

**CHARTER TOWNSHIP OF MERIDIAN  
PLANNING COMMISSION  
AGENDA**

**REGULAR MEETING**

**March 11, 2013**

**Town Hall Room, Meridian Municipal Building  
5151 Marsh Road, Okemos, MI 48864**

**Regular Meeting**

1. Call meeting to order at approximately 7:00 p.m.
2. Approval of agenda
3. Approval of minutes
  - A. February 11, 2013 Regular Meeting
4. Public remarks
5. Communications
6. Public Hearings
  - A. Special Use Permit #13021 (Zahra), locate a religious institution, a non-residential use in a residential district at 4133 Okemos Road zoned RA (Single Family-Medium Density residential
  - B. Rezoning #13010 (Planning Commission), rezone 5691 Babbitt Street from C-2 (Commercial) to RB (Single Family-Medium Density) residential
  - C. Zoning Amendment #13020 (Planning Commission), request to amend Section 86-2 Definitions and Section 86-564 Yard Encroachments Permitted to update and clarify regulations for decks and patios
7. Unfinished Business
8. Other Business
  - A. Hannah Farms Phase 3 Concept Plan: Capstone Collegiate Communities "Local Lofts of East Lansing"
  - B. Rezoning Review and Recommendation: Rockwood Development Group's request to rezone approximately 25 acres located in the East Lansing/Meridian Township 425 Agreement area
9. Township Board, Planning Commission officer, committee chair, and staff comment or reports

**Planning Commission Agenda**  
**March 11, 2013**  
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10. New Applications

- A. Special Use Permit #13031 (Public Works and Engineering), request to work in the 100-year floodplain to construct a pedestrian/bicycle pathway bridge over the Eberly Drain between Jo Pass Dr. and the Interurban Pathway.

11. Site Plans received

12. Site Plans approved

13. Public Remarks

14. Adjournment

**Post Script: Holly Cordill**

The Planning Commission's Bylaws state agenda items shall not be introduced for discussion or public hearing that is opened after 10:00 p.m. The chair may approve exceptions when this rule would cause substantial backlog in Commission business (Rule 5.14 Limit on Introduction of Agenda Items).

Persons wishing to appeal a decision of the Planning Commission to the Township Board in the granting of a Special Use Permit must do so within ten (10) days of the decision of the Planning Commission (Sub-section 86-189 of the Zoning Ordinance).

**TENTATIVE  
PLANNING COMMISSION AGENDA  
March 25, 2013  
Regular Meeting 7:00 p.m.**

**Regular Meeting**

1. Public Hearings
  - A. Special Use Permit #13031 (Public Works and Engineering), request to work in the 100-year floodplain to construct a pedestrian/bicycle pathway bridge over the Eberly Drain between Jo Pass Dr. and the Interurban Pathway.
  
2. Unfinished Business
  - B. Special Use Permit #13021 (Zahra), locate a religious institution, a non-residential use in a residential district at 4133 Okemos Road zoned RA (Single Family-Medium Density residential
  - C. Rezoning #13010 (Planning Commission), rezone 5691 Babbitt Street from C-2 (Commercial) to RB (Single Family-Medium Density) residential
  - D. Zoning Amendment #13020 (Planning Commission), request to amend Section 86-2 Definitions and Section 86-564 Yard Encroachments Permitted to update and clarify regulations for decks and patios
  
3. Other Business
  - A. Master Plan Goal: Redevelopment Readiness

**CHARTER TOWNSHIP OF MERIDIAN  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
February 11, 2013**

**DRAFT**

**5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room, 7:00 P.M.**

**PRESENT:** Commissioners Cordill, Hildebrandt, Honicky, Ianni, Jackson, Norkin (7:03 P.M.), Scott-Craig  
**ABSENT:** Vice-Chair Deits  
**STAFF:** Principal Planner Gail Oranchak

**1. Call meeting to order**

Chair Jackson called the regular meeting to order at 7:00 P.M.

**2. Approval of agenda**

Commissioner Cordill moved to approve the agenda. Seconded by Commissioner Scott-Craig.

VOICE VOTE: Motion carried 6-0.

**3. Approval of Minutes**

Commissioner Scott-Craig moved to approve the Regular Meeting Minutes of January 28, 2013. Seconded by Commissioner Honicky.

VOICE VOTE: Motion carried 6-0.

**4. Public Remarks**

Chair Jackson opened the floor for public remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, recommended elements of an entire site be considered when a special use permit is requested, suggesting a possible checklist be used by both the Planning Department and the Planning Commission. He specifically spoke to the paved surface of the area, as well as walkability and bikability, at 2111 Haslett Road, for SUP #13011, Anytime Fitness.

Chair Jackson closed public remarks.

**5. Communications (None)**

**6. Public hearings (None)**

**7. Unfinished Business**

**A. Special Use Permit #13011 (Baldino), request to operate a 24-hour health and physical fitness establishment, Anytime Fitness, at 2111 Haslett Road, Haslett**

Commissioner Scott-Craig moved [and read into the record] **NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Special Use Permit #13011 subject to the following conditions:**

- 1. Approval is subject to the plans submitted with the application dated December 12, 2012, and the associated materials submitted as part of Special Use Permit #13011, subject to revisions as required.**

2. The applicant shall obtain any applicable permits, licenses, and approvals from the Township prior to any work taking place on the site. Copies of all permits, licenses, and approvals shall be submitted to the Department of Community Planning and Development.
3. The area occupied by the 24-hour health and physical fitness facility shall not exceed 5,000 square feet without first being granted an amendment to Special Use Permit #13011.

Seconded by Commissioner Honicky.

Planning Commission discussion:

- Current zoning did not allow the facility to operate 24 hours a day
- Uses in the C-1 district cannot currently operate between midnight and 6:00 A.M.
- Changes are being requested to the interior only
- When improvements are made to the site outside of the building, staff looks at exterior elements
- Bicycle racks as a condition of the SUP approval
- Other businesses within the strip mall, specifically the Seven Eleven, should be involved in providing bicycle racks as they would have customers who would utilize them
- Mr. Baldino is both the business and property owner

ROLL CALL VOTE: YEAS: Commissioners Cordill, Hildebrandt, Honicky, Ianni, Norkin,  
Scott-Craig, Chair Jackson

NAYS: None

Motion carried 7-0.

## 8. Other Business

### A. 5691 Babbitt Street Rezoning Request

Principal Planner Oranchak summarized the owner's request that the Planning Commission initiate a rezoning of 5691 Babbitt Street from C-2 to a residential zoning classification. She noted the site is a non-conforming residence in a commercial district, adding the 2005 Master Plan calls for residential use on this site. Principal Planner Oranchak stated RB would be the appropriate residential category as the residences surrounding this property are zoned RB and it is consistent with the dimensions and other standard requirements of the RB district.

Planning Commission and applicant discussion:

- Current owner has a problem with refinancing the mortgage due to its commercial zoning classification
- Property is in a walkable neighborhood
- Rezoning the property to RB will uphold the Master Plan and benefit the current and future homeowners
- Effect the rezoning would have on adjacent commercially zones sites to the north
- Adjoining property to the north is currently non-conforming and would require a variance from the Zoning Board of Appeals for redevelopment
- Concern that holding off this rezoning on the "chance" a business may wish to redevelop in the future is detrimental to the subject property
- Conflict with the two properties lies within the C-2 zoning designation, as C-1 has less of a setback requirement between residential and non-residential
- Setback from Haslett Road still exists despite the zoning classification
- Other zoning districts would be more fitting for this type of neighborhood
- Current owner of the dental office has no interest in expanding his business

**It was the consensus of the Planning Commission to initiate a rezoning of 5691 Babbitt Street to a residential zoning classification.**

**B. Redevelopment Ready Communities**

Principal Planner Oranchak gave an overview of Michigan Economic Development Corporation's (MEDC) new certification program titled "Redevelopment Ready Communities".

Planning Commission discussion:

- Township Board has not yet endorsed any specific policy
- Meridian's Economic Development Commission is aware of this program and interested in moving forward
- Need exists for the Township to be more business friendly
- Request for staff to bring concrete suggestions on how to create a more business friendly environment in the Township
- How the Township can improve citizen involvement
- Document does not give guidance on how to uniformly address non-conforming issues
- Document on the website provides links to data on how other communities have dealt with "thorny" issues
- Primary emphasis of the document is commercial redevelopment
- Document as a guide to addressing redevelopment in general
- Document meant to simplify the process for redevelopment
- Ways to better involve individuals in the process
- Changes made to policy outlook and ordinances must be incorporated into the Master Plan
- Plans (e.g., Master Plan, Downtown Development Authority Plan, Capital Improvements Program) are the foundation upon which to build
- Adding the certification program to the Planning Commission's toolkit

**9. Township Board, Planning Commission officer, committee chair, and staff comment or reports**

Chair Jackson noted an article in the Towne Courier indicated installation of an electric car charging station at Studio C in Meridian Township and congratulated staff for their forethought in this endeavor.

**10. New applications (None)**

**11. Site plans received (None)**

**12. Site plans approved**

- A. Site Plan Review #12-07 (Trilogy), request to construct a 91-bed assisted living and skilled nursing care facility (approximately 54,000 square feet in size) to be located off of Central Park Driver, north of Panera's, Okemos.
- B. Site Plan Review #12-97-31 (Arby's Restaurant), request to install replacement landscaping at 2214 Jolly Road (Arby's), Okemos.
- C. Site Plan Review #13-78-15 (Option One Credit Union), request to re-establish a drive-through bank, renovate building interior and exterior, add new landscaping, add two atrium structure on the roof, and new outdoor lighting at 6025 N. Hagadorn Road, East Lansing.

**13. Public remarks**

Chair Jackson opened public remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, expressed appreciation for the Planning Commission agenda being online prior to tonight's meeting. He spoke to transparency including an online Planning Commission packet. Mr. Provencher voiced his concern that developers who "piece meal" their plans do not bring transparency to the process and is disingenuous.

Chair Jackson closed public remarks.

**14. Adjournment**

Chair Jackson adjourned the regular meeting at 8:04 P.M.

Respectfully Submitted,

Sandra K. Otto  
Recording Secretary

**Special Use Permit #13021  
(Zahra)  
March 7, 2013**

**APPLICANT:** Zahra Institute, Inc.  
1090 Harrington Lane  
East Lansing, MI 48823

**REQUESTED ACTION:** Non-residential use (religious institution) in a residential district

**ZONING OF SUBJECT PARCEL:** RA (Single Family-Medium Density)

**GENERAL LOCATION:** 4133 Okemos Road

**EXISTING LAND USE ON THE PARCEL:** Vacant/former child care center

**ADJACENT AREA LAND USE(S):**

N	Office
S	Office
E	Office
W	Undeveloped

**ZONING ON ADJOINING PARCELS:**

N	PO (Professional and Office)
S	PO (Professional and Office)
E	PO (Professional and Office)
W	PO (Professional and Office)



CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM: Gail Oranchak  
Gail Oranchak, AICP  
Principal Planner

DATE: March 7, 2013

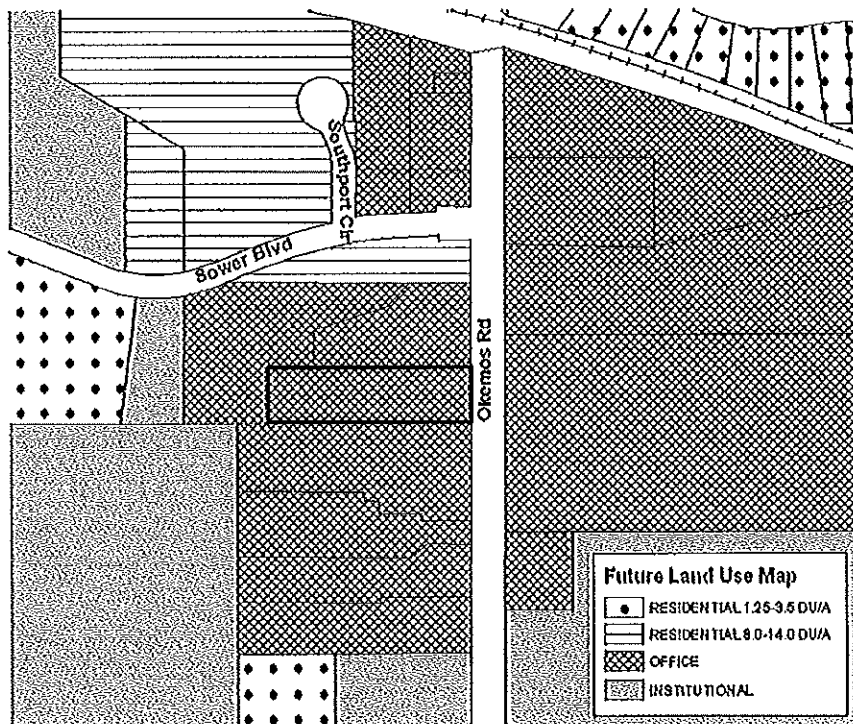
RE: Special Use Permit #13021 (Zahra), request for a religious institution at 4133 Okemos Road, Okemos

Dr. Ritha Naji has requested a special use permit to locate the Zahra Institute, Inc., a religious institution, in an existing building addressed as 4133 Okemos Road. The site is zoned RA (Single Family-Medium Density) residential. Religious institutions are permitted by special use permit (Section 86-654(c)(2)) as a nonresidential use in a residential district.

**Master Plan**

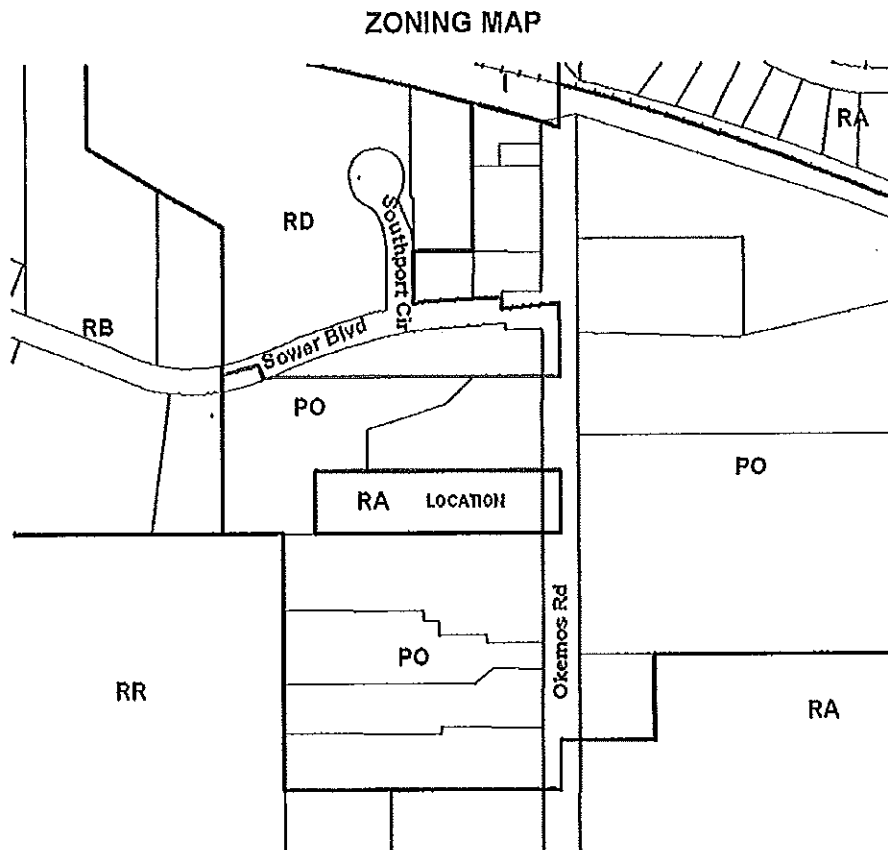
The 2005 Master Plan designates the subject site in the Office category.

FUTURE LAND USE MAP



### Zoning

4133 Okemos Road is zoned RA (Single Family-Medium Density) residential. 90 feet is the minimum lot width requirement for lots in the RA district. Minimum lot area for a religious institution in a residential district is two acres. The dimensions of 4133 Okemos Road are 150 feet of lot width and approximately two acres (91,520 square feet) of lot area.



### Physical Features

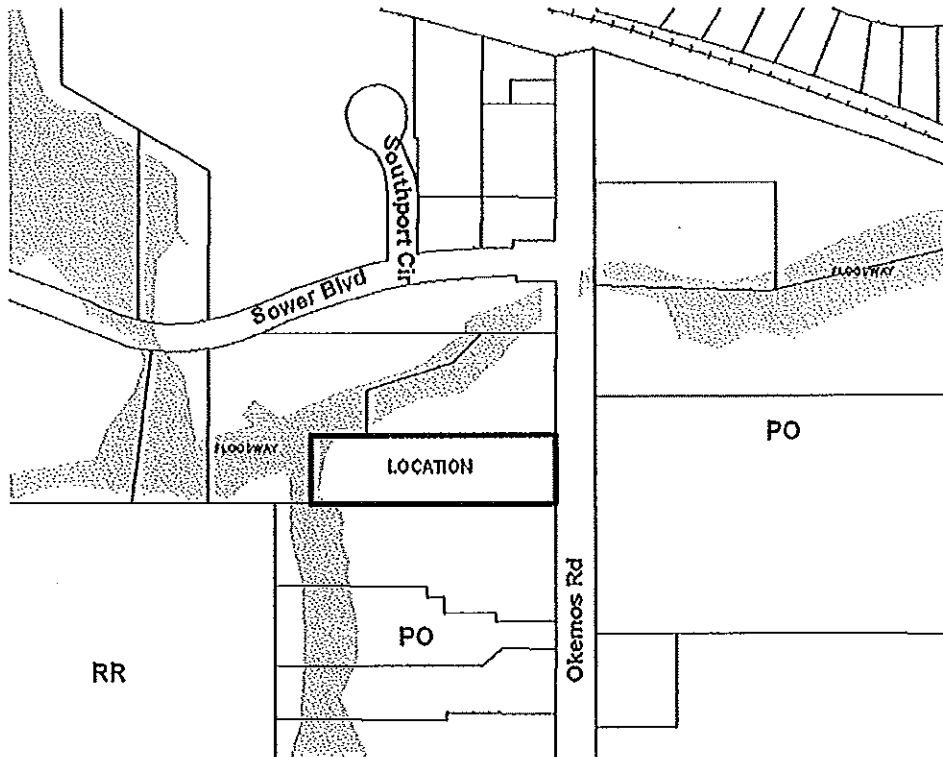
The site is developed with a 4,600 square foot single story building formerly used for a day care center and associated off-street parking lot. Play equipment remains in the fenced rear yard as evidence of the site's former use. East of the principal structure within an easement granted to the telephone company sits a brick structure which houses telephone exchange equipment (SUP #91041).

The area of floodplain and wetlands along the west property boundary is heavily wooded. East of floodplain and wetland areas, the site is somewhat level in topography with the highest elevation of approximately 863.5 feet above mean sea level located in the approximate center of the mowed area west of the building. The lowest elevation of approximately 852 feet above mean sea level is along the west property line associated with the location of the floodplain.

**Floodplain**

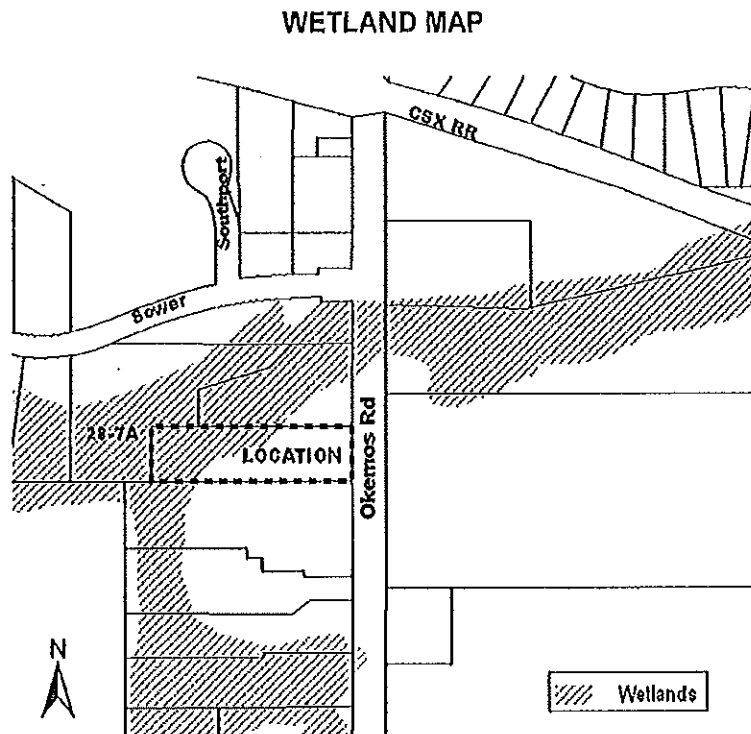
The Smith Drain runs near the northwest corner of the site. Floodway associated with the drain clips the northwest corner of the site and floodway fringe runs from north to south across the site approximately 50 to 80 feet from the west property line. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) identifies the 100-year floodplain elevation as 856 feet above mean sea level.

**FLOODPLAIN MAP**



**Wetlands**

The Township Wetland Map shows a portion of Wetland #28-7A, an approximate 30.76 acre emergent, shrub-scrub, and forested wetland located along the west side of the project site. Wetlands on this site have not been delineated.



**Public Utilities**

The site is connected to public water and sanitary sewer systems.

**Streets and Traffic**

Access to the site is from Okemos Road. Okemos Road is four lanes with a center turn lane; it is classified as a principal arterial in the 2005 Master Plan. A traffic count taken in 2009 by the Ingham County Road Commission (ICRC) between Sower Blvd. and Kinawa Dr. indicates an average of 15,105 vehicles travel Okemos Rd. in a 24 hour period with 7,766 northbound trips and 7,339 southbound trips. Although traffic remains steady between 8:00 a.m. and 7:00 p.m., the peak occurs at 6:00 p.m.

Based on information in the 7<sup>th</sup> edition of the Institute of Traffic Engineers (ITE) Trip Generation manual, a religious institution (church) housed in a 4,600 square foot building is expected to generate approximately 42 vehicle trips each weekday and 54 vehicle trips on the day of worship. Neither a Traffic Assessment nor Traffic Impact Study is required based on the low volume of vehicle trips.

**Staff Analysis**

The applicant has requested to locate a religious institution in an existing building addressed as 4133 Okemos Road and zoned RA (Single Family-Medium Density) residential. The building on the site, formerly occupied by Klander Kare child care center, is 4,600 square feet in area.

Religious institutions, classified as non-residential uses in residential districts, are subject to specific standards for location and development found in Sections 86-654 (e) and (f) and summarized as follows:

1. Preferable location at the edge of a residential district, abutting a business or industrial district, or a public open space.

*Properties surrounding the proposed use are zoned, developed and occupied as office buildings.*

2. All means shall be utilized to face any permitted non-residential use on a major street.

*The proposed use faces Okemos Road, classified as a Principal Arterial.*

3. Motor vehicle entrance and exit should be made from a major street.

*Ingress and egress will be from Okemos Road.*

4. Site locations preferred that offer natural or manmade barriers that would less the effect of intrusion into residential areas.

*The Smith Drain and associated floodplain and wetland areas abut the site to the west and act as a natural barrier.*

5. Will not require costly or uneconomic extension of utility service.

*The existing building is connected to the public water and sewer systems.*

6. The parcel size shall be at least two acres in size.

*The site is 2.1 acres in area.*

7. No more than 25 percent of the gross site shall be covered by buildings.

*The 4,600 square foot building covers five (5) percent of the 91,520 square foot site.*

8. No building shall be taller than that permitted in the underlying zoning district.

*The building is one-story in height; buildings up to 2.5 stories are permitted.*

9. The building's appearance shall be harmonious and blend appropriately with the surrounding residential area.

*The applicant does not plan to modify the exterior of the existing building originally constructed in 1978.*

10. All signs shall be in accordance with sign regulations for non-residential uses in residential districts.

*The applicant has not indicated the type or size of sign proposed for the Okemos Road frontage however a new sign will require a building permit and signs for non-residential structures in residential districts are limited to 20 square feet in size.*

11. Off-street parking spaces shall be provided as required by the zoning ordinance.

*The parking requirement for churches and temples calls for one parking space for each five seats or ten lineal feet of pews in the main room for worship. The floor plan shows a total of 82 seats for which a minimum of 17 parking spaces is required; 21 spaces are shown on the site plan.*

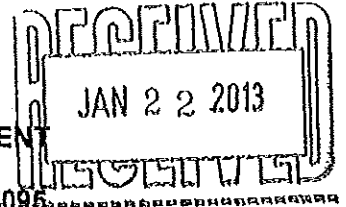
### **Planning Commission Options**

The Planning Commission may approve, approve with conditions or deny the special use permit. A resolution will be provided for a decision at a future meeting.

### **Attachments**

1. Special Use Permit application and attachments

CHARTER TOWNSHIP OF MERIDIAN  
DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT  
5151 MARSH ROAD, OKEMOS, MI 48864  
PLANNING DIVISION PHONE: (517) 853-4560, FAX: (517) 853-4096



SPECIAL USE PERMIT APPLICATION

Before submitting this application for review, an applicant may meet with the Director of Community Planning and Development to discuss the requirements for a special use permit and/or submit a conceptual plan for review to have preliminary technical deficiencies addressed prior to submittal of the application. If the property or land use is located in the following zoning districts RD, RC, RCC, RN then the applicant must meet with the Planning Director to discuss technical difficulties before filing a formal application.

Part I

- A. Applicant Zahra Institute Inc.  
Address of Applicant 1090 Harrington Ln. E. Lansing MI 48823  
Telephone - Work (517) 281-2981 Home \_\_\_\_\_ Fax \_\_\_\_\_ Email R. Ha. Naji @va.gov  
Interest in property (circle one): Owner \_\_\_\_\_ Tenant \_\_\_\_\_ Option \_\_\_\_\_ Other \_\_\_\_\_  
(Please attach a list of all persons with an ownership interest in the property.)
- B. Site address / location / parcel number 4133 Okemos RD Okemos MI 48864  
Legal description (please attach if necessary) \_\_\_\_\_  
Current zoning \_\_\_\_\_  
Use for which permit is requested / project name \_\_\_\_\_  
Corresponding ordinance number \_\_\_\_\_
- C. Developer (if different than applicant) \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone - Work \_\_\_\_\_ Home \_\_\_\_\_ Fax \_\_\_\_\_
- D. Architect, Engineer Planner or Surveyor responsible for design of project if different from applicant:  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone - Work \_\_\_\_\_ Home \_\_\_\_\_ Fax \_\_\_\_\_
- E. Acreage of all parcels in the project: Gross \_\_\_\_\_ Net \_\_\_\_\_
- F. Explain the project and development phases:
- G. Total number of:  
Existing: structures \_\_\_\_\_ bedrooms \_\_\_\_\_ offices \_\_\_\_\_ parking spaces \_\_\_\_\_ carports \_\_\_\_\_  
garages \_\_\_\_\_ Proposed: structures \_\_\_\_\_ bedrooms \_\_\_\_\_ offices \_\_\_\_\_ parking spaces \_\_\_\_\_ carports \_\_\_\_\_  
garages \_\_\_\_\_
- H. Square footage: existing buildings \_\_\_\_\_ proposed buildings \_\_\_\_\_  
Usable Floor area: existing buildings \_\_\_\_\_ proposed buildings \_\_\_\_\_
- I. If employees will work on the site, state the number of full time and part time employees working per shift and hours of operation:
- J. Existing Recreation: Type \_\_\_\_\_ Acreage \_\_\_\_\_  
Proposed Recreation: Type \_\_\_\_\_ Acreage \_\_\_\_\_

Part II

SUP REQUEST STANDARDS  
Township Code of Ordinances, Section 86-126

Applications for Special Land Uses will be reviewed with the standards stated below. An application that complies with the standards stated in the Township Ordinance, conditions imposed pursuant to the Ordinance, other applicable Ordinances, and State and Federal statutes will be approved. Your responses to the questions below will assist the Planning Commission in its review of your application.

- (1) The project is consistent with the intent and purposes of this chapter.
- (2) The project is consistent with applicable land use policies contained in the Township's comprehensive development plan of current adoption.
- (3) The project is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.
- (4) The project will not adversely affect or be hazardous to existing neighboring uses.
- (5) The project will not be detrimental to the economic welfare of surrounding properties or the community.
- (6) The project is adequately served by public facilities, such as existing roads, schools, stormwater drainage, public safety, public transportation, and public recreation, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide any such service.
- (7) The project is adequately served by public sanitation facilities if so designed. If on-site sanitation facilities for sewage disposal, potable water supply, and storm water are proposed, they shall be properly designed and capable of handling the longterm needs of the proposed project.
- (8) The project will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- (9) The project will not directly or indirectly have a substantial adverse impact on the natural resources of the Township, including, but not limited to, prime agricultural soils, water recharge areas, lakes, rivers, streams, major forests, wetlands, and wildlife areas.

Part III

I (we) hereby grant permission for members of the Charter Township of Meridian's Boards and/or Commissions, Township staff member(s) and the Township's representatives or experts the right to enter onto the above described property (or as described in the attached information) in my (our) absence for the purpose of gathering information including but not limited to the taking and the use of photographs.

Yes     No    (Please check one)

By the signature(s) attached hereto, I (we) certify that the information provided within this application and accompanying documentation is, to the best of my (our) knowledge, true and accurate

*Dr. Riitha Najji*  
Signature of Applicant

1/22/2013  
Date

Dr. Riitha Najji, MD - Zahra Institute Inc.  
Type/Print Name

Fee: \$500

Received by/Date: 1.22.13 Peter Menser



RE: Township Code of Ordinances

- (1) Our project intends to be fully compliant with the intent and purposes of concerned chapter.
- (2) Our project intends to be fully consistent with applicable land use policies contained in Township's comprehensive development plan of current adaptation.
- (3) We do not estimate our presence during our social gatherings would cause any issues to the local vicinity concerning traffic congestion, noise, glare, air pollution, water pollution, fire/safety hazards or any disposal of sewerage and waste handling. All of our social gatherings will be conducted indoors and consist of eating, educational talks, kid's activities, congregational prayer and lectures during non-business hours.
- (4) We do not anticipate that our project will be a hazard to existing properties in the area and do not have any plans for significant external constructive efforts. Furthermore we are open to any suggestions which may make our arrival as seamless and non-disruptive as possible to the local businesses.
- (5) We do not anticipate that we will negatively impact the local economy as we will not be utilizing any large identifiable signs outside of our establishment and our gatherings will be conducted indoors, largely outside of normal business hours on weekends.
- (6) We hereby pledge to be fully compliant with local regulations and safety protocols including those established by the local fire and building codes. The facility in question has met all such regulations previously as per Township records and we do not intend to deviate from prior excepted facility specifications. We shall attempt to meet all parking codes as specified by local authorities and are open to utilizing a portion of existing property to facilitate such requirements.
- (7) We do not foresee any difficulties with regards to sewage and or disposal of waste produced or generated during site use. If volume of sewage should reach unforeseen levels, all efforts will be made to employ a safe and reliable disposal method within the existing local regulations.
- (8) Please see Item (3).
- (9) We do not anticipate that our site plan proposal will adversely affect local natural resources of the Township as we do not foresee any plans to alter significantly site layout and hereby pledge to abide by any of the local surrounding practices so as to not create any noticeable discrepancy with adjacent lands.

Site plan proposal:

RE: Property on 4133 Okemos Rd, Okemos, MI 48864

January 21, 2013

To Whom It May Concern,

My name is Dr. Ritha Naji, a representative of Zahra Institute Inc. 501(C)(3) and I would like to propose the following site plan for your consideration for the property listed above. I am representing a group of Muslims in the Greater Lansing community which is growing in number and is in need of a local property to meet their religious and cultural needs in the form of a non-profit community center. This community center that we are proposing to create would serve as a gathering social facility for special events and religious holidays common to many Muslims in the Greater Lansing Community. The number of community members is approximately 30-35 families in our most accurate estimation.

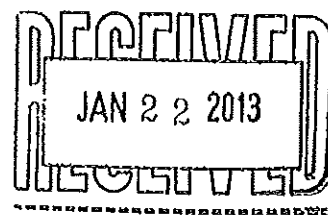
For years, we have struggled gathering together in our residential homes given our growing number. We would greatly benefit from having a community center which would provide possibilities of celebrating holidays, worshipping, hosting our children's educational activities as well as a gathering center for general cultural events free of political influence. Furthermore, a central aim of the community center would be to promote intra and interfaith dialogue and outreach in the local area as well as performing community service activities as a group. Community services include food and clothing drives to local charities. The nature of our community center would most likely be in full use only on Friday evenings and/or weekends when families and children would be free to gather together. We do not expect to utilize our center during weekday regular business hours.

Although growing, we do not estimate our presence during social gatherings would cause any issues concerning traffic congestion, noise, glare, air pollution, water pollution, fire/safety hazards or any disposal of sewerage and waste tailing. All of our social gatherings will be conducted indoors and consist of cooking, eating, educational talks, kids activities, congregational prayer and activities thereof. Once established, we plan to designate members of our community to be responsible for specific center needs such as cleaning, property maintenance, event planning and greater community interactions.

We sincerely appreciate your time and consideration of this site plan and will happily take all necessary actions to ensure cooperation, legality, transparency and responsibility as our hope for creating this center moves forward. Please let me know what other information or details I can provide to further clarify our intention in order to obtain a Special Use Permit for such a property.

Sincerely,

Dr. Ritha Naji, MD - Zahra Institute Inc.  
Phone# 517-881-2981  
1090 Harrington Ln.  
East Lansing, MI 48823  
Ritha.naji@va.gov



**Rezoning #13010  
(Planning Commission)  
March 7, 2013**

**APPLICANT:** Meridian Township Planning Commission  
5151 Marsh Road  
Okemos, MI 48864

**STATUS OF APPLICANT:** Initiator

**REQUEST:** Rezone 0.227 acres located at 5691 Babbitt Street from C-2 (Commercial) to RB (Single Family-High Density).

**CURRENT ZONING:** C-2 (Commercial)

**LOCATION:** 5691 Babbitt Street

**AREA OF SUBJECT SITE:** 0.227 acres (9,900 sq. ft.)

**EXISTING LAND USE:** Single Family House

**EXISTING LAND USES IN AREA:** North: Dental Office Building  
South: Single Family House  
East: Single Family House  
West: Commercial Buildings

**CURRENT ZONING IN AREA:** North: C-2 (Commercial)  
South: RB (Single Family-High Density)  
East: RB (Single Family-High Density)  
West: C-2 (Commercial)

**FUTURE LAND USE DESIGNATION:** Residential 1.25 - 3.5 du/a

**FUTURE LAND USE MAP:** North: Commercial  
South: Residential 1.25 - 3.5 du/a  
East: Residential 1.25 - 3.5 du/a  
West: Residential 1.25 - 3.5 du/a

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM: Gail Oranchak  
Gail Oranchak, AICP  
Principal Planner

DATE: March 7, 2013

RE: Rezoning #13010 (Planning Commission), rezone 5691 Babbitt Street from C-2 (Commercial) to RB (Single Family-High Density)

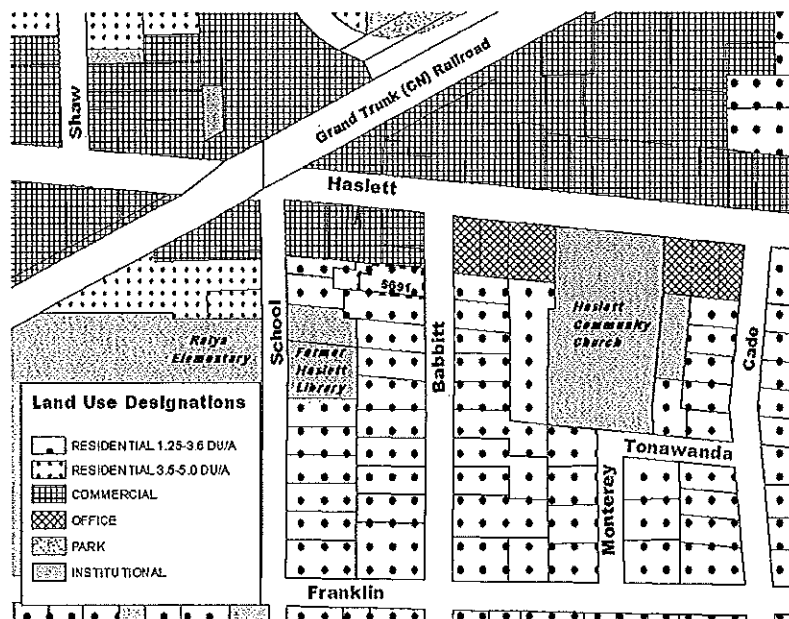
At its meeting held on February 11, 2013, the Meridian Township Planning Commission initiated the rezoning of 0.227 acres located at 5691 Babbitt Street, from C-2 (Commercial) to RB (Single Family, High Density).

In a letter dated January 22, 2013, Norman and Maeann Gozalka requested the Planning Commission initiate the rezoning of property they own at 5691 Babbitt Street from C2 (Commercial) to a residential zoning classification. After reviewing the request at its February 11, 2013 meeting, there was consensus by the Planning Commission to initiate the rezoning to RB (Single Family-High Density) residential.

**Master Plan**

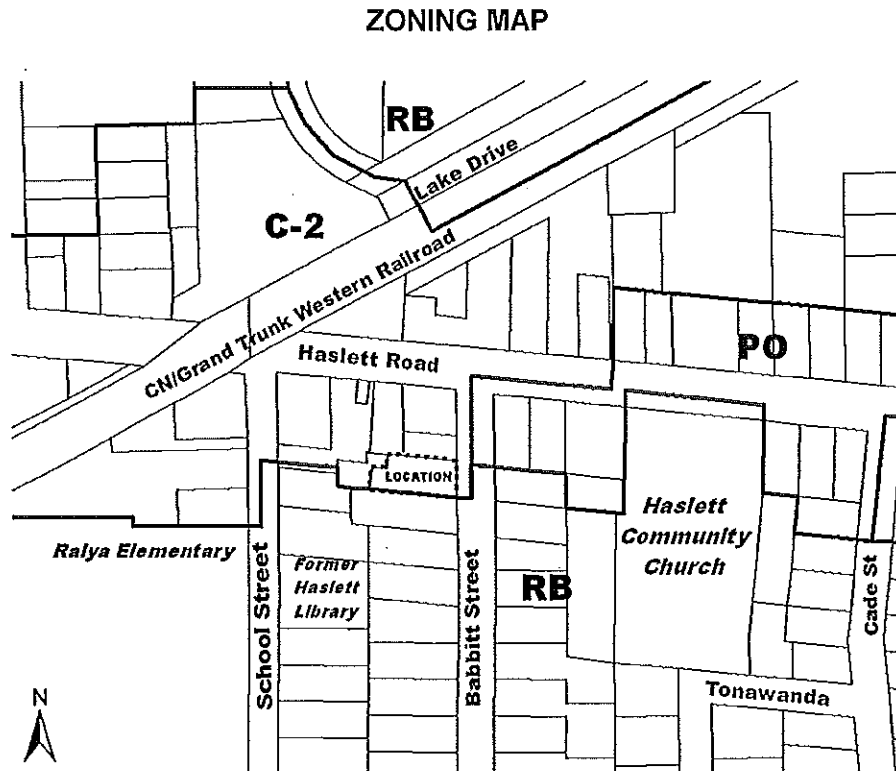
The 2005 Master Plan designates the subject property in the Residential 1.25-3.5 dwelling units per acre (du/a) category.

**FUTURE LAND USE MAP**



**Zoning**

With 66 feet of lot width and 9,900 square feet of the lot area, the dimensions of the subject site are consistent with both the C-2 and RB district standards for lot width and lot area. The C-2 district requires a minimum 4,000 square foot lots and minimum 100 foot lot widths. The RB (Single Family-High Density) residential district standards are 65 feet of lot width and 8,000 square feet of lot area.



**Physical Features**

The site is developed with a single family house that fronts on Babbitt Street and a detached garage located in the northwest corner of the site. According to Township records, the house on the subject property was constructed in 1929; the garage was added in 2006. Fencing separates the site from the adjacent commercial uses and encloses the rear yard. Mature trees are visible along the sides and rear of the site. According to the Flood Insurance Rate Map (FIRM) for Meridian Township, the property is not located within a floodplain. The Meridian Township wetland map does not show any wetland areas on the site.

**Staff Analysis**

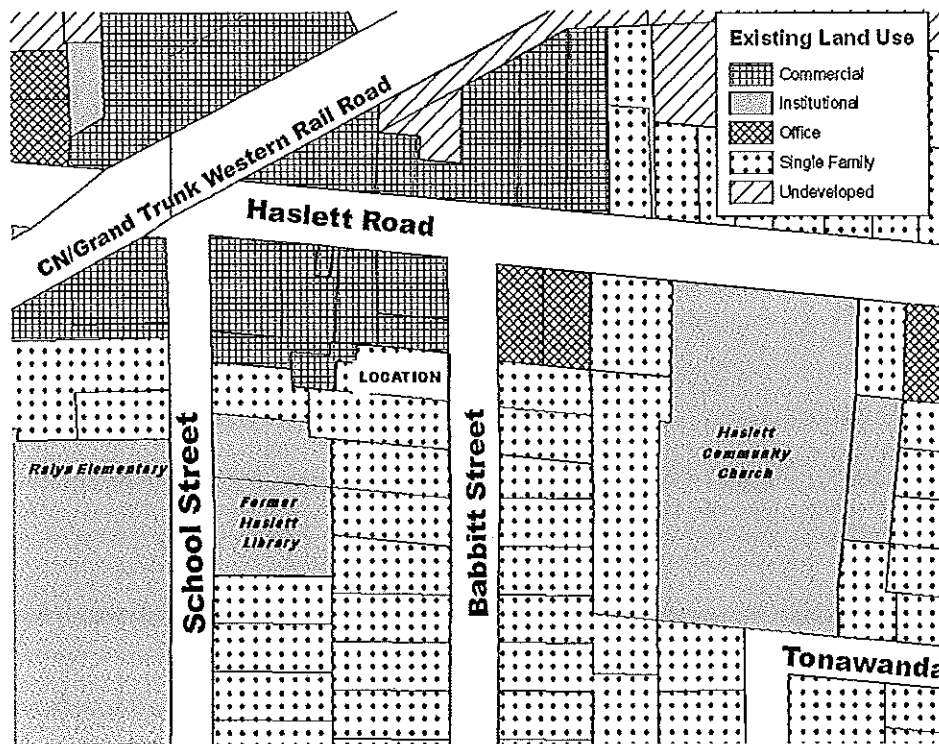
5691 Babbitt Street is one of seven parcels in an approximate 1.5 acre pocket of C-2 zoning located on the south side of Haslett Road, east of School Street and west of Babbitt Street. This area of commercial zoning has been in roughly the same configuration and size since at least

1960. The subject site is the only one of the seven parcels in the C-2 zoned pocket not used for commercial purposes and the only one without frontage on Haslett Road.

According to Township records, the house on the subject property was constructed in 1929. It appears that the property has been used for residential purposes since its construction. The property is identified as Lot 14 in the Supervisor's Plat of Haslett, created in 1922. Lots in the plat are zoned for commercial and residential use north and south of Haslett Road, beginning at the Grand Trunk Railroad and stretching east to just past Cade Street. Although commercial uses developed along Haslett Road, the area south of the commercial strip has long been of residential character.

Surrounding the subject site, a C-2 (Commercial) zoned dental office, residential in appearance, is located on the southwest corner of Haslett Road and Babbitt Street immediately north of the subject site. Single family homes are located south and east of the subject site along both sides of Babbitt Street. In similar circumstances, 5690 Babbitt, directly across Babbitt Street from the subject site, was deemed to be appropriate and consistent with surrounding residential uses and was rezoned from PO (Professional Office) to RB (Single Family-High Density) in 2008 (REZ #08110).

### EXISTING LAND USE MAP



Prior to 2005, the site's C-2 zoning was consistent with a Commercial designation on Future Land Use Maps. A Commercial designation on the subject site would provide an avenue for an existing or future commercial use, constrained by the small size of existing lots with frontage on Haslett Road, to expand, not necessarily to turn 5691 into a separate commercial establishment. The change to the residential designation was made with the adoption of the 2005 Master Plan.

Residential properties in the area surrounding the subject site are zoned RB (Single Family-High Density). The RB (Single Family-High Density) zoning district standards include minimum 8,000 square foot lots and minimum 65 foot lot widths. 5691 Babbitt Street is approximately 9,900 square feet in area and has 66 feet of lot width. The following chart compares the lot area, lot width, and building setback standards for the C-2 and RB districts.

	<b>C-2</b>	<b>RB</b>
Minimum Lot Area:	4,000 sq. ft.	8,000 sq. ft.
Minimum Lot Width:	100 ft.	65 ft.
Side Yard Setback:	15 feet except 100 ft. when adjacent to residential district, 60 ft. if screening incorporates double row of interlocking trees or the equivalent in addition to screening standards.	7 ft.
Rear Yard Setback:	15 feet except 100 ft. when adjacent to residential district, 60 ft. if screening incorporates double row of interlocking trees or the equivalent in addition to screening standards.	30 ft.

Adjacent C-2 zoned properties, developed before the adoption of zoning in the Township, are currently non-conforming for a variety of reasons including yard setbacks and would be required upon redevelopment to seek variances from the Zoning Board of Appeals unless redeveloped with one of the planned unit development zoning options.. Although rezoning 5691 Babbitt Street to RB will add the additional setback requirement for adjacency to residential zoning, the impact is minimal due to the extent of current non-conformities.

In viable residential areas, it has been shown the non-conforming use status poses problems for current and potential homeowners. Potential homebuyers may have difficulty obtaining a mortgage because of the non-conforming use status and variances are generally necessary to make improvements to the property once home ownership is attained.

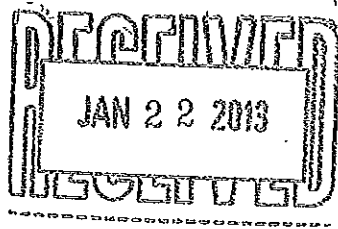
The existing single family house would become a conforming use if the property were rezoned to RB and will result in consistency with the 2005 Master Plan.

**Planning Commission Options**

The Planning Commission may recommend approval or denial of the rezoning to the Township Board. A resolution will be provided for the next meeting.

**Attachment**

1. Property owner's letter dated January 22, 2013



January 22, 2013

Meridian Township Planning Commission,

We are requesting that Meridian Township initiates the rezoning of our property located at 5691 Babbitt Street in Haslett, Michigan Parcel No. 33-02-02-11-303-019 to be re-zoned from C-2 commercial to RB residential. Our home was built in 1929 and has always been used as a residential home. The 10-year master plan for Meridian Township appears to indicate that our property will likely not be used as commercial. Given the nature of our block and surrounding community which is primarily residential, several of our neighbors have successfully re-zoned their properties from C-2 commercial to RB residential by having Meridian Township initiate the procedures to rezone their property. Those properties which have been re-zoned include 5690 Babbitt Street and 5686 School Street which lie across from our property and behind our property. We appreciate your attention regarding this matter and are looking forward to hearing from you. If you would like to speak with us directly, you can reach us at 313-575-4685.

Sincerely,

Norman Gozalka III and Maeann D. DeMars-Gozalka




CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

FROM:



Gail Oranchak, AICP  
Principal Planner



Richard F. Brown, Jr., AICP  
Associate Planner

DATE: March 7, 2013

RE: Zoning Amendment #13020, Decks (Planning Commission)

---

Due to obsolete and outdated terminology, as well as confusion from the usage of similar terms which are currently undefined in the Zoning Ordinance, the existing regulations have proven difficult for applicants to grasp their meaning without an explanation from staff. Meanwhile, the current language is also difficult for staff to administer and clearly explain when questions are raised. For example:

- Section 86-564(a) is unexplainable.
- Decks, which are a common accessory to residences are not mentioned.
- The setback for unenclosed porches allows an encroachment of two feet into most residential districts, but not for the RB (Single Family-High Density) district in which the setback is already seven feet.

To rectify these and other ongoing issues, staff has prepared a draft Zoning Amendment (#13020). The proposed amendment includes the following additions and/or revisions:

- New definitions in Section 86-2 for *balcony*, *deck*, *hot tub*, *patio*, *porch* (enclosed and unenclosed), *stoop*, and *walkway*.
- Differentiation between terms that are often used interchangeably even though they have important variations in meaning and application.
- New text addressing accessory features located on decks, patios, and porches such as hot tubs and grills.
- New text addressing installation of walkways and wheel chair ramps.
- Removal of most references to uncovered paved terraces.

**Zoning Amendment #13020 (Planning Commission)**  
**Planning Commission (3/7/13)**  
**Page 2**

The existing text for Section 86-564, the proposed text amendment for Section 86-564, and proposed new definitions for inclusion in Section 86-2 are attached for Planning Commission review.

Since the legal notice was published, staff has identified four recommended changes to the proposed zoning amendment. These include:

- In Section 86-564(a)91), the term "patio" should be deleted since its proposed definition states patios are "built at grade."
- Section 86-564(d) should be separated into two parts; one addressing prohibited accessory features and one for allowed accessory features.
- The definition of "stoop" should be clarified by replacing "primarily" with "for the sole purpose of ingress and egress."
- Because the Fire Code prohibits charcoal grills on any deck, the last sentence in Section 86-564(d) should be removed or re-written.

---

**Planning Commission Options**

The Planning Commission has the option to recommend approval or denial of the proposed zoning amendment to the Township Board. A resolution will be provided at a future meeting.

**Attachments**

1. Existing ordinance
2. Proposed amendment

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**ZA #13020 – Attachment 1**  
**Existing language**

**Section 86-564. Yard encroachments permitted.**

(a) *Uncovered paved terraces, patios and porches.* Uncovered paved terraces, patios, and porches shall not be subject to yard requirements, provided:

- (1) The paved area is unroofed and without such walls, parapets, or other forms of solid, continuous enclosure when that link to the paved area to the principal building that an enclosed area is formed which appears functionally a part of the principle building.
- (2) The highest finished elevation of the paved area is not over three feet above the average surrounding finished grade.
- (3) No portion of the paved area is closer than four feet from any lot line. Such paved area may have an open railing or fence not over three feet high and may have non-continuous windbreak or visual screen fences or walls not over six feet high.

(b) *Unenclosed porches.* Roofed or unroofed porches may project into a required side or rear yard a distance not to exceed eight feet, provided:

- (1) The porch is unenclosed, no higher than one story, and erected on piers.
- (2) The porch shall not be closer than eight feet at any point to any side or rear lot line.
- (3) That no building shall have more than one porch in any one yard.

(c) *Enclosed porches.* Enclosed porches, either one-story, two-story, or an unenclosed porch having solid foundations and capable of being enclosed shall be considered an integral part of the building and shall, therefore, be subject to all yard and area dimensional requirements established for principal buildings.

(d) *Special structural elements.* Special structural elements, such as cornices, sills, belt-courses, chimneys, gutters, eaves, pilasters, and similar structural features may project into any yard up to maximum 2 ½ feet.

(e) *Fire escapes, outside stairways, and balconies.* Fire escapes, outside stairways, and balconies, if of open construction, may project into the yard up to a maximum of five feet.

**ZA #13020 -- Attachment 2  
Proposed amendment**

**Section 86-2. Definitions.**

*Balcony*, means an outdoor platform, projecting from the wall of a building and is cantilevered or entirely supported by the building, surrounded by a railing, with or without a roof.

*Deck*, means an outdoor platform with ground supports, that may be attached to the principal building or is free-standing and is elevated above the existing grade. A deck does not have roof and may or may not have railings or steps

*Hot tub*, means a container, usually large enough to accommodate several persons, that is filled with water and often equipped with a thermostat and whirlpool which is used for recreation or physical therapy.

*Patio*, means a level surface area built at grade without a roof and constructed from but not limited to pavers, brick, stone, concrete or other masonry products.

*Porch, enclosed*, means a roofed horizontal surface consisting of a deck, slab, or other similar construction attached to the principal building and enclosed by walls, windows, screens or other types of materials. For the purposes of this ordinance, a sunroom or 3-season room shall be considered an enclosed porch.

*Porch, unenclosed*, means a roofed horizontal surface consisting of a deck, slab or other similar construction attached to the principal building and except for columns or railings is unenclosed.

*Stoop*, means an open platform or entrance landing without a roof usually with steps from grade to a door used primarily for ingress and egress to a building. A deck shall not be considered a stoop.

*Walkway*, means a hard-surface or gravel path constructed at grade intended for circulation in a private yard.

**Proposed ordinance language.**

**Section 86-564. Yard encroachments permitted.**

(a) *Decks or patios*. Decks and patios shall be subject to the following standards and yard requirements:

- (1) The patio or deck is not roofed with a solid roof and is not higher than one story.
- (2) An open roof structure associated with a deck or patio shall not be covered with solid material such as canvas, rigid plastic, or shingles.
- (3) The deck or patio, including stairs and steps, shall meet the required side yard setback for the principal building.
- (4) The deck or patio, including stairs and steps, shall be no closer than 15 feet from the rear lot line.

- (5) The deck, including stairs and steps, shall meet the required front yard setback for the principal building.
- (6) An at-grade patio may project no more than ten (10) feet into the front yard.
- (b) *Enclosed and unenclosed porches.* Enclosed or unenclosed porches shall be considered an integral part of the building and shall be subject to all yard area and setback requirements for principal buildings.
- (c) *Free-standing decks.* Free-standing decks shall be considered accessory structures and shall be subject to the requirements of accessory structures outlined in article V, division 2 of this chapter.
- (d) *Accessory features on decks, patios, and open porches.* Wood-burning ovens, fireplaces, and fire pits are not permitted on a deck which is attached to the principal structure. Accessory features affixed to, integrated as part of, or constructed onto a deck, patio, terrace, or unenclosed porch, such as but not limited to gazebos, hot tubs, spas, wet bars, barbeques shall be located a minimum ten (10) feet from the principal building and shall conform to the minimum yard setbacks of the zoning district where the property is located. These standards do not apply to portable barbeque grills (charcoal or gas fueled).
- (e) *Walkways.* Walkways shall be set a minimum of two (2) feet from any property line.
- (f) *Wheelchair ramps.* The director of community planning and development may permit wheelchair ramps used for persons with mobility impairments in a yard, provided the location shall not create a hazard or otherwise impede access related to safety such as access for fire and emergency medical service personnel and equipment.
- (g) *Special structural elements.* Special structural elements such as cornices, sills, belt courses, chimneys, gutters, eaves, pilasters, and similar structural features may project into any yard area up to maximum 2 ½ feet in any zoning district.
- (h) *Fire escapes, stoops, outside stairways, balconies, emergency escape and rescue openings or emergency egress window.*
  - (1) Fire escapes, stoops, outside stairways, balconies, and emergency escape and rescue openings, such as emergency egress windows, without a roof, may project into any yard up to a maximum of five (5) feet.
  - (2) Fire escapes, stoops, outside stairways, balconies, and emergency escape and rescue openings, such as emergency egress windows, if enclosed, roofed, or covered with a plastic cover, shall conform to the minimum yard setbacks.
- (i) *Setbacks in the Lake Lansing Residential Overlay District.* Properties located within the Lake Lansing Overlay District as defined in Section 86-442 shall be subject to the dimensional requirements as outlined in Section 86-442(f), including standards for accessory buildings, decks, patios, terraces, porches, and similar structures.

CHARTER TOWNSHIP OF MERIDIAN

MEMORANDUM

TO: Planning Commission

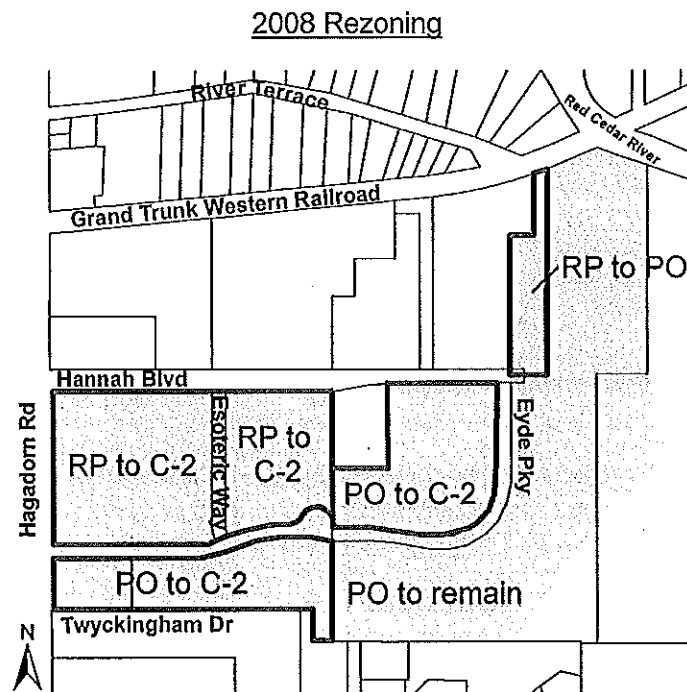
FROM: Gail Oranchak  
Gail Oranchak  
Principal Planner

DATE: March 7, 2013

RE: Hannah Farms Phase 3 Concept Plan

The Mixed Use Planned Unit Development (MUPUD) ordinance, Section 86-440 of the Code of Ordinances, was amended in 2011 and an optional Concept Plan review was added as Section 86-440(g)(3). This provision allows an applicant to submit a concept plan for concurrent review by the Planning Commission and Township Board. The review provides both the Planning Commission and Township Board an opportunity to offer comments or suggestions on the design prior to formal MUPUD application. The review is informal; therefore a public hearing and associated noticing are not required.

Capstone Collegiate Communities has submitted two concept plans for informal review and comment by the Planning Commission and Township Board. The concept plans show what is referred to as the third phase of Hannah Farms. The project encompasses approximately 5.3 acres in area located south of Hannah Boulevard, east of Esoteric Way. The following is a brief history on the development of the site so far, followed by a description of the elements of the two phase three concept plans.



**Concept Plan Review – Capstone Collegiate Communities  
 Planning Commission (3/7/13)  
 Page 2**

In 2008, 81 acres were conditionally rezoned (Rezoning #08080) from RP (Research Park) and PO (Professional and Office) to C-2 (Commercial) and PO (Professional and Office). The rezoning was subject to the following conditions offered by the applicant and accepted by the Township Board: development as a mixed use planned unit development, between 1,010 and 1,159 residential units distributed throughout and/or on portions of the subject property, and public utility services being available and having adequate capacity to service the development. Included in the conditional rezoning were the two existing multi-story office buildings located along Hagadorn Road.

The first phase of development was the Lodges of East Lansing (MUPUD # 09014), a grouping of six student apartment buildings on 15.71 acres located north of Hannah Boulevard and east of Hagadorn Road. The Lodges of East Lansing is comprised of 220 units (683 bedrooms) and one maintenance building for a total size of 301,271 square feet. Approved by the Township Board on June 18, 2009, the Lodges of East Lansing is constructed and operational.

Phase two of the Lodges of East Lansing (MUPUD #12014) is under construction. It consists of three student apartment buildings on approximately nine acres located on the southeast corner of Hannah Boulevard and Eyde Parkway, south of Lodges of East Lansing, phase one. The Township Board approved the three-building phase two on June 19, 2012 with 143 units and 366 beds. The total floor area of all buildings, three apartment structures and a club house, is 146,318 square feet. Surface parking spaces total 349.

Two concept plans, Scheme A and Scheme B, have been submitted for phase three of what is now being called “Local Lofts of East Lansing” for undeveloped land within the area located on the southeast corner of Hannah Boulevard and Esoteric Way. The site was conditionally rezoned to C-2 in 2008. The applicant has indicated a third concept plan may be presented at the meeting.

Both concept plans illustrate buildings for 1, 2, or 4-bed student apartments and parking either in a surface lot (Scheme A) or a combination of a surface lot and a parking structure (Scheme B). A 40' x 520' (20,800 sq. ft.) park is shown along the south side of the development site. Scheme A and Scheme B have the following characteristics:

	<b>SCHEME A</b>	<b>SCHEME B</b>
Floors	Four	Five
Retail (1 <sup>st</sup> floor)	15,444 sq. ft.	15,444 sq. ft.
Clubhouse (1 <sup>st</sup> floor)	3,120 sq. ft.	3,120 sq. ft.
Apartments (all floors)	193 – 215 <sup>1</sup>	290 – 312 <sup>2</sup>
Beds	356 <sup>3</sup>	736 <sup>4</sup>
Parking (surface, structure)	Surface	Surface and Structure
Parking Spaces	429-435 (required) 410 (surface)	639-645 (required) 56 (surface) 654 (structure)

<sup>1</sup>22 units (beds unknown) may replace retail

<sup>2</sup>22 units (beds unknown) may replace retail

<sup>3</sup>Number of beds unknown for 20 units

<sup>4</sup>Number of beds unknown for 10 units

**Concept Plan Review – Capstone Collegiate Communities  
Planning Commission (3/7/13)  
Page 3**

Staff reviewed the concept plans and provides the following comments:

- Apartments on the 2<sup>nd</sup> and 4<sup>th</sup> levels of Scheme A and the 2<sup>nd</sup> level of Scheme B are unlabeled as to the unit type (1, 2 or 4-bedroom).
- 51 units are listed for the 4<sup>th</sup> level of Scheme B but 61 units are shown.
- No indication the surface parking lot on the north side of the building will be for retail customers with the large parking lot/parking structure set aside for residents.
- Access to residential units appears to be from exterior walkways along the side of the building adjacent to the large parking lot/parking structure.
- It appears two tiers of apartments are located on the north side of the building (upper floors) with a hallway down the middle for access. What appear to be balconies on the south side will be overlooking the parking garage.
- Some 2- and 4-bed units appear to be smaller than others, possibly shared bedroom units.
- Setbacks include: parking lot setback of two feet from the Hannah Blvd. right-of-way, building setback of ten feet from the Hannah Blvd right-of-way, eight feet from the Esoteric Way right-of-way and four feet from the property line next to the Marriott Towne Suites.

**Planning Commission Option**

The Planning Commission may comment and/or offer suggestions on the project design.

**Attachment**

1. Applicant's request
2. Scheme A plans
3. Scheme B plans





**CAPSTONE**  
**COLLEGIATE**  
**COMMUNITIES**

431 Office Park Drive  
Birmingham, Alabama 35223  
205.414.6400  
205.414.6405 *fax*

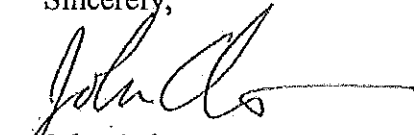
February 18, 2013

Mr. Mark Kieselbach  
Director  
Community Planning & Development  
Charter Township of Meridian  
5151 Marsh Road  
Okemos, MI 48864 – 1198

Dear Mark,

Capstone Collegiate Communities, LLC respectfully submits the attached concept plan for consideration and review at the next Planning Commission meeting scheduled for February 25<sup>th</sup>. The site is located at the south east corner of Hannah Boulevard and Esoteric Way. Please let me know if you have any questions. We look forward to seeing you on the 25<sup>th</sup>.

Sincerely,




John Acken  
Executive Vice President

## CHARTER TOWNSHIP OF MERIDIAN

### MEMORANDUM

TO: Planning Commission

FROM:   
Gail Oranchak, AICP  
Principal Planner

DATE: March 7, 2013

RE: Rockwood Development Group Rezoning Application Review

#### Background

In 2002, the Township entered into a 425 Agreement (Public Act 425 of 1984, *Intergovernmental Conditional Transfer Of Property By Contract Act*) with the City of East Lansing covering the area along the east side of Abbott Road north of Lake Lansing Road. The Act provides a means for Meridian Township and East Lansing to share tax revenues from the transferred area. The Agreement itself spells out terms and conditions for future land development in the Agreement area, one of those being the method for rezoning land.

- Requests for rezoning are processed by the City of East Lansing using the policies and procedures found in the East Lansing zoning ordinance.
- For properties that retained Township zoning, the final rezoning decision to an East Lansing zoning district will be made by a six member body consisting of three East Lansing representatives (Mayor, Mayor Pro Tem and a City Council member) and three representatives of Meridian Township (Supervisor and two members of the Board of Trustees appointed by the Supervisor).
- A decision to rezone requires the affirmative vote of four members of the committee.

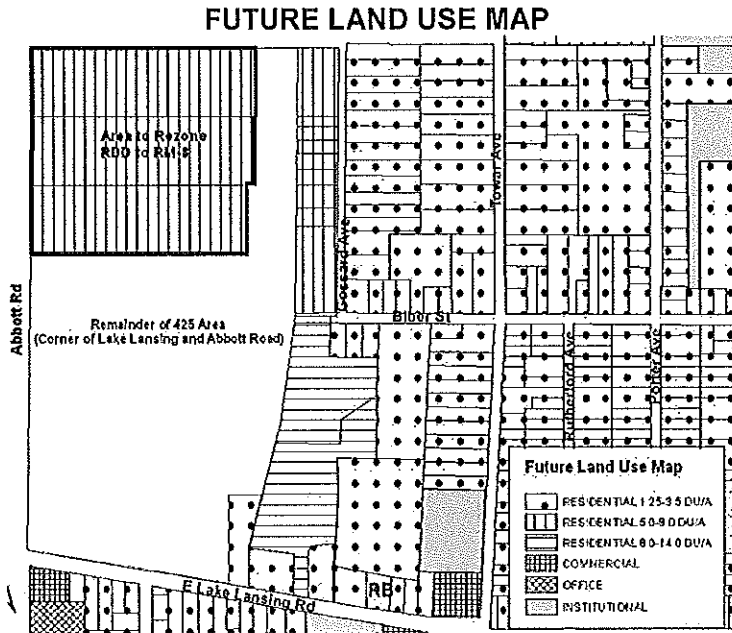
The City of East Lansing has received a request from Rockwood Development Group to rezone 24.35 acres (1.13 acres being public road right-of-way) located on the east side of Abbott Road at the very northern boundary of the 425 Agreement. The property has retained its Meridian Township zoning of RDD (Multiple Family, maximum five dwelling units per acre) since the 425 Agreement went into effect. The applicant is requesting the site be rezoned to East Lansing's Planned Unit Development, RM-8 district.

The Planning Commission has been asked to review the case and provide a recommendation as it does with typical rezonings. Although the City's Planning Commission held a public hearing on February 27, 2013, the six member rezoning committee has not yet met.

The rezoning application documents including a report prepared by City staff have been provided for review by the Township. Although site plans were not part of the application, the "Attachment to Rezoning Application" submitted by the applicant states the currently approved site plan is not economically feasible and the proposed project (no site plan submitted) for cottage style multi-family student housing represents the best use of the property and would be consistent with the characteristics of the existing uses along the corridor. This is not a "conditional" rezoning request.

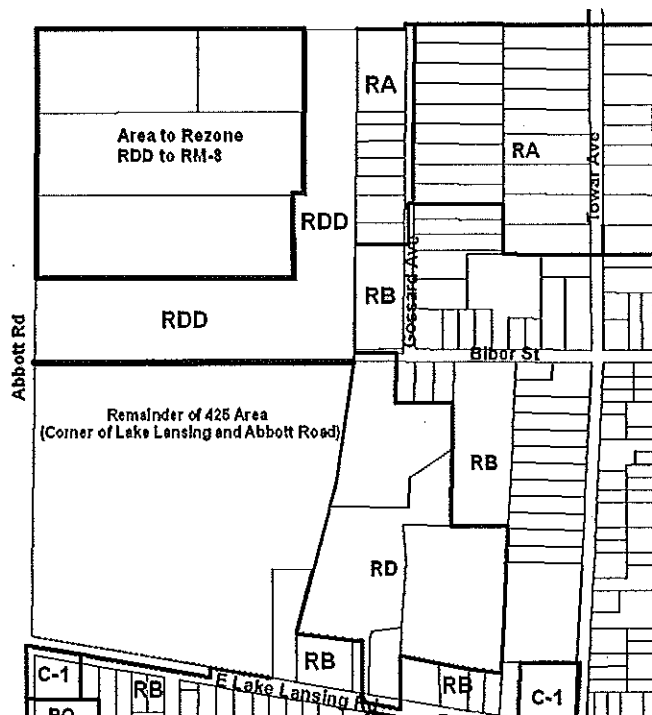
### Township Master Plan

The Township's Master Plan designates the site in the Residential 5.0 – 8.0 dwelling units per acre category.



### Township Zoning Map

The area east and south of the rezoning and shaded in yellow will continue to be zoned RDD.



### Physical Features

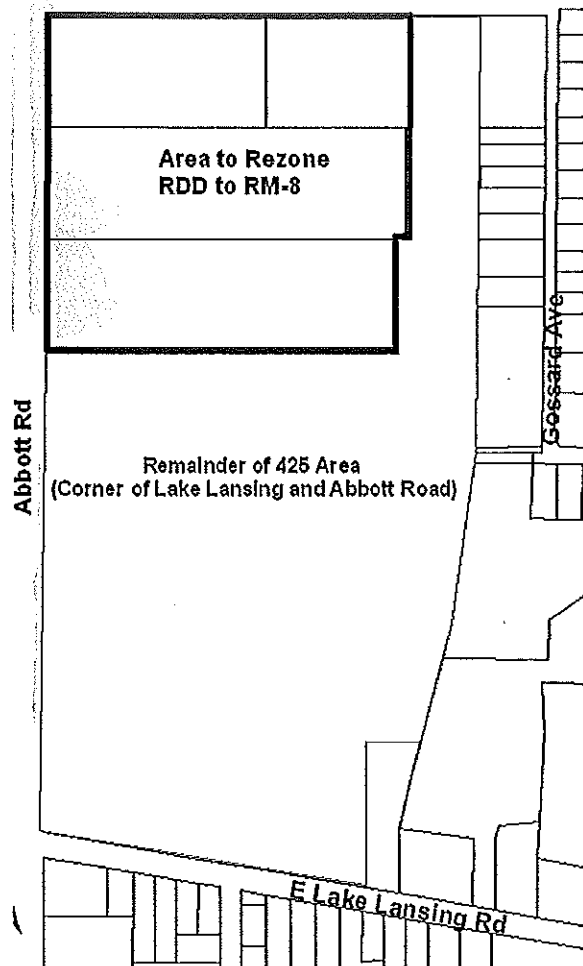
The majority of the site is undeveloped, a single-family residence is located on one parcel.

### Floodplain and Wetlands

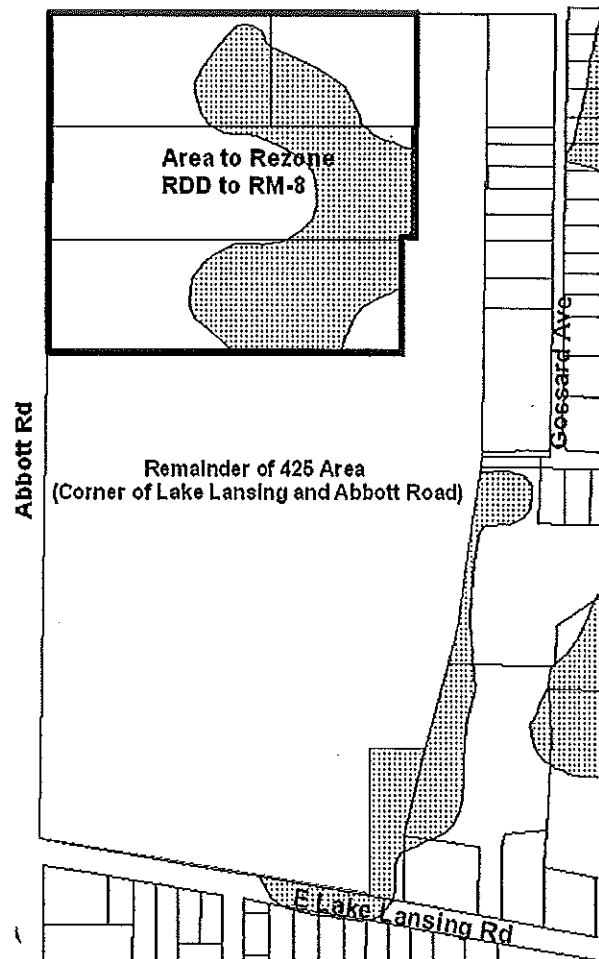
The Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM) shows a portion of the site along Abbott Road is located in the floodplain with an elevation of 839 feet above mean sea level. Construction activities within a floodplain are subject to a Township special use permit. The East Lansing Code lists standards for residential construction in a floodplain.

Section 2.4 G of the 425 Agreement states, the Township's wetland ordinance in effect on July 1, 2002, and corresponding setback provisions of the Township zoning ordinance shall apply and shall be administered by the City during the entire term of this Agreement, except the setbacks shall be reduced to 20 feet. The Township Wetland Map shows Wetland #6-10 covers a portion of the subject site. The map indicates Wetland #6-10 is a forested and shrub-scrub wetland of 6.43 acres. The wetland had been delineated in 2003 however delineations are valid for three years thus it has expired. A new delineation will be required.

**FLOODPLAIN MAP**



**TOWNSHIP WETLAND MAP**



### Staff Analysis

The East Lansing staff report provides information associated with the request however some topics relevant to the 425 Agreement terms and conditions have not been addressed.

- In accordance with Section 2.5 B of the 425 Agreement, as long as the property is zoned RDD, it is subject to all Township zoning ordinances, rules and regulations. Once rezoned to a City zoning district, the City Code applies except the Township Wetland ordinance will be administered by East Lansing during the entire duration of the Agreement with the setback for grading and structures limited to 20 feet.
- Section 2.4 C of the Agreement restricts multiple family units on the property unless designated as a condominium project under the Michigan Condominiums act, 1978 PA 59. If the property is rezoned this restriction is no longer applicable.

Rezoning applications are typically reviewed for consistency with the Master Plan, compatibility with surrounding land use, changing conditions within the surrounding area, and potential negative impacts to public services such as streets and utilities. Economic feasibility for the applicant is not typically a reason to recommend approval of a rezoning request.

### Attachments

1. Letter from Michael Matheson dated February 26, 2013
2. February 27, 2013 East Lansing Planning Commission agenda (attachment to Matheson's February 26, 2013 letter)
3. East Lansing staff report dated February 20, 2013 (attachment to Matheson's February 26, 2013 agenda)
4. 425 Agreement

# LOOMIS

LOOMIS, EWERT, PARSLEY, DAVIS & GOTTING P.C.  
ATTORNEYS AT LAW

JACK C. DAVIS PC  
KARL L. GOTTING PLLC  
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KENNETH W. BEALL  
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CATHERINE A. JACOBS  
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KEVIN J. RORAGEN  
RICHARD W. PENNING

TED S. ROZEBOOM  
MICHAEL F. MATHESON  
SARA L. CUNNINGHAM  
TRACEY L. LACKMAN  
JAMES F. ANDERTON, V  
MICHAEL G. STEFANKO<sup>6</sup>  
MIEKE V. WEISSERT  
LEAH J. BROOKS  
WARREN H. KRUEGER, III  
ELIZABETH HUSA BRIGGS<sup>6</sup>

OF COUNSEL:  
WILLIAM D. PARSLEY  
MICHAEL A. HOLMES  
PAULA K. MANIS PLLC<sup>4,7</sup>  
KELLY REED LUCAS<sup>7</sup>

<sup>1</sup> ALSO LICENSED IN OH  
<sup>2</sup> ALSO LICENSED IN PA  
<sup>3</sup> ALSO LICENSED IN MD  
<sup>4</sup> ALSO LICENSED IN IL  
<sup>5</sup> ALSO LICENSED IN NY  
<sup>6</sup> ALSO CPA  
<sup>7</sup> EASTWOOD OFFICE

February 26, 2013

VIA HAND DELIVERY

Mr. Jerry Richards, Township Manager  
Charter Township of Meridian  
5151 Marsh Road  
Okemos, MI 48864

Re: Rockwood Development Group, Abbot Road, East Lansing - Rezoning  
Application ("Rezoning Application")

Dear Mr. Richards:

This correspondence serves to follow up on your recent communications with Jack Davis regarding the Rezoning Application. Attached please find the February 20, 2013, Staff Report of the East Lansing Department of Planning, Building and Development. Also enclosed is a copy of the Agenda for the February 27, 2013, East Lansing Planning Commission meeting. The Rezoning Application will be considered at the meeting.

The Rezoning Application was initially submitted to the City of East Lansing pursuant to Section 2.4 Jurisdiction – Zoning and Use of Transferred Area, paragraph H., of the August 5, 2002 Agreement for the Conditional Transfer of Property between Meridian Township and the City of East Lansing (the "425 Agreement"). The rezoning requested pursuant to paragraph H. is RM-8 under the City of East Lansing's Zoning Code, and if approved, would allow for all uses under such zoning. The zoning use district amendments would be determined by the legislative body appointed under paragraph H. of the 425 Agreement. It does not appear that any other approvals or amendments would be required.

It is my understanding that the Township Supervisor, Elizabeth LeGoff, has appointed the two additional members from the Township Board to constitute the

DOWNTOWN OFFICE:  
124 W. ALLEGAN STREET, SUITE 700  
LANSING, MI 48933-1784  
517-482-2400

EASTWOOD OFFICE:  
2400 LAKE LANSING ROAD, SUITE E  
LANSING, MI 48912-3674  
517-485-0400

Loomis, Ewert, Parsley, Davis & Gotting P.C.  
Mr. Jerry Richards, Township Manager  
February 26, 2013  
Page 2

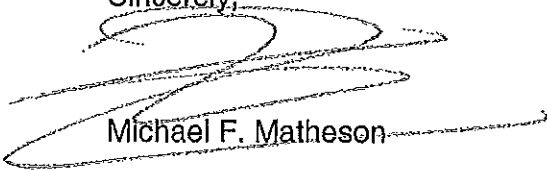
legislative body contemplated by paragraph H of the 425 Agreement. We look forward to working with the Township's representatives with regard to the rezoning of the property. It is further my understanding that you have suggested that a meeting be arranged with the attorney for the City of East Lansing to discuss the particulars of the 425 Agreement and the rezoning request of Rockwood Development Group. We are willing to coordinate the meeting so that all of the parties understand the interpretation(s) being placed on the 425 Agreement and the requirements for the Rezoning Application.

Furthermore, it is anticipated that a proposed site plan for the project will be available in the near future. Once the proposed site plan is available, we would request that an opportunity be afforded to present the site plan to the Township Supervisor and her appointments, as well as any other members of the Township Staff or Board that may be interested in the project.

It was also brought to our attention that a development is currently underway to the south of the Rockwood Development property. It is my understanding that the project is being undertaken by Mayberry Homes. We are familiar with the project and have already contacted Mayberry Homes to discuss the Rezoning Application with them. Those conversations are ongoing and will continue as the projects move forward.

Rockwood Development and the developer for the project look forward to working with Meridian Township and the City of East Lansing with regard to the Rezoning Application. Unless you advise differently, we will arrange for a meeting between counsel for Rockwood Development Group, the City of East Lansing, and Meridian Township to discuss the Rezoning Application. Please advise who will be representing the Township on this matter so that I may contact them directly. Thank you for your attention to this matter. I will await your reply.

Sincerely,



Michael F. Matheson

MFM/jbb  
Enclosures  
ccw/enc:

Elizabeth LeGoff  
Breckenridge Land Acquisition  
Jack C. Davis, Esq.  
City Attorney, City of East Lansing



# PLANNING COMMISSION

Quality Services for a Quality Community

## MEMBERS

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Chair

Julie Jones-Fisk  
Vice Chair

Fred Bauries  
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Darcy C. Schmitt  
(517) 319-6941

City Council Liaison  
Kevin E. Beard

City of East Lansing  
DEPARTMENT OF  
PLANNING  
BUILDING &  
DEVELOPMENT  
410 Abbot Road  
East Lansing, MI 48823

(517) 319-6930  
[www.cityofeastlansing.com](http://www.cityofeastlansing.com)

## AGENDA

**February 27, 2013 – 7:00 p.m.**

54-B District Court, Courtroom #2  
101 Linden Street

**Note: The meeting will be simulcast on Channel 22, WELG-TV.**

### 1) OPENING

- A) Roll Call
- B) Approval of Agenda
- C) Approval of Minutes – February 13, 2013

### 2) COMMITTEE REPORTS

- A) Community Development Advisory
- B) Paving, Driveways, and Landscaping
- C) Pilot Form-Based Code

### 3) STAFF REPORTS

### 4) COMMISSIONER ANNOUNCEMENTS

### 5) COMMUNICATIONS FROM CITIZENS

- A) Oral
- B) Written

### 6) PUBLIC HEARINGS

- A) Ordinance 1294: A request from Rockwood Development Group, LLC to rezone the properties at 6290, 6330, and 6350 Abbot Road, along with a vacant parcel along Abbot Road, from RDD, Multiple Family Residential, under the Charter Township of Meridian's Zoning Code to RM-8, Planned Unit Development, under the City of East Lansing's Zoning Code. The combined properties are approximately 24.35 acres. (T. Schmitt)





Department of Planning  
Building & Development

Staff Contact: Timothy R. Schmitt  
Phone No.: 517-319-6828  
PC Agenda: February 27, 2013

**STAFF REPORT**  
February 20, 2013

**Ordinance 1294 – 6290, 6330, 6350 & Vacant Abbot Road (Rockwood)**

**SUBJECT**

Ordinance 1294, a request from Rockwood Development Group, LLC to rezone the properties at 6290, 6330, and 6350 Abbot Road, along with a vacant parcel along Abbot Road, from RDD, Multiple Family Residential, under the Charter Township of Meridian's Zoning Code to RM-8, Planned Unit Development, under the City of East Lansing's Zoning Code. The combined properties are approximately 24.35 acres.

**EXISTING CONDITIONS**

The parcels in question are located on the east side of Abbot Road, north of Lake Lansing Road, directly to the south of the East Lansing Family Aquatic Center. The properties at 6290 and 6330 Abbot Road, along with the unaddressed parcel, are all vacant, while the property at 6350 Abbot Road has a single-family home on it. The properties are all zoned RDD, Multiple Family Residential, which is a zoning classification under the Charter Township of Meridian's Zoning Ordinance. These properties and much of the area are part of a 425 Agreement with Meridian Township that will be discussed later in this report. The property immediately to the north is the East Lansing Family Aquatic Center, Softball Complex and Dog Park, which are zoned C, Community Facilities. Further to the north is the Chandler Crossing apartment complex that is zoned RM-14, Low Density, Multiple Family Residential. To the west are two single-family homes along Abbot Road that are zoned RA, Residential Agricultural. Further to the west is East Lansing's Abbot Road Park, which is zoned C. To the south are several small properties with single-family homes on them, each of which are zoned RDD. Slightly further south is the Gaslight Village complex, which is zoned RM-8, Planned Unit Development. To the east are single-family homes that are located in Meridian Township. They are zoned RB, Single-Family High Density, under the Township's Zoning Ordinance.

**PROPOSED DEVELOPMENT**

Ordinance 1294 proposes to rezone the 24+ acre property from its current zoning of RDD, Multiple Family Residential, to RM-8, Planned Unit Development. This will allow for the development of a multiple-family housing complex in the future, although at this time, the applicant has not submitted plans for site plan or special use permit approval.

that would allow construction to occur. The only review currently underway is for the rezoning of the properties.

**COMPARISON OF CURRENT AND PROPOSED ZONING**

	<b>RDD, Multiple Family Residential (Existing – Meridian Twp Zoning)</b>	<b>RM-8, Planned Unit Development (Proposed)</b>
Front Yard Setback	25 feet, with increased setbacks based on building height	50 feet
Rear Yard Setback	40 feet, with increased setbacks based on building height	Min 25, depends on surrounding zoning
Side Yard Setback	10 feet min, increased setbacks based on unit type	Min 25, depends on surrounding zoning
Maximum Building Height (by right)	2 ½ stories, 35 feet	3 stories, 40 feet
Additional Height Permitted?	No	Yes, based on size of parcel
Residential Density	5 dwelling units per acre	Based on number of bedrooms in units proposed: 1 BR requires 4,000 sq. ft. of lot area 2 BR – 5,500 sq. ft. 3 BR – 7,000 sq. ft.  Density bonuses available
Maximum Building Coverage	35%	25% Up to 30% under certain circumstances
Maximum Ground Coverage	65%	40% Up to 45% under certain circumstances
Uses Permitted by Right	One family dwellings; Recreation uses; Golf courses; Two family dwellings	Single-family dwellings; Two-family dwellings; Townhouse dwellings; Multiple-family dwellings
Uses Permitted with a Special Use Permit	One-family detached condominiums; Multiple-family dwellings; Group housing; Functional families; Nonresidential uses in a residential district (hospitals, churches, and other specified uses)	Offices, when the site is over 10 acres; extended care/nursing facilities; golf courses/country clubs; restaurants or banquet facilities, licensed for the sale of alcohol
Mixed Use Permitted?	Yes, subject to special use permit approval	Yes, subject to special use permit approval

## **OBJECTIVES OF THE COMPREHENSIVE PLAN**

The East Lansing Big Picture Comprehensive Plan calls for two separate uses on the properties in question: the frontage along Abbot Road is indicated for **Mixed-use, two to four stories**, while the rear majority of the properties are designated for **Residential, up to eight units per acre**. The proposed zoning designation of RM-8 would allow limited non-residential uses on the site, with residential uses up to eight dwelling units per acre. The existing RDD zoning would also allow for limited non-residential uses, but with residential uses only up to five units per acre.

## **425 AGREEMENT**

As mentioned previously, the properties being requested for rezoning are part of a 425 Agreement with Meridian Township. Under the terms of this agreement, there were five zones established, each with different policies and procedures. The properties in question are in zone two and the policies for the properties in question are as follows:

- The parcels shall initially retain the Township's RDD zoning designation and that no multiple-family condominium structures are permitted. The City is responsible for enforcing the Township's zoning ordinance.
- The Township's wetland ordinance as of July 1, 2002 shall apply to the properties.
- Subsequent rezoning of the properties in Zone 2 requires approval of four members of a joint legislative body, comprised of the East Lansing Mayor, the Mayor Pro Tem, a Councilmember designated by the Mayor, the Township Supervisor, and two Township Board members appointed by the Supervisor.

The initial ordinance was submitted to the City Council and introduced according to City procedure and the Planning Commission will hold the requisite public hearing, prior to forwarding a recommendation back to the City Council. At that time, the joint legislative body will be created.

## **SUMMARY COMMENTS**

Following the public hearing on this application, we will respond to additional concerns and questions in a final report and recommendation.

CITY OF EAST LANSING  
AERIAL PHOTOGRAPH



SUBJECT PROPERTIES  
(Approximate)

ABBOTT ROAD

GASLIGHT VILLAGE



CITY OF EAST LANSING

ZONING MAP

CITY LIMITS

6347

AVENUE

6350

RDD\*

6343

Subject Property

6323

6330

6317

R<sup>2625</sup>  
A

6313

6305

6290

6289

GOSSARD

2611

6280

6276

6272

6288

BIBER ST

130 120 110  
SWART ST.

6210

RM8

135 125 115

3363

AVE.

1550

R<sup>2411</sup>  
A  
2397

R<sup>2271</sup>  
A

6170

\* 2331

\*

C<sup>2</sup>  
B

C1\*  
CITY LIMITS

3454  
3452  
3450  
3448  
3446  
3444  
3442  
3440

B4

GOSSARD

140



Introduced: February 5, 2013  
Public Hearing:  
Adopted:  
Effective:

**CITY OF EAST LANSING  
ORDINANCE NO. 1294**

**AN ORDINANCE TO AMEND THE ZONING USE DISTRICT  
MAP OF CHAPTER 50 -- ZONING -- OF THE CODE OF THE  
CITY OF EAST LANSING**

THE CITY OF EAST LANSING ORDAINS:

**The Zoning Use District Map is hereby amended to rezone the following described area from RDD, Multiple Family Residential, under the Charter Township of Meridian's Zoning Code to RM-8, Planned Unit Development, under the City of East Lansing's Zoning Code:**

Tax Parcel Nos: 33-20-02-06-151-001, 33-20-02-06-151-002, 33-20-02-06-151-003, &  
33-20-02-06-151-108

A parcel of land in the Northwest fractional 1/4 of Section 6, T4N, R1W, City of East Lansing, Ingham County, Michigan, the surveyed boundary of said parcel described as: Commencing at the West 1/4 corner of said Section 6; thence N00°32'42"E along the West line of said Section 6 a distance of 330.00 feet to the point of beginning of this description; thence continuing N00°32'42"E along said West line 990.00 feet to the South line of the North 1/2 of the Northwest fractional 1/4 of said Section 6 as monumented; thence S89°47'05"E along said South line 1080.00 feet; thence S00°32'42"W parallel with said West line 659.46 feet; thence N89°48'49"W parallel with the East-West 1/4 line of said Section 6 a distance of 24.00 feet; thence S00°32'42"W parallel with said West line 330.00 feet; thence N89°48'49"W 1056.00 feet to the point of beginning; said parcel containing 24.35 acres, more or less, including 1.13 acres, more or less, presently in use as public right of way along Abbot Road; said parcel is subject to all other easements and restrictions if any.

More commonly known as 6290 Abbot Road, 6330 Abbot Road, 6350 Abbot Road, and an unaddressed vacant parcel on Abbot Road, East Lansing, Michigan 48823

By \_\_\_\_\_  
Diane Goddeeris, Mayor

By \_\_\_\_\_  
Marie E. McKenna, City Clerk



# CITY OF EAST LANSING REZONING APPLICATION

The undersigned hereby respectfully request(s) that the following described parcel(s) of land lying within the City of East Lansing be rezoned:

from the existing: RDD District  
to the proposed: RM8 District

Legal Description of the Property to be Rezoned (attach separate sheet if necessary):

See attached survey.

Also Known As (Street Address): See attachment.

Parcel ID No(s): See attachment. Parcel Size: Approx. 25 acres

Reason(s) for Requested Rezoning - Please attach a separate sheet indicating reason(s).

Site Plan Application Also Submitted:  No Yes, date: \_\_\_\_\_

I (we) hereby grant permission for members of the East Lansing City Council, its Planning Commission, its staff, and its consultants the right to enter onto the property described in this application in my (our) absence for the purpose of gathering information, including but not limited to the taking and use of photographs.  
Please check one:  Yes  No

Respectfully submitted by:

Rockwood Development Group, LLC  
Name of Property Owner/Applicant  
1575 Ramblewood, Ste. 220  
Mailing Address  
East Lansing, MI 48823  
City State Zip  
(517) 281-4499  
Phone Fax Cell  
Christopher Abood 1/15/2013  
Signature Date

\_\_\_\_\_  
Name of Property Owner/Applicant  
\_\_\_\_\_  
Mailing Address (do not complete if same)  
\_\_\_\_\_  
City State Zip  
\_\_\_\_\_  
Phone Fax Cell  
\_\_\_\_\_  
Signature Date

Please Note: All legal owners of the above described parcel(s) must sign the Application (Additional forms may be used if necessary)

Return Completed Application and Filing Fee of \$1,000.00 plus \$100.00 per acre to:

City of East Lansing  
Planning & Community Development  
410 Abbot Road  
East Lansing, MI 48823

## ATTACHMENT TO REZONING APPLICATION

The real property subject to this rezoning application is commonly known as 6290 Abbot Road, 6330 Abbot Road, and 6350 Abbot Road, East Lansing, MI 48823 ("Property"). The Property is located within the Abbot Road corridor and situated north of Lake Lansing Road and immediately south of the East Lansing Aquatic Center.

In 2002, the City of East Lansing ("City") and Meridian Township ("Township") entered into an agreement for the conditional transfer of the Property as well as adjoining and nearby properties, pursuant to the Conditional Land Use Transfer Act, P.A. 425 of 1984 ("425 Agreement"). The 425 Agreement zoned the Property as a RDD district under the Township's zoning ordinance. Among other matters, the 425 Agreement further provides that the City shall administer the Township's zoning ordinance and process any rezoning requests.

It is hereby requested that the Property be rezoned to RM-8 under the City's zoning ordinance. The Property is currently under a sales contract; however, the project currently contemplated is not economically feasible under the RDD zoning classification. The proposed project represents the best use of the Property and would be consistent with the characteristics of the existing uses along the corridor. Indeed, most of the larger properties surrounding the Property are already zoned RM-8. An RM-8 zoning district would allow for the proposed cottage style multi-family/student rental project.

The Abbot Road corridor has transformed over the last several years which resulted in the development of various multi-family/student rental housing projects. Abbot Road was also recently expanded to four lanes from Lake Lansing Road to north of the Property. It is anticipated that any increase of traffic from a new project would be adequately supported by Abbot Road. Furthermore, any increased traffic will be counterbalanced by greater economic activity and higher taxable values for both the City and Township.



## PARCEL ADDRESSES AND NUMBERS

Address	Parcel Number
6290 Abbot Road	33-20-02-06-151-003
6330 Abbot Road	33-20-02-06-151-002
6350 Abbot Road	33-20-02-06-151-001
Vacant Lot	33-20-02-06-151-108

**Sec. 86-376. - Multiple-family residential districts: RDD, RD, RC, RCC districts.**

(a) *Purpose.* The RDD, RD, RC, and RCC districts are intended to accommodate multiple-family residential uses at a higher density than any single-family district, but at no lower standards of quality. The primary purposes of these districts are to accommodate multiple-family developments of sustained desirability and stability that will be harmonious to adjacent properties, to promote large parcel, single-owner developments that allow an added degree of flexibility in the placement, bulk, and interrelationship of the buildings and uses within a planned project and adjacent areas, and to maintain the overall intensity of land use, density of population, and required open space specified in this section and in the comprehensive development plan of the township.

(1) The primary distinction between these districts is density. The RDD zone permits a maximum of five dwelling units per acre, the RD zone permits a maximum of eight dwelling units per acre, the RC zone permits a maximum of 14 dwelling units per acre, and the RCC zone permits variable high density up to a maximum of 34 dwelling units per acre. In addition, single-family detached living units are permitted in the RDD zoning district, but not in the RD, RC, and RCC zoning districts.

(b) *Uses permitted by right.*

(1) All uses permitted by right in the RB district, subject to the restrictions and dimensional requirements specified therefore, except that one-family dwellings shall not be permitted in the RD, RC, and RCC districts.

(2) Two-family dwellings in the RDD, RD, and RC districts; provided that no more than two unrelated persons may occupy a living unit in these districts.

(c) *Uses permitted by special use permit from the planning commission or planning director.*

(1) The planning commission, after giving notice and holding a hearing pursuant to the procedures set forth in article II, division 4 of this chapter, may approve the following uses by special use permit:

a. Any single structure on a single parcel of land containing three or more living units.

b. Group housing developments containing up to 50 dwelling units.

(2) The planning commission may, by formal resolution, delegate the review and approval of special use permits under this subsection to the planning director. The decision of the planning director shall be made after notice and hearing pursuant to the procedures of article II, division 4 of this chapter. Any person aggrieved by a decision of the planning director under this subsection may appeal the decision within ten days to the township board pursuant to article II, division 6 of this chapter.

(d) *Uses permitted by special use permit.*

(1) *RD, RC, and RCC districts.* The following uses may be permitted by special use permit in the RD, RC, and RCC districts, provided all requirements of this chapter are met:

a. Group housing developments containing more than 50 dwelling units, in accordance with the requirements of article VI of this chapter.

b. Community center when part of a housing project.

c. Incidental commercial services for principal use of the development's occupants, when in conjunction with a housing project identified in subsection (d)(1)a. of this section containing at least 200 units; provided, that:

1. Plans for any advertising signs or window displays shall be submitted to the planning commission for approval;

2. There shall be no direct access to the commercial service from any exterior (off-site) road;

3. The architectural appearance of the commercial service building, if a separate structure, shall be harmonious with the appearance of other structures in the development; and

4. Commercial services shall be limited to the following:

i. Grocery stores;

ii. Services such as dry cleaning pickup agencies, shoe repair shops, beauty parlors, or barber shops;

iii. Drug stores; and

iv. Restaurants without dancing or entertainment, but excluding dairy bars and drive-in establishments.

d. Functional families as defined by this chapter.

e. Nonresidential structures and uses in accordance with section 86-654

(2) *RDD districts.* The following uses may be permitted by special use permit in the RDD district, provided all requirements of this chapter are met:

a. Development containing one-family dwellings, each of which is not proposed to be located on a separate recorded lot.

b. Development containing both one-family dwellings and two-family dwellings, both one-family dwellings and multiple-family dwellings, both two-family dwellings and multiple-family dwellings, or all of the three aforementioned housing types.

c. Group housing developments containing more than 50 dwelling units. In accordance with the requirements of section 86-651

d. Community center when part of a housing project.

e. Incidental commercial services for principal use of the development's occupants when in conjunction with a housing project identified in subsections (2)b or c of this section containing at least 200 units; provided, that:

1. Plans for any advertising signs or window displays shall be submitted to the planning commission for approval;
2. There shall be no direct access to the commercial services from any exterior (off-site) road;
3. The architectural appearance of the commercial service building, if a separate structure, shall be harmonious with the appearance of other structures in the development; and
4. Commercial services shall be limited to the following:
  - i. Grocery stores;
  - ii. Services such as dry cleaning pickup agencies, shoe repair shops, beauty parlors, and barber shops;
  - iii. Drug stores; and
  - iv. Restaurants without dancing or entertainment, but excluding dairy bars and drive-in establishments.

f. Functional families, as defined by this chapter.

g. Nonresidential structures and uses in accordance with section 86-654

(e) *Procedure for obtaining special use permits.* The following procedure shall be followed for all developments identified in subsections (d)(1) and (2) of this section, in addition to the requirements of article II, division 4 of this chapter, relating to special use permits in general.

(1) *Preliminary procedures.* The applicant shall meet with the planning director to discuss any technical difficulties of a proposed development prior to formal application for a special use permit. The applicant shall provide the planning director preliminary plans of the project and preliminary engineering information on the project.

(2) *Application procedures.* The applicant shall submit the following information to the planning commission via the planning director.

- a. A site plan drawn to a readable scale including dimensions and locations of buildings, parking, roads, road names, access, and preliminary landscape design;
- b. A legal description of the property in question, together with proof of ownership or a certified letter from the owner agreeing to the request;
- c. Existing contours of the property at two foot intervals based on USGS data;
- d. Proposed contours of the property at two-foot intervals based on USGS data;
- e. Preliminary engineering reports in accordance with the adopted township water and sewer standards, together with a letter of review from the township engineer;
- f. Ten copies of a report on the intent and scope of the project including, but not limited to:
  1. Number, size, volume, and dimensions of buildings;
  2. Number and size of living units;
  3. Basis of calculations of floor area and density and required parking;
  4. Number, size, and type of parking spaces; and
  5. Architectural sketches or rendering of proposed buildings; and
- g. If necessary, the planning director may require the applicant to submit selected soil borings taken on the site.

(3) *Local agency review.* The applicant shall provide the township copies of the project plans for each local agency. The township shall transmit plans to the following agencies for review and optional comment within ten days:

- a. The county road commission;
- b. The county drain commissioner;
- c. The county health department;
- d. The appropriate school board;
- e. The township engineer;
- f. The township fire department; and
- g. The township board.

(4) *Public hearing.* The planning commission shall set the public hearing date after having received all required information and plans in accordance with this chapter.

(5) *Approval of special use permit.* After reviewing the proposed project, the planning commission shall either approve or deny the special use permit, or approve subject to any conditions they deem appropriate, and shall prepare a report stating its conclusions, the basis for its decision and any conditions relating to approval.

(6) *Issuance of special use permit.* If the planning commission has acted favorably on an application for special use permit, the planning director shall issue such permit after review of construction plans to determine compliance with the terms and conditions of the special use permit, which plans shall include:

- a. Detailed site plans, including a landscaping plan drawn by a registered landscape architect;
- b. Detailed utility construction plans; and
- c. Working plans of all other aspects of the project.

If construction plans vary substantially from those approved by the planning commission, such variations must be resubmitted to the planning commission for approval after notice and public hearing.

(f) *Duration and validity of permit.*

(1) The planning commission's approval of a special use permit shall be issued on a site plan and is valid regardless of change of ownership, provided that all terms and conditions are complied with by the new owner. Such permit shall be placed on file with the planning director.

(2) In cases where construction has not been commenced within a one-year period after approval, the permit shall automatically become null and void and all rights thereunder shall terminate. Upon written application filed prior to the termination of the one-year period, the planning commission may authorize a single extension of the permit for not more than one year without further notice or hearing.

(3) No permit for occupying any completed residential units shall be granted until all utilities, access drives, parking walkways, pools, screening, drainage, and other improvements indicated on the approved plan have been inspected and approved. If such improvements have not been completed and an occupancy permit is desired, a performance guarantee in the form of a cash deposit, certified check, or irrevocable bank letter of credit acceptable to the township, covering the estimated cost of improvements associated with the project, shall be deposited with the township to insure faithful completion of the improvements. Quarterly rebates of any cash deposits shall be made by the township in reasonable proportion to the ratio of work completed on the required improvements as work progresses.

(g) *Minimum design standards.*

(1) *Minimum lot areas.*

a. Refer to section 86-366, schedule of regulations for residential districts.

b. Minimum lot area requirements apply to one or more buildings on a particular parcel provided each building has at least two dwelling units in it.

(2) *Minimum lot width.* One hundred feet.

(3) *Maximum lot coverage and open space required.* All buildings including accessory buildings shall not occupy more than 35 percent of the net area of land included within the limits of the proposed project or any stage in the development of the proposed project which may receive approval under this chapter. A minimum of 35 percent of the total land area of the project exclusive of drives and parking areas must be set aside as open space. All land used for open space must be improved for the use of all residents of the development. Open space may be dedicated for public use. Such dedication may be required by the planning commission if shown as public open space on the comprehensive development plan.

(4) *Minimum yard dimensions.*

a. *Front yard.* No less than 25 feet for one- or two-story buildings with an additional one foot required for each additional one foot the building exceeds 35 feet in height.

b. *Side yards.*

1. Two families shall not be less than ten feet.

2. Three families to ten families shall not be less than 15 feet.

3. Greater than ten families shall not be less than 25 feet from the property line for one- or two-story buildings with an additional foot required for each additional foot of height of the building over 35 feet.

c. *Rear yard.* Building shall not be less than 40 feet from the property line for one- or two-story buildings with an additional foot required for each additional foot of height of the building over 35 feet.

d. *Required setbacks.* In addition to the foregoing, all buildings shall be located in accordance with the particular setback requirement of section 86-367.

e. *Distance from a single-family district boundary.* No multiple-family building designed, erected, or used for three or more families shall be located closer than 50 feet to any single-family residential zone line nor shall any accessory building to a multiple structure containing three or more dwelling units be located closer than 50 feet to any single-family residential zone line. Where commission studies indicate adjoining property will eventually assume similar zoning as property in question, the commission may waive the 50-foot minimum.

f. *Distance between buildings.*

1. *Abutting widest dimension buildings.* The minimum horizontal distance between one-story square buildings or one-story buildings, both of whose widest dimensions face each other, shall be 50 feet. This distance shall be increased by five feet for every story added to either building. The minimum distance between buildings may be decreased on one side of a building by not more than ten feet if the distance on the other side of a building is increased proportionately. If the buildings are staggered in location so as to allow free flow of air and sunlight, the distance between buildings may be decreased by not more than ten feet.

2. *Abutting narrowest dimension buildings.* The minimum distance between one- or two-story buildings, both of whose narrowest dimensions face each other, shall be 25 feet. This distance shall be increased by five feet for every story added to either building over two stories.

3. *Abutting narrowest dimension building to widest dimension building.* The minimum horizontal distance between buildings, one of whose narrowest dimension faces the widest dimension of the other building, shall be 30 feet if one or both of such buildings are one story in height. This distance shall increase by five feet for every additional story added to either or both buildings.

4. *Minimum distance.* In no case shall any building be located closer than 25 feet to any other building.

5. *Closed courts.* No courts completely enclosed by building structure shall be permitted; however, screen walls not exceeding six feet in height are permitted to enclose what would

otherwise be open court. All dimensional requirements for open courts shall apply to such enclosed courts.

**6. Open courts.**

a. Projecting wings of a building that form a court, enclosed on three sides, shall conform to the following when the court face of either wing contains windows from a living room, bedroom, or dining room.

i. The minimum distance between wings shall be 50 feet for one-story buildings. For any additional stories added to either wing the distance shall be increased five feet for each additional story added to either wing.

ii. The maximum distance that a wing can project from the face of a building shall be 1½ times the horizontal distance between wings.

b. Projecting wings of a building that form a court enclosed on three sides shall conform to the following when neither court face of the wings contains a window from a living room, bedroom, or dining room.

i. The minimum distance between wings shall be 25 feet for one-story buildings. For any additional stories added to either wing the distance shall be increased five feet for each additional story added to either wing.

ii. The maximum distance a wing can project from the face of a building shall be 1½ times the horizontal distance between wings.

**7. Other yard dimensions.**

a. No entrance to a multiple-family structure containing three or more units shall be located closer to any street, access road, driveway, or parking area than 25 feet.

b. No multiple-family structure containing three or more units shall be located closer to any street, access road, driveway, or parking area than 20 feet.

c. No single building or connected building may exceed 200 feet in any one dimension. All buildings shall be so arranged as to permit emergency vehicle access, by some practical means, to all sides.

**(6) Maximum building height.** Maximum building height shall not exceed 2½ stories or 35 feet, except as noted below. No space below grade level shall be used for dwelling purposes except as follows.

a. When the finished floor grade of the space below grade level is no more than four feet below finished outside ground level at any point on the property of that part of the structure enclosing the below grade dwelling space.

b. On sloping sites when the finished floor grade of the space below grade level is finished outside ground level for at least the length of one wall. In the same instance, such dwelling space have either adequate through or cross ventilation.

c. Building height may be increased to a maximum of 70 feet in the RC zone and 12 stories in the RCC zone; provided, that:

1. The building in question is part of a group housing plan and receives planning commission approval.

2. All yard requirements, except distance to parking areas or street, must be increased by one foot for every two feet of building height in excess of 25 feet.

3. No structure in excess of 25 feet in height shall be placed closer to any property line than a distance equal to 1½ times the height of the building, or 50 feet, whichever is greater.

4. Any proposed building in the RCC zone which is to exceed 70 feet in height must be approved by the township engineer and fire and building departments for fire protection and water service prior to issuance of a special use permit.

**(7) Signs.** Identifying any of the permitted uses in this district shall be in accordance with those requirements specified in article VII of this chapter.

**(8) Minimum living space.** Minimum gross living space area for multiple-family dwelling units shall be 350 square feet for one room, 500 square feet for two rooms, and 750 square feet for three rooms. An average of 100 additional square feet for each room in excess of three rooms. The term "room" as used in this subsection shall not include kitchenette, dinette, alcove, bathrooms, halls, or patio.

**(9) Parking requirements.** For motor vehicle and bicycle parking requirements, refer to section 88-366 and article VIII of this chapter. In addition, every multiple-family structure shall provide motor vehicle parking facilities which:

a. Are appropriately spaced and divided by landscaped areas as opposed to one continuous parking lot.

b. Are screened by landscaping and physical structures and where feasible, depressed below eye level or enclosed.

c. Are served by two points of access to public street when there are 50 or more living units in the project.

d. Are served by access to a public street other than a local street when there are 25 or more living units in the project.

- e. Shall provide a minimum of 200 square feet in area for each vehicle parking space, each space shall be definitely designated and reserved for parking purposes, and each space shall be accessible separately from a drive.
- f. May be allowed within or under any multiple-family structure; however, carports or nonself-contained parking shall not be located closer than 20 feet to any multiple-family residential structure.
- g. Shall have no parking located farther than 150 feet from one entrance to the multiple-family structure which it is intended to serve.
- h. Shall have no commercial repair work, servicing, or selling of any kind conducted on any parking area.

(10) *Storage of refuse.* All refuse containers, including trash and recycling containers, shall be enclosed on at least three sides by a screening device approved by the planning director, subject to the following provisions:

- a. For existing uses receiving a certificate of occupancy prior to the effective date of this section, recycling containers shall be placed adjacent to other refuse containers on-site. If the planning director determines that it is not practical to place the container adjacent to other refuse containers on the site, such containers may be placed in parking areas, provided that the space used for the container shall not occupy required parking spaces and further provided that recycling containers shall be enclosed on three sides by a screening device approved by the planning director.
- b. For uses receiving a certificate of occupancy after the effective date of this section, recycling containers shall meet the requirements of this section and the requirements for site plan review under article II, division 5 of this chapter.

(11) *Landscaping required.* Landscaping acceptable to the planning commission shall be provided in open spaces, around buildings, and within parking areas. No occupancy permit may be issued until landscaping has been inspected and approved or a performance bond equal to the estimated cost has been posted with the township.

- a. A plan for control of soil erosion which meets the township's standards for soil erosion and sedimentation control shall be carried out during the construction and completion of the project.
- b. When deemed necessary by the planning commission, in order to protect surrounding properties, appropriate screening of plant materials, wood, or brick, approved by the planning commission, may be required.

(12) *Density.* The density (dwelling units per acre) in the RDD, RD, RC, RN, and RCC zoned districts shall be in accordance with the table below and the following stipulations:

a. *Maximum Density Table*

Zone	Maximum Density
RDD	Five dwelling units/acre
RD	Eight dwelling units/acre
RC	<u>14</u> dwelling units/acre
RN	<u>14</u> dwelling units/acre
RCC	<u>34</u> dwelling units/acre

b. Those sites which contain wetlands and/or floodplains shall be permitted a maximum number of units based on the following formula:

$$N = A \times D \times C$$

N = Maximum Number Units Permitted

A = Area of Site Outside the Floodplain and Wetland

D = Allowable Density from Maximum Density Table (subsection (g)(12)a. above)

C = 1+ percent of Site in Floodplain and Wetland Expressed as Decimal

For purposes of this chapter, wetland areas are those lands which meet the definition of a wetland set forth in section 30301 of the Natural Resources and Environmental Protection Act (MCL 324.30301). For purposes of this chapter, floodplain areas are those lands which meet the definition contained in section 86-438(b).

(Code 1974, § 82-7; Ord. No. 2002-05, § 1(E), 5-7-2002; Ord. No. 2007-14, § 1(B), (C), 11-25-2007, Ord. No. 2010-02, § 1.b., 2-28-2010, Ord. No. 2010-11, § 1 B., 8-22-2010)

State law reference— State-mandated residential uses, MCL 125.286g

## ARTICLE V. MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

### DIVISION 1. GENERALLY

Secs. 50-361-50-380. Reserved.

### DIVISION 2. PLANNED UNIT DEVELOPMENT DISTRICT, RM-8

#### Sec. 50-381. Purpose and objectives.

- (a) The RM-8 residential district is a broad and flexible zoning classification which permits a variety of housing at different densities and limited office use. It establishes a base level of development at a relatively low density and other requirements which, at a minimum, will preserve the attractiveness, desirability, and privacy of residential neighborhoods. It encourages the planning and development of larger parcels by permitting different types of housing at different densities within the site and limited amounts of office use to buffer residential uses from major streets. It also provides density bonuses, reductions in lot sizes and setbacks and other flexibility in the base standards, when the objectives below and certain other specified standards are met, to encourage innovative design. The ultimate goal of the district is to increase the amount and variety of housing opportunities in the city while protecting the interests of residents and the overall attractiveness of the city.
- (b) It is also the purpose of the district to achieve the following objectives:
- (1) To have land developed in a planned and orderly manner by requiring a minimum site size and by providing density bonuses as an incentive to accumulate larger parcels, at one time or in phases, in accordance with an overall site plan.
  - (2) To have a variety of housing opportunities available within the city by encouraging a range of different housing types and innovative designs.
  - (3) To encourage more affordable housing by permitting clustered and innovative site designs and by providing for higher densities and limited office use within the development.
  - (4) To control congestion and safety along public streets and to provide safe and convenient access by limiting access to major streets, by requiring improved facilities for pedestrians, bicycles, and motor vehicles, and by requiring linkages to neighboring developments and public facilities.
  - (5) To protect the privacy of residents and to minimize noise, congestion, and nuisance impacts by regulating the size and placement of buildings and parking facilities and by requiring buffers consisting of setbacks and landscape screens between uses and along streets.
  - (6) To maintain an attractive community appearance and to provide a desirable living environment for residents by preserving natural features, particularly stands of mature trees, wetlands and floodplains, and by requiring open space and recreational facilities.

(Code 1994, ch. 55, § 5.41-2; Ord. No. 998, 6-25-2002)

**Sec. 50-382. Uses permitted.**

Uses permitted in the RM-8 district are as follows:

- (1) Permitted principal uses, subject to site plan approval as provided for in section 50-36 of this chapter:
  - a. Single-family dwellings.
  - b. Two-family dwellings.
  - c. Townhouse dwellings.
  - d. Multiple-family dwellings, except hotels and motels.
- (2) Permitted principal uses, subject to an approved special use permit as provided for in article II, division 3 of this chapter, when developed in conjunction with a residential development as permitted in subsection (1) of this section:
  - a. Offices where the overall site area is ten acres or more in size.
  - b. Extended care/nursing facilities.
  - c. Golf courses or country clubs.
  - d. Restaurants or banquet facilities, including those licensed for the sale of alcoholic beverages or alcoholic liquor as defined by MCL 436.1105(2), which are provided in conjunction with a golf course or country club.
- (3) Permitted accessory uses, when provided in conjunction with the principal uses and the appropriate approvals above:
  - a. Parking spaces, parking lots, garages, carports, and driveways.
  - b. Recreational facilities and structures provided for the exclusive use of residents of the development and their guests.
  - c. Storage buildings and areas for equipment necessary to maintain the development.
  - d. One sales, rental, or management office for the development, when such office is located in a building intended to be used for one of the principal uses in subsection (1) of this section, or in a clubhouse or similar structure.
  - e. Other facilities or structures provided for the exclusive use and convenience of residents of the development, such as laundries and storage rooms.
  - f. Class A home occupations.
  - g. Facilities and services provided within a principal building primarily for the use, care and convenience of residents, such as medical or dental offices, barber and beauty services, banking facilities and gift shops.
  - h. Facilities and structures which are customarily provided in conjunction with a golf course or country club including, but not limited to, a club house, pro shop, starter shed, snack shop, driving range, practice putting and chipping greens, and storage buildings for carts or maintenance equipment.



(Code 1994, ch. 55, § 5.41-3; Ord. No. 949, 6-18-2002; Ord. No. 998, 6-25-2002; Ord. 1061, 2-7-2006)

**Sec. 50-363. Required conditions.**

The following standards must be complied with by a development within the RM-9 residential district.

- (1) **Minimum site area.** The site must have a contiguous area of at least five acres, exclusive of existing and intended rights-of-way along abutting public streets. The site may consist of two or more contiguous parcels of land which shall be developed by a single owner or a group of owners acting jointly in accordance with an approved site plan which encompasses the entire site.
- (2) **Base residential density.** The base number of residential units permitted on a site shall be determined by dividing the total site area by the minimum site area per unit standards from the following schedule:

<i>Type of Unit</i>	<i>Minimum Site Area</i>
Efficiency or 1 bedroom	4,000 sq. ft. per unit
2 bedroom	5,500 sq. ft. per unit
3 bedroom or larger	7,000 sq. ft. per unit
Extended care, group housing	2,000 sq. ft. per person, based on the maximum permitted residential occupancy

For the purposes of this calculation, total site area shall not include any portion of the site which is used for offices or a golf course or country club, including their related parking areas, accessory uses and required yard areas. Where the type of unit to be built is not known or stipulated at the time of site plan review, as may be the case with subdivided building lots, each unknown unit shall be assumed to be a three-bedroom unit in determining the number of units permitted.

- (3) **Density bonuses for larger sites.** Density bonuses may be given for sites of five acres or more where the proposed development would be consistent with the purpose of this district and substantially contribute to achieving one or more of its objectives as stated in section 50-381. If approved, the bonuses shall be in the form of percentage reductions in the minimum site area required for each unit stated in subsection (2) of this section, as shown in the following schedule:

<i>Number of Acres</i>	<i>Reduction in Minimum Site Area Per Unit</i>
Fewer than 10	10%
10 but fewer than 20	20%
20 but fewer than 30	30%
30 but fewer than 40	40%
40 or more	50%

If bonuses are approved, the total number of units permitted shall be determined by dividing the total site area, as defined in subsection (3) of this section, by the reduced site area per unit standard.

- (4) *Phased development; density of individual elements.* A site within this district may be planned and developed by a single owner or developer, or it may be developed in phases by two or more owners or developers in accordance with an overall site plan for the entire site. Individual elements of the overall site plan may be designed and developed at different densities as long as the total number of dwelling units on the entire site complies with the overall density limit established in subsections (2) and (3) of this section.
- (5) *Maximum office use.* The gross floor area devoted to office use, exclusive of accessory office use as permitted in section 50-382(3)d, shall not exceed a figure equal to ten percent of the gross floor area of all principal buildings on the site.
- (6) *Minimum residential lot area.* Where part or all of the site is subdivided into separate building lots for single-family detached units or for similar units which abut or are attached with party walls, such as duplexes and townhouses, minimum lot areas shall be provided according to the following schedule.

	<i>Minimum Lot Area</i>
For a detached unit	3,400 sq. ft.
For each attached unit	2,000 sq. ft.

- (7) *Maximum building height.* The maximum permitted height of buildings shall be determined according to the following schedule:

- a. *Principal residential buildings.*

<i>Site Size</i>	<i>Maximum Height</i>
Fewer than 10 acres	3 stories, or 40 feet
10 but fewer than 20 acres	4 stories, or 50 feet, subject to an approved special use permit as provided by article II, division 3 of this chapter
20 or more acres	6 stories, or 70 feet, subject to an approved special use permit as provided by article II, division 3 of this chapter

- b. *Office buildings.*

<i>Site Size</i>	<i>Maximum Height</i>
Fewer than 20 acres	1 story, or 24 feet
20 or more acres	2 stories, or 36 feet

- c. *Accessory buildings.*

<i>Site Size</i>	<i>Maximum Height</i>
Fewer than 10 acres	1 story, or 15 feet

10 or more acres	2 stories, or 25 feet
Golf course clubhouse	2 stories, or 36 feet

(8) *Maximum building and ground coverage.*

- a. The maximum building and ground coverage ratios for the entire site shall be 25 percent and 40 percent, respectively. These ratios may be increased to 30 percent and 45 percent where the site is 20 acres or larger in size or where no buildings are more than 2 1/2 stories in height. For the purpose of this district, spaces occupied by recreational facilities provided for the use of residents and their guests, up to a total of five percent of the site, shall not be counted as coverage. Such facilities may include freestanding recreational structures, such as pools and clubhouses, and separate improved recreational surfaces, such as basketball and shuffleboard courts.
- b. For subdivided building lots within the development, the maximum building and ground coverage ratios shall be 50 percent and 60 percent, respectively. If the amount of building and ground coverage on subdivided lots is not known nor otherwise stipulated at the time of site plan review, the coverage ratios for the entire site shall be calculated by assuming that each lot is developed to the maximum permissible standards.

(9) *General setback requirements.* The basic minimum setback requirements for principal and accessory buildings and parking spaces and parking lots are as follows:

	<i>Buildings</i>	<i>Parking</i>
a. From major streets	50'	60'
b. From other public streets	25'	25'
c. From private roads	20'	0'
d. From exterior site boundaries where the abutting property is within the R-1, R-2, or R-3 residential districts	2×H+LI	25'
e. From other exterior site boundaries	25'+HI+LI	25'

H = Building height.

HI = Height increment = 50% of the building height over 25 ft.

LI = Length increment = 10% of the building length over 50 ft.

(10) *Setback reductions.*

- a. The basic setback standards specified in subsections (9)a, b, d, and e of this section may be reduced by up to 50 percent but in no case to less than 20 feet, where unique site characteristics, compatible design and scale, or landscaping or design features in excess of the requirements in subsection (15) of this section will achieve the objectives in section 50-381 and accomplish the same purposes for which the setbacks are intended. These purposes are:

1. Ensuring reasonable privacy for residents and neighbors of the development;
2. Protecting residents and neighbors from noise, shadowing, and other nuisance impacts;
3. Maintaining adequate visibility for safety along streets and sidewalks; and
4. Maintaining an attractive appearance of the development from abutting properties and public streets.

Such characteristics or features may include, but would not be limited to: significant slopes which effectively reduce the apparent size of buildings and screen parking areas from view; dense buffers of mature trees and other plant materials along exterior property lines; significant landscape treatments which include earth berms, fences, or walls at least three feet in height in addition to a variety of plant materials; buildings which are designed and located to maximize privacy and minimize noise, shadowing, and other impacts between adjacent properties; and buildings which are designed at a scale which is comparable to and compatible with surrounding uses.

- b. The setback requirements for parking facilities located along an exterior property line may be waived, in whole or in part, where the owners of two adjacent properties agree in writing to develop shared access and parking facilities to serve both properties. If site plans for both properties are not submitted simultaneously, each site plan must clearly show the parking and access facilities to be shared, along with required details and specifications. The shared facilities may be constructed in phases, provided that, each phase is readily accessible and is constructed and maintained according to required specifications.
- (11) *Setback requirements for interior lots.* Buildings and parking spaces on subdivided lots within the development shall meet the standards in subsection (9) of this section. There shall be no other setback requirements from the lot lines on such lots.
  - (12) *Minimum distance between buildings.* Two buildings shall be located no closer to one another than a distance equal to the height of the taller one, except that this distance may be reduced by up to 50 percent if the buildings are designed and located to maintain privacy between neighbors and to minimize noise, shadowing, and other nuisance and appearance impacts on residents. In no case shall two detached buildings be located closer than ten feet apart.
  - (13) *Minimum horizontal distance between building wings.* The angle between two wings of one building shall not be less than 90 degrees. In instances where two wings of the same building face each other, such as in a U-shaped building, the wings must be separated according to the standards in subsection (12) of this section.
  - (14) *Required parking.*
    - a. Parking facilities shall be provided in accordance with article VIII of this chapter, except that the required number of spaces for an office use which is developed in conjunction with a residential development, as

provided in section 50-382(2), may be waived in whole or in part. The waiver may be granted when it is determined that there would be sufficient numbers of conveniently located spaces available for customers and employees of the office use during its hours of operation. Restricted hours of operation may be stated as a condition of the special use permit for the office use to ensure that sufficient parking will be available to residents of the development.

- b. Parking facilities may be allowed within or under any building; otherwise, parking spaces not on a driveway shall be located no closer than ten feet to any building.

(15) *Open space and recreation.*

- a. A minimum of 20 percent of the total site, exclusive of required setbacks, shall be open space held for the use and enjoyment of residents of the development. Private yards on subdivided lots, preserved woodlots and wetlands, playgrounds, and the space occupied by freestanding recreational facilities and buildings may be counted as open space. Where land is to be dedicated as open space within subdivisions or condominium developments, appropriate easements or land dedication documents shall accompany the application for approval.
- b. A variety of playground equipment or other improved recreational areas or facilities shall be provided in accordance with the anticipated interests of the expected occupants of the development.

(16) *Perimeter landscaping.* Trees of a type and size specified in section 48-32 of the City Code shall be planted no more than 60 feet apart within the right-of-way along all public streets abutting or within the development. A variety of trees and shrubbery shall be planted between buildings, parking areas, or other improved facilities and all exterior boundaries of the development. These requirements may be modified or waived where there are existing trees or shrubbery to be retained.

(Code 1994, ch. 55, § 5.41-4; Ord. No. 998, 6-25-2002)

**Sec. 50-384. Design standards and principles.**

A development in the RM-B residential district shall substantially conform to the following design principles and standards.

(1) *Residential layout.*

- a. The placement and concentration of structures and uses on the site shall be arranged to minimize congestion on the site and contrasts in the intensity of activities between abutting land uses.
- b. The placement, bulk, and design of structures and uses shall be arranged to minimize contrasts in scale between abutting uses and exposure to nuisance factors, such as noise and glare, and to maximize privacy for residents and neighbors.
- c. Each development shall contain a reasonable mixture of two or more of the principal uses as permitted in section 50-382(1), unless the development is so small that a mixture would be impractical or if the type

AGREEMENT FOR THE CONDITIONAL TRANSFER OF PROPERTY WITHIN THE  
CITY OF EAST LANSING AND SECTIONS 6 AND 9 OF THE CHARTER TOWNSHIP  
OF MERIDIAN PURSUANT TO 1984 PUBIC ACT 425

THIS AGREEMENT made this 5th day of August, 2002, between the CITY OF EAST LANSING ("City"), a Michigan municipal corporation, with its principal offices located at 410 Abbott Road, East Lansing, MI 48823, and the CHARTER TOWNSHIP OF MERIDIAN ("Township"), a Michigan municipal corporation, with its principal offices located at 5151 Marsh Road, Okemos, MI 48864.

Recital of Facts

The City and the Township are "local units" as defined by Public Act 425 of 1984, as amended ("Act 425") (MCLA 124.21 et seq.). Act 425 enables two or more local units of government to conditionally transfer property by written agreement for the purpose of economic development projects, as defined in the Act.

The City and the Township have proposed that certain property, legally described in the attached Exhibit A, Zones 1, 2, 3, 4, and 5, ("Transferred Area"), be conditionally transferred to the City pursuant to Act 425 to promote one or more economic development projects within the Transferred Area. The City and Township have considered and agreed upon certain factors prior to entering into this Agreement conditionally transferring property, and pursuant to Act 425, the Township held a public hearing on July 2, 2002, and the City Council held a public hearing on June 18, 2002 regarding this conditional transfer, all preceded by notice in accordance with the requirements of Michigan's Open Meetings Act.

The City and Township find that the conditional transfer of property from the Township to the City pursuant to this Agreement will: 1) provide for the division of municipal powers, functions and responsibilities to allow for the joint administration of the Transferred Area, 2) encourage and assist economic development, including housing development, and be beneficial to the residents of the City and the Township, and 3) work to prevent conditions of unemployment. The parties further find that through this Agreement, the City and the Township will be better able to promote such economic development of the Transferred Area.

The City and the Township further find that Act 425 provides for the adoption and enforcement of ordinances and their enforcement by or with the assistance of the participating local units. The parties further find that through this Agreement, the proper regulation of development and land uses within the Transferred Area, and the protection of the environment will be best served by the establishment of the joint zoning and land use controls and administration as hereinafter provided.

NOW THEREFORE, pursuant to Act 425 and the mutual covenants herein, the parties agree as follows:

OFFICE OF THE GREAT SEAL  
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AUG 05 2002

## ARTICLE I

### DEFINITIONS AND REPRESENTATIONS

#### Section 1.1 Definitions.

- A. "Agreement" means this Agreement for Conditional Transfer of Property.
- B. "Transferred Area" means the property of the City or Township legally described and depicted in Exhibit A, including Zone 1 (Softball Complex, 20.5 acres), Zone 2 (Abood/Schwary/Shepard property, 37.3 acres), Zone 3 (Rysberg/veterinary clinic property, 28.8 acres), Zone 4 (Wolverine Development property, 3.6 acres), and Zone 5 (Patterson property, 11 acres).

#### Section 1.2 Representations.

The City and the Township represent that before entering into this Agreement the following factors were considered:

- A. Composition of the population; population density; land areas and land uses; assessed valuation; topography, natural boundaries and drainage basins; and past and probable future growth, including population increase and business and commercial development in the area and the comparative data for the Township and the portion of the Township remaining after the transfer of the Transferred Area.
- B. Need for organized community services; the present costs and adequacy of governmental services in the Transferred Area; the practicality of supplying such services to the Transferred Area; the probable effect of the transfer and of the alternative courses of action on the costs and adequacy of services in the Transferred Area and on the remaining portion of the Township; the probable change in taxes and tax rate in the Transferred Area in relation to the benefits expected to accrue from such transfer; and the financial ability of the City and the Township to jointly provide governmental services in the Transferred Area.
- C. The need for economic development projects to alleviate and prevent conditions of unemployment, the need to retain and assist new commercial enterprises in locating within the region, the need for additional housing opportunities, and the need to strengthen and revitalize the economy and tax base of the city, the township, and the region.
- D. The need to protect sensitive environmental elements within the Transferred Area including, but not limited to, groundwater, surface water, and wetlands:

E. The general effect upon the parties of the transfer; and the relationship of the transfer to applicable land use plans.

## ARTICLE II

### AREA AND JURISDICTION TRANSFERRED

#### Section 2.1 Transfer of Property.

The Transferred Area shall be conditionally transferred to the jurisdiction of the City for all purposes except as hereinafter specified in this Agreement.

#### Section 2.2 Jurisdiction After Termination or Expiration.

Upon the termination, expiration, or non-renewal of this Agreement, Zone 1 shall be within the jurisdiction of the City and Zones 2, 3, 4 and 5 of the Transferred Area shall be subject to the procedure described in Section 4.1(2) below.

#### Section 2.3 Jurisdiction - Governmental Services.

##### A. Water Distribution, Sanitary Sewer and Storm Sewer.

Public water distribution and sanitary sewer services for the Transferred Area shall be provided by the City. In those areas where the property may be more efficiently served by existing township mains, the City may utilize the township water and sewer mains subject to payment of its *pro rata* share of the cost of operation and maintenance of such mains.

##### B. Police, Fire, and Emergency Medical Services.

In the Transferred Area, police and fire protection and emergency medical services shall be provided by and under the jurisdiction of the City.

##### C. Mutual-Aid Agreements.

Nothing in this section shall be construed to terminate or modify the terms of any police, fire or emergency medical services mutual-aid agreement or other governmental agreement to which the City or the Township is a party.

##### D. District Court Services.

The Transferred Area shall, during the entire term of this Agreement, be deemed within the City for all purposes under Chapter 81 of the Michigan Revised Judicature Act of 1961 and the City shall be the district control unit for the Transferred Area pursuant to Sections 8104 and 8123 of the RJA.



E. Streets, Roads and Sidewalks.

Jurisdiction, maintenance, repair and cleaning of all public streets, public roads, public sidewalks and public road drainage structures shall be under the jurisdiction of the City. Any required local matching funds for roads within the Transferred Area shall be provided by the City and not the Township. The roads and population within the Transferred Area shall be deemed to be within the city for purposes of calculating gas and weight tax distributions under 1951 PA 51 and the City shall retain all funds received under Act 51 on account of the Transferred Area.

F. Drainage.

Maintenance, repair and cleaning of any storm water drainage structures in the Transferred Area shall be subject to the jurisdiction of the City, except for those areas served by existing county drains under the jurisdiction of the Ingham County Drain Commissioner.

G. Refuse Collection.

In the Transferred Area, refuse collection and recycling services shall be provided by and under the jurisdiction of the City.

H. Miscellaneous Services

In the Transferred Area, all miscellaneous municipal services shall be provided by the City.

I. Housing, Building, and Trades.

In the Transferred Area, the City Sign Code and regulations and approvals, building permits and plan review, building code, fire code electrical code, mechanical code, plumbing code, property maintenance code, housing code and licensing regulations and approvals shall be provided by and enforced under the jurisdiction of the City.

**Section 2.4 Jurisdiction - Zoning and Use of Transferred Area.**

A. The Transferred Area includes approximately 101.2 acres designated as Zones 1, 2, 3, 4, and 5 as depicted on Exhibit A, Pages 1 and 2. Subject to the conditions and limitations set forth in this Agreement, the City shall have jurisdiction of all of the Transferred Area for purposes of zoning administration and land use approvals immediately upon the transfer becoming effective under this Agreement.

B. The Transferred Area designated Zone 1 as shown on Exhibit A, Page 1, shall retain the existing City "C-Community Facilities District" designation under the City

zoning ordinance and shall continue to be administered by the City under the City's zoning ordinance and use district regulations for the "C" District.

C. Zone 2 of the Transferred Area, as shown on Exhibit A, page 1, shall, upon the effective date of this Agreement, be zoned RDD Residential under the Township zoning ordinances and become subject to all of the use district regulations and uses permitted under the Township zoning ordinance for the RDD district except that no multiple family dwellings other than multiple-family structures designated as a condominium project under the Michigan Condominiums act, 1978 PA 59, shall be allowed. The Township's zoning ordinance shall be administered by the City following the administrative provisions of the City zoning code.

D. Zone 3 shall initially retain the zoning classifications designated for the area under the Township zoning use district map and be subject to the Township zoning use district regulations and permitted uses which shall be administered by the City. Zone 3 contains a contiguous area of regulated wetlands which is part of a larger regulated wetland extending through adjacent areas of the Township and the City. Upon this Agreement becoming effective, the extent and boundaries of the regulated wetlands within Zone 3 shall be determined by the MDEQ and upon final determination of the designated wetlands, the northerly portion of Zone 3 as shown on Exhibit A, page 1, shall be zoned RM-8 and the southeasterly portion as shown on Exhibit A, page 1, shall be zoned B-4 Restricted Office Business District under the City zoning ordinance and shall be subject to all of the City's use district regulations and permitted uses for property in the RM-8 and B-4 districts, except as follows:

- 1) Multiple-family dwellings including multiple-family dwellings providing dining, social, recreational facilities for persons residing off-site such as sororities or fraternities shall not be a permitted principal use within the RM-8 portion of Zone 3, except that multiple-family structures designated as a condominium project under the Michigan Condominiums act, 1978 PA 59, shall be a permitted use subject to an approved site plan.
- 2) The minimum required parking and driveway setbacks from the Lake Lansing Road right-of-way within the B-4 zone shall be equal to the existing parking and driveway setbacks for the retail and office buildings on Lake Lansing Road extending west to Abbott Road.
- 3) Notwithstanding any other provisions of the applicable zoning or wetland ordinances, the maximum permitted density within the RM-8 portion of Zone 3 shall be 168 dwelling units.
- 4) Within the RM-8 Residential district, the owner may develop and use not more than ten percent (10%) of the gross floor area of all

principal buildings on the site for any combination of office and commercial uses as permitted by the use district regulations for the C-1 Commercial district under the Township ordinance.

- 5) The Township's setback regulations for the PO Office District (50 feet) shall be applied by the City on the east boundary of the property to be designated B-4.
- 6) Except as otherwise provided in this Agreement, all of the property to be within the City RM-8 zoning district will be subject to the amended use district regulations for the RM8 district adopted by Ordinance 998 on June 25, 2002, as shown on the attached Exhibit C.
- 7) The existing veterinary clinic located within that portion of Zone 3 of the Transferred Area to be designated RM-8 at 6180 Abbott Road shall be deemed a permitted use under the City's use district regulations for the RM-8 district.
- 8) The minimum required setback for structures and grading activities from the regulated wetland within the B-4 district shall be twenty (20) feet.
- 9) No discretionary land use permits or approvals shall be granted by the City within Zone 3 until delivery to the City of a permanent irrevocable recordable instrument in the form attached hereto as Exhibit B, conveying a permanent conservation easement upon the designated wetlands to the City. The easement shall not be abandoned or modified without the express approval of the Township.

E. The Transferred Area designated Zone 4 shall be zoned C-1 Commercial under the Township zoning ordinance and the City will continue to apply and enforce the use district regulations of the Township zoning ordinance for the C-1 district to said property following the administrative provisions of the City zoning code.

F. The Transferred Area designated Zone 5 as shown on Exhibit A, Page 2, shall retain its existing C-1 Commercial District and PO Office District classifications until rezoned by the City and shall be administered by the City following the zoning and land use approval procedures of its zoning code applying the Township use district regulations for the C-1 and PO Districts until rezoned by the City under the City Zoning Code.

G. The Township's wetland ordinance in effect as of July 1, 2002, and the corresponding setback provisions of the Township zoning ordinance shall apply within

Zones 2 and 3 and shall be administered by the City during the entire term of this Agreement, except that the setback required under the Township zoning ordinance with respect to structures or grading in wetlands in Zone 3 shall be reduced to twenty (20) feet for that portion of the Transferred Area in Zone 3 which becomes zoned B-4.

H. Subsequent rezoning of Zones 2, 3, and 4 of the Transferred Area, whether by application of the owner or by the City on its own initiative, shall be processed by the City pursuant to the provisions of the City Zoning Enabling Act, 1921 PA 207 ("Act 207") and the City's zoning ordinance adopted thereunder, Chapter 55, except that any final legislative decision to approve the zoning use district amendments shall be made by a joint legislative body of six members comprised of the City Mayor, Mayor Pro Tem, and a City Council member designated by the Mayor, and the Township Supervisor and two additional members of the Township Board, appointed by the Township Supervisor. A decision to rezone property within Zones 2, 3, and 4 of the Transferred Area shall require an affirmative vote of four members of the body.

I. All discretionary land use decisions with respect to Zones 2, 3, and 4 of the Transferred Area, including special use permits, site plan approval, subdivision, condominium plats, and land divisions, shall be accomplished by the City pursuant to the procedures provided by Act 207 and the City zoning, subdivision, and land division ordinances. The City shall provide a copy of any application for any discretionary land use permit or approval and all supporting documentation to the Township Zoning Administrator immediately upon the City's receipt of such an application and documentation. The Township Zoning Administrator shall be entitled to file a staff report and recommendation with the City Planning Commission with respect to any site plan or PUD approval and the City will incorporate to the fullest extent practicable the recommendations and requests of the Township in connection with any such approvals. In the event the recommendations and requests of the Township are not incorporated, the Township shall have standing to appeal the City's discretionary land use decision in accordance with applicable East Lansing ordinances and state law.

J. The City Zoning Board of Appeals shall have jurisdiction to hear all applications for variances or appeals of decisions of the Building Official or Zoning Official pursuant to the procedures established for appeals by Act 207 and the East Lansing Zoning Ordinance - Chapter 55, subject to the following restrictions:

- 1) No use variances shall be granted for any property within the Transferred Area.
- 2) The Township shall be provided notice of all appeals and shall be entitled to appear and participate as a party in all proceedings before the Board with respect to Zones 2, 3, and 4.
- 3) The Township shall be deemed to be a person having an interest affected by the zoning ordinance, and shall have standing to

appeal any decision of the Zoning Board of Appeals with respect to Zones 2, 3, and 4 to the circuit court pursuant to the provisions of Section 5 of Act 207 and the City zoning ordinance and any such appeal shall stay all proceedings in furtherance of the action appealed unless the Building Official certifies in writing after the notice of appeal that, by reason of facts stated in this certificate, a stay would in the Official's opinion cause eminent peril to life or property in which case proceedings shall not be stayed except by a restraining order which may be granted upon due cause shown by the Board of Appeals or by the circuit court, upon application and filing timely notice thereof to the Building Official.

K. For the term of this Agreement and any renewals thereof, Biber Street shall not have access from Abbott Road to Gossard Avenue.

**Section 2.5 Jurisdiction - Applicability and Enforcement of Ordinances.**

A. The Transferred Area shall be treated as being within the City and subject to all City ordinances, rules and regulations enacted now and during the term of this Agreement or any renewal thereof, with regard to water, sewer, traffic control, public streets and highways, noise and nuisance codes, disorderly and general offenses code, library code and regulations, city income tax code, if adopted, elections code, voter registration, and all other City ordinances and state laws, except as provided in this Agreement.

B. The Transferred Area shall be treated as being within the Township and subject to all Township zoning ordinances, rules and regulations enacted now and during the term of this Agreement or any renewal thereof, with regard to those portions of the Transferred Area which retain township use district designations until rezoned by the City, or except as otherwise provided in this Agreement.

**Section 2.6 Jurisdiction - Taxes.**

A. Real and Personal Property Taxing Jurisdiction.

Subject to Section 3.1 below, for the purposes of real and personal property taxation, including without limitation the granting of exemptions under 1988PA 328, the Transferred Area shall be considered as being within the corporate limits and jurisdiction of the City. Upon the transfer of taxing jurisdiction to the City, the taxable value of the Transferred Area shall thereafter be determined by the City in accordance with the tax laws and tax manuals of the State of Michigan.

B. Assessing.

The assessing of real and personal property within the Transferred Area will be by the City Assessor commencing as of tax day, December 31, of the year in which this Agreement is executed. The City shall appear and defend all tax assessment appeals filed by property owners within the Transferred Area. The City shall collect all *ad valorem* real property taxes or other payments in lieu of such taxes on all real and personal property within the Transferred Area. The City may collect and retain all of the one percent (1%) property tax administration fee on all property taxes collected from within the district as authorized pursuant to MCL 211.44, or as hereinafter authorized by statute.

C. Income Taxing Jurisdiction.

As of the effective date of this Agreement, and for the remaining term of this Agreement and any renewal term, for the purposes of any local income tax, the Transferred Area and the residents therein shall be considered as being within the corporate limits and jurisdiction of the City.

**Section 2.7 Jurisdiction - Special Assessments.**

The Transferred Area shall be treated as being within the City for purposes of special assessments.

**Section 2.8 Jurisdiction - Rates and Connection Fees.**

A. All rates, charges, and fees for water service, sewer service, solid waste disposal, and any other utility service provided by the City shall be calculated, levied, and collected by the City in accordance with the then current rates and ordinances applicable to other property in the corporate limits of the city.

B. All rates, charges, and fees for emergency medical services shall be calculated, levied, and collected by the City in accordance with its rates and ordinances.

C. All connection fees and capital charges for water and sanitary sewer service in the portion of the Transferred Area served by the City shall be at the rates normally charged by the City for customers within the City and shall be collected and retained by the City.

**Section 2.9 - Liens.**

Liens for water distribution and sanitary sewer service made against real property in the Transferred Area prior to the execution of this Agreement shall be

created and remain in full force and effect as if the Transferred Area were within the City.

**Section 2.10 - Utility Rights of Way.**

A. The Township grants to the City and its successors and assigns the permanent right, power, and authority to construct, lay, operate, repair, maintain, and use water and sanitary sewer lines and related appurtenances on, along, under, over, through, and across all the highways, streets, alleys, and other public places within the Transferred Area for the purpose of providing water and sanitary sewer services to the Transferred Area.

B. Upon termination of this Agreement, all utility infrastructure erected or installed by the City within the Transferred Area shall remain the property of the City and the City shall have the continued right to operate and maintain its water and sewer lines and provide water and sanitary sewer services to existing customers within the Transferred Area. All rates and fees charged to customers within the Transferred Area after termination shall be the same as rates charged by the City to its city residents.

**Section 2.11 Jurisdiction - Utility Franchises.**

The Transferred Area shall be treated as being within the City for purposes of granting consent to the operation of any public or private utility within the Transferred Area pursuant to Article 7, Section 29, of the Michigan Constitution of 1963 and for purposes of the Michigan Telecommunication Act, the Federal Telecommunications Act of 1966, and the Cable Communications Policy Act of 1984, and all subsequent amendments to such Acts. All franchise, license, or permit fees attributable to permitted activities within the Transferred Area shall be retained by the City.

**Section 2.12 Jurisdiction - Liquor Licenses**

The Transferred Area shall be treated as being within the City for purposes of granting consent for liquor licenses for any qualified business establishment or other entity.

**Section 2.13 Voting.**

For purposes of voting jurisdiction, any qualified electors residing in the Transferred Area shall be considered qualified electors of the City entitled to vote on all City, state, and federal matters.

## ARTICLE III

### TAXES AND OTHER REVENUE

#### Section 3.1 Tax Rate Levy.

Commencing with the first tax year following the date of the execution of this Agreement, all non-exempt real and personal property within the transferred area shall be assessed and taxed at the *ad valorem* property tax rate which the City of East Lansing levies from year to year.

A. Exception for Non-Benefitted Real Property. Undeveloped commercial and office real property and all developed or undeveloped residential real property within the Transferred Area district boundaries shall not initially be taxed at the City of East Lansing tax rate as levied from year to year, but shall continue to be taxed by the City at the Township millage rate then in effect until such properties are developed or substantially redeveloped after which the City millage rate shall be assessed on all of the parcel within the Transferred Area for each following year. Provided, however, that should the use or ownership of any of such properties change during the term of this Agreement, the City shall tax such property at the City of East Lansing millage rate for each year following the change in ownership or use. Provided further, that any parcel which is taxed at Township rates, but which receives city refuse collection and/or recycling services shall be assessed in addition to the Township tax the then prevailing City millage for refuse collection and recycling services.

B. Definitions. For purposes of subsection 3.1A of this Agreement, 1) a change of ownership shall mean a "transfer of ownership" as described at MCL 211.27a(6), except that a transfer of ownership does not include an exempt transfer as described at MCL 211.27a(7), and 2) developed or substantially redeveloped shall mean the issuance of an occupancy permit for a building or structure in excess of 2,000 square feet or any addition to any pre-existing building(s) or structure(s) totaling more than ten percent (10%) of the floor area.

#### Section 3.2 Sharing of Tax Collections.

A. During the term of this Agreement and any renewals, the City shall annually pay to the Township the equivalent of the Township's then-prevailing property tax millage for Township general operations and the Township-voted millage for police and fire service on the taxable value of all real and personal property within the Transferred Area and the City shall retain the balance of the taxes collected. In any event, payments by the City to the Township shall not exceed 5.58 mills for each tax year.

B. All tax sharing due to the Township under this Section shall be paid by the City no later than November 1 of each tax year. Any amount not paid by November 1



of each year shall bear interest at the rate certified by the Michigan Department of Treasury as the amount of interest to be paid on taxes unlawfully paid or underpaid pursuant to MCL 205.737.

C. In the event of any tax abatements or exemptions, any payments received by the City in lieu of general real property taxes on said property shall be allocated to the Township in the same proportion as general property taxes are allocated pursuant to this Agreement.

D. Should any real or personal property taxes be reduced, limited, or eliminated by the Legislature with respect to any real or personal property or class of property subject to the tax sharing formula provided at subsection A of this section, then any substitute tax or source of revenue which the Legislature may provide or authorize the City to collect in lieu of said taxes shall be allocated and remitted to the Township in an amount reasonably equivalent to that remitted to the Township as provided in subsection A above for the prior year.

### **Section 3.3 Gifts, Grants, Etc.**

Except as otherwise provided in this Agreement, all gifts, grants, assistance funds, bequests, or other funds from any private or public source, including state and federal revenue sharing, given to the City with respect to the Transferred Area and any activity performed upon or within the Transferred Area, or the population or occupancy of the Transferred Area, or for any other reason arising from the existence of or jurisdiction over the Transferred Area, shall belong to the City during the term of this Agreement or any renewals thereof.

## **ARTICLE IV**

### **TERM AND TERMINATION**

#### **Section 4.1 Term.**

The term of this Agreement shall be as follows:

1) This Agreement as it relates to the City and the Township shall commence upon the filing of this Agreement after its execution and continue for fifty (50) years. This Agreement may be renewed for a second term of fifty (50) years as provided by Act 425, except that the renewal of this Agreement shall automatically occur unless both the Township and the City agree in writing not to renew at least sixty (60) days prior to the expiration of the initial fifty-year term. The second term shall be on the same terms and conditions as stated in this Agreement unless the parties agree otherwise by written amendment to this Agreement.

2) At least six (6) months prior to the expiration or non-renewal of this Agreement, there shall be a referendum vote of all registered voters in Zones 2, 3, 4, and 5 conducted by the City in Zones 2, 3, 4, and 5 of the Transferred Area to determine if Zones 2, 3, 4, and 5 of the Transferred Area shall remain in the City or revert to the Township, with all votes in all zones counted together to determine a majority.

**Section 4.2 Termination - Recission.**

This Agreement may be terminated:

- A. by the expiration of the term of this Agreement;
- B. by mutual written agreement of the parties; or
- C. by operation of law should a court of competent jurisdiction order the termination of this Agreement, provided, however, that no party to this Agreement shall institute or seek termination of this Agreement.

**Section 4.3 Effect of Termination.**

Upon termination of this Agreement, after the initial or any renewal term, Zone 1 of the Transferred Area shall automatically, unconditionally and for all purposes be returned to the sole, complete, and permanent jurisdiction of the City. Zones 2, 3, 4, and 5 of the Transferred Area shall be subject to the results of the referendum described in Section 4.1(2).

**Section 4.4 Prohibition Against Annexation or Other Transfer.**

While this Agreement is in effect, no annexation or other method of transfer shall take place for any portion of the Transferred Area.

**ARTICLE V**

**MISCELLANEOUS**

**Section 5.1 Amendment.**

This Agreement may be amended with the prior written approval of the City and the Township. There are no third-party beneficiaries of this Agreement and no third parties shall have any vested rights by virtue of this Agreement.

**Section 5.2 Employees and Liabilities.**

The City and the Township shall each be solely responsible for the manner of employing, engaging, compensating, transferring or discharging their own employees, independent contractors or other personnel with respect to the government services they each shall provide under this Agreement, unless otherwise mutually agreed by the parties in writing. The City and the Township shall each be responsible for such liabilities as may be incurred through their respective provision of governmental services and other performance of this Agreement under Article II, shall respond to and provide for such potential liabilities on the same basis as each does generally, and shall insure against and indemnify the other parties from and against such liabilities.

**Section 5.3 Notices.**

Any notice, demand, or communication required, permitted or desired to be given under this Agreement shall be deemed effectively given when personally delivered or mailed by first class or certified mail addressed as follows:

If to the City:                      City of East Lansing City Clerk  
    410 Abbott Road  
    East Lansing, MI 48823

If to the Township:                 Meridian Township Clerk  
    5151 Marsh Road  
    Okemos, MI 48864

The parties may, by written notice, designate any further or different address to which subsequent notices, demands, or communications may be given.

**Section 5.4 Governing Law.**

This Agreement has been executed and delivered and it shall be interpreted, construed, and enforced pursuant to and in accordance with the laws of the State of Michigan. All duties and obligations of the parties created under this Agreement shall be performed in Ingham County, Michigan. The parties agree that this Agreement was mutually drafted and cannot be construed against the City or the Township upon the basis that one was the scrivener of this Agreement.

**Section 5.5 Assignment.**

No assignment of this Agreement or any of the rights and obligations thereunder shall be valid without the specific written consent of all parties hereto.

**Section 5.6 Severability.**

In the event any portion of this Agreement is held to be unenforceable or any portion of the Transferred Area is held to be invalidly transferred for any reason, the unenforceability or invalidity thereof shall not affect the remainder of this Agreement which shall remain in full force and effect and enforceable in accordance with its terms, except, in the event this Agreement is held to be void, Zone 1 of the Transferred Area shall return to the City's complete jurisdiction, and Zones 2, 3, 4 and 5 of the Transferred Area shall return to the Township's complete jurisdiction. If, because of the invalidity of any part of this Agreement or major changes in state or federal law, this Agreement is deemed incapable of performance or results in substantial frustration of the purpose and intent of the Agreement has failed, the parties shall renegotiate in good faith in an attempt to amend the Agreement to make it valid and satisfactory to all parties.

**Section 5.7 Articles and Other Headings.**

The articles and other headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

**Section 5.8 Counterparts.**

This Agreement may be executed in any number of counterparts and each such counterpart shall be considered a valid original.

**Section 5.9 Entire Agreement.**

This Agreement supersedes all previous and contemporaneous contracts and constitutes the entire agreement between the parties. No party shall be entitled to benefits other than those specified in this Agreement. No oral statements or prior or contemporaneous written material not specifically incorporated or referenced herein shall be of any force and effect, and all parties specifically acknowledge in entering into and executing this Agreement they rely solely upon the representations and agreements contained in this Agreement.

**Section 5.10 Due Diligence.**

The City and the Township hereby agree to proceed with due diligence to take any and all actions required by law to legally effectuate and finalize the transfer of the Property which is subject to this Agreement.

**Section 5.11 Covenant to Cooperate.**

The City and the Township hereby covenant and agree that they will cooperate with each other, and with any other agent or instrumentality of the City, the State or the Township performing or required to perform any action in connection with or pursuant to the terms of this Agreement, and will do all things necessary in a legally sufficient and expeditious manner to legally effectuate the transfer of the Property and cause the development of the Property in accordance with this Agreement.

**Section 5.12 Allocation of Cost of Litigation.**

In the event a lawsuit or action is filed by any third party challenging this Agreement, the parties shall equally bear all costs of defending this Agreement, including attorney fees.

**Section 5.13 Conditions of Effectiveness**

This Agreement shall not become effective until the referendum period for Act 425 Agreements has expired without a referendum having been called for, or if a referendum is called for, that referendum has been defeated.

**Section 5.14 Referendum**

No party shall call for referendum on this Agreement, nor shall any official, employee, or representative of any party support or in any way assist in the petitioning for or pursuit of any such referendum.

**Section 5.15 Jurisdiction.**

The Ingham County Circuit Court shall have jurisdiction for the purpose of enforcing and effectuating the terms of this Agreement.

**Section 5.16 Filing and Effective Date.**

In accordance with Act 425, following the execution of this Agreement by the City and the Township, and upon the occurrence of the events described in Section 5.13 hereof, a duplicate original of the Agreement shall be filed with the Clerk of Ingham County and with the Michigan Secretary of State. This Agreement, certified by the County Clerk or Secretary of State, shall be *prima facie* evidence of the conditional transfer of the Transferred Area. This Agreement shall be effective on the day it is filed with the Ingham County Clerk and Secretary of State.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first written above by authority of the respective City Council and Township Board.

Witnesses:

[Signature]

Brenda K. Stock

CITY OF EAST LANSING

By: [Signature]  
Its: Mayor

By: [Signature]  
Its: Clerk

Witnesses:

[Signature]  
Jessica A. Brayer

[Signature]  
Joe G. Marsh

CHARTER TOWNSHIP OF MERIDIAN

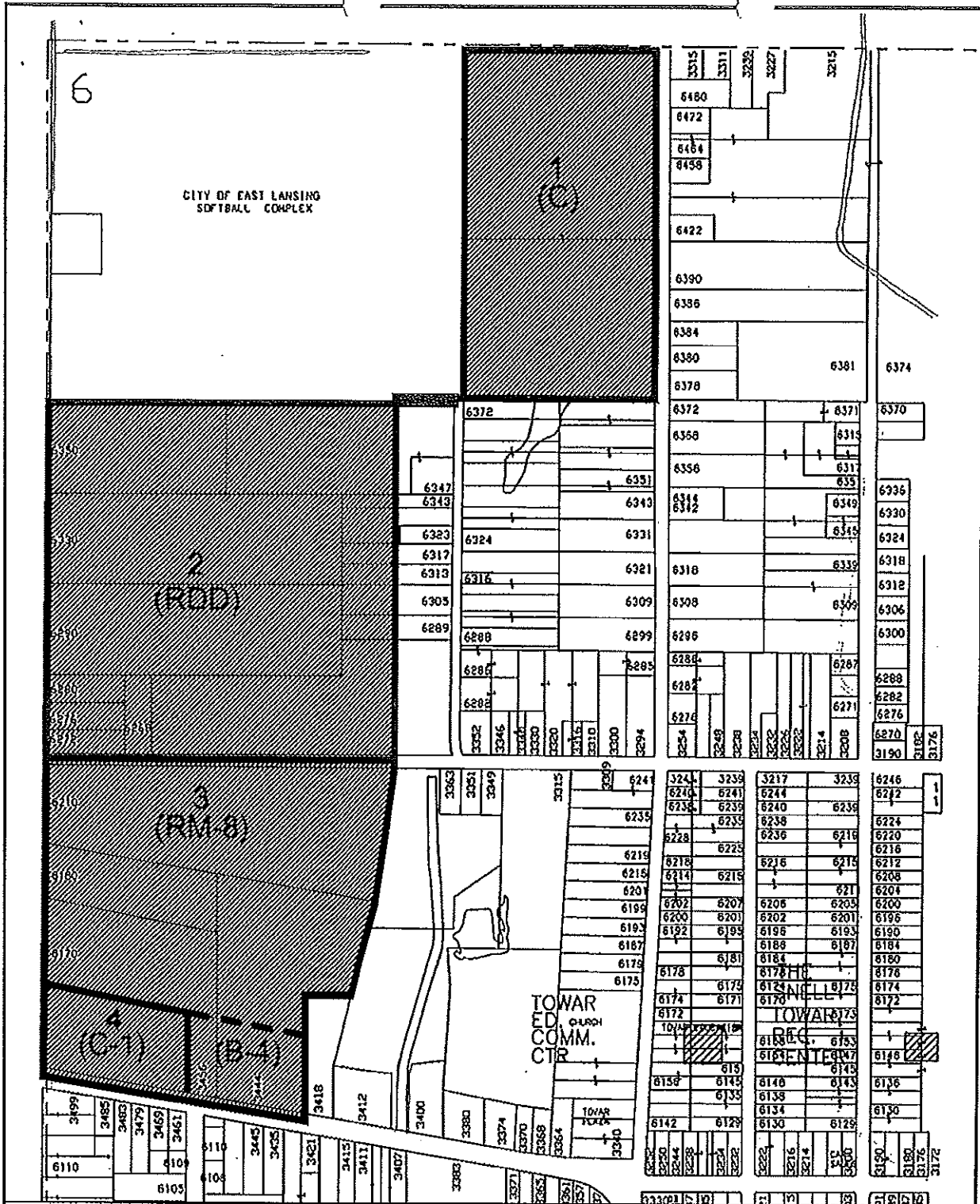
By: [Signature], Township Manager  
for Its: Supervisor

By: [Signature]  
Its: Clerk

Approved as to form only:

[Signature]  
East Lansing City Attorney

[Signature]  
Meridian Charter Township Attorney

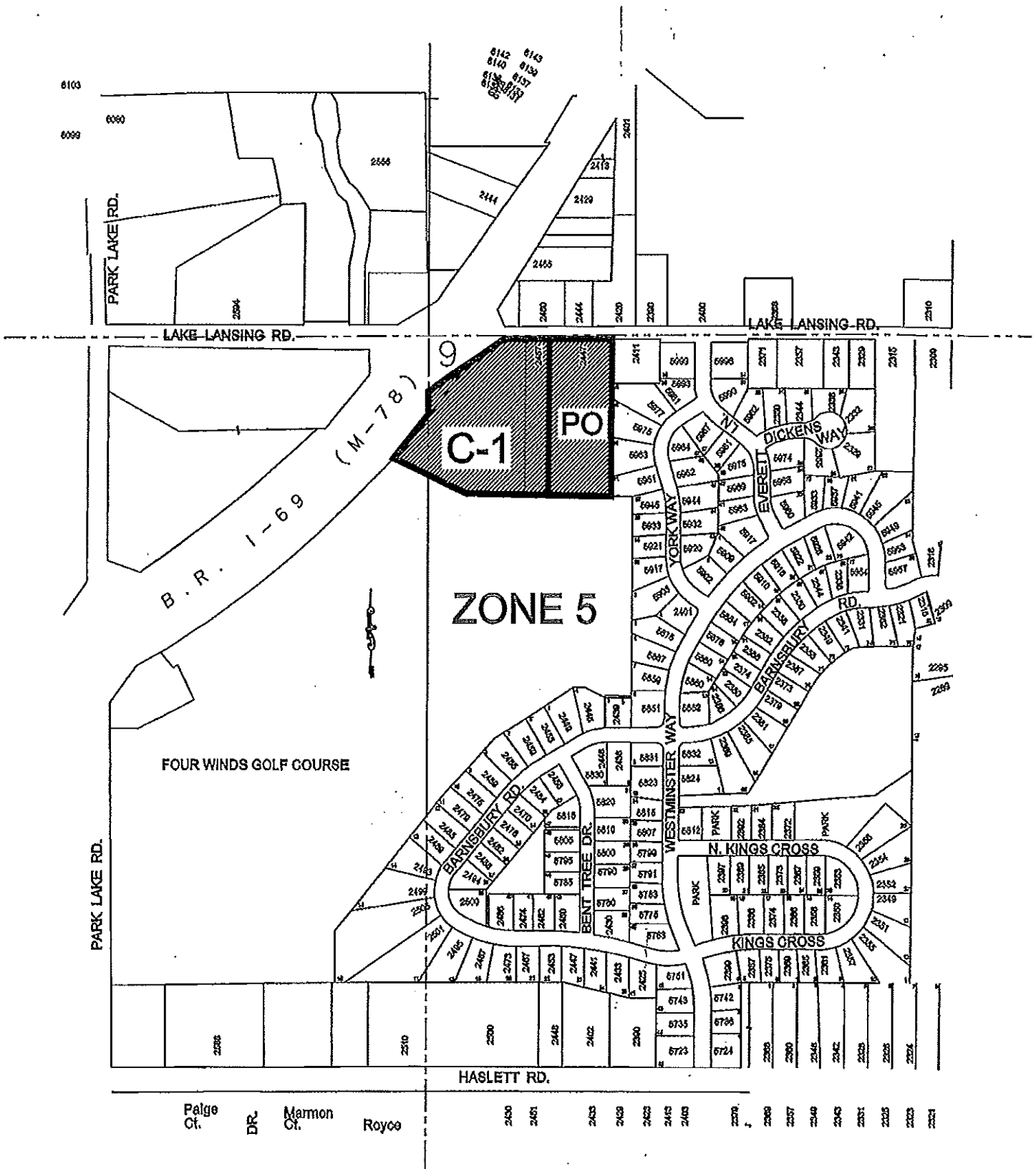


ZONE 1 C COMMUNITY FACILITIES DISTRICT

ZONE 2 RDD MULTIPLE FAMILY-LOW DENSITY DISTRICT  
(5 UNITS PER ACRE)

ZONE 3 RM-8 PLANNED UNIT DEVELOPMENT DISTRICT  
B-4 RESTRICTED OFFICE BUSINESS DISTRICT

ZONE 4 C-1 COMMERCIAL DISTRICT



**C-1 COMMERCIAL DISTRICT  
PO PROFESSIONAL OFFICE**