910

Home address and phone number of partner(s)/subordinates:
Jason F. Berris – 5701 Chanterelle Dr. NE, Belmont, MI 49503;
B: 616-887-0956 C: 616-437-7666
Frank G. Berris – 8220 Ten Mile Rd, Rockford, MI 49341; B: 616-887-0956 C: 616-874-7263

As part of the licensing process, an investigation is required by the Michigan Liquor Control Commission Enforcement Division. The Enforcement investigation will be conducted from the following designated District Office:

Escanaba District Office (906) 786-5553
Lansing District Office (866) 813-0011
Grand Rapids District Office (616) 447-2647
Southfield District Office (313) 456-1170

You may contact your designated District Office regarding any appointments or questions on documentation requested by the Investigator. **Failure to provide requested information or to keep scheduled appointments will cause the application to be returned to the Lansing office for cancellation.**

A copy of this notice is also being provided to **Lansing City** should they wish to submit an opinion on the application or advise of any local non-compliance issues.

Under administrative rule R 436.1105, the Commission shall consider the opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business when determining whether an applicant may be issued a license or permit.

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. The licensee must obtain all other required state and local licenses, permits, and approvals before using this license for the sale of alcoholic liquor. Approval of this license by the Michigan Liquor Control Commission does not waive any of these requirements.

MICHIGAN LIQUOR CONTROL COMMISSION
Retail Licensing Division
(866) 813-0011

cc: Jason F. Berris (j.berris@americango.biz) / Lansing City