



Department of Planning &
Community Development

Staff Contact: Timothy R. Schmitt
Phone No.: 517-319-6828
PC Agenda: January 23, 2008

PRELIMINARY STAFF REPORT
January 17, 2008
Ordinance 1187

SUBJECT

An application for Ordinance 1187, a request from the City of East Lansing to rezone 1.43 acres of land along the east side of Evergreen Avenue, north of Albert Street, from B-1, General Office Business, B-3, City Center Commercial, and RM-32, City Center Multiple Family Residential, to P, Parking District and .36 acres of land between Valley Court Park and Evergreen Avenue, from RM-32, City Center Multiple Family Residential to C, Community Facilities.

BACKGROUND

The properties in question are a combination of properties that are already largely developed, located along the existing Evergreen Avenue and Valley Court Drive, all west of Abbot Road. The properties currently have a number of uses located on them.

The property to be rezoned to P property consists of the following:

- The southernmost buildings, fronting onto Evergreen Avenue, include a three-story mixed-use building at 314 Evergreen with retail/office on the first floor and apartment on the upper floors (built in 1998) and a single family home at 328 Evergreen, converted to multiple family uses (built in 1913). These properties are zoned B-3 currently.
- Property to the north, still along Evergreen Avenue, includes 334 Evergreen, a single family home, converted to multiple family uses (built in 1917), 340 and 344 Evergreen, two single family homes converted to multiple family uses (built in 1906), and a multiple family building at 404 Evergreen (built in 2006). The property is currently zoned RM-32.
- The last property to be rezoned is the City owned parking lot, located between 404 and 420 Evergreen. The property is zoned RM-32.

The property proposed to be rezoned to C includes the following:

- A portion of the Valley Court Drive right-of-way. Researching City records, it is somewhat unclear what the actual zoning is for the right-of-way, but the current zoning map shows a mix of C, B-1, and RM-32 zoning.
- A portion of the property that is addressed at 315 Evergreen. It is currently a City owned parking lot and is zoned B-1.

The surrounding area is a fully developed portion of the western edge of the downtown. The northern edge of the properties is 420 Evergreen, a multiple family house, which is zoned RM-32. Further to the north are other multiple family houses, also zoned RM-32. To the west of the project is Valley Court Park, which is already zoned C. To the south is People's Church, which is zoned B-1. Further south is Michigan State University, zoned U, University District. To the east are properties in the downtown of East Lansing, all zoned B-3. The other ordinance associated with this project is Ordinance 1188 and generally covers the area to the south of the proposed P zoning and the areas between the proposed C zoning.

Ordinance 1187 proposes a two part rezoning, as described above. The rezoning was compiled into one rezoning request since the requests being reviewed are all related. This request, along with Ordinances 1186 and 1188 are all related to the review of the City Center II site plan, which is reviewed under a separate heading. Please review the submitted "Proposed Zoning" map for a more clear explanation of the properties to be rezoned, their location, and how they relate to the neighboring properties.

The P, Parking District, has a very specific purpose: to provide locations for surface parking lots and above grade parking structures. There is very little P zoning throughout the City, as it permits only parking. There are little regulations associated with the district. The C, Community Facilities District also has a singular purpose: for public or semi-public buildings and uses. Parks, City Hall, hospitals, schools, and other similar uses are found in this district. There are a number of regulatory items in this district, all associated with new construction of buildings. Both of these districts are intended to complement other districts, projects, or the community at large, as opposed to being a project onto themselves.

It is important to note, the City is proposing to rezone property that is not owned by the City directly. The City's zoning powers, provided through the State enabling legislation, allows a municipality to provide zoning regulations and change zoning boundaries through a standardized process. Section 202 of Public Act 110 of 2006 states:

"The legislative body of a local government may provide by ordinance for the manner in which the regulations and boundaries of districts or zones shall be determined and enforced or amended, supplemented, or changed. Amendments or supplements to the zoning ordinance shall be made in the same manner as provided under this act for the enactment of the original ordinance."

This section specifically allows local units of government to provide the regulations and boundaries for zoning districts. The enactment is the same regardless of who is requesting the modification. There is nothing in this statute that requires that the property owner directly consent to the rezoning. Municipalities use this zoning power in a variety of ways, but the two most common ways are: when the zoning ordinance is initially put in place or when specific projects come to light that require City involvement. It is well within the City's powers as a local unit government to rezone property, if the

rezoning request follows the correct notification procedures, as laid out in the State enabling legislation.

OBJECTIVES OF THE COMPREHENSIVE PLAN

The East Lansing Big Picture Comprehensive Plan identifies this area as the western edge of the downtown and the initial transition area into the Park District and the surrounding residential areas to the north and further to the west. The properties are designated for development of mixed-use, mid-rise development of two to four story buildings, transitioning down from the potential ten story buildings to the east. The property is in the western half of Planning Area 7, which is downtown East Lansing.

Specific objectives in the Comprehensive Plan that are met through this proposal include:

- Objective 7.1 – Accommodate growth. *By implementing additional capacity in the City's parking system, additional growth in the B-3 area can be accommodated, potentially leading to additional redevelopment in the area.*

PRELIMINARY STAFF REVIEW

The C, Communities Facilities zoning is relatively straight forward, as the City has traditionally zoned park land in the C district. With new park land coming online, the C district is appropriate for this new property.

The P, Parking District, allows for parking to be provided. The City has made the commitment through the B-3 zoning district that in the downtown, the City will maintain and operate the parking facilities. Parking is generally prohibited in the downtown with new developments, only being permitted upon a showing that the capacity does not exist in the parking system or is not expected to be in the system after the development is complete. The City Center II proposal only includes a small amount of underground parking to serve the immediate needs of the residents and/or tenants of the building. When combined with the parking proposed in conjunction with the P zoning, the applicant is proposing an adequate amount of parking for the uses proposed.

The City has taken a strong position with respect to the City Center II project, going so far as to having purchased a portion of the land in years past and continuing to purchase land for the construction of the parking structure. The P district would be the main way to allow the future construction of the City's newest addition to the parking system. It would also ensure that the land being purchased is used for a public purpose and to fulfill the intentions of the City's long range plan for the Parking System.

SUMMARY COMMENTS

Following the Public Hearing on Ordinance 1187 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 30th. Staff expects to bring the request back to the Planning Commission's next meeting for this recommendation.

SKETCH PLAN

C ZONING
SEE SHEET 5
FOR DETAILS

VALLEY COURT
RM-32 ZONING SEE
SHEET 2 FOR DETAILS

C ZONING
SEE SHEET 5
FOR DETAILS

EVERGREEN AVENUE

P ZONING SEE SHEET
3 FOR DETAILS

ABBOTT ROAD

B-3 ZONING SEE
SHEET 4 FOR DETAILS

GRAND RIVER AVENUE

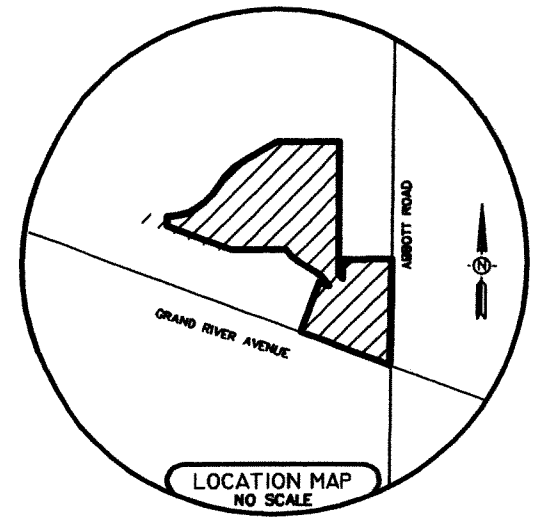
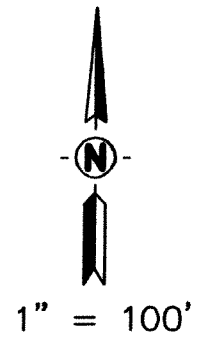


EXHIBIT DRAWINGS.DWG



KEBS, INC. KYES ENGINEERING
BRYAN LAND SURVEYS

2116 HASLETT ROAD, HASLETT, MI 48840
PH. 517-339-1014 FAX. 517-339-8047

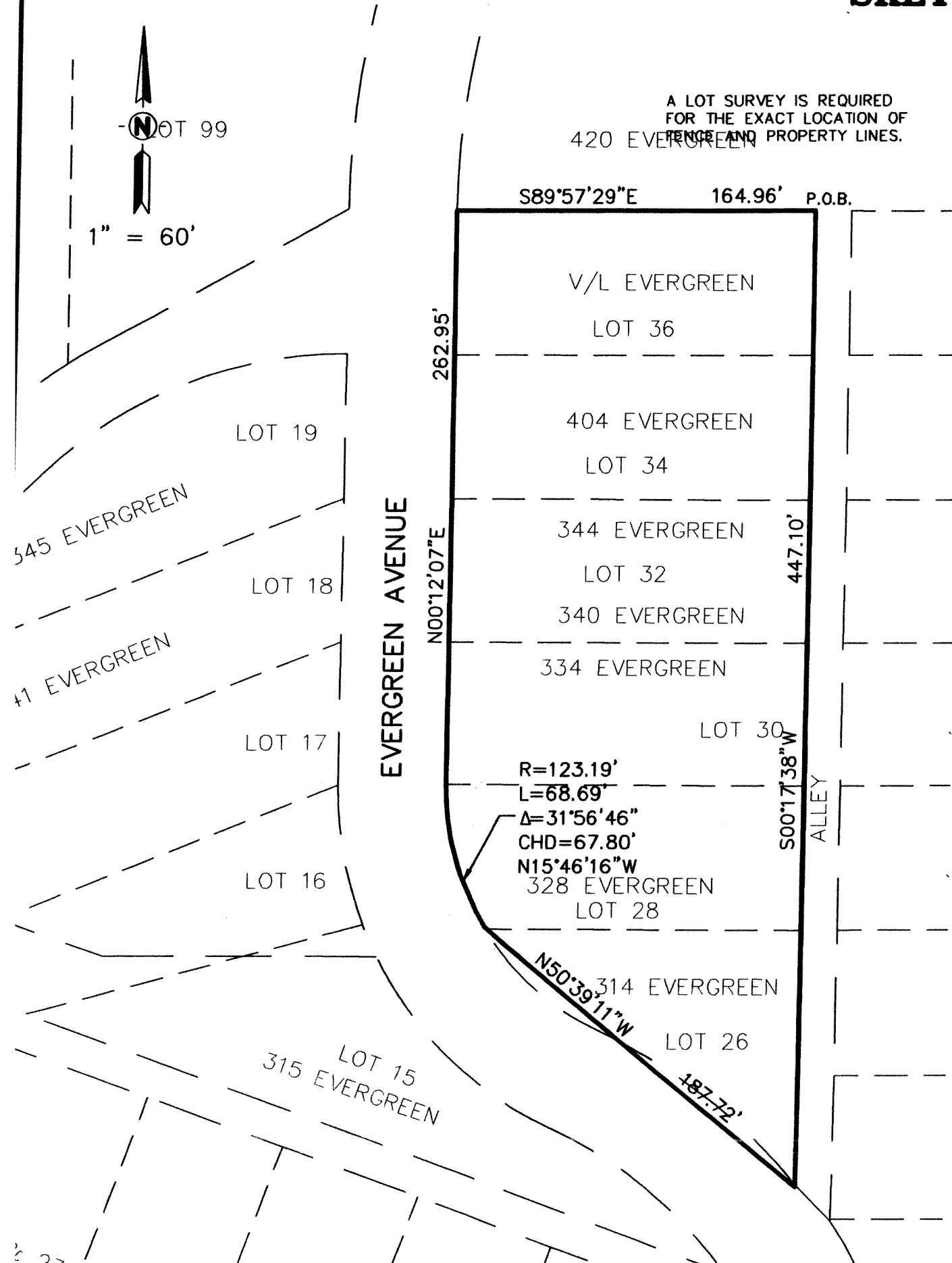
Charlotte Office
Ph. 517-543-7076

Marshall Office
Ph. 269-781-9800

DRAWN BY SLH	SECTION 13, T4N, R2W
FIELD WORK BY RDF	JOB NUMBER:
SHEET 1 OF 5	80761.BND-1

Scott E. Koch 12-18-07
SCOTT E. KOCH DATE
PROFESSIONAL SURVEYOR No. 41103


SKETCH PLAN



LEGAL DESCRIPTION FOR AREA TO BE ZONED P:

A parcel of land located in the Northeast 1/4 of Section 13, Town 4 North, Range 2 West, being a part of Lots 26 and 28, and all of Lots 30, 32, 34 and 36 of the Plat of Oakwood, City of East Lansing, Ingham County, Michigan according to the recorded plat thereof, as recorded in Liber 2 of Plats, Page 33, Ingham County Records being described as: Beginning at the Northeast Corner of Lot 36 of said Plat of Oakwood; thence S00°17'38"W, 447.10 feet along the West line of an alley and its Southerly extension to the Northerly right-of-way line of a proposed road; thence N50°39'11"W, 187.72 feet along said right-of-way line to the Easterly right-of-way line of Evergreen Avenue; thence along said right-of-way line for the following two courses: 1) Northerly, 68.69 feet along the arc of a curve to the right, said curve having a radius of 123.19 feet, a delta angle of 31°56'46", and a chord bearing N15°46'16"W, 67.80 feet, 2) N00°12'07"E, 262.95 feet to the Northwest Corner of Lot 36 of said Plat of Oakwood; thence S89°57'29"E, 164.96 feet along the North line of said Lot 36 to the Northeast Corner of said Lot 36, and the point of beginning; said parcel contains 1.43 acres, more or less; said parcel being subject to any easement or restrictions of use or record, if any.

EXHIBIT DRAWINGS.DWG

 KEBS, INC. KYES ENGINEERING BRYAN LAND SURVEYS 2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047 Charlotte Office Ph. 517-543-7076 Marshall Office Ph. 269-781-9800		DRAWN BY SLH		SECTION 13, T4N, R2W	
		FIELD WORK BY RDF		JOB NUMBER:	
SHEET 3 OF 5		80761.BND-1			

Scott E. Koch 12-18-07
SCOTT E. KOCH
PROFESSIONAL SURVEYOR
DATE
No. 41103

SKETCH PLAN

LEGAL DESCRIPTIONS FOR AREA TO BE ZONED C:

A parcel of land located in the Northeast 1/4 of Section 13, Town 4 North, Range 2 West, being a part of Lot 100 of the Subdivision of Lot 83 of the Plat of Oakwood, City of East Lansing, Ingham County, Michigan, as recorded in Liber 3 of Plats, Page 9, Ingham County Records being described as: Commencing at the Southwest Corner of Lot 20 of the Plat of Oakwood, City of East Lansing, Ingham County, Michigan according to the recorded Plat thereof, as recorded in Liber 2 of Plats, Page 33, Ingham County Records; thence N00°12'55"W, 45.79 feet to the Northerly right-of-way line of a proposed road; thence S77°36'24"E, 46.30 feet along said proposed right-of-way line; thence N20°12'48"E, 73.29 feet; thence N63°54'14"E, 60.51 feet to the point of beginning of the following described parcel; thence N38°45'09"E, 77.69 feet; thence S00°00'00"E, 78.49 feet; thence N69°47'04"W, 51.82 feet to the point of beginning; said parcel contains 0.04 acres, more or less; said parcel being subject to any easements or restrictions of use or record, if any.

Also, A parcel of land located in the Northeast 1/4 of Section 13, Town 4 North, Range 2 West, being a part of Lots 15, 16, 17, 18 of the Plat of Oakwood, City of East Lansing, Ingham County, Michigan according to the recorded plat thereof, as recorded in Liber 2 of Plats, Page 33, Ingham County Records being described as: Commencing at the Southwest Corner of Lot 20 of said Plat of Oakwood; thence S69°47'12"E, 197.89 feet along the North line of an alley, and the Southerly right-of-way line of a proposed road to the point of beginning of the following described parcel; thence N20°12'48"E, 116.41 feet; thence N90°00'00"E, 94.76 feet to the centerline of a proposed road; thence S00°02'38"W, 122.51 feet along said proposed centerline to the Southerly right-of-way line of a proposed road; thence along said proposed right-of-way line for the following three courses: 1) N89°51'46"W, 64.12 feet, 2) Westerly, 70.08 feet along the arc of a curve to the right, said curve having a radius of 200.00 feet, a delta angle of 20°04'35", and a chord bearing N79°49'29"W, 69.72 feet, 3) N69°47'12"W, 2.29 feet to the point of beginning; said parcel contains 0.32 acres, more or less; said parcel being subject to any easements or restrictions of use or record, if any.

1" = 60'

A LOT SURVEY IS REQUIRED FOR THE EXACT LOCATION OF FENCE AND PROPERTY LINES.

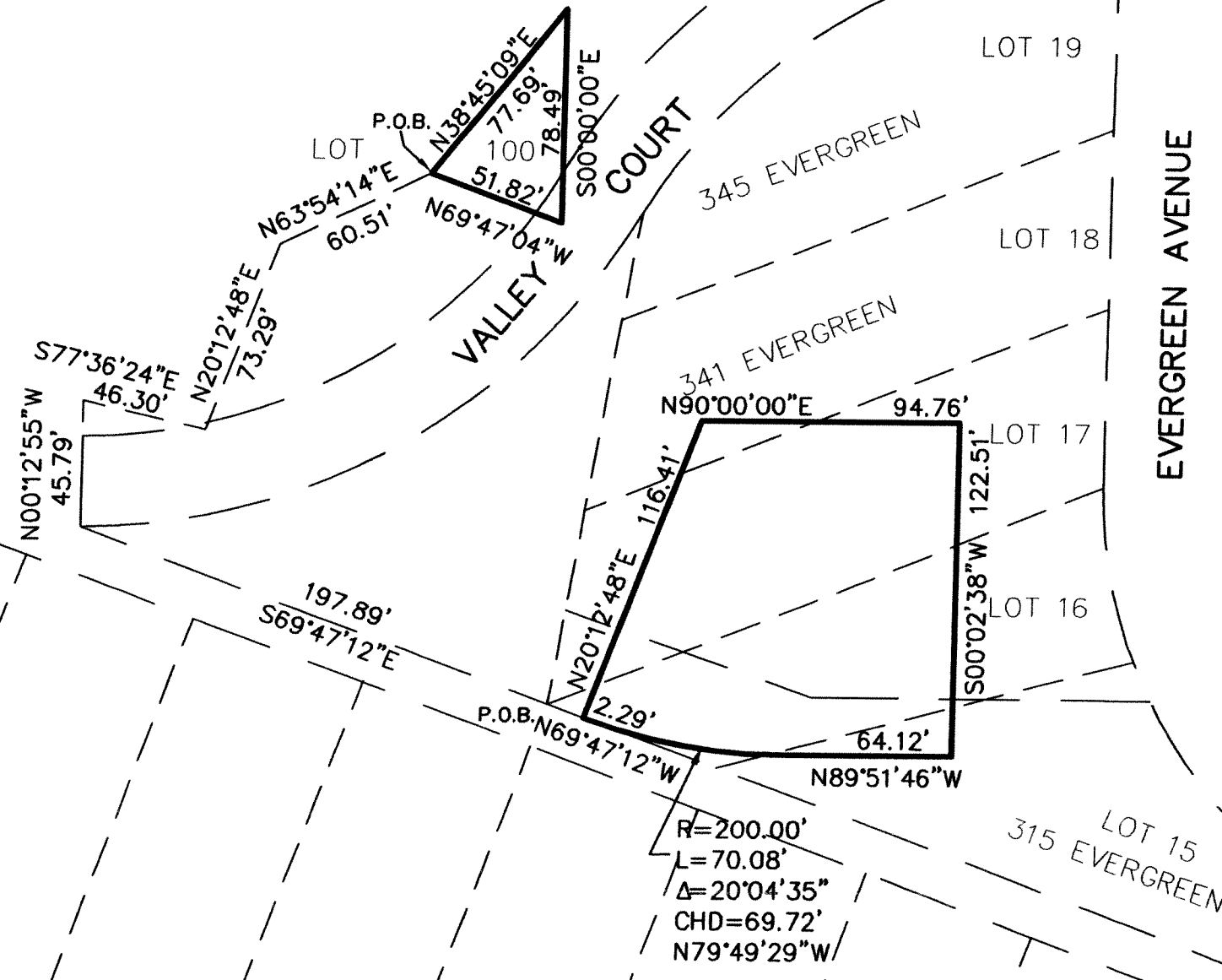


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