
**MINUTES OF A REGULAR MEETING
BOARD OF ZONING APPEALS
August 13, 2015, 12:00 P.M.
316 N. Capitol Avenue, Suite D-1**

I. ROLL CALL

The meeting was called to order by Marcie Alling at 6:30 p.m. Ms. Alling read the BZA introduction. Roll call was taken.

Present: M. Alling K. Whitfield E. Horne J. Hovey M. Rice K. Litwiller

Absent: B. McGrain

Staff: S. Stachowiak

A quorum of at least four members was present, allowing voting action to be taken at the meeting.

II APPROVAL OF AGENDA

E. Horne moved, seconded by M. Rice to approve the agenda with the addition of “excused absence” under new business. On a voice vote, the motion carried 6-0.

III. HEARINGS/ACTION

A. BZA-4012.15, 3165 E. Michigan Avenue

Ms. Stachowiak stated that this is a request by AUDG Holdings, LLC for variances to permit a new 125 foot high building at 3165 E. Michigan Avenue that would contain 339 residential units on a site that is 146,513 square feet in area, 605 parking spaces and would have front yard setbacks of 10 feet along E. Michigan Avenue and 30.9 feet along Morgan Lane. Section 1264.10 of the Zoning Ordinance permits a maximum building height of 100 feet. Section 1264.06 requires 352,900 square feet of lot area and Section 1284.13 requires 607 parking spaces for the proposed 339 residential units. Section 1264.07 requires a minimum front yard setback of 50 feet for a structure that exceeds 75 feet in height. Variances of 25 feet to the building height limitation, 206,387 square feet to the lot area requirement, 2 to the required number of parking spaces and 40 feet and 19.1 feet to the front yard setback requirements are therefore, being requested for the property at 3165 E. Michigan Avenue. Section 1248.09 of the Zoning Ordinance requires a 30 foot rear yard setback. Staff recommended approval on a finding that the variances would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Ms. Stachowiak stated that the applicant is in the process of seeking a rezoning of the property at 3165 E. Michigan Avenue (former Story Automotive Dealership) from “F” Commercial & “J” Parking districts to the “E-1” Apartment Shop district. The purpose of the rezoning and requested variances are to permit the construction of a 9-story building that would have first floor retail/office uses, 339 upper level residential units and an attached 605 space parking ramp.

Ms. Stachowiak stated that the economic feasibility of the project is based upon the number of residential units and the amount of retail/office space that can be accommodated on the site. This is particularly important in this case since the site is located within the 100 year floodplain which dramatically increases the cost of the project because of requirements for elevating and

flood-proofing the building. In order to comply with the lot area requirements for the proposed number of units as described above, the applicant would have to acquire additional land that is adjacent to the subject property. The primary problem with this issue is that there is no other land available in the immediate area. Furthermore, even if the applicant were to obtain additional land, it would be seriously underutilized as it would only be used for vacant space to meet a code requirement. This would be contrary to proper planning principles, particularly in an area that is master planned for mixed use development on an urban, rather than a suburban scale.

Ms. Alling opened the public hearing.

Bob Trezise, President & CEO, Lansing Economic Area Partnership, spoke in support of the project. He said that LEAP has been working with the developer on a Brownfield plan. He also said that this project will match up nicely with the proposed 10 story project on the Red Cedar Park property to the south. It also matches up with the Tri-County Regional Planning Commission plan for the area as well as the City Master Plan. Mr. Trezise states that this project will provide housing for approximately 1,000 people who probably do not currently live in the City. He thanked the Board for its consideration. He also thanked the developers and Ms. Stachowiak for her work on this project.

Matt Marshall, Rise Real Estate, 348 Enterprise Drive, GA, spoke in support of his request. He stated that they are happy to be in Lansing and this is part of a new initiative by the Company to branch out into urban style developments on smaller sites. Mr. Marshall said that they have enjoyed working with LEAP and the City Planning Department and are glad to be investing in Michigan.

Rob Tharpe, Rise Real Estate, 348 Enterprise Drive, GA, said that he is the project manager. He introduced Kelly Cavanaugh who is the civil engineer for the project.

Mr. Horne asked about handicap parking, stairways in the building and lighting in the stairways.

Kelly Cavanaugh, 217 Grandville Ave. SW STE. 302 920 N. Main St., Grand Rapids, said that they will be required to provide ADA accessible parking in accordance with the Michigan Building Code. She stated that the exact number will be determined during site plan review. She said there will be a staircase in each of the 4 corners of the building and they will have to be lighted in accordance with the Building Code.

Ms. Horne asked if the developer has been in contact with the Drain Commissioner's Office. She said that the site is in a floodplain and therefore, a floodplain permit from the Michigan Department of Environmental Quality will be required. She said that the MDEQ process can take up to 90 days.

Mr. Marshall said that they have made contact with the Drain Commissioner's Office but are waiting until the engineering plans are completed before the officially submit to the Drain Office. He said that they are trying to get their zoning approvals in place and will then begin the engineering plans.

Ms. Cavanaugh said that the floodplain permit application has already been submitted to the MDEQ.

Mr. Trezise stated that there has been a conversation with the Drain Commissioner's Office about this project and while the technical aspects of the project still need to be reviewed, the Drain Commissioner is on board with the project.

Seeing no one wishing to speak, Ms. Alling closed the public hearing.

Mr. Rice asked if the additional height is needed to accommodate the 339 units and if the parking ramp will be the same height as the mixed use building.

Mr. Tharpe stated that the parking ramp will have the same number of stories as the mixed use building but will not be quite as high.

Mr. Rice asked if the courtyard will meet the needs of the residents.

Mr. Marshall said that the courtyard will be an active center that will provide seating, cooking facilities, sports courts, etc.

Ms. Whitfield said that she is glad that the developers chose Lansing. She said that her husband will be painting murals in the area under the freeway bridge.

Mr. Trezise said that the area under the bridge is like a 100 foot dark wall. The Michigan Economic Development Corporation will give \$50,000 if another \$50,000 can be raised for the project. He said that it is intended to make the area more enjoyable, more inviting and to break down the barrier that it creates between Lansing and East Lansing. Mr. Trezise said that the art work will be spectacular and the project will include lighting under the bridge as well.

Ms. Alling said that the project seems pretty straight forward and she is supportive of the requested variances.

Mr. Hovey made a motion, seconded by Mr. Rice to approve BZA 4012.15 for variances to permit a new 125 foot high building at 3165 E. Michigan Avenue that would contain 339 residential units on a site that is 146,513 square feet in area, 605 parking spaces and would have front yard setbacks of 10 feet along E. Michigan Avenue and 30.9 feet along Morgan Lane, on a finding that the variances would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this request.

Vote	Yes	No
Rice	X	
Horne	X	
Hovey	X	
Whitfield	X	
Litwiller	X	
Alling	X	

On a roll call vote (6-0), the variance was approved.

IV. OLD BUSINESS

A. **BZA-4010.15, 3120 N. Cambridge Road**

Ms. Alling said that this case has been pulled from the agenda at the request of the applicant because he was not able to attend the meeting this evening.

Ms. Stachowiak said that she has a conflict with the September 10, 2015 meeting and therefore, this may have to be delayed until the regular meeting in October unless a special meeting can be held.

Ms. Alling said that she will be out of town the week of September 14th and therefore, if a special meeting going to be held, it would be better to have it the first week of September.

V. PUBLIC COMMENT

Linda Buckingham, 3110 N. Cambridge Road, provided some new photographs to the Board showing that the new fence is clearly higher than the fence that previously existed at 3120 N. Cambridge. She said that since the last meeting, the neighbor has installed a dense row of tall evergreen trees along the fence line which further obscures her view of the river. She said since the new trees meet the definition of a hedge, they are clearly in violation of the Zoning Ordinance as well but she is trying to pick her battles wisely, particularly since the neighbor seems to have some political clout in Lansing. Ms. Buckingham said that this has been going on for 5 months. During that time, she has had to look at the fence with its shoddy construction, has had her view of the river obstructed and has had to deal with a drainage problem in her yard caused by the neighbor raising the grade of his property along the fence line. She said that all she is asking for is to have the City Ordinance enforced. Ms. Buckingham said that even if the previous fence was legally nonconforming, it lost its nonconforming status as soon as it was taken down.

Ms. Horne asked about the weeds coming through the chain-link fence.

Ms. Buckingham said that the chain-link fence is on the property line and since the new fence was erected, it has created dead space between the 2 fences and now that area is growing up in weeds. She said that she would be willing to remove the weeds if the applicant reduces the fence to the allowable height of 6 feet.

Jack Mashlock, 3110 N. Cambridge Road, said that he flew out from California to be here for this meeting and found out 2 days ago that the variance case was being pulled from the agenda. He said that aesthetics are important and if the variance is not denied, they will have to look at a 7-10 foot high fence which diminishes the enjoyment and aesthetics of his property.

Elaine Womboldt, 4815 Tressa Drive, stated that she is one of the facilitators of "Rejuvenating South Lansing". She said that her concern is how approval of the fence variance will affect other requests of a similar nature. Ms. Womboldt stated that all property owners should be treated the same and should abide by the City Ordinances.

VI. APPROVAL OF MINUTES

A. Minutes of Regular meeting held on July 9, 2015

Ms. Alling said that "Mr." needs to be changed to "Ms." in the 4th paragraph on Page 3.

Mr. Rice made a motion, seconded by Ms. Horne to approve the minutes from the July 9, 2015 meeting with the correction to the 4th paragraph on Page 3, changing "Mr." to "Ms.". On a voice vote (6-0), the motion carried unanimously.

VII. NEW BUSINESS

A. Excused Absence

Ms. Horne made a motion, seconded by Ms. Litwiller to grant an excused absence for Mr. McGrain from this meeting. On a voice vote (6-0), the motion carried unanimously.

IV. ADJOURNMENT AT 7:00 P.M.

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator