



Department of Planning &  
Community Development

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PC Agenda: January 23, 2008

**PRELIMINARY STAFF REPORT**  
**January 17, 2008**  
**Ordinance 1186**  
**Amendments to the B-3, City Center Commercial District**

**SUBJECT**

An Ordinance to amend Article VI –Division 4 – of Chapter 50 - Zoning, sections 50-592 and 50-593- of the Code of the City of East Lansing to modify the permitted height and stories allowed, and the Principal uses permitted subject to an approved Special Use Permit.

**BACKGROUND**

The B-3 City Center Commercial District generally permits retail stores, with the exception of automobile intensive uses, such as drive throughs and auto service centers. Other permitted uses include offices, hotels, personal service establishments, restaurants (without alcohol sales), theaters, and various public and semi-public uses, including art galleries, as principal permitted uses. Uses permitted with a Special Use Permit include parking lots, recreational uses, drive-in facilities, and any facility selling or serving alcohol, and multiple-family dwelling units, when accompanied by a principal permitted use. These uses are intended to be located in multi-story buildings as a high intensity district. Multiple-family dwelling units may stand on their own if City Council deems that they provide unique housing opportunities in the City Center District.

The current B-3 zoning district allows for a maximum building height of four stories or 64 feet by right and a maximum building height of eight stories or 112 feet subject to an approved special use permit. Also, within that portion of the area zoned in this district bounded by E. Grand River, Bailey, Albert, Grove, Linden, Abbot, Parking Lot 15, the north-south alley west of Abbott and Evergreen, the city council may, upon an affirmative vote of three-fourths of all members of the City Council, permit a maximum building height of ten stories or 140 feet for a building of significant public benefit as provided in article II, division 3 of this chapter.

Ordinance 1186 proposes to modify the following sections of the B-3 City Center Commercial District:

**Sec. 50-592. Permitted uses.**

- (2) Principal uses permitted subject to an approved special use permit as provided by article II, division 3 of this chapter.

- f. Multiple-family dwelling units provided within a building which also contains one or more of the principal uses permitted in subsection (1) of this section; except, that an application for a special use permit may be ~~submitted for approval~~ approved for multiple-family dwelling units as the sole principal use of a building where ~~the it~~ it has been deemed by city council ~~has made a finding~~ that it:
  1. ~~It is deemed necessary to P~~provides unique housing opportunities which are not otherwise available in the City Center or
  2. ~~Provides a transition from mixed use development to a lower density residential use where a unique characteristic is present on the edge of the district.~~

#### **Sec. 50-593. Development standards.**

- (f) Maximum building height shall be four stories or 64 feet; except buildings may be up to eight stories or 112 feet in height, subject to an approved special use permit as provided by article II, division 3 of this chapter; and except further, that within that portion of the area zoned in this district bounded by E. Grand River, Bailey, Albert, Grove, Linden, Abbott, Parking Lot 15, the north-south alley west of Abbott and Evergreen, the city council may, upon an affirmative vote of three-fourths of all members of the city council, permit an increase in building height or stories ~~maximum building height of up to ten stories or 140 feet~~ for a building deemed by the city council of significant public benefit subject to an approved special use permit as provided in article II, division 3 of this chapter.

#### **STAFF REVIEW**

City Council has the discretion to approve a building up to ten stories or 140 feet subject to an approved special use permit with an affirmative vote of three-fourths of the members. This approval allows city council two layers of approval by:

1. Requiring three-fourths of the members to deem a project of significant public benefit.
2. Requiring Special Use Permit approval for each individual application to be reviewed in terms of its impacts on public facilities and services, adjacent property values, traffic and desirable natural features, as well as the compatibility of the size of a building with adjacent land use patterns.

The land area available for city center commercial zoning is limited, making vertical construction critical for the intensity and open spaced desired in this area. Staff feels that there may be situations that city council may want the discretion to increase the height of the building beyond ten stories or 140 feet. The city through its

Comprehensive Plan is encouraging green roofs, open plazas, and creative architectural design. The flexibility in allowable height that is proposed by ordinance 1186 can be used as a tool encourage the redevelopment of these areas with larger open areas and at the same time allow the developer to meet the floor area needs to make a project viable. The layers of approval would remain the same thus requiring the developer to show that the increased height would allow amenities that would be of significant public benefit. Specific objectives in the Comprehensive Plan that are met through this proposal include:

**Action 3-1.6:** Use the Downtown East Lansing Mixed-Use District Plan as a tool to promote growth in the Downtown. The proposed plan encourages taller mixed-use buildings in the center of the Downtown to accommodate more density and vibrancy. Any new development adjacent to primarily single-family residential areas should be compatible and benefit both the mixed-use district and the adjacent neighborhood."

**Action 3-1.9:** Promote and designate venues for outdoor activities such as vendors, street artists, and outdoor seating downtown.

City Council also has the discretion to approve multiple-family housing in the B-3 district if it is deemed to be a unique housing opportunity not otherwise offered in the City Center. Staff feels that the additional language proposed to allow for transitional use affords council flexibility for areas of the city that have a unique characteristic at the edge of the City Center District such as the Park District. Specific objectives in the Comprehensive Plan that are met through this proposal include:

**Objective 2-3:** Promote diversity in downtown housing.

**Action 2-3.1:** Implement the Downtown Housing Policy to establish an appropriate mix of housing types. In addition to student housing, market studies show a strong demand among professionals, empty nesters and seniors for owner-occupied housing in the Downtown.

## COMMENTS

Following the Public Hearing on Ordinance 1188 the Planning Commission will have an opportunity to have staff address any questions or request additional information and clarification. The Planning Commission will be granted an additional opportunity to discuss and ask questions of this proposal at the scheduled work session on January 30<sup>th</sup>. Staff expects to bring the request back to the Planning Commission's next meeting for this recommendation. The Transportation Committee is currently reviewing the overall site plan for the City Center II project and will provide comments and a recommendation regarding that project, including Ordinances 1187 and 1188, prior to the Planning Commission's next meeting.

Introduced: December 18, 2007  
Public Hearing: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Effective: \_\_\_\_\_

**CITY OF EAST LANSING, MICHIGAN**

**ORDINANCE NO. 1186**

**AN ORDINANCE TO AMEND ARTICLE VI –DIVISION 4 – OF CHAPTER 50 -  
ZONING, SECTIONS 50-592 AND 50-593- OF THE CODE OF THE CITY OF  
EAST LANSING TO MODIFY THE PERMITTED BUILDING HEIGHT AND  
STORIES ALLOWED, AND THE PRINCIPAL USES PERMITTED SUBJECT  
TO AN APPROVED SPECIAL USE PERMIT**

**Sec. 50-591. Purpose.**

- (a) The purpose of this district is to provide for a wide range of commercial and high density residential land uses designed to serve the residents and shoppers of the East Lansing City Center. Because of its proximity to the Michigan State University campus and nearby residential neighborhoods, a major characteristic of the City Center is its intense core of pedestrian activity. This activity helps to create a unique social environment where people can gather and enjoy the festive atmosphere of a university downtown, attractive landscaping and greenery, and the diversity of retail shops.
- (b) The provisions of this district are intended to encourage the planned development of pedestrian amenities and public and private open space, and closely regulate the need for direct automobile access to each establishment. Also important in the future development of the City Center is the concept of mixed-use development promoted by this district and the East Lansing Comprehensive Plan. Mixed-use development for purposes of this district is defined as the combination of commercial and residential land uses within the same building. Since the City Center contains only limited geographic area for expansion, intensifying development through a mixture of uses within the same building is of major importance to the city's efforts to expand the tax base and broaden the housing and shopping opportunities available in the City Center.

**THE CITY OF EAST LANSING ORDAINS:**

Section 50-592 of Article VI of Chapter 50 – Zoning – of the Code of the City of East Lansing is hereby amended to read as follows:

**Sec. 50-592. Permitted uses.**

The following uses of buildings and premises, individually or in combination, shall be permitted in the B-3 district.

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

- a. Any retail business except those uses which tend to detract from or interfere with a high intensity of pedestrian shopping activity including automobile sales facilities, auto service centers, drive-in restaurants and similar uses which rely on regular direct vehicular access to serve a significant portion of their customers; and except establishments licensed for the sale at retail of alcoholic liquor, as defined by section 105(2) of the Michigan Liquor Control Code of 1998, MCL 436.1105(2), including specially designated merchants and specially designated distributors as described at MCL 436.1537.
- b. Any personal service establishment such as barber and beauty shops, dry cleaners and laundries, shoe repair shops, photographers, and service establishments of a like nature.
- c. Any office use or establishment, including but not limited to, general and professional offices, medical and dental offices, banks and financial institutions, automatic teller machines, real estate offices, travel agencies, and offices of political, professional, or civic organizations or associations.
- d. Restaurants, except restaurants licensed for the sale of alcoholic beverages or alcoholic liquor as defined by section 105(1) of the Michigan Liquor Control Code of 1988, MCL 436.1105(2), cafés, and similar establishments, including such establishments that may offer outdoor dining areas and walk-up service windows.
- e. Hotels.
- f. Theaters, public assembly halls, concert halls, meeting rooms, clubs, lodges, churches or similar places of assembly.
- g. Public and semipublic uses including government and public utility offices, museums, and art galleries.
- h. Colleges, universities, business or trade schools or similar education or training facilities.
- i. Radio and television studios and broadcasting facilities, excluding transmission, and receiving towers.

(2) Principal uses permitted subject to an approved special use permit as provided by article II, division 3 of this chapter.

- a. Parking lots and structures available to the general public.
- b. Recreational uses and facilities which do not serve alcoholic beverages, including but not limited to, video game arcades, billiard or pool parlors, spas, health clubs, and indoor or outdoor court facilities.

- c. Restaurants licensed for the sale of alcoholic beverages or alcoholic liquor as defined by section 105(1) of the Michigan Liquor Control Code of 1988, MCL 436.1105(2).
  - d. Multiple-family dwellings, providing dining, social, or recreational facilities for persons residing off-site such as sororities or fraternities.
  - e. Establishments licensed for the sale at retail of alcoholic liquor, as defined by section 105(2) of the Michigan Liquor Control Code of 1998, MCL 436.1105(2), including specially designated merchants and specially designated distributors as described at MCL 436.1537.
  - f. Multiple-family dwelling units provided within a building which also contains one or more of the principal uses permitted in subsection (1) of this section; except, that an application for a special use permit may be ~~submitted for approval~~ approved for multiple-family dwelling units as the sole principal use of a building where ~~the it has been deemed by city council has made a finding that it:~~
    - 1. ~~It is deemed necessary to~~ Provides unique housing opportunities which are not otherwise available in the City Center or
    - 2. Provides a transition from mixed use development to a lower density residential use where a unique characteristic is present on the edge of the district.
  - g. Uses with drive-in facilities, such as banks and financial institutions, automobile service businesses, including carwashes, and uses which rely on short-term on-site parking to serve their customers which exist at the time of adoption of the ordinance from which this division is derived or at the time the property is zoned into this district, may continue to operate in accordance with the provisions of article IX of this chapter; except, that such uses may be reconstructed or modified when such uses are designed and operated to promote public safety by minimizing conflicts with pedestrian flow and congestion on public streets and alleys, and to reduce the visual impact of parking areas and driveways.
- (3) Permitted accessory uses. In addition to uses customarily incidental to the main use of the building or lot, the following uses shall be permitted as accessory uses:
- a. Class A home occupations.
  - b. Video games, pool tables, and other similar amusement games, provided that, the total number of games or machines contained within the building shall not exceed one game for every 400 square feet of gross floor area.
  - c. Automatic teller machines which are enclosed within or attached to the principal building.

- d. In conjunction with a major commercial establishment or attractor which promotes a high intensity pedestrian environment, offers a variety of goods or services, and has a minimum of 25,000 square feet of floor area, such as a large retail establishment or department store, a major office headquarters, or a hotel, limited drive-in or parking facilities may be provided to allow customers to drop off goods to be serviced, to pick up previously ordered goods, to drop off or pick up passengers, to be used in conjunction with a valet parking system or to be used for short-term delivery vehicle parking, provided that such drive-in or parking facilities are designed and operated to promote public safety by minimizing conflicts with pedestrian flow and congestion on public streets and alleys, and to reduce the visual impact of parking areas and driveways, and subject to an approved special use permit as provided by article II, division 3 of this chapter.
- e. Recreational uses and facilities such as swimming pools, indoor or outdoor court facilities, and weight or training rooms for the use of the patrons or tenants of a hotel or apartment use, provided that, such uses do not exceed 20 percent of the gross floor area.
- f. Automobile appearance reconditioning, performed by hand or with handheld equipment, including washing, vacuuming, polishing, paint touch-up and decaling, when provided within an enclosed parking structure and occupying no more than five percent of the total floor area contained within the parking structure, and subject to an approved special use permit as provided in article II, division 3 of this chapter.

#### **THE CITY OF EAST LANSING ORDAINS:**

Section 50-593 of Article VI of Chapter 50 – Zoning – of the Code of the City of East Lansing is hereby amended to read as follows:

#### **Sec. 50-593. Development standards.**

- (a) No use conducted on any premises within this district shall be permitted to occupy or use space within the public right-of-way, or operate a business which would restrict the use of a public street, sidewalk, or alley unless the proper authorization is first granted by the city council or its agent.
- (b) Minimum front yard depth: None.
- (c) Minimum rear yard depth: None, except if the rear yard abuts any residential district, in which case the minimum setback shall be ten feet.
- (d) Minimum side yard width: None, except if the side yard abuts any residential district, in which case the minimum setback shall be ten feet.
- (e) Minimum floor area requirement. The minimum floor area of any proposed building, exclusive of basement areas used for mechanical or storage purposes, shall be determined by a ratio of 1.25 times the area of the site. Any building

existing at the time of adoption of the ordinance from which this division is derived shall be allowed to expand without regard to this standard. Small, separately held lots of less than 10,000 square feet that abut a residential district may also be exempted from this requirement if the planning commission determines that the development potential of the lot is limited because of its size, configuration or location and that the proposed design and use of the lot would provide a desirable buffer between adjacent uses.

- (f) Maximum building height shall be four stories or 64 feet; except buildings may be up to eight stories or 112 feet in height, subject to an approved special use permit as provided by article II, division 3 of this chapter; and except further, that within that portion of the area zoned in this district bounded by E. Grand River, Bailey, Albert, Grove, Linden, Abbott, Parking Lot 15, the north-south alley west of Abbott and Evergreen, the city council may, upon an affirmative vote of three-fourths of all members of the city council, permit an increase in building height or stories maximum building height of up to ten stories or 140 feet for a building deemed by the city council to be of significant public benefit subject to an approved special use permit as provided in article II, division 3 of this chapter.
- (g) Maximum building and ground coverage. The percentage of total site area allowed to be covered shall be determined according to the following schedule:

	<i>Base Ratio</i>		<i>Base Allotment</i>		<i>Maximum Permitted</i>
Building coverage	80%	+	(*)	=	100%
Ground coverage	85%	+	(*)	=	100%

\*Bonus allotments of building and ground coverage may be granted, provided that, the proposed use, its site or its relationship to adjacent properties incorporates certain architectural or site design features which allow for public or private open space, free movement of pedestrian traffic, abundant light and air, and other related elements. Qualifying features may include, but are not limited to, atriums, arcades, enclosed walkways, rooftop gardens, landscaped areas, plazas, outdoor dining areas, and multi-use buildings or sites.

- (1) For buildings and sites where the principal use is any commercial use identified in section 50-592, bonus coverage shall be allotted on the basis of 1 1/2 square feet of added building and ground coverage for every one square foot of site area occupied by qualifying features.
- (2) For buildings and sites where the principal use is a major commercial establishment or attractor which promotes a high intensity pedestrian environment, offers a variety of goods or services, and has a minimum of 25,000 square feet of floor area, such as a large retail establishment or department store, a major office headquarters, or a hotel, bonus coverage shall be allocated on the basis of three square feet of added building and ground coverage for every one square foot of site area occupied by qualifying features.
- (3) For buildings and sites where the principal use is a combination of any commercial use identified in section 50-592 and housing, bonus coverage shall be allocated on the basis of five square feet of added building and



ground coverage for every one square foot of site area occupied by qualifying features.

- (h) Any portion of a site not occupied by a building or covered by paving necessary for adequate ingress and egress, off-street loading or parking, or qualifying bonus features shall be landscaped with a combination of living deciduous and evergreen trees and shrubs in an attractive manner.
- (i) Loading requirements. Off-street loading areas shall be provided as required by article VIII of this chapter.
- (j) On-site parking. Consistent with the purposes of this district and the city's policies to assume primary responsibility for providing consolidated parking facilities in the City Center commercial district, on-site parking facilities intended as accessory uses to serve one or more uses on the same lot shall be prohibited; except, the planning commission may waive this prohibition if it makes a specific finding that the applicant has shown that on-site parking is necessary for one or both of the following reasons:
  - (1) It is necessary for increased accessibility for handicapped persons; or
  - (2) It is necessary for the customers or residents of the proposed use and it would not cause any significant disruption of pedestrian or vehicular circulation in the area.

If the commission finds that on-site parking is necessary, it may stipulate conditions on the arrangement and operation of such parking to ensure that it is used for the purposes for which it is intended and approved or to ensure that it does not cause disruption of pedestrian or vehicular circulation.

- (k) Applications for a building and/or occupancy permit to construct or expand a building or to convert or extend the use of a building which would result in an increased parking demand, as determined from the standards in section 50-812, shall first be submitted to the planning and zoning official for review.
  - (1) If the application would result in an increase of ten or fewer spaces for a use within a two-year period, the planning and zoning official shall approve it, if there are adequate and appropriate parking spaces available to serve the use, as defined by the following standards:
    - a. Parking spaces for customers must be located within 500 feet of the use, as measured along probable pedestrian travel paths. Where a portion of an off-street parking lot or a contiguous series of on-street parking spaces falls within the 500-foot area, all of the spaces within the lot or the series of spaces shall be counted.
    - b. The price and tenure rates for available parking spaces must be consistent with the expected parking habits of customers, employees, and tenants of the proposed use.
    - c. The parking spaces must be available at all times consistent with anticipated peak parking demands of the proposed use.

To determine the number of parking spaces available, the planning and zoning official shall yearly prepare a report on the utilization of parking spaces within the district which specifies the number of spaces available

by location, price, and tenure rates, and time of day. The report shall be presented to and approved by city council. The planning and zoning official shall also keep a record of all new, expanded, and converted uses which generate increased parking demands. The planning and zoning official shall not approve an application when the total amount of additional parking demands approved under this subsection (k)(1) and subsection (k)(2) of this section within a one-year period would exceed a figure equal to 75 percent of the total number of parking spaces determined to be available in the annual report.

- (2) If the application would result in an increase of more than ten spaces within a two-year period or would exceed the limit of 75 percent of available spaces described above, the applicant shall submit a parking plan to the planning commission for review at a public hearing. The parking plan shall indicate where customers, employees, and tenants of the proposed use will be expected to park; the estimated number of employees and tenants; the anticipated time(s) of peak customer loads; the location and arrangement of all existing or proposed on-site parking spaces as may be permitted under subsection (j) of this section; evidence of any arrangement(s) made by the applicant to use other off-premise parking spaces; and evidence of any proposed action(s) by the applicant to control or limit the parking demand generated by the proposed use. The planning commission shall approve the parking plan if it determines that the proposed use would not adversely affect surrounding properties and public facilities and that one or more of the following conditions exist:
- a. Because of the particular characteristics of the proposed use, it would not be expected to generate a significant increase in parking demand.
  - b. Existing or proposed on-site spaces or other private off-street parking facilities, as may be permitted under subsection (j) of this section, would meet the parking needs of the proposed use.
  - c. The parking demand would be adequately accommodated within the municipal parking system due to the availability of spaces appropriate to serve the proposed use, as defined in the standards in subsection (k)(1) of this section.
  - d. The parking demand would be adequately accommodated within the municipal parking system by directing customers, employees, and tenants to available spaces through validation policies, leasing arrangements, promotional programs, providing bus tokens, or other actions of the applicant.

The commission may, at its discretion, condition approval of a parking plan to ensure the parking needs of the proposed use are adequately met without adversely impacting other property or causing congestion on public streets or within the municipal parking system, including mandatory validation policies, mandatory parking space leasing arrangements, and/or other mandated actions.