

**CITY OF EAST LANSING
REGULAR COUNCIL MEETING
MINUTES
May 1, 2012**

Present: Beard, Loomis, Power, Triplett, Goddeeris
Absent: None

The meeting was called to order at 7:30 p.m. by Mayor Goddeeris. The meeting was held in Council Chambers of the 54-B District Court, 101 Linden Street, East Lansing.

Item 1 **Approval of the Agenda**

It was moved by Triplett and seconded by Power to approve the agenda.

ALL YEAS
MOTION CARRIED

Item 2 **Approval of the Minutes**

It was moved by Triplett and seconded by Power to approve the minutes of the April 17, 2012 budget work session.

ALL YEAS
MOTION CARRIED

It was moved by Beard and seconded by Triplett to approve the minutes of the April 17, 2012 regular meeting.

ALL YEAS
MOTION CARRIED

Item 3 **Special Presentation**

- Older Americans Month: Presenter not in attendance

- Edmond Cheeney was recognized as an Arts Commission member whose term expired in 2011 and had served at least two full terms. Ami Van Antwerp, staff liaison to the Arts Commission, and Kevin Epling, Arts Commission Chairperson, highlighted Cheeney's contributions to the City, including creation of the Online Virtual Arts Tour of five of the City's public art sculptures. Mayor Pro Tem Triplett presented Cheeney with a citation for community service and a personalized City of East Lansing padfolio.

Item 4 **Written Communication**

Between April 24 and May 1, 2012, Council received written communication:

- 04/24/12 from Eliot Singer regarding Due Diligence Questions

- 04/30/12 from Roger Stuart regarding Brownfield Plan #17
- 05/01/12 from Eliot Singer regarding City Center II (1 of 2)
- 05/01/12 from Eliot Singer regarding City Center II (2 of 2)

Item 5 **Communication from Audience**

- Aaron Weiner, 360 Albert Avenue, spoke in opposition to food trucks.

Item 6 **Communication from Mayor and Council Members**

Councilmember Power:

- Expressed appreciation to City Manager George Lahanas and Human Resource Administrator Shelli Neumann and City employees and highlighted union contract extensions which were approved at Council work session of April 24, 2012.

Councilmember Loomis:

- No Report

Councilmember Beard:

- Reported on HUD (Housing and Urban Development) Sustainability Summit held at Hannah Community Center last evening.

Mayor Pro Tem Triplett:

- Said he echoed comments by Power regarding approved bargaining unit contracts and thanked employees for partnerships to work with Council to tackle City's budget challenges.
- Updated Council on personal property tax legislation that is moving through the legislature.

Mayor Goddeeris:

- Thanked Community Relations Coalition interns for a successful Taste of East Lansing event which raised funds for Patriarche Park play structure.
- Also thanked City staff and City employees for contract agreements and for working together.
- Said the City has been named a Tree City for the 25th year in a row and said there are opportunities to replace trees.

Item 7 **Review of Work Session Actions**

Mayor Goddeeris reviewed the following actions taken at the work session of April 24, 2012:

1. Approved the minutes of the April 10, 2012 budget work meeting.
2. Approved the minutes of the April 10, 2012 work session.
3. Approved contract extensions for:
 - International Fire Fighters Association (IAFF)

- Police Officers Association of Michigan (POAM)
- United Auto Workers (UAW), Local 2256
- East Lansing Supervisory Independent Union (ELSIU)
- East Lansing Independent Employees Union (ELIEU)
- Fraternal Order of Police (FOP): Support Services

and the City of East Lansing for one year, from July 1, 2012 through June 30, 2013 and authorized City Manager to sign.

Item 8

City Manager's Report

City Manager George Lahanas:

- Said he appreciated comments regarding labor contracts and said it is a testament to all employees, union and non-union, who understand the challenges the City is facing.
- Asked Todd Sneathen, Director of Public Works and Environmental Services, to respond to comments regarding City's recycling program. Sneathen highlighted costs, expenditures, services, and future programs. Lahanas said good stewardship is a core value in the community.

Item 9

City Attorney's Report

City Attorney Tom Yeadon:

- No Report

Item 10

Public Hearing – Brownfield Plan #17: 514 Michigan Avenue

Tim Dempsey, Planning and Community Development Director, provided an overview of Brownfield Plan #17 for 514 Michigan Avenue redevelopment project.

Goddeeris opened the public hearing on Brownfield Plan #17.

Seeing no one come forward, Goddeeris closed the public hearing on Brownfield Plan #17.

It was moved by Loomis and seconded by Power to approve resolution to adopt Brownfield Plan #17.

ALL YEAS
MOTION CARRIED

CITY OF EAST LANSING

EAST LANSING CITY COUNCIL

A RESOLUTION TO ADOPT BROWNFIELD PLAN #17
FOR THE CITY OF EAST LANSING, APPROVING TAX
INCREMENT FINANCING FOR THE INTERSTATE

PARTNERS PROJECT IN COMPLIANCE WITH THE
PROVISIONS OF ACT 381, PUBLIC ACTS OF 1996 AS
AMENDED

WHEREAS, on August 15, 2000, the City of East Lansing Council, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), established the City of East Lansing Brownfield Redevelopment Authority (the "Authority") to facilitate the implementation of plans relating to the identification and treatment of eligible properties in East Lansing; and,

WHEREAS, on August 15, 2000, the City of East Lansing Council adopted the original Brownfield Plan for the City of East Lansing; and,

WHEREAS, the property located at 514 Michigan Avenue, in the City of East Lansing, has been determined to be a "Facility" as defined by Act 381 of Public Acts of 1996, being defined as the "Property"; and,

WHEREAS, a brownfield redevelopment plan has been prepared as Brownfield Plan #17 for the 514 Michigan Avenue Redevelopment Project ("Plan #17"), to restore the environmental and economic viability of the Property; and,

WHEREAS, pursuant to and in accordance with Section 13 of the Act, the Authority, on March 22, 2012, approved Plan #17; and,

WHEREAS, East Lansing City Council has reviewed Plan #17, and has provided a reasonable opportunity to interested persons to express their views and recommendations regarding it in accordance with Section 13(12) of the Act; and,

WHEREAS, a public hearing notice on the proposed Plan #17 was published in the manner as required by Section 13(10) of the Act prior to the East Lansing City Council giving consideration to the resolution adopting Plan #17; and,

WHEREAS, all taxing jurisdictions that levy taxes under the Act were notified of the public hearing regarding Plan #17, informed of the fiscal and economic implications of Plan #17, and provided an opportunity to be heard; and,

WHEREAS, the City of East Lansing Council held a public hearing on May 1, 2012 to receive comment on the proposed Plan #17 in accordance with Sections 13(10) and 13(12) of the Act; and,

WHEREAS, on May 1, 2012, East Lansing City Council deemed that Plan #17 meets all requirements of a Brownfield Plan under the Act, the plan constitutes a public purpose, the proposed method of financing the costs of eligible activities is feasible, the costs of eligible activities are reasonable and necessary to carry out purposes of the Act, and the amount of captured taxable value estimated to result from adoption of Plan #17 is reasonable.

NOW THEREFORE BE IT RESOLVED, that the Council for the City of East Lansing accepts the recommendation of the Authority, and approves the adoption of Brownfield Plan #17 for the 514 Michigan Avenue Redevelopment Project.

Item 11

Consent Agenda

City Manager George Lahanas reviewed the Consent agenda:

1. Approval of a resolution proclaiming May 2012 to be Older Americans Month.
2. Approval of a resolution in support and recognition of National Train Day on May 12, 2012.
3. Approval of a contract with Terra Contracting LLC for sewer cleaning and televising Kalamazoo Street Interceptor Project in the amount of \$27,408.30 and authorize the City Manager to sign.
4. Approval of the Granicus proposal and service agreement and authorize City Manager to sign.
5. Approval of the appointment of Chris Parsons to the Transportation Commission for a full term ending December 31, 2014.
6. Approval of Policy Resolution 2012-3: Guidelines for Issuance of Additional On-premises Licenses under the Quota Provision.
7. Approval of a Class III rental license for up to two unrelated persons or a family at 550 Grove Street. The owners are Wells, Engstrom Investment Properties, Inc. and the legal agent is Community Resource Management Company, represented by Joe Goodsir.
8. Approval of a request to close west half of Parking Lot 1 on Friday, June 22 at 2:00 a.m. to Sunday, June 24 at noon; and to close Albert Street from Abbot Road to Grove Street on Friday, June 22 at noon to Sunday, June 24 at noon for the 2012 Summer Solstice Jazz Festival.
9. Approval of a request for permission to use public spaces for 2012 Community Events program.
10. Introduce and set public hearing for June 5, 2012, for an application from Chuck Raad for Special Use Permit approval for the property at 1050 Trowbridge Road, which would allow alcohol sales under a Class C liquor license at the Existing Woody's Oasis restaurant. The property is zoned B-2, Retail Sales Business district.

Loomis asked to have agenda item 17 removed from the consent agenda: *Approval of Policy Resolution 2012-2 Guidelines for Granting Concessionaire Licenses in the City of East Lansing* and placed on the Business agenda.

It was moved by Power and seconded by Beard to approve the Consent agenda.

ALL YEAS
MOTION CARRIED

City of East Lansing, Michigan

**RESOLUTION PROCLAIMING MAY 2012 TO BE OLDER AMERICANS MONTH
IN THE CITY OF EAST LANSING**

May 1, 2012

WHEREAS, the City of East Lansing includes 5,483 citizens aged 55 and older; and,

WHEREAS, the City of East Lansing is committed to helping all individuals maintain their health and independence in later life; and,

WHEREAS, the older adults in East Lansing have an important role in sharing knowledge, wisdom, and understanding of the history of our community through interactions with children, youth, and adults from other generations; and,

WHEREAS, the fruits of knowledge and experience can be effectively transferred from generation to generation through meaningful social interactions; and,

WHEREAS, their interactions with family, friends, and neighbors across generations enrich the lives of everyone involved; and,

WHEREAS, our community can provide opportunities to enrich citizens young and old by:

- Emphasizing the value of including elders in public and family life
- Creating opportunities for older Americans to interact with people of different generations
- Providing services, technologies, and support systems that allow older adults to participate in social activities in the community

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Lansing hereby proclaims May 2012 to be Older Americans Month. We urge every citizen to take time this month to engage with our older citizens.

City of East Lansing, Michigan

**RESOLUTION IN SUPPORT AND RECOGNITION OF NATIONAL TRAIN DAY
ON MAY 12, 2012**

May 12, 2012

WHEREAS, National Train Day is for people who “relish the journey – not just the destination;” and,

WHEREAS, Michigan’s 22 railroad stations are a source of civic pride, a gateway to our communities and a tool for economic growth that creates transportation-oriented development and livable communities; and,

WHEREAS, Amtrak is now in its forty-first year of service as America's Railroad; and,

WHEREAS, Amtrak serves more than 500 destinations in 46 states on a 21,000-route-mile-system; and,

WHEREAS, the record ridership Amtrak set in 2011 – their eighth in the last nine years – is in a large part a product of careful and sustained investment in their fleet and infrastructure systems; and,

WHEREAS, in highly populated regions, Amtrak trains and infrastructure carry passengers and commuters to and from work in congested metropolitan areas, providing a reliable rail option while reducing congestion on roads and in the skies; and,

WHEREAS, passenger rail provides a more fuel-efficient transportation system thereby providing cleaner transportation alternatives and energy security; and,

WHEREAS, when combined with all modes of transportation, passenger railroads emit only 0.2 percent of the travel industry's total greenhouse gases and one freight train can move a ton of freight 457 miles on one gallon of fuel; and,

WHEREAS, on May 10, 1869 the "golden spike" was driven into the final tie at Promontory Summit, Utah to join the Central Pacific and the Union Pacific Railroads, ceremonially completing the first transcontinental railroad and therefore connecting both coasts of the United States;

NOW, THEREFORE, BE IT RESOLVED, that the City of East Lansing supports and recognizes National Train Day on May 12, 2012 and we celebrate the pivotal role that a robust intercity passenger rail system can provide for better mobility for persons of all abilities.

CITY OF EAST LANSING

POLICY RESOLUTION 2012-3

GUIDELINES FOR ISSUANCE OF ADDITIONAL ON-PREMISES LICENSES UNDER THE QUOTA PROVISION

WHEREAS, The City Council may approve a resolution of support for the issuance of additional on-premises liquor licenses as allowed by the State of Michigan based upon federal census counts; and,

WHEREAS, The City has received notification that due to increase population per the 2010 Census, there is one new on-premises license available; and,

WHEREAS, The Downtown Development Authority (DDA) has established Liquor License Evaluation Criteria to link favorable recommendations related to liquor license application with the DDA's economic development objectives; and,

WHEREAS, Council desires that the same criteria should be applied City wide in the evaluation of new on-premises liquor license applications; and,

WHEREAS. Council desires that guidelines be established for consideration of applicants that closely follow the Liquor License Evaluation Criteria that has been established and adopted by the Downtown Development Authority in February of 2008;

NOW THEREFORE, BE IT RESOLVED, The City Council will consider the following Guidelines in reviewing an application for an additional on-premises license:

1. Evaluation Criteria Components

A. Location

The criteria apply to the entire City

B. Dining Mix

The City seeks to encourage and foster the development of unique, high quality, full service restaurants that appeal to singles, couples and families in all age ranges.

Quick serve lunch-focused restaurants and more traditional drinking establishments currently dominate the market. Restaurants that enhance the dining mix will be encouraged and supported to increase the City's appeal to a wider audience.

Categories to emphasize include fine dining, unique cuisine, upscale casual, and family or themed restaurants. These restaurants are characterized by high quality food, service, and finished space. Price points can have a wide range, but entrees are typically more expensive. Examples of such restaurants include the following:

National Chains

Bonefish Grill
Bravo!
Cheesecake Factory
P.F. Changs

Regional Brands

bd's Mongolian BBQ
Tom's Oyster Bar
Lettuce Entertain You (Chicago)
L. Woods
Mity Nice Bar & Grill
Main Street Ventures (Ann Arbor)
Real Seafood
Carson's Steakhouse

Local Operators

Common Grill
Gilbert & Blake's
Red Cedar Grill
Troppo

C. Evaluation Criteria

The scoring system assesses applicants through multiple criteria. Applicants that reach the specified point total would receive a favorable recommendation for a liquor license. In order to maximize points and ensure that proposed projects meet the necessary scoring criteria for a favorable recommendation; applicants are encouraged to meet with staff in the Department of Planning and Community Development prior to submitting any proposed plans.

Capacity

High quality restaurants generally have the necessary capacity to serve the majority of their demand during peak hours while functioning economically during off-peak hours. As

restaurants with liquor licenses grow larger, crowd control later in the evening becomes a concern for the East Lansing Police Department.

Maximum Seating Capacity	Under 100	101-200	201-300	301+
Points	3	2	1	0

Hours of Operation

Restaurants with an emphasis on food service generally have shorter operating hours than those with an emphasis on alcohol sales and will typically close before midnight. City Code requires that a restaurant’s kitchen remain open until closing. Only restaurants that close by midnight will be eligible to receive a positive recommendation for the additional liquor license.

Entertainment Licenses

Restaurants that appeal to singles, couples, and families in all age ranges may occasionally utilize an entertainer. However, most do not rely on entertainment as a critical source of attraction. Points will be based on whether the applicant has or is requesting an entertainment license with the Special Use Permit. If the applicant applies for an entertainment license after getting an initial SUP without an entertainment license it will trigger an SUP modification and require another review.

Entertainment License Type	None	Entertainment Only	Entertainment & Dance
Points	2	1	0

Management and Operations Experience

Restaurateurs who have proven operations experience are preferred over those that have little to no experience in the business. Proven operations experience is demonstrated by responsible business practices unique to a university community. Such practices include exemplary compliance with liquor license laws and city regulations, an excellent customer safety record, and policies that encourage responsible customer behavior.

The City will consider the applicant’s background and to what extent it relates to the proposed establishment. Staff will prepare a summary of the applicants’ background and the City will decide how to weight it in relation to the proposed restaurant.

Experience	Extensive Experience and Training	Limited Experience and Training	No Prior Experience
Points	2	1	0

Restaurant Type

A desired outcome of these criteria is to encourage fine dining and theme/family restaurants. While other types of eateries are acceptable, they would receive a lower score.

Restaurant Type	Fine Dining	Unique Cuisine	Family/ Theme	Fast Food or Fast Casual
Points	3	2	1	0

Definition of Restaurant Types

Fast Food/Quick Service Restaurants (QSR): Traditional fast food restaurants with no table service, lower quality food products (i.e. pre-processed or prepared ingredients) low price points. These include restaurants with carryout services only. Examples include McDonald’s, Burger King, Taco Bell, Chinese carryout only.

Fast Casual: Low to medium quality product with no table service and low price points. Examples include Panera Bread, Qdoba, Fazolli’s, Boston Market.

Family/Theme: Medium to higher quality product with table service, medium price points. Examples include TGIFriday’s, Applebee’s, P.F. Changs

Fine Dining: High quality food product with high level of table service and high price points. Includes “upscale casual” referring to fine dining in a casual atmosphere. Examples include Troppo, Common Grill, Red Cedar Grill.

Unique Cuisine – Emphasis on unique cuisine and/or quality of, that is unavailable elsewhere in the market, for example Cajun, Caribbean, soul food.

1. Application of Policy

Because additional on-premises licenses are relatively inexpensive and very desirable, the City will reserve resolutions of support for restaurants that have a positive economic development impact and help achieve the goals set forth by the Downtown Development Authority. A closing time of no later than midnight and a minimum score of 8 out of 10, based upon the above criteria will be the general threshold for such a resolution.

Item 12

Business Agenda

- 1. Consideration of Policy Resolution 2012-2: Guidelines for Granting Concessionaire Licenses in the City of East Lansing.**

Council discussed conversation and input included in development of Policy Resolution 2012-2, concerns of restaurant owners, and need for pilot program and data.

It was moved by Loomis and seconded by Power to defer action on Policy Resolution 2012-2 until July 10, 2012.

YEAS – 3 Beard, Loomis, Power

NAYS – 2 Triplett, Goddeeris

MOTION TO DEFER CARRIED

2. **Consideration of the authorization for City Manager to sign a contract with Hubbell, Roth & Clark, Inc. to prepare the necessary applications and Project Plan for submittal to MDEQ (Michigan Department of Environmental Quality) for funding under the “Clean Water State Revolving Fund” (SRF) for low interest financing for “S-2 Grants” for design of proposed wastewater collection and treatment projects.**

Todd Sneathen, Director of Department of Public Works and Environmental Services, briefed Council on contract with Hubbell, Roth & Clark, Inc.

It was moved by Power and seconded by Beard to authorize City Manager to sign a contract with Hubbell, Roth & Clark, Inc. to prepare the necessary applications and Project Plan for submittal to MDEQ (Michigan Department of Environmental Quality) for funding under the “Clean Water State Revolving Fund” (SRF) for low interest financing for “S-2 Grants” for design of proposed wastewater collection and treatment projects.

ALL YEAS

MOTION CARRIED

3. **Consideration of Ordinance No. 1270; a City-initiated ordinance to amend Article VI, Division 6 at Sections 50-792, 50-793, and 50-794 – of Chapter 50 – Zoning – of the Code of the City of East Lansing to amend the permitted land uses and minimum building height requirements.**

Darcy Schmitt, Planning and Zoning Administrator, updated Council and answered questions regarding Ordinance No. 1270. Schmitt reviewed the process and timeline of East Village zoning and Ordinance No. 1270. She said three options are before Council this evening: 1) original Ordinance No. 1270; 2) Option A, which gives relief to sororities and fraternities until 2014; and 3) Option B, which gives relief to sororities and fraternities and other businesses within the East Village district.

It was moved by Triplett and seconded by Beard to amend Ordinance No. 1270 to include the language as amended in Option A as presented in May 1, 2012 Council packet.

Jeff Hudgins, 117 Gunson, spoke regarding Ordinance No. 1270 and East Village zoning.

Council discussed form based code, equal protection, 2014 sunset window, comprehensive plan, and solution to specific issue.

ALL YEAS
MOTION TO AMEND CARRIED

It was moved by Triplett and seconded by Beard to approve Ordinance No. 1270, as amended.

ALL YEAS
MOTION CARRIED

CITY OF EAST LANSING, MICHIGAN

ORDINANCE NO. 1270

AN ORDINANCE TO AMEND ARTICLE VI, DIVISION 6 AT SECTIONS 50-794 – OF CHAPTER 50 – ZONING – OF THE CODE OF THE CITY OF EAST LANSING TO AMEND THE PERMITTED LAND USES

THE CITY OF EAST LANSING ORDAINS:

Section 50-794 of Article VI, Division 6 of Chapter 50 – Zoning – of the Code of the City of East Lansing is hereby amended to read as follows:

Sec. 50-792. - Regulating plan.

The East Village District has four form-based zones (Fig. 2):

- A. Grand River Avenue/Bogue Street Area
- B. Grand River Avenue Area I
- C. Grand River Avenue Area II
- D. Water's Edge Area

(See Attached Graphic)

Note: Exact boundaries for each zone are subject to change based on development plans that are consistent with the district master plan.

(a) Intent of Form-Based Code [No Change]

(b) East Village District Zones.

(1) Grand River Avenue Area I and Grand River Area II Zones.

a. These are the primary zones that will be used to implement concepts from the 2000 East Grand River Avenue Study and any future plans that may be developed from, or any revisions to, the study. These two zones are unique to the other two

zones because of shallow depth, high visibility along Grand River Avenue, and premium river frontage (Fig. 4).

Sec. 50-793. Building Envelope Requirements

(a) General Requirements [No Change]

(b) Building Height – All Zones

(See Attached Graphic)

Sec. 50-794. - Permitted land uses.

Uses permitted shall be in accordance with the objectives of the East Village Master Plan. The following uses of buildings and premises shall be permitted in the East Village zoning district:

(1) *General requirements.*

- a. Except as provided in subsections (2)m and (3)e below, at least 75 percent of the first floor of each building in the district along Grand River Avenue shall be used for retail or office uses, and at least 50 percent of the first floor of each building in all other areas of the district shall be used for retail or office uses, as listed in this section. Any remaining space on the first floor of a building may be used for public/semi-public spaces as listed in this section, except that limited portions of the first floor space may be used for residential amenities, lobbies, hallways, elevators or stairways necessary to access uses on other floors of the building or for entrances to parking facilities provided within the building.
- b. Floors of any building above and below the first floor may be used for any of the uses listed below, singularly or in combination.
- c. In order to achieve a balance of owner-occupied, mixed-market rental, and student-oriented rental housing in the area over time, consistent with the goals of the East Village Master Plan, for all development plans that contain housing, at least 50 percent of the dwelling units included shall be marketed, rented, and/or sold as mixed-market rental units, as defined in section 50-7 of this chapter, or condominiums. This provision shall apply until owner-occupied condominium dwelling units comprise at least 25 percent of the total number of dwelling units present in the East Village District. This provision shall not apply to hotel dwelling units.
- d. The occupancy of a condominium dwelling unit shall be limited to a family as defined in this chapter, except that an owner-occupant may lease to no more than one unrelated individual (Class I license), and a non-owner occupant may lease to a family or no more than two unrelated individuals (Class III license).

- (2) *Principal uses permitted subject to an approved site plan as set forth in section 50-36 of this chapter.*

Retail

- a. Retail business, except those uses which tend to detract from or interfere with a high intensity of pedestrian shopping activity, including automobile sales facilities, auto service centers, drive-in restaurants and similar uses which rely on regular direct vehicular access to serve a significant portion of their customers; and except for establishments licensed for the sale at retail of alcoholic liquor, as defined by Section 105(2) of the Michigan Liquor Control Code of 1998, MCL 436.1105(2), including specially designated merchants and specially designated distributors as described at MCL 436.1537.
- b. Shops for making articles or products to be sold at retail on the premises, such as leather goods, jewelry, prepared food or a bakery, provided that the conduct of such business is not objectionable as being odorous, unsightly, or noisy.
- c. Personal service establishments such as barber and beauty shops, dry cleaners and laundries, shoe repair shops, photographers, spas, health clubs, and service establishments of a like nature.
- d. Restaurants, except restaurants licensed for the sale of alcoholic beverages or alcoholic liquor as defined by Section 105(1) of the Michigan Liquor Control Code of 1988, MCL 436.1105(2), cafes, and similar establishments, including such establishments that may offer outdoor dining areas and walk-up service windows.

Office

- e. Office uses, including, but not limited to, general and professional offices, medical and dental offices, banks and financial institutions, automatic teller machines, real estate offices, travel agencies, and offices of political, professional, or civic organizations or associations.

Residential

- f. Hotels.

Public/Semipublic

- g. Theaters, public assembly halls, concert halls, meeting rooms, clubs, lodges, churches or similar places of assembly.
- h. Government and public utility offices.
- i. Museums and art galleries.

- j. Colleges, universities, business or trade schools or similar education or training facilities.
 - k. Radio and television studios and broadcasting facilities, excluding transmission, and receiving towers.
 - l. Publicly owned parks, recreation buildings and facilities.
- (3) *Principal uses permitted subject to an approved special use permit as provided by article II, division 3 of this chapter.*

Retail

- a. Recreational uses and facilities which do not serve alcoholic beverages, including, but not limited to, video game arcades, billiard or pool parlors, and indoor or outdoor court facilities.
- b. Restaurants licensed for the sale of alcoholic beverages or alcoholic liquor as defined by Section 105(1) of the Michigan Liquor Control Code of 1988, MCL 436.1105(2).
- c. Establishments licensed for the sale at retail of alcoholic liquor, as defined by Section 105(2) of the Michigan Liquor Control Code of 1998, MCL 436.1105(2), including specially designated merchants and specially designated distributors as described at MCL 436.1537.
- d. Uses with limited drive-in facilities, such as financial institutions, dry cleaners and drugstores, uses that provide valet parking and uses which provide limited short-term on-site parking to serve their customers, provided that such drive-in or parking facilities are designed and operated to promote public safety by minimizing conflicts with pedestrian flow and congestion on public streets and alleys, and to reduce the visual impact of parking areas and driveways.

Public/Semipublic

- e. Parking structures provided to serve the parking needs of surrounding buildings in the district may be constructed as the primary or sole use of a building or parcel, provided that such structures shall be located and designed to minimize adverse visual impacts on the streetscape and disruptions to pedestrian flow and activity, and provided further, that whenever practicable, the first floor of such structures facing a public street shall provide space for retail uses as listed in this section.

Residential

- f. Class A and Class B multiple-family dwellings section 50-6 of this chapter.

- (4) *Permitted accessory uses.* In addition to uses customarily incidental to the main use of the building or lot, the following uses shall be permitted as accessory uses:
- a. Parking facilities provided within or under a building.
 - b. Class A home occupations.
 - c. Video games, pool tables, and other similar amusement games located within a restaurant or other business, provided that the total number of games or machines contained within the building shall not exceed one game for every 400 square feet of gross floor area of the restaurant or business.
 - d. Automatic teller machines which are enclosed within or attached to the principal building.
 - e. Recreational uses and facilities such as swimming pools, indoor or outdoor court facilities, and weight or training rooms for the use of the patrons or tenants of a hotel or residential use, provided that such uses do not exceed 20 percent of the gross floor area.

Sec. 50-795. - Nonconforming uses and buildings.

Uses and buildings legally existing within the East Village zoning district at the time this division is adopted may be continued, although such uses or buildings do not conform to the standards of the district. The following provisions shall apply to nonconforming uses and buildings in this district:

- (1) Except for sororities and fraternities, a use or building which does not conform to the regulations of this district shall not be enlarged or extended unless the use and building are changed to comply with the regulations of this district.
- (2) Except for sororities and fraternities, a nonconforming building shall not be converted in use in a way which would result in a higher parking requirement according to the ratios in section 50-812, regardless of the number of parking spaces present; except, buildings deemed to be culturally or historically significant by the city council may be converted in use consistent with the goals and objectives of the East Village Master Plan, subject to an approved special use permit as provided by article II, division 3, of this chapter.
- (3) A nonconforming use may be extended throughout any parts of the building which were manifestly arranged or designed for such use at the time of the adoption of this district.
- (4) If any nonconforming building ceases to be used for any reason for a continuous period of more than one year, then any future use of the land and any building or improvements upon it shall be in conformity with the regulations of this district.
- (5) If any nonconforming building is moved or removed, the subsequent use of the land on which such building was located, and any subsequent building or improvements thereon, shall be in conformity with the regulations of this district.

(6) Where a nonconforming building is damaged or destroyed by fire, explosion, wind, flood, or other catastrophe, it may be rebuilt and the use continued, but not to any greater extent than in the previously existing building. Such reconstruction shall be accomplished in accordance with the site plan review requirements in section 50-36 of this chapter and shall, to the maximum practicable extent, comply with the current standards of the zoning district that applied to the property immediately preceding the adoption of this article. Such reconstructions shall not increase the occupancy, floor area, seating capacity or any other feature that increases the density or intensity of the former use of the property.

(7) Except for sororities and fraternities, existing parking areas, access driveways and other site improvements may be maintained as necessary to keep them in sound and usable condition; however, such facilities shall not be expanded, unless such expansions are required to support the adaptive reuse of a culturally or historically significant structure as provided for in subsection (2) above.

(8) Renovations or additions to a sorority or a fraternity which will not increase occupancy or the building footprint by more than 50% may be permitted, if submitted for approval prior to June 14, 2014.

4. Consideration of an application from the Michigan Farmhouse Association for Site Plan approval for the property at 151 Bogue Street, which would permit an expansion of the existing Farmhouse fraternity, increasing occupancy from 44 to 60 persons, and would add retail space on the first floor of the addition. The property is zoned EV, East Village.

Darcy Schmitt, Planning and Zoning Administrator, summarized application that could not be approved as presented in original East Village zoning district. Schmitt said going forward, 15 days after approved Ordinance No. 1270 is noticed in the paper, the Ordinance will become effective. She said the applicant can then resubmit an application for Special Use Permit under the new Ordinance. She said the original application should be denied this evening.

It was moved by Beard and seconded by Power to approve application from Michigan Farmhouse Association for Site Plan for property at 151 Bogue Street.

YEAS – 1 Power

NAYS – 4 Beard, Loomis, Triplett, Goddeeris

MOTION FAILED

5. Consideration of an application from St. Thomas Aquinas Parish for Site Plan approval for the property at 915 Alton Road. The application proposes a 2,300 square foot expansion of the existing school building for storage and kitchen space. The property is zoned R-2, Medium Density, Single-Family Residential District.

Darcy Schmitt, Planning and Zoning Administrator, briefed Council and answered questions on Site Plan application from St. Thomas Aquinas Parish at 915 Alton Road.

Matt Guzinski, Studio Intrigue Architects, spoke in support of St. Thomas Aquinas application and said he is available to answer Council questions.

It was moved by Loomis and seconded by Beard to approve application from St. Thomas Aquinas Parish for Site Plan at 915 Alton Road, subject to 8 conditions.

It was moved by Goddeeris and seconded by Triplett to amend the motion to add condition #9: *When restriping of parking area is completed, five barrier-free spaces will be indicated.*

ALL YEAS
MOTION TO AMEND CARRIED

Goddeeris brought Council back to main motion of approval, as amended.

ALL YEAS
MOTION CARRIED

- 6. Consideration of an application from the SERF (Society of Environmentally Responsible Facilities) Foundation for Site Plan approval of the property at 1300 East Lake Lansing Road. The applicant is requesting approval for an approximately 5,400 square foot green demonstration office building. The property is zoned B-1, General Office Business District.**

Darcy Schmitt, Planning and Zoning Administrator, briefed Council and answered questions on modified site plan application at 1300 East Lake Lansing Road.

It was moved by Triplett and seconded by Power to approve application from SERF Foundation for a modified Site Plan approval for the property at 1300 East Lake Lansing Road.

ALL YEAS
MOTION CARRIED

Item 13

Adjournment

It was moved by Triplett and seconded by Beard to adjourn.

ALL YEAS
MOTION CARRIED

There being no further business the meeting was adjourned at 9:00 p.m.

Diane Goddeeris
Mayor

Nancy O. Wagner
Administrative Secretary