



Andy Schor
Mayor

**LANSING BOARD OF ZONING APPEALS
REGULAR MEETING
DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
600 W. Maple (Neighborhood Empowerment Center)
Thursday, November 8, 2018, 6:30 PM**

AGENDA

- I. ROLL CALL**
- II. APPROVAL OF AGENDA**
- III. PUBLIC COMMENT**
- IV. PUBLIC HEARING/ACTION**
 - A. BZA-4045.18, South side of the 600 Block of E. Michigan Avenue, Variance to the wall sign and projecting sign limitations**
 - B. BZA-4043.18, 3208 S. ML King, Variance to the separation requirement between medical marijuana provisioning centers**
 - C. BZA-4044.18, 3218 S. ML King, Variance to the separation requirement between medical marijuana provisioning centers**
 - D. BZA-4045.18, 3316 S. ML King, Variance to the separation requirement between medical marijuana provisioning centers**
 - E. BZA-4046.18, 3330 S. ML King, Variance to the separation requirement between medical marijuana provisioning centers**
- V. OLD BUSINESS**
- VII. NEW BUSINESS**
 - A. 2019 Meeting Schedule**
- VI. APPROVAL OF MINUTES**
 - A. Regular Meeting, October 11, 2018**
- VIII. PUBLIC COMMENT**
- IX. ADJOURNMENT**

FOR SPECIAL ACCOMMODATIONS, PLEASE GIVE 24 HOURS NOTICE PRIOR TO THE MEETING BY CALLING SUSAN STACHOWIAK IN THE PLANNING OFFICE AT 517-483-4085 OR 517-483-4479 (TDD).

GENERAL INFORMATION

APPLICANT/OWNER:	600 E. Michigan-Lansing, LLC 330 Marshall Street Lansing, MI 48912
REQUESTED ACTION:	Numerous variances to the Sign Code regulations
EXISTING LAND USE:	Various commercial & quasi-industrial uses Proposed mixed use building
EXISTING ZONING:	"G-1" Business District
PROPERTY SIZE & SHAPE:	Irregular - Approximately 4.19 acres
SURROUNDING LAND USE:	N: Commercial/Office/City Rescue Mission S: Commercial/Residential E: Railroad/Office W: Commercial/Residential (Stadium District)
SURROUNDING ZONING:	N: "H" Light Industrial & "G-1" Business Districts S: "H" Light Industrial District E: "H" Light Industrial District W: "H" Light Industrial & "G-1" Business Districts
MASTER PLAN DESIGNATION:	The Central Lansing Comprehensive Plan designates the subject property for retail/commercial with upper floor mixed use. The Design Lansing Master Plan designates the subject property for Downtown Mixed-Use Center: Edge. E. Michigan Avenue is designated as a minor arterial. S. Larch Street is designated as an activity corridor. Barnard Street is designated as a local road.

REQUEST

The applicant is requesting variances to permit the following signs on the proposed mixed-use building that will be located on the south side of the 600 Block of E. Michigan Avenue:

1. 5 projecting signs (perpendicular to the building wall):
 - * One 48 square foot projecting sign at the northeast corner of the building advertising the hotel
 - * Three 32 square foot projecting signs and one 13 square foot projecting sign advertising the grocery store

Section 1442.24(d) of the Sign Ordinance permits one projecting sign for each business establishment and limits the size to 16 square feet. The applicant is requesting variances of 3 to the allowable number of projecting signs for the grocery store, 32 square feet to the allowable size for the hotel projecting sign and 16 square feet to the allowable size for 3 of the grocery store projecting signs.

2. 21 wall signs totaling 3,360 square feet in area.
 - * 16 wall signs for the grocery store totaling 2,660 square feet in area
 - * 2 wall signs for the hotel totaling 357 square feet in area
 - * 3 wall signs for the apartments totaling 343 square feet in area

Section 1442.24(b) permits one wall sign on each wall for each ground floor business establishments. The total allowable wall sign area for each ground floor establishment is 200 square feet. Wall signs must be placed at a maximum height of 15 feet on the wall.

The applicant is requesting the following variances:

- * 13 to the allowable number of wall signs and 2,460 square feet to the allowable sign area for the grocery store
- * 157 square feet to the allowable sign area for the hotel
- * 1 to the allowable number of wall signs and 143 square feet to the allowable sign area for the apartments
- * 16 wall signs above a height of 15 feet in various locations on the building walls, as depicted on the plan sheet labeled SGN 02, dated October 15, 2018.

ANALYSIS

Section 1244.06 (c)(1-4) and (e)(1-4) of the Zoning Code sets forth the criteria and standard which must be used to evaluate a variance request:

- Does a Practical Difficulty or Unnecessary Hardship exist?
- Is the Location, Size and Character in harmony with surrounding uses?
- Will the request Impact on Vehicular and Pedestrian Traffic?
- Will a precedent for future land use patterns be set as a result of the request?

Practical Difficulty Criteria

Several criteria are described in Section 1244.06 (c) for the Board to consider in determining the adequacy of a practical difficulty or unnecessary hardship:

1. If the owner of the lot complies with this Zoning Code, he or she can secure no reasonable return from, or make no reasonable use of, his or her property.

2. The hardship results from the application of this Zoning Code to his or her lot, rather than from some other factor.
3. The hardship is not the result of his or her own actions.
4. The hardship is peculiar to the lot of the applicant.

The applicant is planning to construct a 4-story, mixed-use building to be located on the south side of the 600 block of E. Michigan Avenue that will contain 3 separate uses; a grocery store, a hotel and 36-45 apartments. The subject property was rezoned earlier this year to allow for the proposed development. The site plan is in the process of being reviewed at this time.

There is nothing physically unique about the subject property that would constitute a “practical difficulty” in complying with the sign ordinance. This issue in this case is whether it can be established that denial of the requested variances would cause an “unnecessary hardship” on the applicant. The criteria used to evaluate if there is a practical difficulty that warrants relief from an ordinance standard is also used to determine if strict application of an ordinance standard would create a hardship on an applicant that is unnecessary in carrying out the spirit of the ordinance.

The request does meet the first criterion since the hardship is directly related to the ordinance regulating wall and projecting signs as described above. The hardship is caused by applying sign ordinance standards to a building that is much larger than the vast majority of the buildings for which they are applicable, thus putting the applicant at a significant disadvantage in comparison. A more detailed explanation of how the ordinance does not allow for signage on larger buildings in proportion to smaller buildings is provided under item 4 of the impact criteria section of this report.

The second standard is whether the hardship is self-created. The only way that the applicant could have avoided the need for several of the requested signs is to construct the building to the rear of the site with the parking in the front. By doing so, the signs on the rear of the building would not be necessary and neither would the projecting signs on the front of the building. In addition, the applicant would have room to install 2 large ground signs on the property. This type of site design, however, would be completely contrary to the desired development pattern in the downtown area. The proposed site design is consistent with proper planning principles, even though it results in the need for additional signage on the building in order to identify and promote the uses that will be located therein.

The third criteria is whether the hardship is unique to the property in question. In other words, if there are exceptional conditions relating to the site that distinguish the hardship from most other properties that are subject to the same restrictions. By assuring that the request is adequate to differentiate it from a claim that could be made by most other property owners, the intent of the ordinance standard is preserved. The proposed building is unique in that it will be much larger than most other buildings along E. Michigan Avenue and will contain 3 large occupants/uses, 2 of which (grocery store/hotel) have an inherent need for signage that is adequate to identify their presence. The building will also be unique in that it will be one of the largest multi-use building in the downtown area, will have frontage on two major thoroughfares, all parking will be located behind the building and there will be pedestrian entrances on all four sides of the building. All of these factors contribute to the need for additional signage. Without the requested variances,

however, the allowable signage for the building will be very limited (3, 16 square foot projecting signs and 3, 200 square foot wall signs), thus creating a hardship on the applicant that is unnecessary since the proposed building is sufficiently unique to warrant relief from the ordinance.

The other consideration relates to whether there is a viable use of the property without the variance. This standard is typically applied to use variances, however, which require a much higher threshold than a 'dimensional' variance such as this one.

Impact Criteria

The Ordinance also establishes four standards under Section 1244.06 (e) that must be satisfied relating to the impact of the variance on the surrounding properties and general public. These standards and the manner in which they relate to the request are as follows:

1. **The use will be in harmony with the appropriate and orderly development of the surrounding neighborhood.**

The request will not be disruptive to the harmony or character of the area. The projecting signs are intended to identify the businesses and their entrances to the building for pedestrian traffic in the area. The size of the proposed wall signs and their location/height on the building are intended to make the building easily identifiable to motorists. The signage that is being requested is proportionate to the size of the building and as evidenced by the attached renderings, will significantly contribute to the attractiveness of the building.

2. **The use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved.**

The variance will have no negative impacts on vehicular or pedestrian traffic. In fact, the increased signage, particularly for the hotel as it will draw most of its customers from "out-of-town", will make the business(es) easier to locate for motorists that are not familiar with the area.

3. **The use will be designed to eliminate a possible nuisance emanating therefrom.**

The signs will not generate any nuisances in the area in which they are located.

4. **The use will not interfere with or discourage the appropriate development and use of adjacent land and structures or unreasonably affect their value.**

The proposed signs will not be contrary to the appropriate and orderly development of the area in which the subject property is located. Although the number of variances seems excessive, the signage will be properly scaled for the building, as evidenced by the renderings attached to this report. 11 of the wall signs totaling 1,167 square feet in area will be located on the rear/south façade of the building and far enough to the east that most of them will not even be visible to traffic on S. Larch Street. There will only be 4 walls

signs on the north elevation of the building along E. Michigan Avenue. While 3 of these signs are among the largest that are being proposed, the signs will cover less than 5% of the total north façade area. The same is true for the proposed signs on the east and west elevations of the building.

The applicant is severely limited in the amount of signage that is permitted because of the large size of the building, because it is just one building and only contains 3 uses. The majority of the blocks along E. Michigan Avenue are characterized by several buildings/businesses that share common walls but are on separate parcels of land. Each individual building/business is then permitted to have one wall sign (2 wall signs for corner lots) up to 15% of the area of the wall to which it is attached, to a maximum of 200 square feet in area. This standards allows for signage that is more than adequate for the overwhelming majority of the buildings/businesses along E. Michigan Avenue. The same signage regulations that apply to the smaller buildings along E. Michigan Avenue, however, also apply to the applicant's property. Each of the 3 occupants of the building is limited to one wall sign, not exceeding 200 square feet in area. Given the size of the proposed building, 200 square feet for each occupant is completely inadequate and would not allow for signage that is proportionate to the size of the building, particularly in comparison to the amount of signage permitted for other, much smaller buildings along E. Michigan Avenue.

SUMMARY

This is a request by 600 E. Michigan-Lansing, LLC for variances to Section 1442.24 of the Sign Ordinance for the proposed mixed use building to be located on the south side of the 600 block of E. Michigan Avenue. The specific variances are as follows:

- * 5 projecting signs, one of which would be 48 square feet in are and three of which would be 32 square feet in area. 3, 16 square foot projecting signs are permitted.
- * 16 wall signs for the grocery store totaling 2,660 square feet in area. 4 wall signs totaling not more than 200 square feet are permitted.
- * 2 wall signs for the hotel totaling 357 square feet in area. 4 wall signs totaling not more than 200 square feet are permitted.
- * 3 wall signs for the apartments totaling 343 square feet in area. 4 wall signs totaling not more than 200 square feet are permitted.
- * 16 signs above a height of 15 feet on the building wall. Wall signs must be placed at a maximum height of 15 on the building wall.

The available information supports a finding that the variance request complies with the applicable practical difficulty criteria listed in Section 1244.06 (c) and the impact criteria of Section 1244.06 (e) of the Zoning Ordinance.

RECOMMENDATION

Based on the information and findings described in this report, the following motion is offered for the Board's consideration:

"I make a motion to approve BZA 4047.18, a request by 600 E. Michigan-Lansing, LLC for variances to Section 1442.24 of the Sign Ordinance for the property located on the south side of the 600 block of E. Michigan Avenue, as follows:

- * 3 to the allowable number of projecting signs for the grocery store/market**
- * 16 square feet to the allowable size for 3 of the grocery store projecting signs.**
- * 32 square feet to the allowable size for the hotel projecting sign**
- * 13 to the allowable number of wall signs and 2,460 square feet to the allowable sign area for the grocery store/market**
- * 157 square feet to the allowable sign area for the hotel**
- * 1 to the allowable number of wall signs and 143 square feet to the allowable sign area for the apartments**
- * 16 wall signs above a height of 15 feet in various locations on the building walls, as depicted on the plan sheet labeled SGN 02, dated October 15, 2018,**

on a finding that the variances are 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.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

Description/explanation of proposal for this property:

600 E. Michigan will be a mixed-use development including a 37,000 square foot urban market on the first floor, with 36 residential, market rate, apartment units on floors 2-4 and a 121 unit upper scale nationally branded hotel on floors 2-4 as well. The project encompasses over 20 parcels of land that will be combined to one master parcel in 2019. The development will be the first urban market in downtown Lansing in over 30 years, as well as the first hotel built in the downtown in over 30 years. Overall, the total investment is \$41.5 million development. As the Mayor and other civic leaders have stated, this development is a game changer for downtown Lansing.

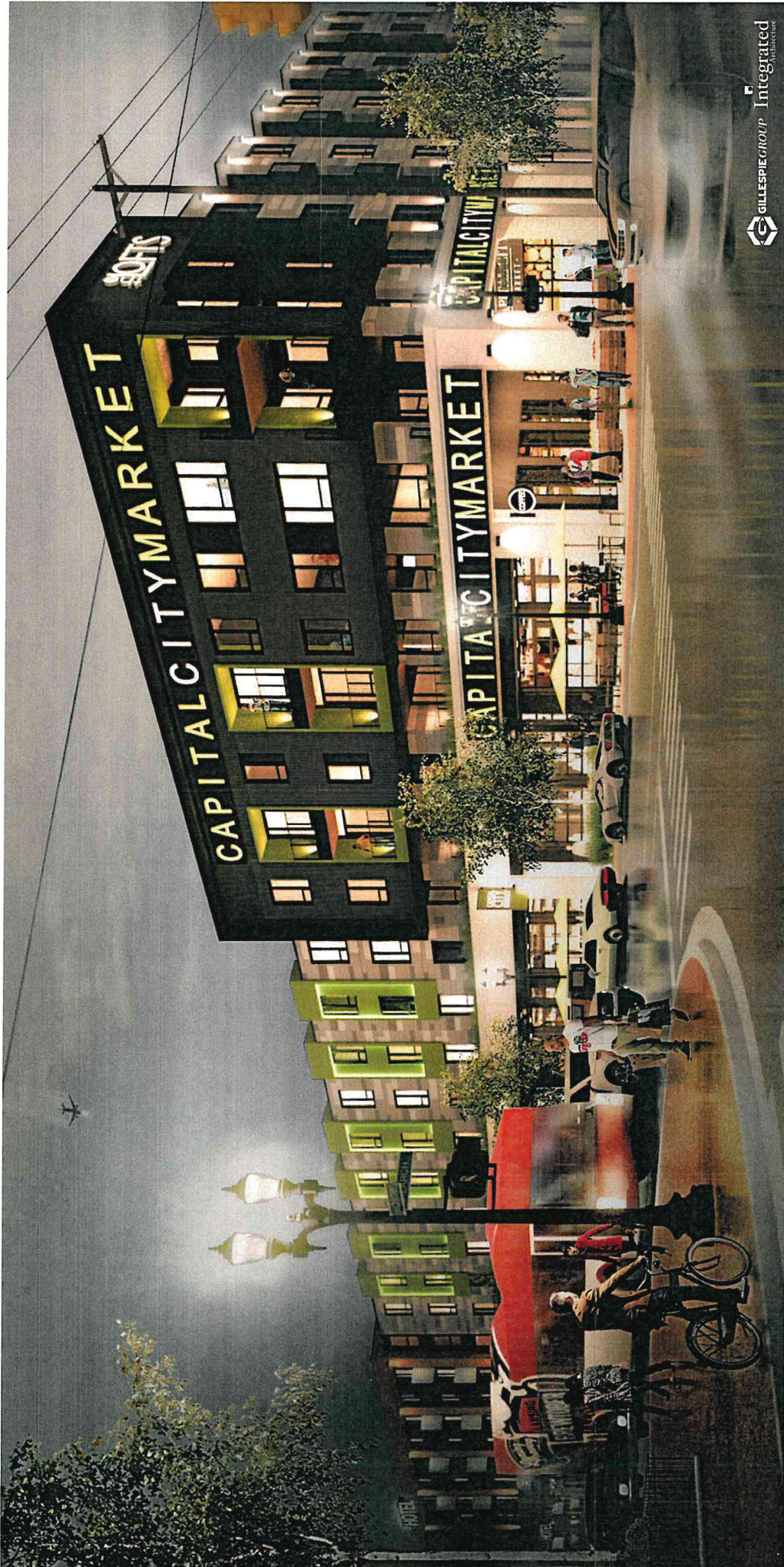
600 E. Michigan – Lansing, LLC seeks a variance to the City of Lansing Sign Ordinance due to the mixed use and multiple user groups for the development. With the three distinct user groups and investment being made, additional signage above and beyond what the City ordinance allowed is needed.

Further, Adams Outdoor currently has a monument, double sided billboard sign in the middle of the property. An agreement is in place that if the signage variances is approved, Adams will remove the current monument sign and upon completion of the building, install a single, digital or stagnant, sign on the south face of the building facing northbound Larch traffic. This sign has been approved by MDOT pending approval from the City of Lansing.

If this petition is not granted, explain how your proposal will be affected:

The allowable signage per the ordinance in the G-1 zoning district is not enough given the mixed-use aspect of the development and the exposure the user groups desire. The attached exhibits show the signage desired including the square footages for each. To not grant the signage needed is a detriment to the development and may cause the users to reconsider the development. Finally, in order for Adams to remove their current billboard monument sign, the new billboard on the south face of the building must be allowed. If they do not get approval on that, the entire deal would be in jeopardy since Adams has an existing easement for the existing sign. To restate it, the development most likely does not move forward without the signage variance.

EXTERIOR SIGNAGE SCHEDULE						
	NO.	TYPE	AREA	FOR	ELEVATION LOCATION	STREET FRONTAGE
	W 1	WALL SIGN 1	362 SF	MARKET	NORTH	MICHIGAN
	W 2	WALL SIGN 2	584 SF	MARKET	NORTH	MICHIGAN
	W 3	WALL SIGN 3	362 SF	MARKET	WEST	LARCH
	W 4	WALL SIGN 4	132 SF	APARTMENTS	WEST	LARCH
	W 5	WALL SIGN 5	54 SF	APARTMENTS	WEST	LARCH
	W 6	WALL SIGN 6	125 SF	MARKET	SOUTH	BARNARD
	W 7	WALL SIGN 7	157 SF	APARTMENTS	SOUTH	BARNARD
	W 8	WALL SIGN 8	197 SF	MARKET	SOUTH	BARNARD
	W 9	WALL SIGN 9	214 SF	HOTEL	EAST	BARNARD
	W 10	WALL SIGN 10	143 SF	HOTEL	NORTH	MICHIGAN
	10	TOTAL WALL SIGNS	2330 SF			
PAINTED WALL SIGNS						
	PW 1	PAINTED WALL SIGN	251 SF	MARKET	SOUTH	BARNARD
	PW 2	PAINTED WALL SIGN	138 SF	MARKET	SOUTH	BARNARD
	PW 3	PAINTED WALL SIGN	159 SF	MARKET	SOUTH	BARNARD
	PW 4	PAINTED WALL SIGN	42 SF	MARKET	SOUTH	BARNARD
	PW 5	PAINTED WALL SIGN	24 SF	MARKET	SOUTH	BARNARD
	PW 6	PAINTED WALL SIGN	24 SF	MARKET	SOUTH	BARNARD
	PW 7	PAINTED WALL SIGN	60 SF	MARKET	SOUTH	BARNARD
	PW 8	PAINTED WALL SIGN	36 SF	MARKET	SOUTH	BARNARD
	PW 9	PAINTED WALL SIGN	54 SF	MARKET	SOUTH	BARNARD
	PW 10	PAINTED WALL SIGN	182 SF	MARKET	SOUTH	BARNARD
	PW 11	PAINTED WALL SIGN	60 SF	MARKET	NORTH	MICHIGAN
	11	TOTAL PAINTED WALL SIGNS	1030 SF			
PROJECTING SIGNS						
	P 1	PROJECTING SIGN	32 SF	MARKET	NORTH- FACING E/W	MICHIGAN
	P 2	PROJECTING SIGN	13 SF	MARKET	NORTH- FACING N/S	MICHIGAN
	P 3	PROJECTING SIGN	32 SF	MARKET	WEST- FACING N/S	LARCH
	P 4	PROJECTING SIGN	48 SF	HOTEL	NORTH- FACING E/W	MICHIGAN
	4	TOTAL PROJECTING SIGNS	125 SF			







W1 - (not shown on
this drawing)
362 sf

W2 - 584 sf

W4 - 132 sf

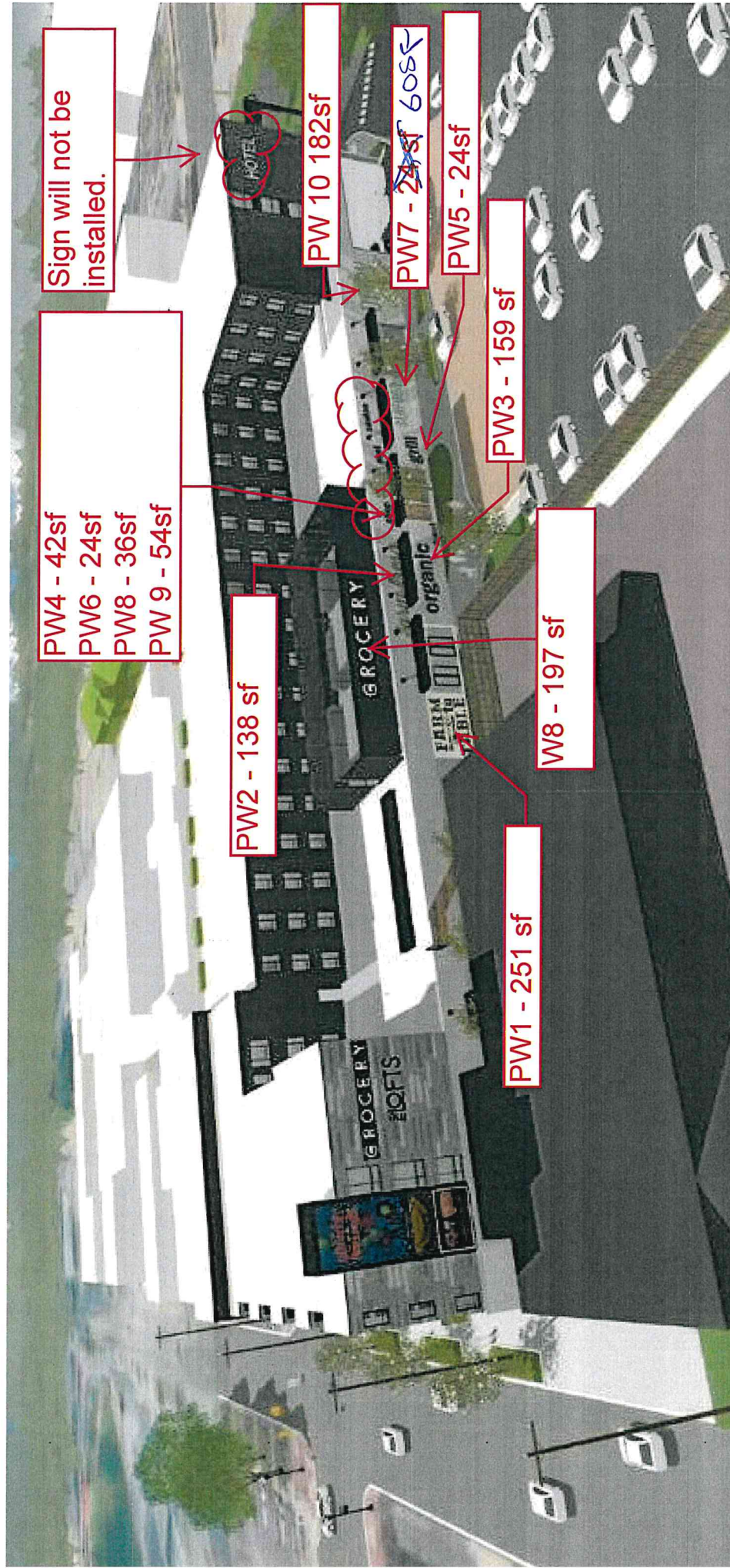
W3 - 362 sf

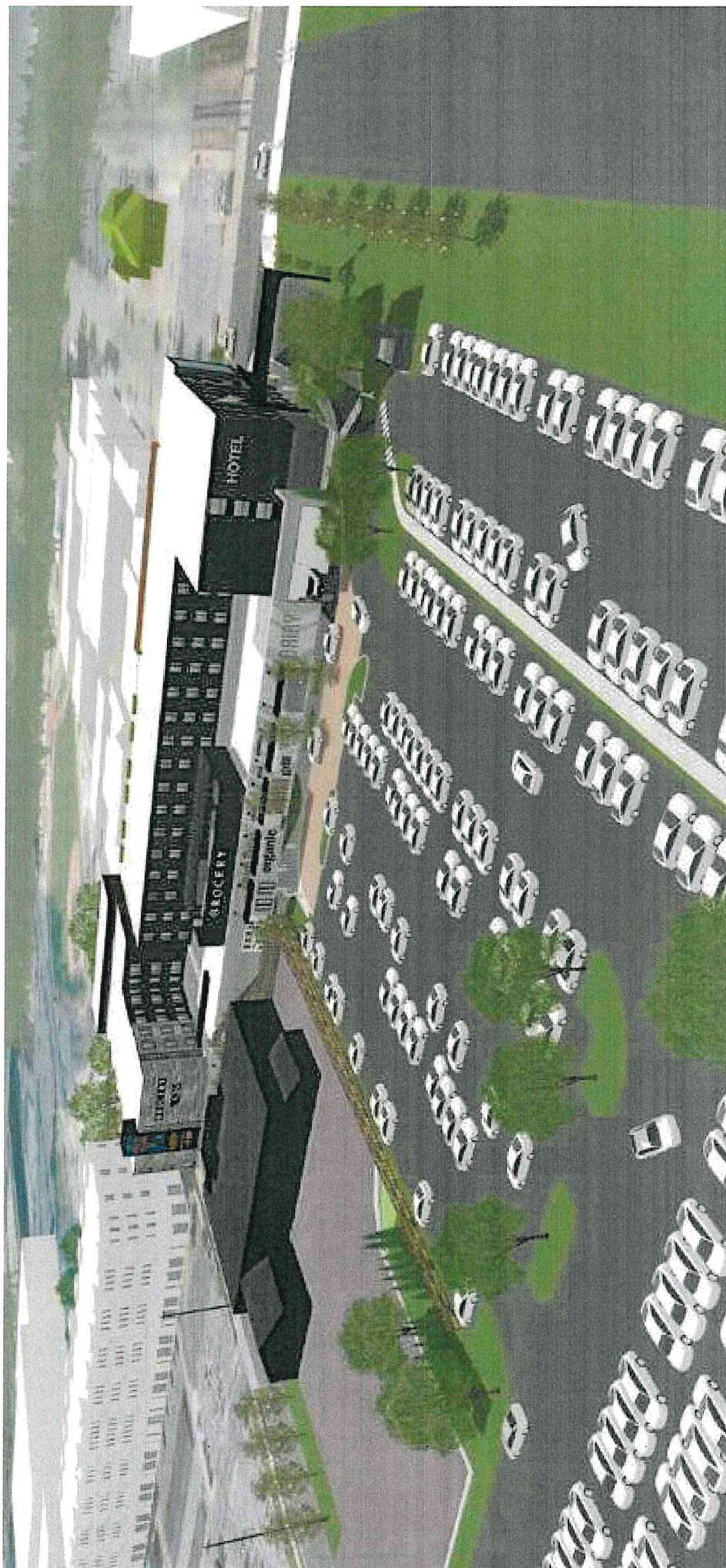
P2 - 13 sf

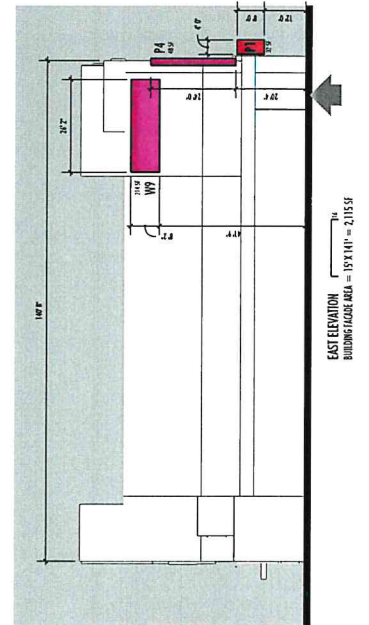
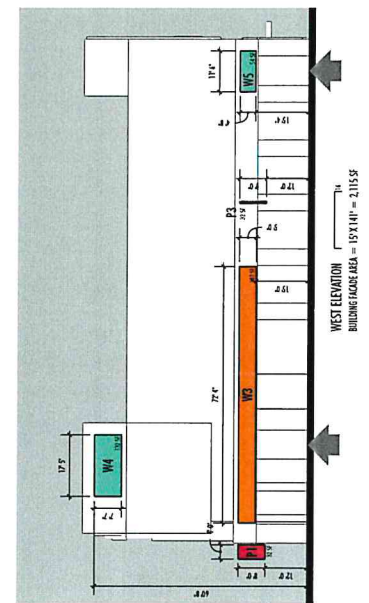
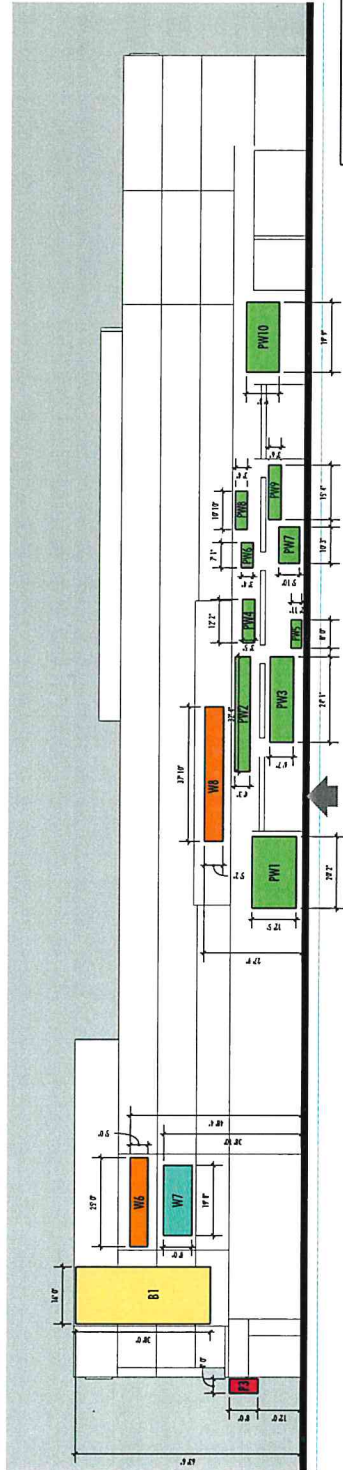
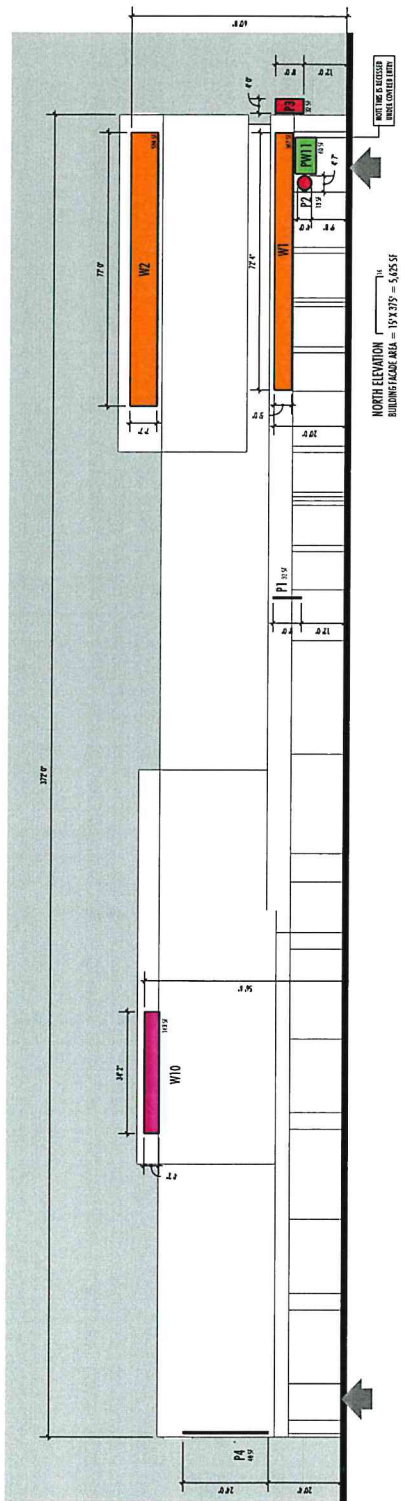
No variances
req wireless



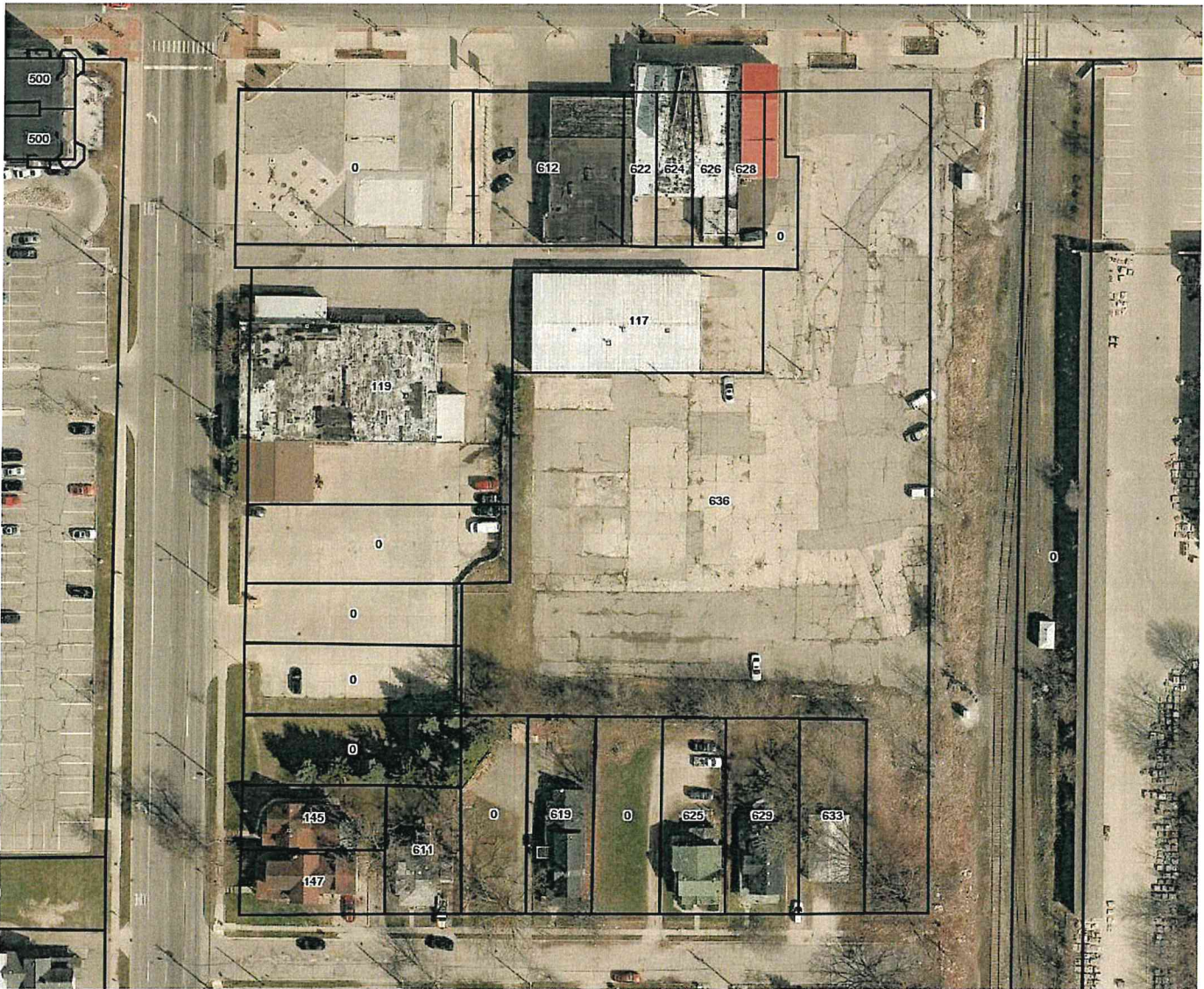








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GENERAL INFORMATION

APPLICANT: 3208 MLK, Inc.
32411 Mound Road
Warren, MI 48092

OWNER: WIRT Financial Service
3520 Davenport Avenue
Saginaw, MI 48602

REQUESTED ACTION: Variance to the 500 foot separation requirement between two medical marijuana provisioning centers

EXISTING LAND USE: Vacant Commercial Building

EXISTING ZONING: "H" Light Industrial District

PROPERTY SIZE & SHAPE: Slightly Irregular Shaped Lot – 25,043 square feet

SURROUNDING LAND USE: N: Commercial
S: Commercial
E: Commercial
W: Commercial

SURROUNDING ZONING: N: "H" Light Industrial District
S: "H" Light Industrial District
E: "F" Commercial District
W: "F" Commercial District

MASTER PLAN DESIGNATION: The Design Lansing Master Plan designates the subject property as "community mixed use center". S. ML King is designated as a major arterial.

REQUEST

This is a request by 3208 MLK, Inc. for a variance to permit a medical marijuana provisioning center at 3208 S. ML King that would be located approximately 360 feet from another proposed provisioning center at 3218 S. ML King. Section 1300.13(A)(2) of City Ordinance 1217 prohibits a medical marijuana dispensary within 500 feet of another medical marijuana dispensary. A variance to the required separation distance between the 2 provisioning centers is therefore, being requested.

Required	Proposed	Variance
500 foot separation	360 foot separation	140 feet

ANALYSIS

On September 7, 2017, the City Council adopted Ordinance No. 1217 regulating medical marijuana facilities. Section 1300.13 of the Ordinance requires a 500 foot separation between medical marijuana provisioning centers. The distance is measured from nearest edge of building to nearest edge of building, along the centerline of the street (see attached). Section 1300.18 of the Ordinance authorizes the Board of Zoning Appeals to grant variances from the separation distance requirements. The criteria that the Board must consider in determining whether to grant a variance to the separation requirement is different from the criteria used to evaluate variances to the Zoning Ordinance. In this case, the Board does not have to establish that a practical difficulty or unnecessary hardship exists that warrants relief from the ordinance standard. Section 1300.18 (3) of Ordinance 1217 states that, in making its decision on variances to separation requirements, the Board shall consider all of the following:

1. The amount of time, if any, that the applicant has been operating in compliance with this chapter at the present location.

The applicant had been operating a provisioning center on the subject property in compliance with the City's zoning policies regulating medical marijuana provisioning centers at the time. For several years, the City was treating medical marijuana provisioning centers as general retail uses and permitting them by right in all commercial and industrial zoning districts. The property at 3208 S. ML King is zoned "H" Light Industrial, which district permits retail operations as a matter of right. When it was determined in 2016 that there were too many provisioning centers in the City, the Council enacted a moratorium preventing any more provisioning centers from opening until such time as the City had an ordinance in place to regulate them. The ordinance that was adopted in 2017 allows for 25 licenses to operate medical marijuana provisioning centers in the City. The City received 87 license applications for the first 20 licenses that will eventually be issued. The applications have been reviewed in accordance with a scoring system developed by the City Clerk's Office. The applicant and the other 3 applicants that have applied for variances scored in the top 20 of the 87 applications that were received. If the variances are approved, the applications will remain in consideration for issuance of the initial 20 licenses. If denied, they could all be excluded from any further consideration. In the alternative, 2 of them that are separated by more than 500 feet could still be considered.

2. The extent to which the applicant has demonstrated a commitment to the land use and public nuisance concerns in the surrounding neighborhood.

The applicant had been operating a provisioning center on the subject property some time ago when the City was allowing such businesses by right in any zoning district that permits retail uses. The applicant ceased operations when instructed to do so by the City and/or the State until the licensing for such facilities is finalized. During the time that the applicant's center was in business, the City did not receive any complaints about its operations. The building and the site are well maintained. There are no illegal signs or debris on the site and parking is more than adequate to accommodate the provisioning center. In addition, the applicant's proposal for the center scored in the top 20 of the 87 licensing applications that were received. If approved, the applicant intends to make substantial improvements to the appearance of the building (see attached rendering).

3. The distance between the applicant's location and any medical marijuana provisioning center that is within 500 feet of the applicant's location.

The applicant's provisioning center would be located approximately 360 feet from the proposed provisioning center at 3218 S. ML King. The owner of that provisioning center is also seeking a variance. If approved, both applicants will continue to be considered for issuance of a license although approval of the variances does not guarantee that either of them will be issued a license.

4. The need for a provisioning center at the location in order to provide the safe and efficient access to medical marijuana with the City.

If all of the requested variances are approved, 4 of the total 25 provisioning centers that will eventually be issued licenses in the City would be located within about 700 feet of each other. The alternative is to spread the facilities out along the corridors. While this would eliminate a concentration of provisioning centers in one particular area, it would result in them being located in more geographic areas of the City, some of which may not be as appropriate and compatible with the surrounding areas as those that are the subject of the current variance requests. Some of the benefits to allowing several provisioning centers in the 3200-3300 blocks of S. ML King is that none of them would adjoin any residential uses, the area is already characterized by high impact commercial uses and the transportation system is designed to accommodate the traffic generated by the centers. S. ML King is one of the City's primary commercial corridors where businesses have a high level of exposure to some of the highest traffic volumes in the City. From a planning standpoint, provisioning centers should be concentrated along major commercial corridors where there is easy access to public transportation and the roadway is designed to accommodate high volumes of traffic.

5. The character of the structure and its surroundings.

As depicted on the attached photographs, the building and the site are well maintained and consistent with the character of the area in which it is located. With regard to the business itself, the City is not aware of any negative impacts on the surrounding area that were caused by the provisioning center while it was in operation. If approved for issuance of a license, the applicant intends to make substantial improvements to the appearance of the building which will enhance the area in which it is located.

6. The impact of the variance on the character of the structure's surroundings and owners of other properties in the vicinity.

Unlike most commercial businesses along S. ML King, the subject property and the property at 3218 S. ML King do not adjoin any residential properties. Both sites are completely surrounded by commercial uses. The nearest residential property is on the east side of S. ML King, more than 300 feet to the north. The proposed provisioning center, therefore, will have no impact on any residential properties and nor will it change the character of the surrounding area.

The majority of the commercial businesses in the vicinity of the subject property are fast-food restaurants, automotive-service establishments and convenience retail uses that generate a high volume of business on daily basis. All of these types of uses are permitted by right on the subject property. While provisioning centers also generate a high volume of business, the level of activity and the amount of traffic will be no greater than many uses that could be established on the property as a matter right or by the majority of other businesses already existing in the area. Furthermore, S. ML King is a major arterial that is designed to accommodate a high volume of traffic.

FINDINGS

This is a request by 3208 MLK, Inc. for a variance to permit a medical marijuana provisioning center at 3208 S. ML King that would be located approximately 360 feet from another proposed provisioning center at 3218 S. ML King. Section 1300.13(A)(2) of City Ordinance 1217 prohibits a medical marijuana dispensary within 500 feet of another medical marijuana dispensary. A variance to the required separation distance between the 2 provisioning centers is therefore, being requested.

The available information supports a finding that the requested variance is consistent with the criteria listed in Section 1300.18(3) of the City's ordinance regulating medical marijuana facilities (Ordinance No. 1217).

RECOMMENDATION

Based on the information and findings described above, the following motion is offered for the Board's consideration:

BZA 4043.18 be approved for a variance of 140 feet to the required 500 foot separation between a medical marijuana provisioning center at 3208 S. ML King and a medical marijuana provisioning center at 3218 S. ML King, on a finding that the variance is consistent with the variance evaluation criteria set forth in Section 1300.18(3) of Ordinance 1217, as detailed in the staff report for this application.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

Measurement

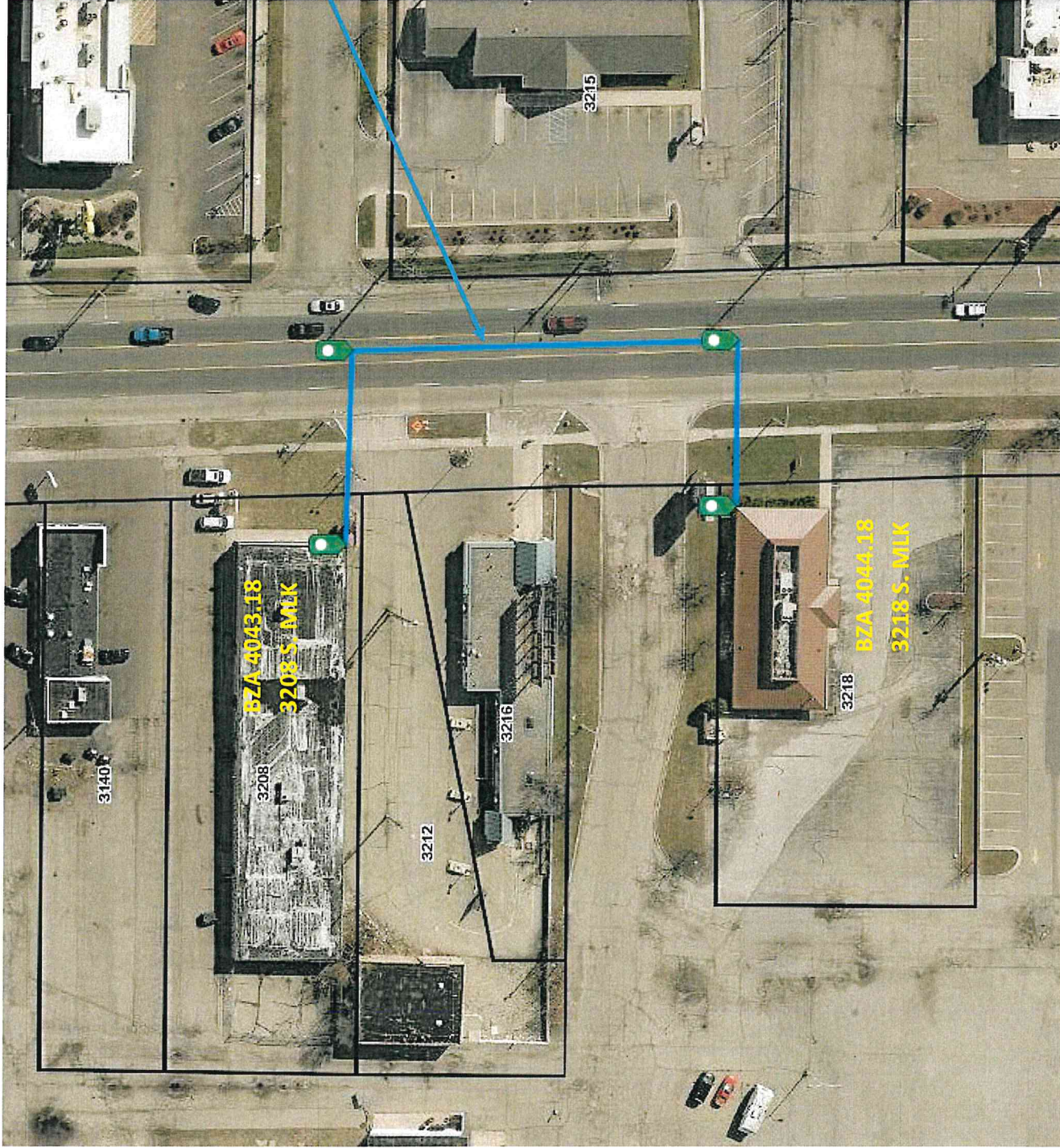


Feet ▾

Measurement Result

360 Feet

Clear



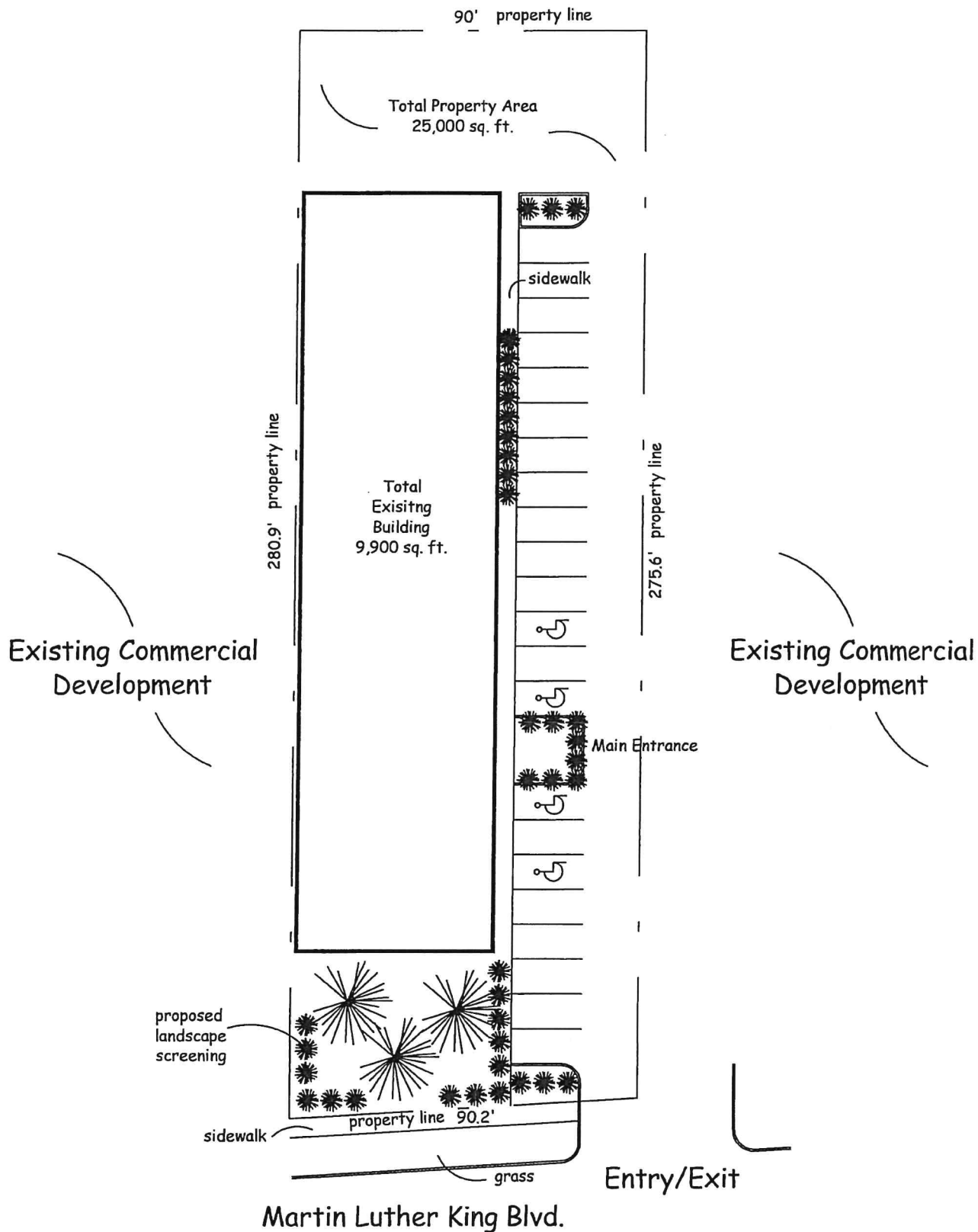


Before



After

**Proposed Provisioning Center
3208 South Martin Luther King Blvd. Lansing, Mi.**

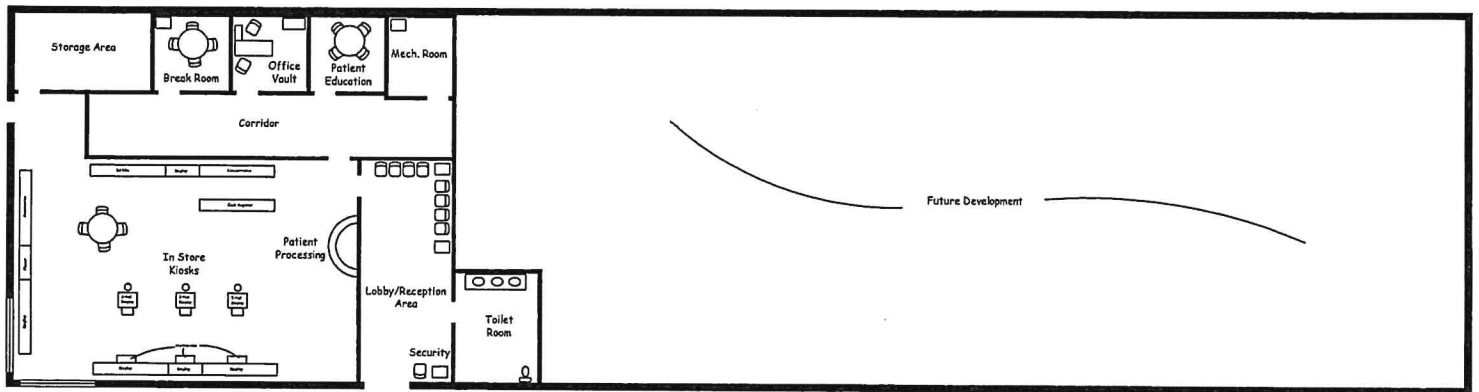


Site Plan

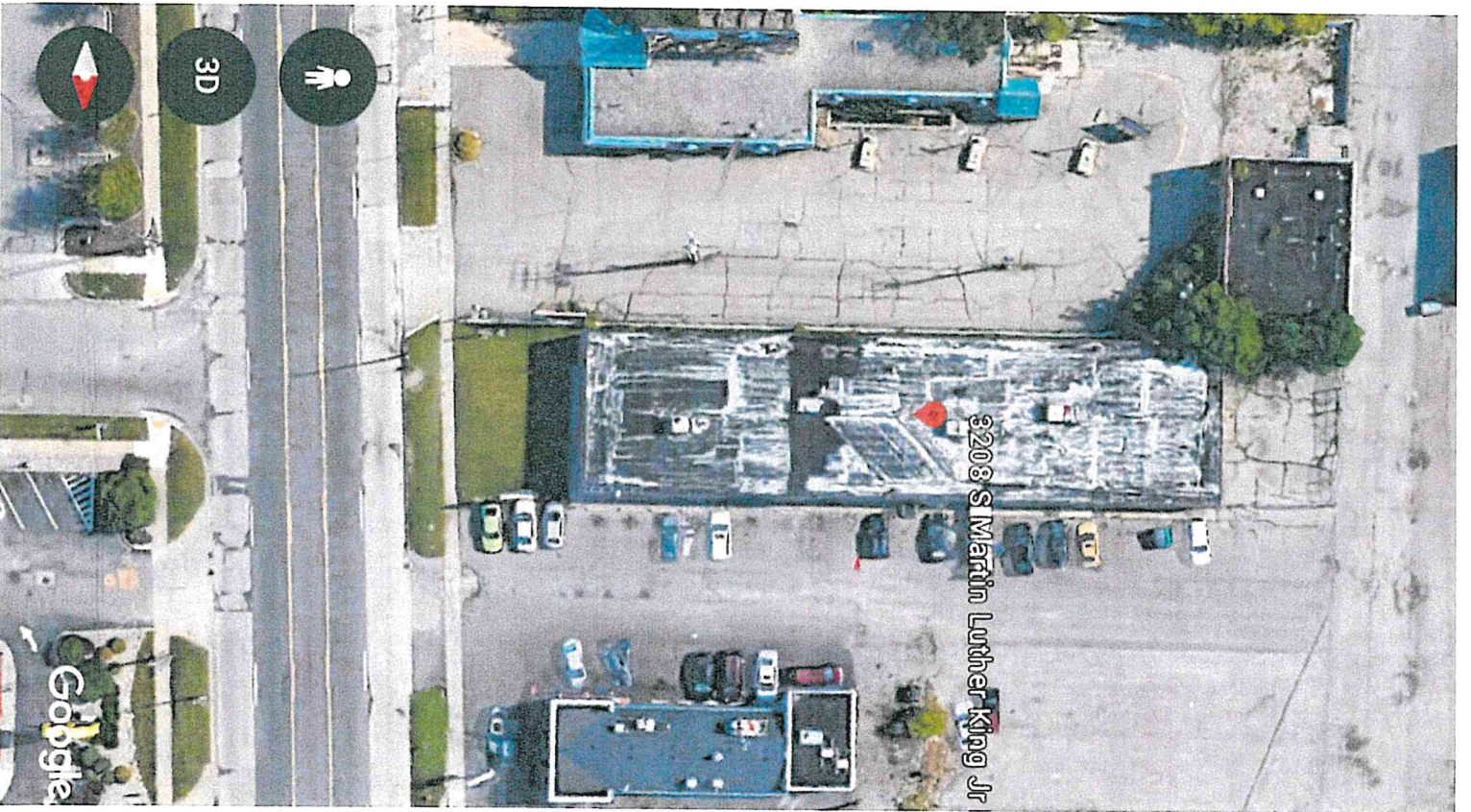
Proposed Provisioning Center
Existing Building
3208 South Martin Luther King Blvd.
Lansing, Mi. 48910

0' 10' 30' 50'





Floor Plan
Proposed Provisioning Center
3208 South Martin Luther King Blvd. Lansing, MI 48910
Total Building Square Footage 9,900
Total Square Footage of Provisioning Center 3,200



LOCATION AND DISTANCE TO BUFFERED USES

3208 MLK Inc. is located a distance greater than all required for buffered uses.

- a. The closest school is as follows: (1,000 feet per 1300.13(A)(1))

Lansing Charter Academy – 4,127 feet

- b. The closest library is as follows: (500 feet per 1300.13(A)(2))

John W. Chi Memorial Medical Library – 4,787 feet

- c. The closest public playground is as follows: (500 feet per 1300.13(A)(2))

Washington Park – 3,934 feet

- d. The closest commercial childcare organization (non-home occupation) is as follows:
(500 feet per 1300.13(A)(2))

Lorretta's Daycare – 1,834 feet

- e. The closest church is as follows: (500 feet per 1300.13(A)(2))

Lansing Church of the Brethren – 1,861 feet

- f. The closest substance abuse prevention services or substance abuse treatment and
rehabilitation services is as follows: (500 feet per 1300.13(A)(2))

Mid-Michigan Recovery Services Inc. – 1,719 feet

FACILITY PACKAGING, DISPOSAL AND SANITATION PLAN

3208 MLK Inc. sets forth the following facility sanitation plan to protect against any marihuana being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any marihuana will be rendered unusable upon disposal with disposal by on-site burning or introduction in the sewerage system being prohibited.

1. 3208 MLK Inc. will be utilizing a Zivelo system. Zivelo is a self-service kiosk. The individual goes to a kiosk and places their order. The staff verifies the individual's credentials and hands the individual a pre-sealed Mylar bag.

2. Absolutely no consumption of marihuana shall be permitted on the premises. Therefore, there should be no on-site burning of any kind.

3. Since consumption of marihuana is prohibited on-site, there should be no waste from any empty Mylar bags for the provisioning center to dispose.

4. Under the City Ordinance, disposal of medical marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with state law;

5. Our disposal plan will not have any disposal of marihuana or any product infused with cannabis at any time. We will only dispose of common office supplies and that would be considered minimal at any time.

6. Any marihuana that is not sold to either an individual patient or caregiver would be sold to a licensed marihuana processor for conversion into an infused cannabis product. Monitoring would be tracked using the METRC seed-to-sale tracking system.

7. Under our disposal plan, there will be no liquid waste that would require treatment before it enters the septic system.

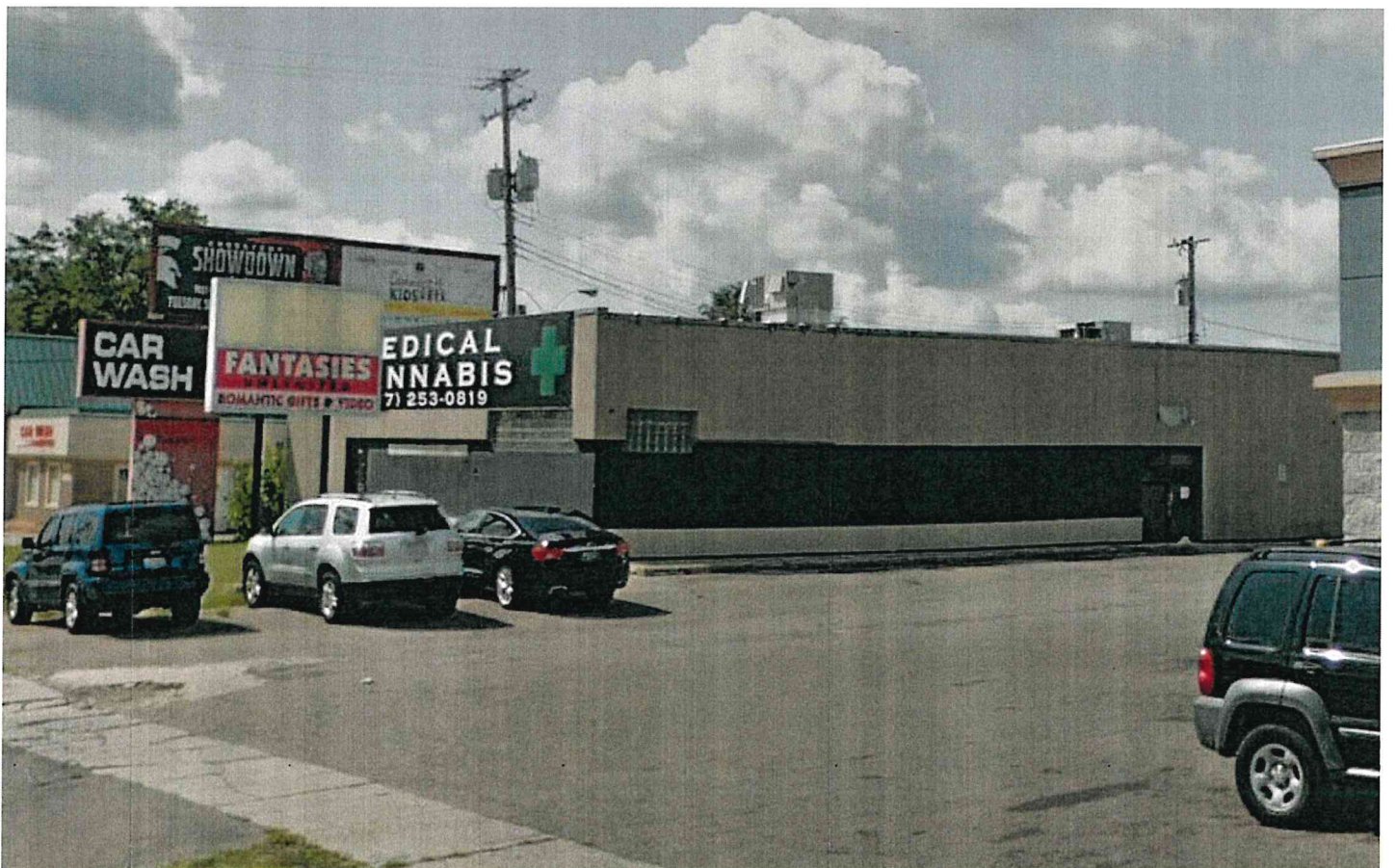
8. Any marihuana product waste will be disposed of in accordance with Rule 36(4) of the Emergency Rules for the Medical Marihuana Facilities Licensing Act filed with the Secretary of State on December 4, 2017:

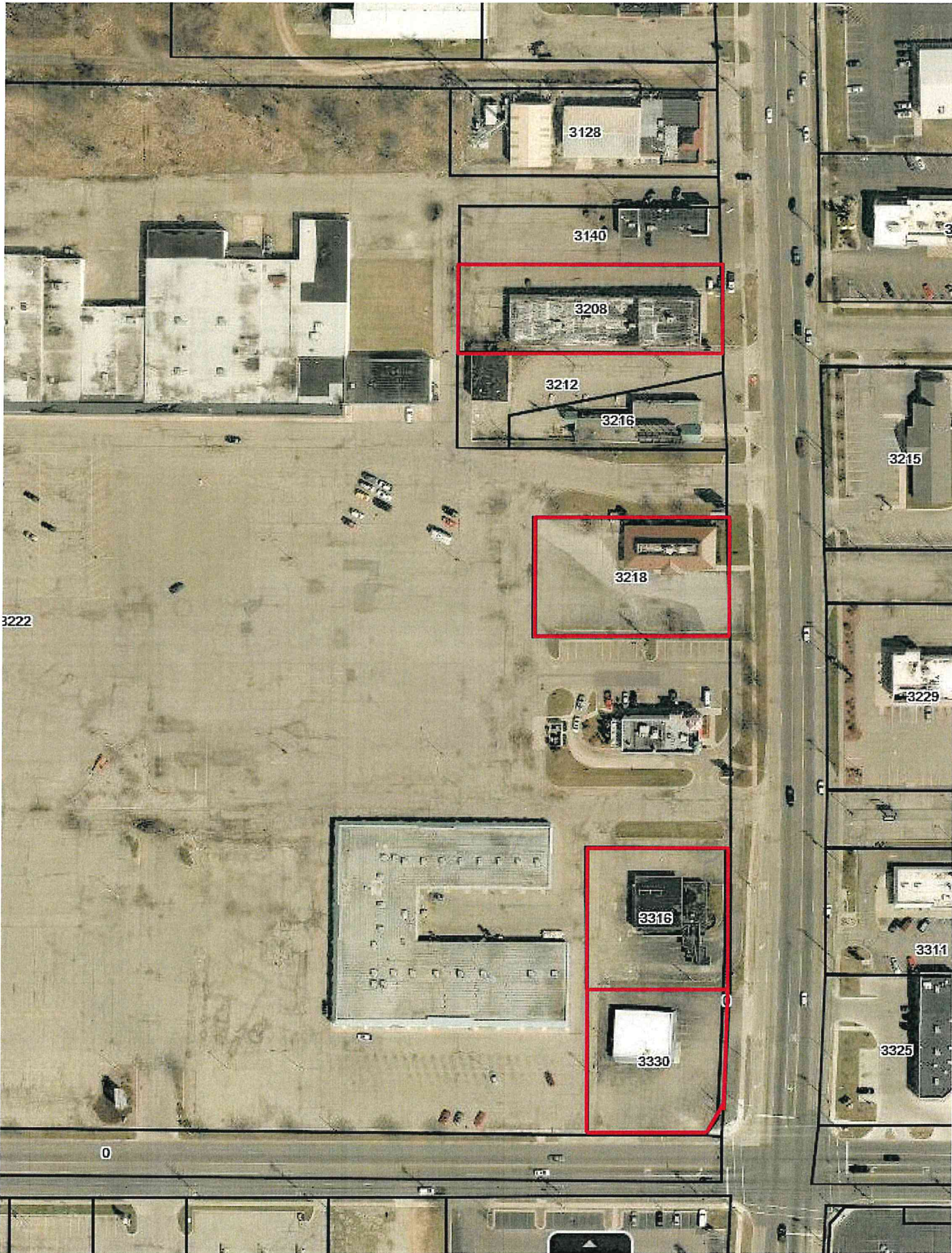
(4) A licensee shall dispose of marihuana product waste in a secured waste receptacle using 1 or more of the following:

- (a) A manned and permitted solid waste landfill.
- (b) A manned compostable materials operation or facility.
- (c) An in-vessel digester.
- (d) In a manner in compliance with applicable state and local laws and regulations.

9. Any office waste shall be separated into recycling materials and non-recycling materials and shall be disposed of in a dumpster to be picked up by a local commercial refuse hauler.

3208 S. M. L. King





Legend

roads_final

FEMA Flood Zones

Flood Zone

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

A

AE

Tax Parcels

A Residential-Single

B Residential-Single

C Residential-2 Unit

NONE

CUP Community Unit, Per

D-1 Professional Office

D-2 Residential Office

DM-1 Residential-Multiple

DM-2 Residential-Multiple

DM-3 Residential-Multiple

DM-4 Residential-Multiple

E-1 Apartment Shop

E-2 Local Shopping

F Commercial

F-1 Commercial

G-1 Business

G-2 Wholesale

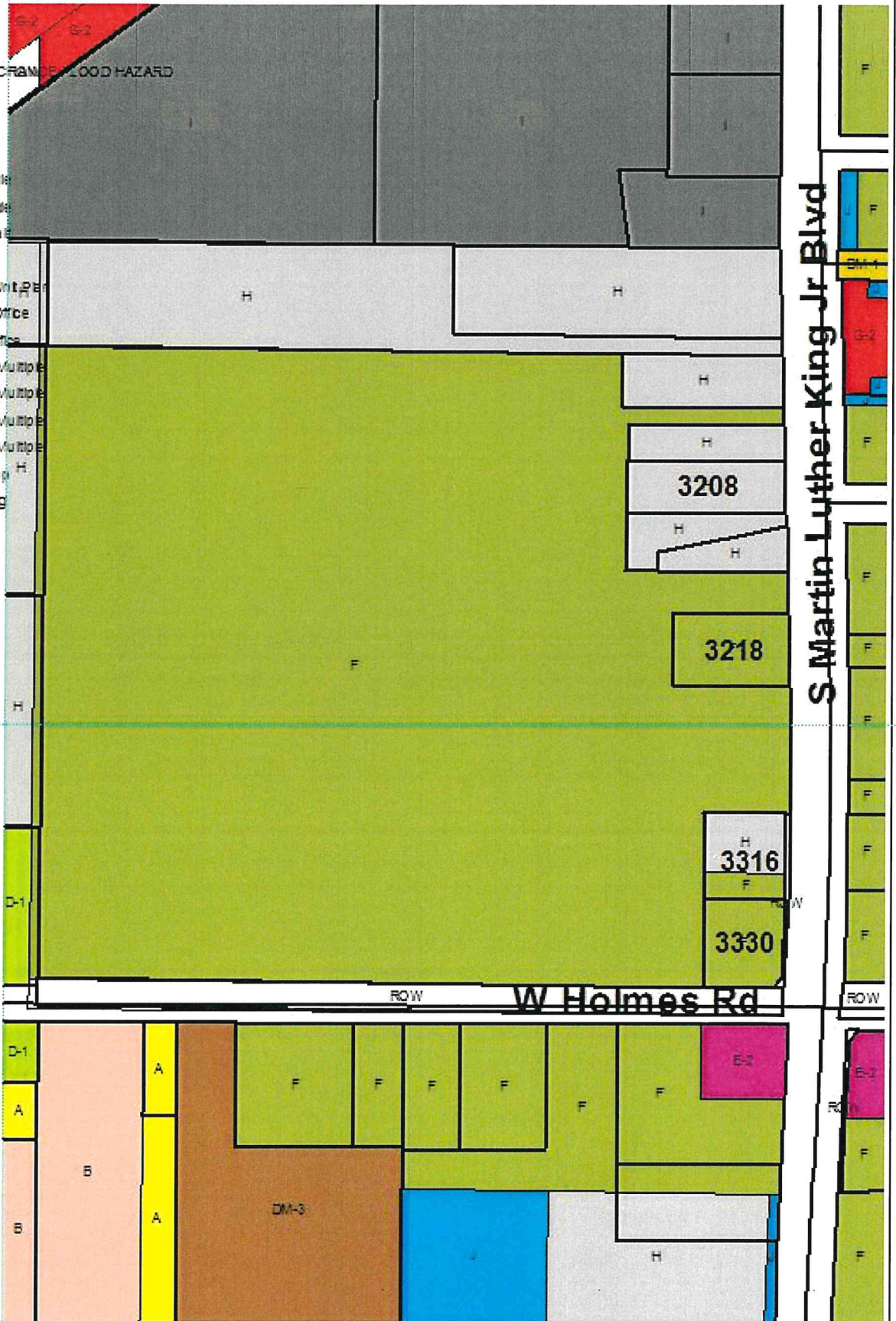
H Light Industrial

I Heavy Industrial

J Parking

ROW Right of Way

City of Lansing Zoning Map



GENERAL INFORMATION

APPLICANT: 1385 S. Huron Retail, LLC
28 W. Adams Road, Suite 1550
Detroit, MI 48226

OWNER: Tri City Foods, Inc.
150 N. Oliver Avenue
Wichita, Kansas 67208

REQUESTED ACTION: Variance to the 500 foot separation requirement between two medical marijuana provisioning centers

EXISTING LAND USE: Vacant Commercial Building

EXISTING ZONING: "F" Commercial District

PROPERTY SIZE & SHAPE: Slightly Irregular Shaped Lot – 26,523 square feet

SURROUNDING LAND USE: N: Commercial
S: Commercial
E: Commercial
W: Commercial

SURROUNDING ZONING: N: "F" Commercial District
S: "F" Commercial District
E: "F" Commercial District
W: "F" Commercial District

MASTER PLAN DESIGNATION: The Design Lansing Master Plan designates the subject property as "community mixed use center". S. ML King is designated as a major arterial.

REQUEST

This is a request by 1385 S. Huron Retail, LLC for a variance to permit a medical marijuana provisioning center at 3218 S. ML King that would be located approximately 360 feet from another proposed provisioning center at 3208 S. ML King. Section 1300.13(A)(2) of City Ordinance 1217 prohibits a medical marijuana dispensary within 500 feet of another medical marijuana dispensary. A variance to the required separation distance between the 2 provisioning centers is therefore, being requested.

Required	Proposed	Variance
500 foot separation	360 foot separation	140 feet

ANALYSIS

On September 7, 2017, the City Council adopted Ordinance No. 1217 regulating medical marijuana facilities. Section 1300.13 of the Ordinance requires a 500 foot separation between medical marijuana provisioning centers. The distance is measured from nearest edge of building to nearest edge of building, along the centerline of the street (see attached). Section 1300.18 of the Ordinance authorizes the Board of Zoning Appeals to grant variances from the separation distance requirements. The criteria that the Board must consider in determining whether to grant a variance to the separation requirement is different from the criteria used to evaluate variances to the Zoning Ordinance. In this case, the Board does not have to establish that a practical difficulty or unnecessary hardship exists that warrants relief from the ordinance standard. Section 1300.18 (3) of Ordinance 1217 states that, in making its decision on variances to separation requirements, the Board shall consider all of the following:

1. The amount of time, if any, that the applicant has been operating in compliance with this chapter at the present location.

The applicant has not been operating a provisioning center on the subject property. The ordinance that was adopted in 2017 allows for 25 licenses to operate medical marijuana provisioning centers in the City. The City received 87 license applications for the first 20 licenses that will eventually be issued. The applications have been reviewed in accordance with a scoring system developed by the City Clerk's Office. The applicant and the other 3 applicants that have applied for variances scored in the top 20 of the 87 applications that were received. If the variances are approved, the applications will remain in consideration for issuance of the initial 20 licenses. If denied, they could all be excluded from any further consideration. In the alternative, 2 of them that are separated by more than 500 feet could still be considered.

2. The extent to which the applicant has demonstrated a commitment to the land use and public nuisance concerns in the surrounding neighborhood.

As evidenced by the attached photographs, the building and the site are well maintained. There are no illegal signs or debris on the site and parking is more than adequate to accommodate the provisioning center. In addition, the applicant's proposal for the center scored in the top 20 of the 87 licensing applications that were received. If approved, the applicant intends to make improvements to the site (repaving/re-striping the parking lot and upgrades to the exterior lighting) and to the appearance of the building, although no renderings have been provided.

3. **The distance between the applicant's location and any medical marijuana provisioning center that is within 500 feet of the applicant's location.**

The applicant's provisioning center would be located approximately 360 feet from the proposed provisioning center at 3208 S. ML King. The owner of that provisioning center is also seeking a variance. If approved, both applicants will continue to be considered for issuance of a license although approval of the variances does not guarantee that either of them will be issued a license.

4. **The need for a provisioning center at the location in order to provide the safe and efficient access to medical marijuana with the City.**

If all of the requested variances are approved, 4 of the total 25 provisioning centers that will eventually be issued licenses in the City would be located within about 700 feet of each other. The alternative is to spread the facilities out along the corridors. While this would eliminate a concentration of provisioning centers in one particular area, it would result in them being located in more geographic areas of the City, some of which may not be as appropriate and compatible with the surrounding areas as those that are the subject of the current variance requests. Some of the benefits to allowing several provisioning centers in the 3200-3300 blocks of S. ML King is that none of them would adjoin any residential uses, the area is already characterized by high impact commercial uses and the transportation system is designed to accommodate the traffic generated by the centers. S. ML King is one of the City's primary commercial corridors where businesses have a high level of exposure to some of the highest traffic volumes in the City. From a planning standpoint, provisioning centers should be concentrated along major commercial corridors where there is easy access to public transportation and the roadway is designed to accommodate high volumes of traffic.

5. **The character of the structure and its surroundings.**

As depicted on the attached photographs, the building and the site are well maintained and consistent with the character of the area in which it is located. If approved for issuance of a license, the applicant intends to make substantial improvements to the building and the site which will enhance the area in which it is located.

6. **The impact of the variance on the character of the structure's surroundings and owners of other properties in the vicinity.**

Unlike most commercial businesses along S. ML King, the subject property and the property at 3208 S. ML King do not adjoin any residential properties. Both sites are completely surrounded by commercial uses. The nearest residential property is on

the east side of S. ML King, more than 570 feet to the north. The proposed provisioning center, therefore, will have no impact on any residential properties and nor will it change the character of the surrounding area.

The majority of the commercial businesses in the vicinity of the subject property are fast-food restaurants, automotive-service establishments and convenience retail uses that generate a high volume of business on daily basis. All of these types of uses are permitted by right on the subject property. While provisioning centers also generate a high volume of business, the level of activity and the amount of traffic will be no greater than many uses that could be established on the property as a matter right or by the majority of other businesses already existing in the area. Furthermore, S. ML King is a major arterial that is designed to accommodate a high volume of traffic.

FINDINGS

This is a request by 1385 S. Huron Retail, LLC for a variance to permit a medical marijuana provisioning center at 3218 S. ML King that would be located approximately 360 feet from another proposed provisioning center at 3208 S. ML King. Section 1300.13(A)(2) of City Ordinance 1217 prohibits a medical marijuana dispensary within 500 feet of another medical marijuana dispensary. A variance to the required separation distance between the 2 provisioning centers is therefore, being requested.

The available information supports a finding that the requested variance is consistent with the criteria listed in Section 1300.18(3) of the City's ordinance regulating medical marijuana facilities (Ordinance No. 1217).

RECOMMENDATION

Based on the information and findings described above, the following motion is offered for the Board's consideration:

BZA 4044.18 be approved for a variance of 140 feet to the required 500 foot separation between a medical marijuana provisioning center at 3218 S. ML King and a medical marijuana provisioning center at 3208 S. ML King, on a finding that the variance is consistent with the variance evaluation criteria set forth in Section 1300.18(3) of Ordinance 1217, as detailed in the staff report for this application.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

Measurement



| Feet ▾

Measurement Result

360 Feet

Clear

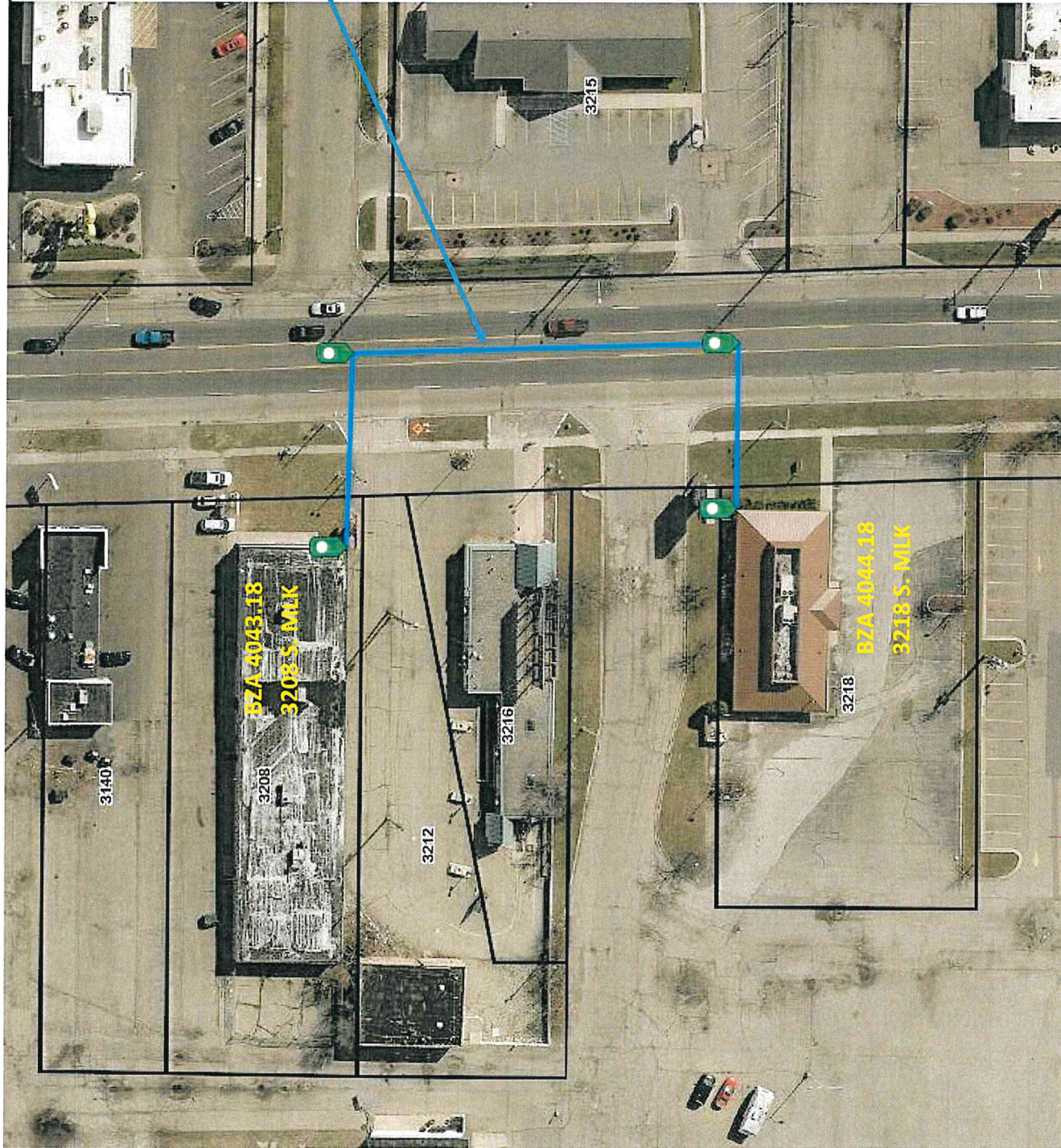


Exhibit A

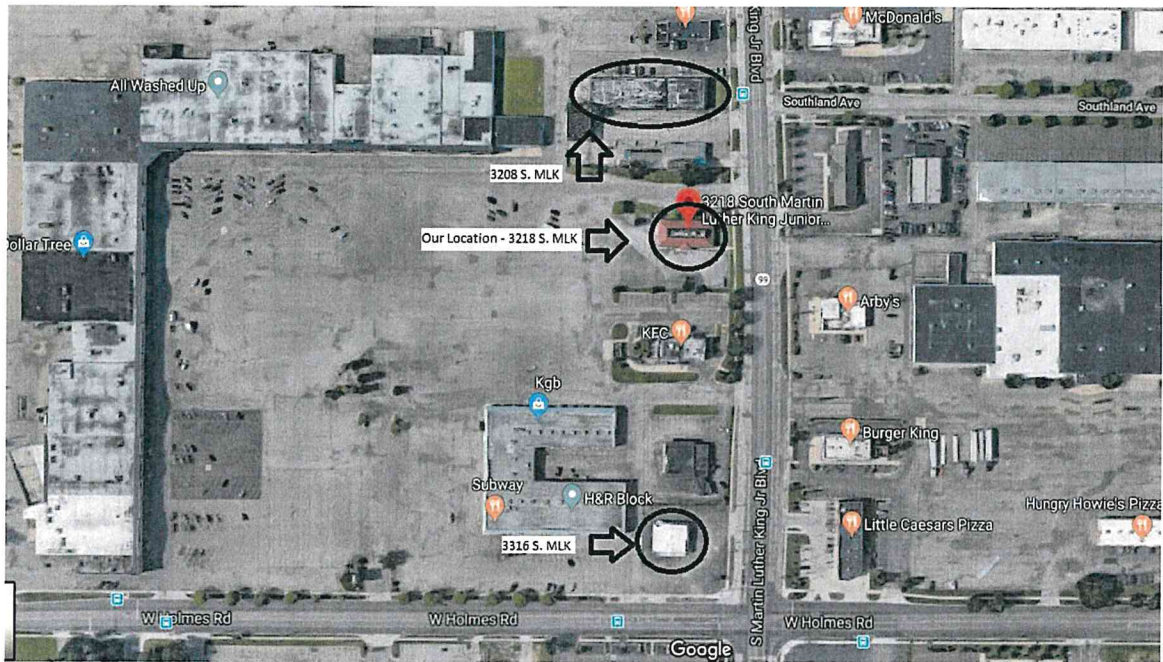
Describe or explain your proposal for this property

The current building is vacant. If granted this variance (along with a City of Lansing marijuana provisioning center license), the applicant intends to renovate the interior and exterior of the building, completely, for use of the building as a marijuana provisioning center. The location of the exterior walls of the building, along with the location of curb cuts and parking spaces within the parcel will remain unchanged. Any aesthetic upgrades made to these exterior items (e.g. the parking lot will be repaved and restriped to better accommodate vehicles) will only serve to beautify the premises and make it more accessible to vehicles and pedestrians without impairing its natural utility.

Exhibit B

If this petition is not granted, explain how your proposal will be affected

There are two applicants vying to operate provisioning centers within 500 feet of this location. See map below showing the location of the three provisioning centers.



If this petition is not granted, due to the current Lansing zoning code that disallows the operation of provisioning centers within 500 feet of one another, the applicant will not be able to operate this location as a marijuana provisioning center. The applicant, when it applied for a provisioning center license, did not know the ultimate location of nearby provisioning centers, and therefore, has not caused this hardship. Furthermore, this hardship is unique to this property in the sense that only a handful of locations in Lansing have been found to violate this current zoning code.

This building has been vacant for many years, and will, likely, continue to remain vacant if this petition is not granted. The granting of this petition will enable the applicant to redevelop the parcel and turn this abandoned building into a revitalized location and a destination retail spot. If granted the petition, the applicant will (at a tremendous capital cost) develop the parcel into a provisioning center, with a spacious lobby, well-lit displays, informational plaques and booklets, resplendent lighting and all the comforts of a first-class retail establishment, ensuring customers an extraordinary shopping experience. The applicant will follow all legal and best practices guidelines in Michigan and maintain the utmost quality in all facets of its operations to ensure that it meets local, regional, and statewide demand for cannabis products in a professional, aesthetically pleasing and luxurious manner.

This parcel sits nearby other retail establishments, and the proposed use will increase pedestrian traffic to this area, benefitting nearby retail establishments. The exterior of the building currently does not benefit other retail establishments in the area. Windows are darkened, the parking lot is in disrepair and paint is chipping in certain areas. The applicant will fix all these items and also add exterior materials and paint that are natural in appearance and *at least* equal to in quality and material to surrounding, occupied retail establishments. In this manner, the exterior will be harmonious with, and complement, the surrounding retail area.

With respect to vehicular and pedestrian traffic, Martin Luther King Jr. Boulevard is a five-lane major roadway that provides access to large commercial strips within a large radius; the traffic to and from the provisioning center does not significantly impact Martin Luther King Jr. Boulevard since this street is a major thoroughfare. Moreover, there is sidewalk access to the facility that can accommodate any pedestrian (non-vehicular) traffic. Granting this petition will make vehicular and pedestrian traffic no more hazardous than is normal for the area involved.

This location also has adequate parking for its customers. The facility parking lot contains over 30 parking spaces. At no time will the applicant's customers need to park in any residential area, side street, or alley way. The on-site parking lot is large enough to handle all the location's needs.

The location, size, intensity, site layout, and periods of operations of the proposed use will be designed to eliminate possible nuisances emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights. All construction and development will be done in a first-class manner and in accordance with all rules and regulations; the applicant will also take care to ensure dust from any such construction activity does not enter any other adjoining areas by various means, such as ensuring exterior crevices (e.g. door and windows) are shut when construction is being performed. After operations have commenced, the applicant will not allow on its premises the broadcast of items such as loud music that allow for noise to be heard or vibrations to be felt in adjoining areas. Smoking or other consumption of any product on premises will be strictly prohibited, and such policy will be strictly enforced by way of security guards on the premises and employee training protocols; therefore, smoke will not emanate to any adjoining areas. The exterior will be lit in accordance with local code and regulations and will not adversely affect passing pedestrians or automobiles or adjoining areas.

The nuisance most commonly associated with provisioning centers is fumes, or odor. The applicant has submitted a plan to the City of Lansing showcasing how it intends to eliminate any possible odors emanating from the facility. Such plan is available upon request. The following is excerpted from such plan: *The applicant prevents its provisioning center from causing any type of odor by engaging in the following activities: 1. Adequate design measures to seal the building; 2. Utilizing a heating, ventilation, and cooling (HVAC) System designed to move an appropriate amount of air (cfm) throughout the facility to disperse odors; 3. Using industry standard carbon*

filters throughout the facility, including canned filters and placing filters within the HVAC system designed to purify the air; 4. Training staff to engage in odor mitigation practices; and 5. An odor complaint tracking and response plan.

The location and height of structures and joint driveways and the location, nature, and height of walls and fences will be such that the proposed use will not interfere with or discourage the appropriate development and use of adjacent land and structure or unreasonably affect their value. The structure of the building, as currently configured, is of retail in nature and is harmonious with the surrounding retail area. In fact, previously it was used as a restaurant and shoppers and other persons frequented such establishment. Given the current harmonious footprint of the building, the applicant does not plan to make any building footprint / structure alterations. The applicant would only construct a fence on or around the property if such fence was first planned and coordinated with the City of Lansing and adjoining property owners to ensure that any such fence would not interfere or discourage vehicular and pedestrian access and development on adjoining parcels. At this time, the applicant does not have plans to construct any such fence.



EXISTING
COMMERCIAL
LAND USE

SOUTH MARTIN LUTHER KING JR. BOULEVARD

MEDICAL MARTIANA PROVISIONING CENTER
3218 S. MARTIN LUTHER KING JR. BLVD.
LANSING, MI 48910
MICROBAN

DISNEY

[illegible]

BY NAME

TOP SECRET NO.

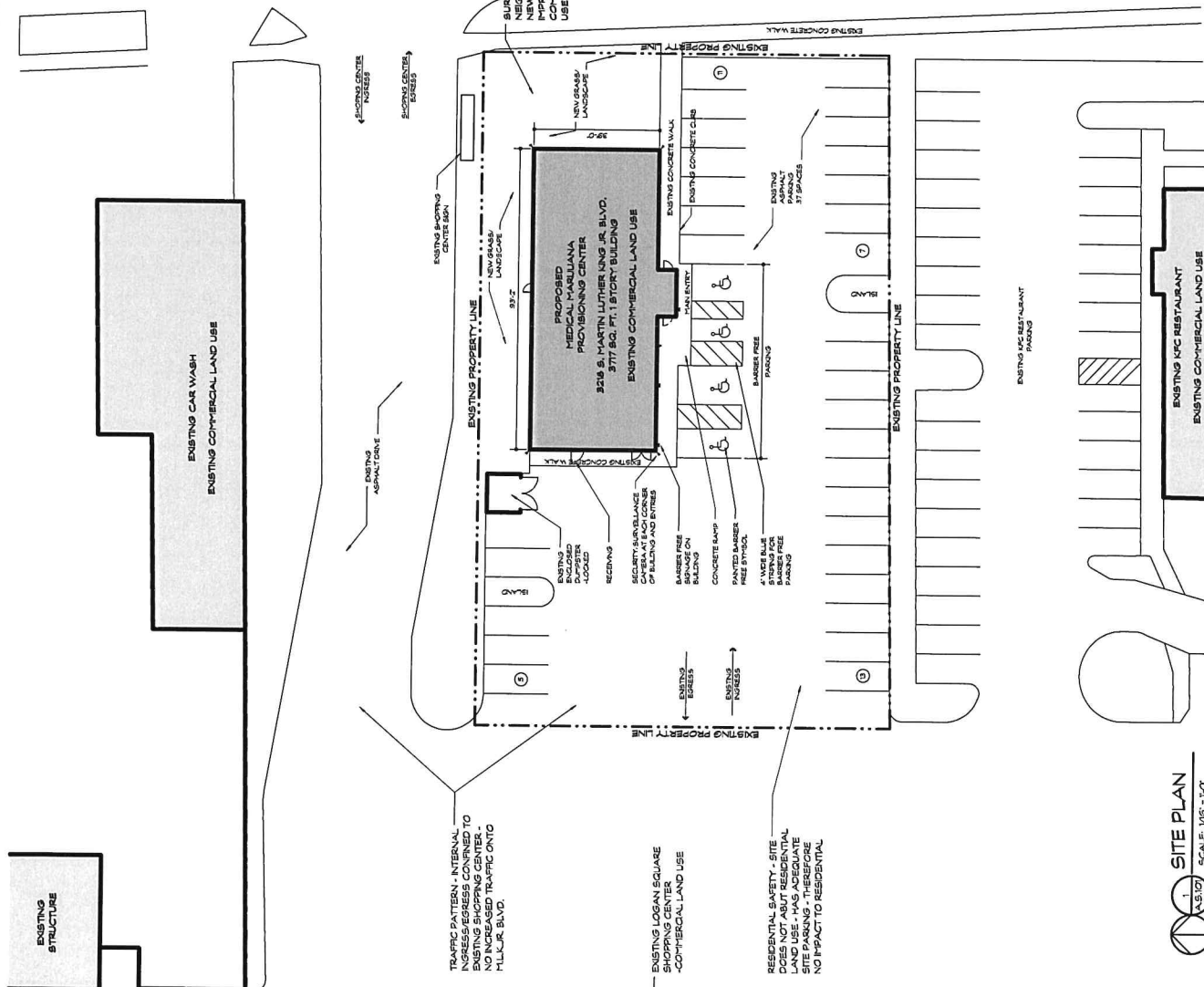
[illegible]

ENTRÉE

RESEARCH DESIGN

A.S.101

SITE LOCATION



1
AS.107
SCALE: 1/8" = 1'-0"
SITE PLAN

と

SCALE:

 $\sqrt{5}$



MICHIGAN

MEDICAL MARIJUANA PROVISIONING CENTER
3218 S. MARTIN LUTHER KING JR. BLVD.
LANSING, MI 48910

LANSING

NO.	DATE	DESCRIPTION
01	01/11/07	CONCEPT DESIGN
02	02/11/07	PRELIMINARY DESIGN
03	03/11/07	SCHEMATIC DESIGN
04	04/11/07	DESIGN DEVELOPMENT
05	05/11/07	FINAL DESIGN
06	06/11/07	CONSTRUCTION DOCUMENTS
07	07/11/07	AS-BUILT DOCUMENTS

DATE

PROJECT NO.

1111107

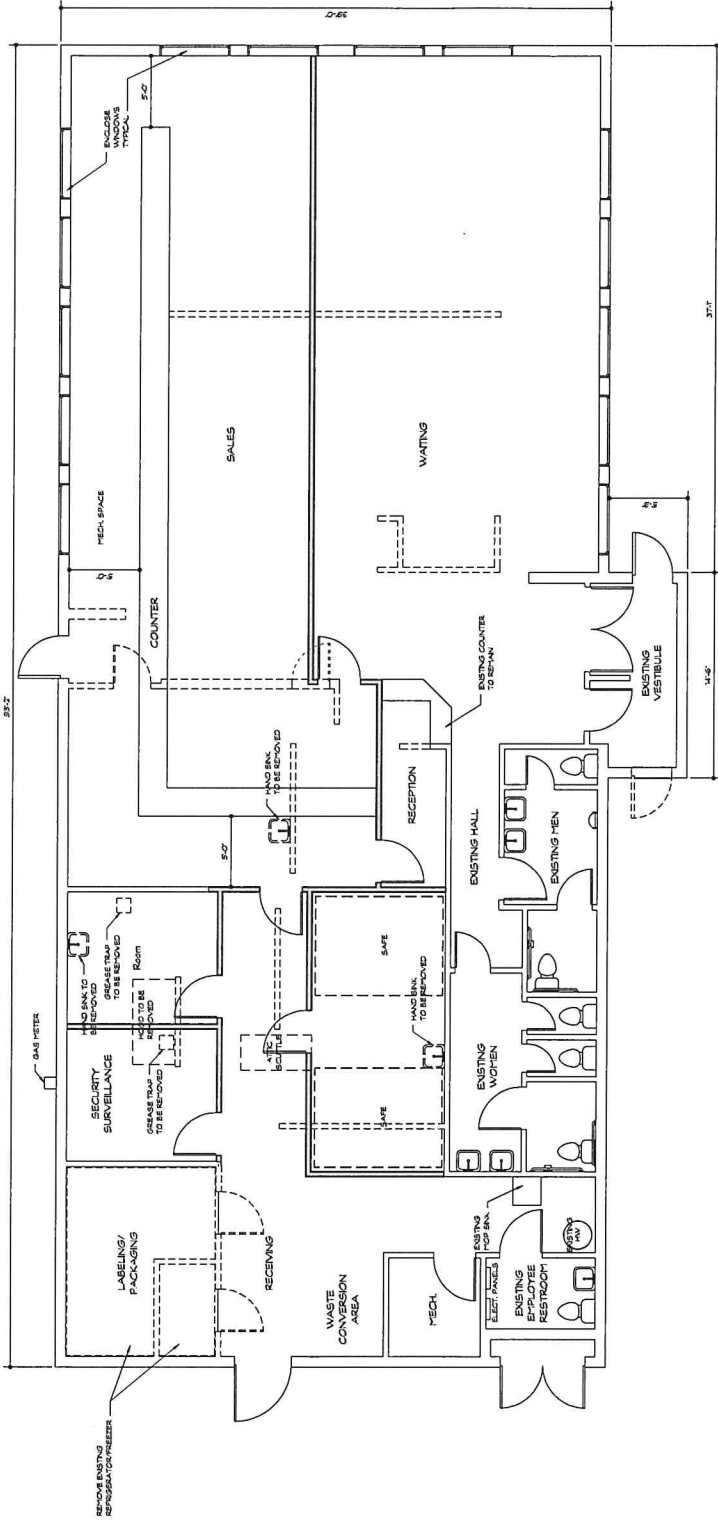
DATE

FIRST FLOOR PLAN

SCALE 1/8" = 1'-0"

A.101

WALL LEGEND
EXISTING WALL
NEW INTERIOR STUD WALL
EXISTING CONSTRUCTION TO BE DEMOLISHED



FIRST FLOOR PLAN

SCALE 1/8" = 1'-0"

CERTIFIED BOUNDARY SURVEY

3218 S MLK JR. BOULEVARD, LANSING, MI 48910

SUMMARY:

WE HAVE BEEN ENGAGED BY JARED BUNDGAARD TO DETERMINE THE DISTANCES FROM A PROPOSED PROVISIONING CENTER TO BUFFERED SITES PER CITY OF LANSING ORDINANCE 1300.13(D). ON NOVEMBER 22, 2017 WE MEASURED THE DISTANCE FROM 3218 MARTIN LUTHER KING, JR, BOULEVARD TO ANY OPERATIONAL SCHOOL WITHIN 1000 FEET OR ANY PUBLIC PLAYGROUND EQUIPMENT LOCATED IN A PARK OR A COMMERCIAL CHILD CARE ORGANIZATION OR A CHURCH OR A FACILITY AT WHICH SUBSTANCE ABUSE PREVENTION SERVICES OR SUBSTANCE ABUSE TREATMENT ARE PROVIDED OR ANOTHER MEDICAL MARIHUANA PROVISIONING CENTER WITHIN 500 FEET AND WE FOUND ZERO (0) BUFFERED USES WITHIN THE PERIMETER SET FORTH IN CITY OF LANSING CODE OF ORDINANCES SECTION 1300.13(A) AS MEASURED PURSUANT TO SECTION 1300.13(D).

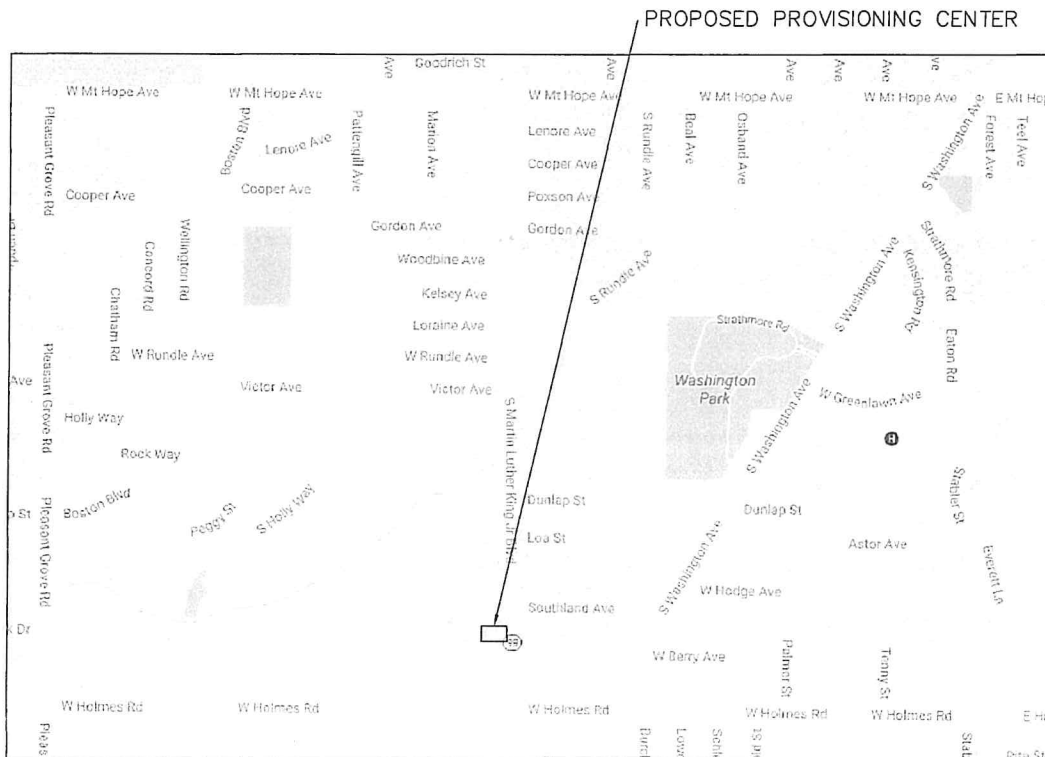
THE NEAREST BUFFERED SITE PER CITY OF LANSING CODE OF ORDINANCES 1300.13(A) WAS TITHE MISSIONARY BAPTIST CHURCH AT 1415 W. HOLMES ROAD, LANSING. THE DISTANCE AS MEASURED PER CITY OF LANSING ORDINANCE 1300.13(D) TO SAID BUFFERED SITE IS 2129.17 FEET.

IN ADDITION, THE NEAREST KNOWN POTENTIAL BUFFERED SITES DEPENDENT ON CURRENT APPLICATION FOR LICENSURE ARE THE FOLLOWING SITES, ALONG WITH DISTANCES AS MEASURED PER SAID CITY OF LANSING ORDINANCE 1300.13(D):

POTENTIAL PROVISIONING CENTER - #2833 S. MLK BOULEVARD - 1751.37 FEET
POTENTIAL PROVISIONING CENTER - #2829 S. MLK BOULEVARD - 1845.51 FEET

LOCATION MAP:

NO SCALE



KEBS, INC. KYES ENGINEERING
BRYAN LAND SURVEYS

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

13432 PRESTON DRIVE, MARSHALL, MI 49068
PH. 269-781-9800 FAX. 269-781-9805

DRAWN BY	SSF	SECTION	29, T4N, R2W
FIELD WORK BY	RR	JOB NUMBER:	
SHEET	1 OF 3		92987.BND

ERICK R. FRIESTROM

ERICK R. FRIESTROM
PROFESSIONAL SURVEYOR

11/29/17
DATE
NO. 53497

FOR: 3218 S. Martin Luthr King Jr., LLC

-  = Set 1/2" Bar with Cap
 = Found Iron as Noted
 = Survey Boundary Line
 = Distance Not to Scale
 = Fence
 = Denotes Distance to the Survey Line
 = Concrete & Asphalt

All Dimensions are in Feet and Decimals Thereof.

**KEBS, INC. KYES ENGINEERING
BRYAN LAND SURVEYS**

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

13432 PRESTON DRIVE, MARSHALL, MI 49068
PH. 269-781-9800 FAX. 269-781-9805

DRAWN BY SSF	SECTION 29, T4N, R2W
FIELD WORK BY RR	JOB NUMBER:
SHEET 2 OF 3	92987.BND

CERTIFIED BOUNDARY SURVEY

CERTIFICATE OF SURVEY:

I hereby certify only to the parties named hereon that we have surveyed at the direction of said parties, a parcel of land previously described as:

(As provided): COM 1104.54 FT E & 569.47 FT N OF S 1/4 COR SEC 29, TH N 126 FT, E 208.27 FT TO W'LY LINE M-99, S'LY ON R/W 126.09 FT, W 213 FT TO BEG; SEC 29 T4N R2W

and that we have found or set, as noted hereon, permanent markers to all corners and angle points of the boundary of said parcel and that the more particular legal description of said parcel is as follows:

A parcel of land in the Southeast 1/4 of Section 29, T4N, R2W, City of Lansing, Ingham County, Michigan, the surveyed boundary of said parcel described as: Commencing at the South 1/4 corner of said Section 29; thence S89°28'56"E along the South line of said Section 29 a distance of 1104.54 feet; thence N00°31'04"E perpendicular to said South line 569.47 feet to the point of beginning; thence continuing N00°31'04"E perpendicular to said South line 126.00 feet; thence S89°28'56"E parallel with said South line 208.27 feet to the West right-of-way line of S. Martin Luther King, Jr. Boulevard (M-99); thence along said West line the following two courses: S01°56'57"E 24.07 feet, and Southerly 102.02 feet along a curve to the right, said curve having a radius of 7423.37 feet, a delta angle of 0°47'15", and a chord of 102.02 feet bearing S01°33'19"E; thence N89°28'56"W parallel with said South line 213.00 feet to the point of beginning; said parcel containing 0.60 acre more or less; said parcel subject to all easements and restrictions if any.

WITNESSES TO SECTION CORNERS:

South 1/4 corner, Section 29, T4N, R2W, Liber 9, Page 323

Found 1" steel rod

Found nail & tag #16053 in North side utility pole, South, 24.63'

Northeast corner 1-story brick house #1505, SW, 86.15'

Northwest corner of catch basin in back of curb, N10°E, 25.32'

Center of top of fire hydrant valve stem, N70°E, 88.22'

Southeast corner, Section 29, T4N, R2W, Book 15, Page 362

Found bar & cap in monument box, in Holmes Road

Found nail & tag "Tetra-Tech", West side utility pole, North, 36.61'

Found nail & tag #39100, East side utility pole, South, 23.59'

Found nail & tag "Tetra-Tech", Northeast side utility pole, S77°E, 103.09'

Northwest foundation corner of house #715 W. Holmes Road, S30°W, 71.29'

This survey complies with the requirements of Public Act 132 of 1970, as amended, and is subject to Public Act 591 of 1996, as amended, and was performed with an error of closure no greater than a ratio of 1 in 5000.

All bearings are Michigan State Plane South Zone grid bearings obtained from GPS observations using corrections obtained from the Lansing C.O.R.S.

Erick R. Friestrom *11/27/17*

Erick R. Friestrom Date:
Professional Surveyor No. 53497



KEBS, INC. KYES ENGINEERING
BRYAN LAND SURVEYS

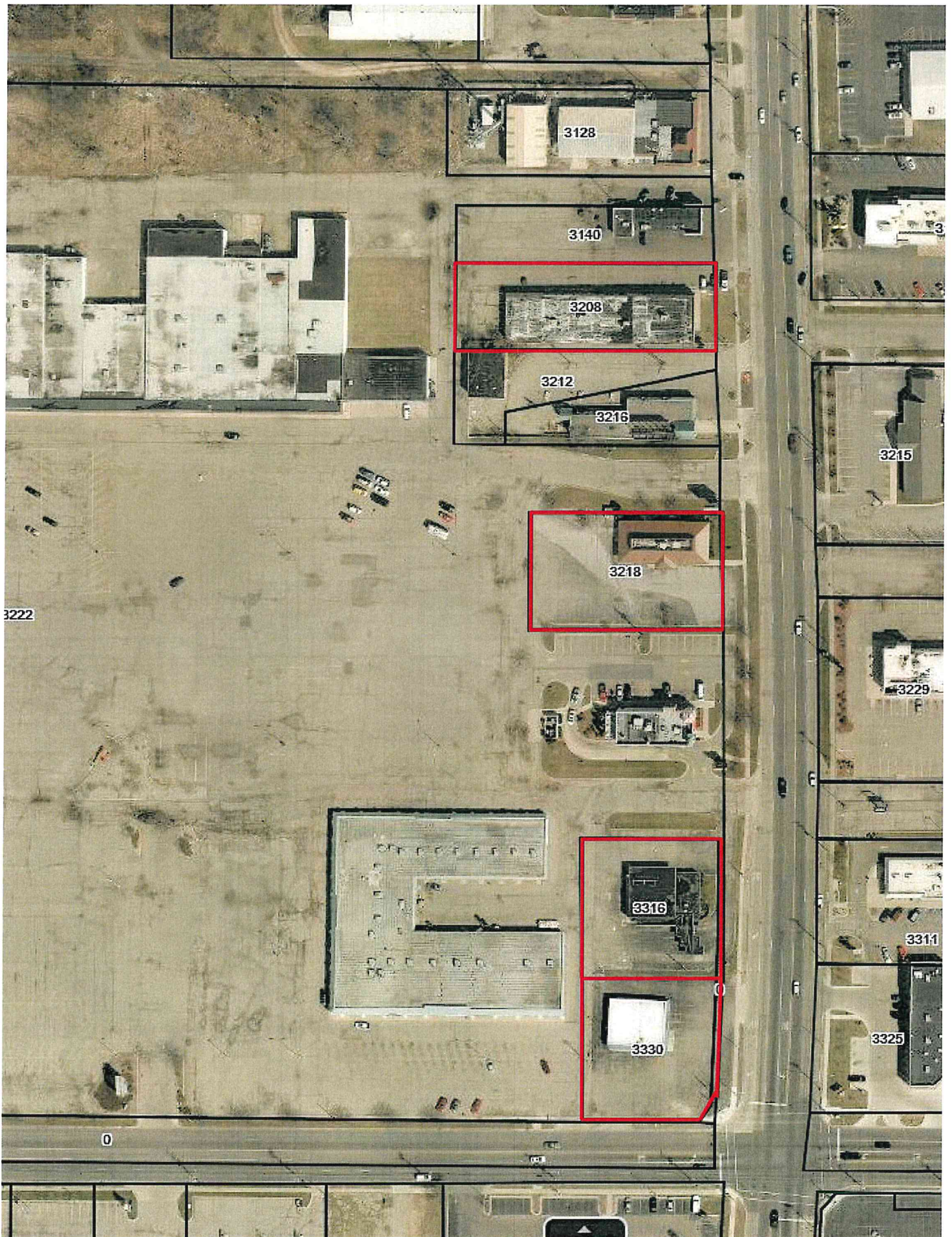
2116 HASLETT ROAD, HASLETT, MI 48840
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DRAWN BY SSF	SECTION 29, T4N, R2W
FIELD WORK BY RR	JOB NUMBER:
SHEET 3 OF 3	92987.BND

3218 S. M. L. King





Legend

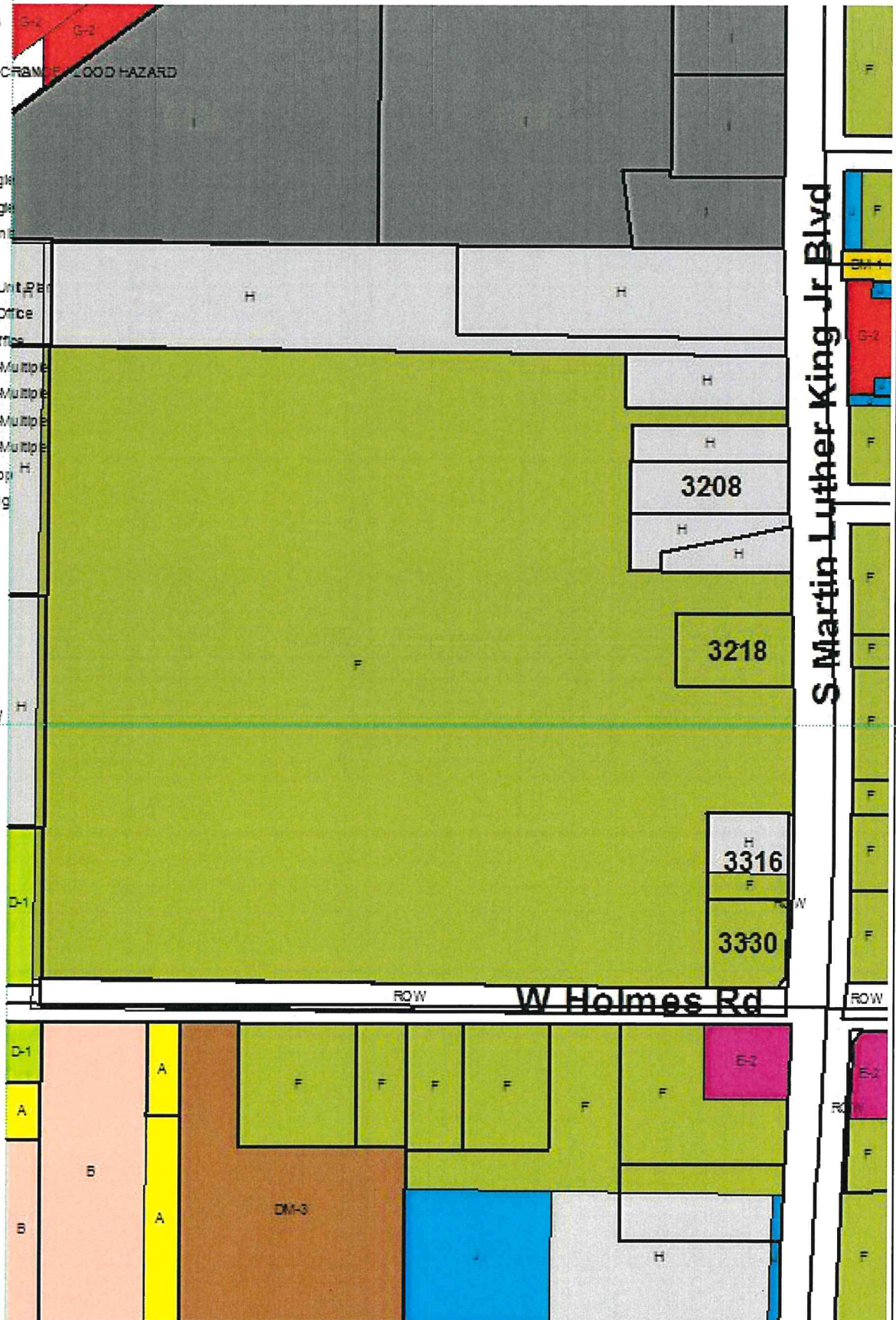
roads_final

FEMA Flood Zones

Flood Zone

-  0.2 PCT ANNUAL CHANCE FLOOD HAZARD
-  A
-  AE
-  Tax Parcels
-  A Residential-Single
-  B Residential-Single
-  C Residential-2 Unit
-  NONE
-  CUP Community Unit, Part
-  D-1 Professional Office
-  D-2 Residential Office
-  DM-1 Residential Multiple
-  DM-2 Residential Multiple
-  DM-3 Residential Multiple
-  DM-4 Residential Multiple
-  E-1 Apartment Shop
-  E-2 Local Shopping
-  F Commercial
-  F-1 Commercial
-  G-1 Business
-  G-2 Wholesale
-  H Light Industrial
-  I Heavy Industrial
-  J Parking
-  ROW Right of Way

City of Lansing Zoning Map



GENERAL INFORMATION

APPLICANT: CSHM Services, LLC
P.O. Box 27143
Lansing, MI 48909

OWNER: Lawrence Jaramillo
80 Wind N. Wood Drive
Okemos, MI 48864

REQUESTED ACTION: Variance to the 500 foot separation requirement between two medical marijuana provisioning centers

EXISTING LAND USE: Medical Marijuana Provisioning Center

EXISTING ZONING: "H" Light Industrial & "F" Commercial Districts

PROPERTY SIZE & SHAPE: Rectangular Lot
150' x 151' = 22,650 square feet

SURROUNDING LAND USE: N: Commercial
S: Commercial
E: Commercial
W: Commercial

SURROUNDING ZONING: N: "F" Commercial District
S: "F" Commercial District
E: "F" Commercial District
W: "F" Commercial District

MASTER PLAN DESIGNATION: The Design Lansing Master Plan designates the subject property as "community mixed use center". S. ML King is designated as a major arterial.

REQUEST

This is a request by CSHM Services, LLC for a variance to permit a medical marijuana provisioning center at 3316 S. ML King that would be located approximately 260 feet from another proposed provisioning center at 3330 S. ML King. Section 1300.13(A)(2) of City Ordinance 1217 prohibits a medical marijuana provisioning center within 500 feet of another medical marijuana provisioning center. A variance to the required separation distance between the 2 proposed provisioning centers is therefore, being requested.

Required	Proposed	Variance
500 foot separation	260 foot separation	240 feet

ANALYSIS

On September 7, 2017, the City Council adopted Ordinance No. 1217 regulating medical marijuana facilities. Section 1300.13 of the Ordinance requires a 500 foot separation between medical marijuana provisioning centers. The distance is measured from nearest edge of building to nearest edge of building, along the centerline of the street (see attached). Section 1300.18 of the Ordinance authorizes the Board of Zoning Appeals to grant variances from the separation distance requirements. The criteria that the Board must consider in determining whether to grant a variance to the separation requirement is different from the criteria used to evaluate variances to the Zoning Ordinance. In this case, the Board does not have to establish that a practical difficulty or unnecessary hardship exists that warrants relief from the ordinance standard. Section 1300.18 (3) of Ordinance 1217 states that, in making its decision on variances to separation requirements, the Board shall consider all of the following:

1. The amount of time, if any, that the applicant has been operating in compliance with this chapter at the present location.

The applicant has been operating a provisioning center on the subject property with approval by the State of Michigan and in compliance with the City's zoning policies regulating medical marijuana provisioning centers. For several years, the City was treating medical marijuana provisioning centers as general retail uses and permitting them by right in all commercial and industrial zoning districts. The property at 3316 S. ML King is zoned "H" Light Industrial & "F" Commercial, which districts permits retail operations as a matter of right. When it was determined in 2016 that there were too many provisioning centers in the City, the Council enacted a moratorium preventing any more provisioning centers from opening until such time as the City had an ordinance in place to regulate them. The ordinance that was adopted in 2017 allows for 25 licenses to operate medical marijuana provisioning centers in the City. The City received 87 license applications for the first 20 licenses that will eventually be issued. The applications have been reviewed in accordance with a scoring system developed by the City Clerk's Office. The applicant and the other 3 applicants that have applied for variances scored in the top 20 of the 87 applications that were received. If the variances are approved, the applications will remain in consideration for issuance of the initial 20 licenses. If denied, they could all be excluded from any further consideration. In the alternative, 2 of them that are separated by more than 500 feet could still be considered.

2. The extent to which the applicant has demonstrated a commitment to the land use and public nuisance concerns in the surrounding neighborhood.

The applicant has been operating a provisioning center on the subject property for some time now, with approval by the State of Michigan to do so. The business was established when the City was allowing such businesses by right in any zoning district that permits retail uses. Since the provisioning center has been in business, the City has not received any complaints about its operations. The building and the site are well maintained. There are no illegal signs or debris on the site and parking is more than adequate to accommodate the provisioning center. In addition, the applicant's proposal for the center scored in the top 20 of the 87 licensing applications that were received. If approved, the applicant intends to make improvements to the site (repaving/re-striping the parking lot, new landscaping and upgrades to the exterior lighting) and to the appearance of the building, although no renderings have been provided.

3. The distance between the applicant's location and any medical marijuana provisioning center that is within 500 feet of the applicant's location.

The applicant's provisioning center would be located approximately 260 feet from the proposed provisioning center at 3330 S. ML King. The owner of that provisioning center is also seeking a variance. If approved, both applicants will continue to be considered for issuance of a license although approval of the variances does not guarantee that either of them will be issued a license.

4. The need for a provisioning center at the location in order to provide the safe and efficient access to medical marijuana with the City.

If all of the requested variances are approved, 4 of the total 25 provisioning centers that will eventually be issued licenses in the City would be located within about 700 feet of each other. The alternative is to spread the facilities out along the corridors. While this would eliminate a concentration of provisioning centers in one particular area, it would result in them being located in more geographic areas of the City, some of which may not be as appropriate and compatible with the surrounding areas as those that are the subject of the current variance requests. Some of the benefits to allowing several provisioning centers in the 3200-3300 blocks of S. ML King is that none of them would adjoin any residential uses, the area is already characterized by high impact commercial uses and the transportation system is designed to accommodate the traffic generated by the centers. S. ML King is one of the City's primary commercial corridors where businesses have a high level of exposure to some of the highest traffic volumes in the City. From a planning standpoint, provisioning centers should be concentrated along major commercial corridors where there is easy access to public transportation and the roadway is designed to accommodate high volumes of traffic.

5. The character of the structure and its surroundings.

The building and the site are well maintained and consistent with the character of the area in which it is located. With regard to the business itself, the City has not received any complaints and is not aware of any negative impacts on the surrounding area that have been caused by the provisioning center since it has been in operation. If approved for issuance of a license, the applicant intends to make substantial improvements to the appearance of the building and site which will enhance the area in which it is located.

6. The impact of the variance on the character of the structure's surroundings and owners of other properties in the vicinity.

Unlike most commercial businesses along S. ML King, the subject property and the property at 3330 S. ML King do not adjoin any residential properties. Both sites are completely surrounded by commercial uses. The nearest residential property is on the east side of S. ML King, more than 900 feet to the north. The provisioning center, therefore, will have no impact on any residential properties and nor will it change the character of the surrounding area.

The majority of the commercial businesses in the vicinity of the subject property are fast-food restaurants, automotive-service establishments and convenience retail uses that generate a high volume of business on daily basis. All of these types of uses are permitted by right on the subject property. While provisioning centers also generate a high volume of business, the level of activity and the amount of traffic will be no greater than many uses that could be established on the property as a matter of right or by the majority of other businesses already existing in the area. Furthermore, S. ML King is a major arterial that is designed to accommodate a high volume of traffic.

FINDINGS

This is a request by CSHM Services, LLC for a variance to permit a medical marijuana provisioning center at 3316 S. ML King that would be located approximately 260 feet from another proposed provisioning center at 3330 S. ML King. Section 1300.13(A)(2) of City Ordinance 1217 prohibits a medical marijuana provisioning center within 500 feet of another medical marijuana provisioning center. A variance to the required separation distance between the 2 proposed provisioning centers is therefore, being requested.

The available information supports a finding that the requested variance is consistent with the criteria listed in Section 1300.18(3) of the City's ordinance regulating medical marijuana facilities (Ordinance No. 1217).

RECOMMENDATION

Based on the information and findings described above, the following motion is offered for the Board's consideration:

BZA 4045.18 be approved for a variance of 240 feet to the required 500 foot separation between a medical marijuana provisioning center at 3316 S. ML King and a medical marijuana provisioning center at 3330 S. ML King, on a finding that the variance is consistent with the variance evaluation criteria set forth in Section 1300.18(3) of Ordinance 1217, as detailed in the staff report for this application.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

Measurement

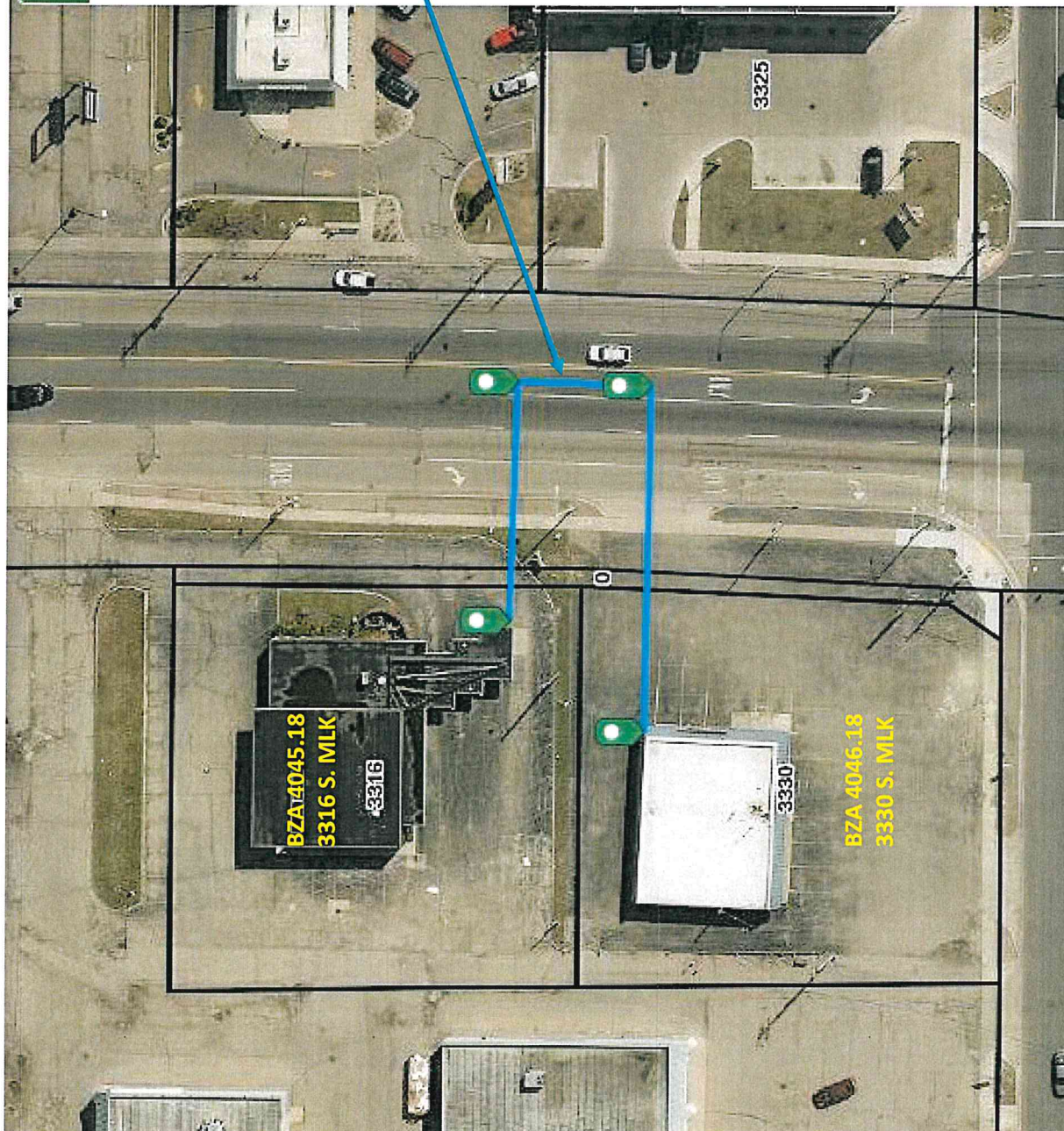


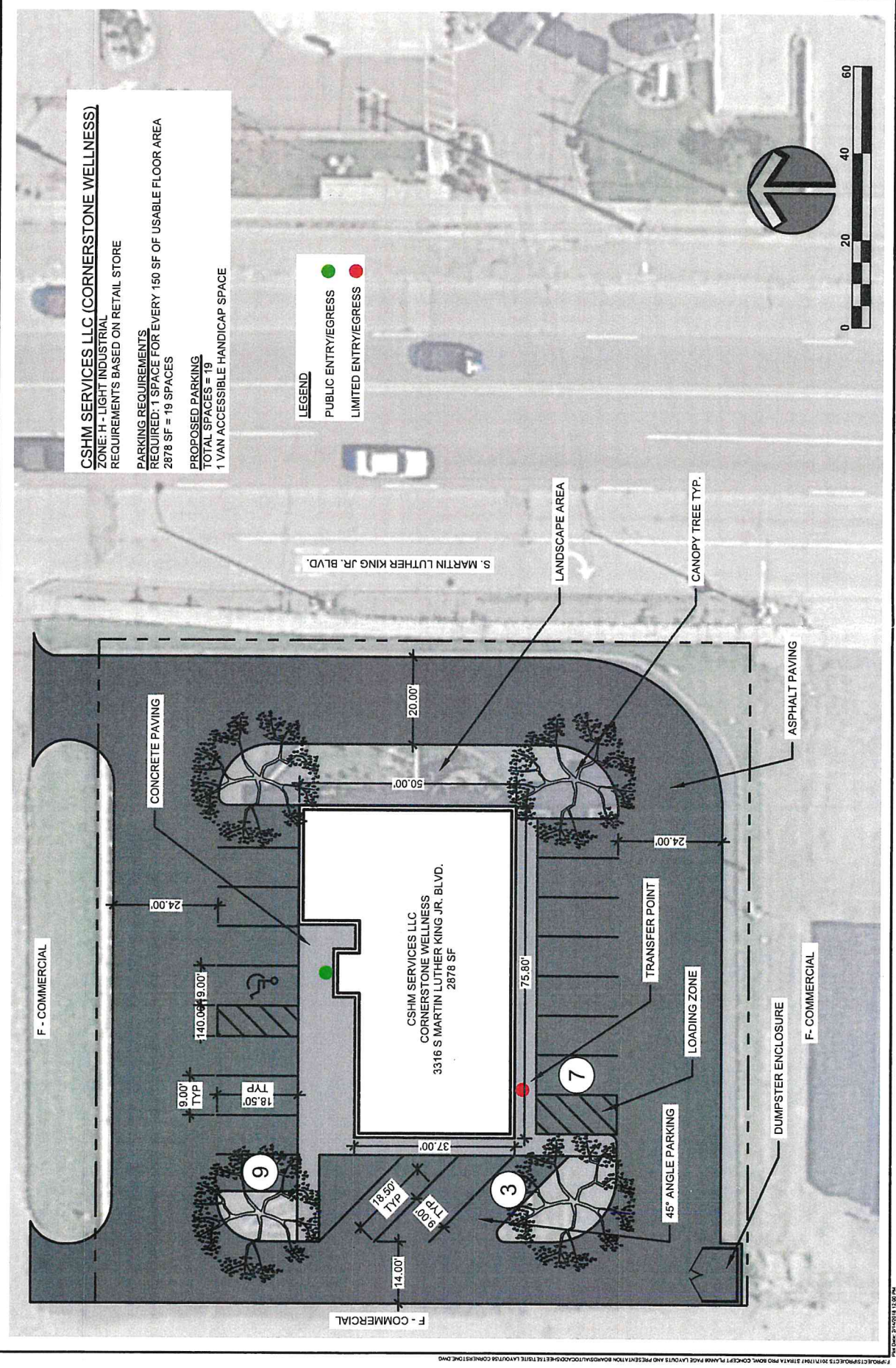
| Feet ▾

Measurement Result

260.2 Feet

Clear



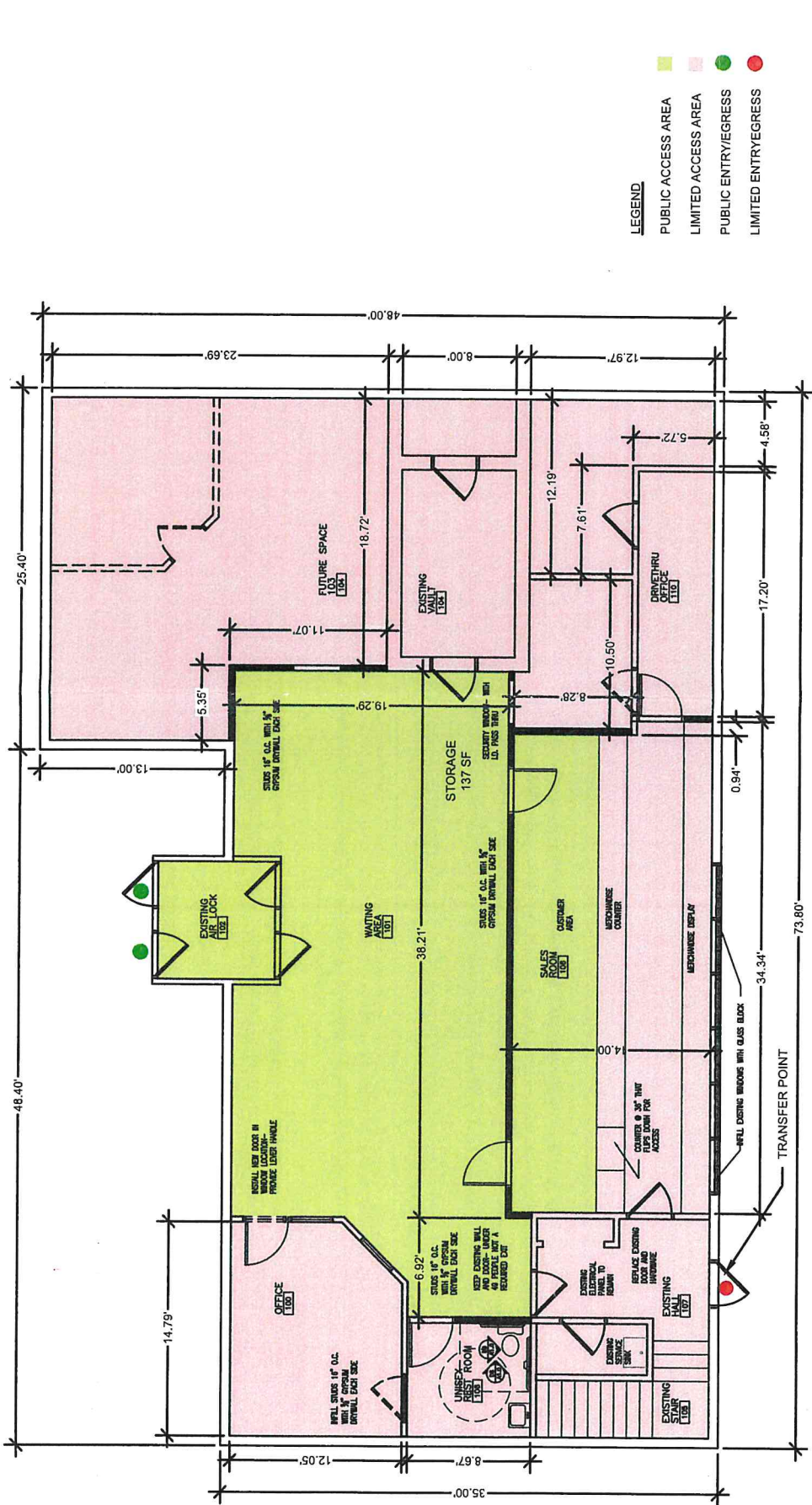


REVISIONS	DATE	COMMENTS

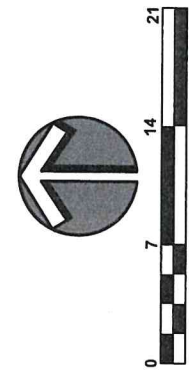
OWNER: **DQ MANUFACTURING LLC**
 PROJECT: **CSHM SERVICES LLC (CORNERSTONE WELLNESS)**

BUILDING FLOOR PLAN
 3316 S. MARTIN LUTHER KING JR. BLVD. LANSING, MI 48910

DATE: 12/10/2017	SHEET: A6
PROJECT: 170001	SCALE: 1/8" = 1'-0"
DESIGNED BY: J. HARRIS	PROJECT NO: 170001
DRAWN BY: J. HARRIS	DATE: 12/10/2017



- LEGEND**
- PUBLIC ACCESS AREA
 - LIMITED ACCESS AREA
 - PUBLIC ENTRY/EGRESS
 - LIMITED ENTRY/EGRESS



BUILDING INFORMATION
 PRE-EXISTING, FREE STANDING, SINGLE-STORY RETAIL FACILITY
 - BRICK/WOOD CONSTRUCTION

BUILDING USE
 PREVIOUS USE - BANK
 EXISTING USE - MARIJUANA RETAIL ESTABLISHMENT

STORAGE AREA
 137 SQUARE FEET

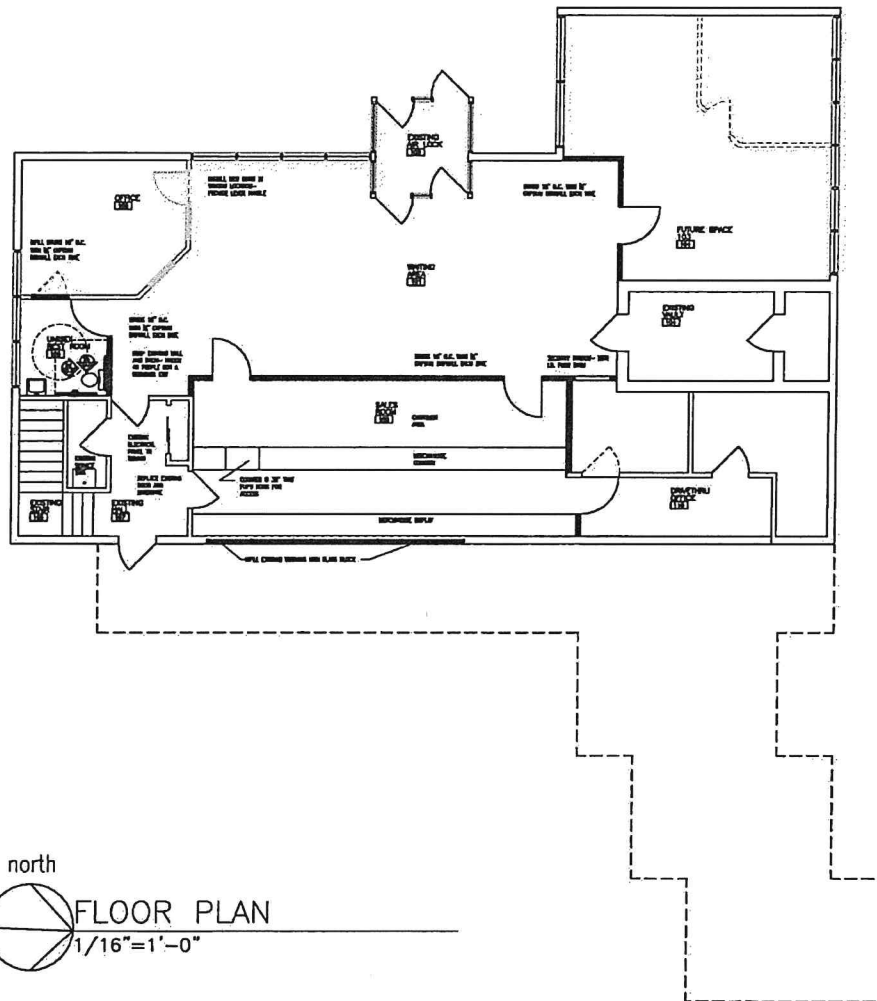
CSHM SERVICES LLC
(CORNERSTONE WELLNESS)
 3316 S MARTIN LUTHER KING JR. BLVD. LANSING MI, 48910
 ZONE: H - LIGHT INDUSTRIAL

SWANSON DESIGN STUDIOS

ARCHITECTURE

DESIGN

INTERIOR ARCHITECTURE



north
FLOOR PLAN
1/16"=1'-0"

FLOOR PLAN

CORNERSTONE WELLNESS
LANSING, MICHIGAN

DATE:
11/17

JOB NO:
2015.050

PH(517)482-9039

329 EAST GRAND RIVER AVE.

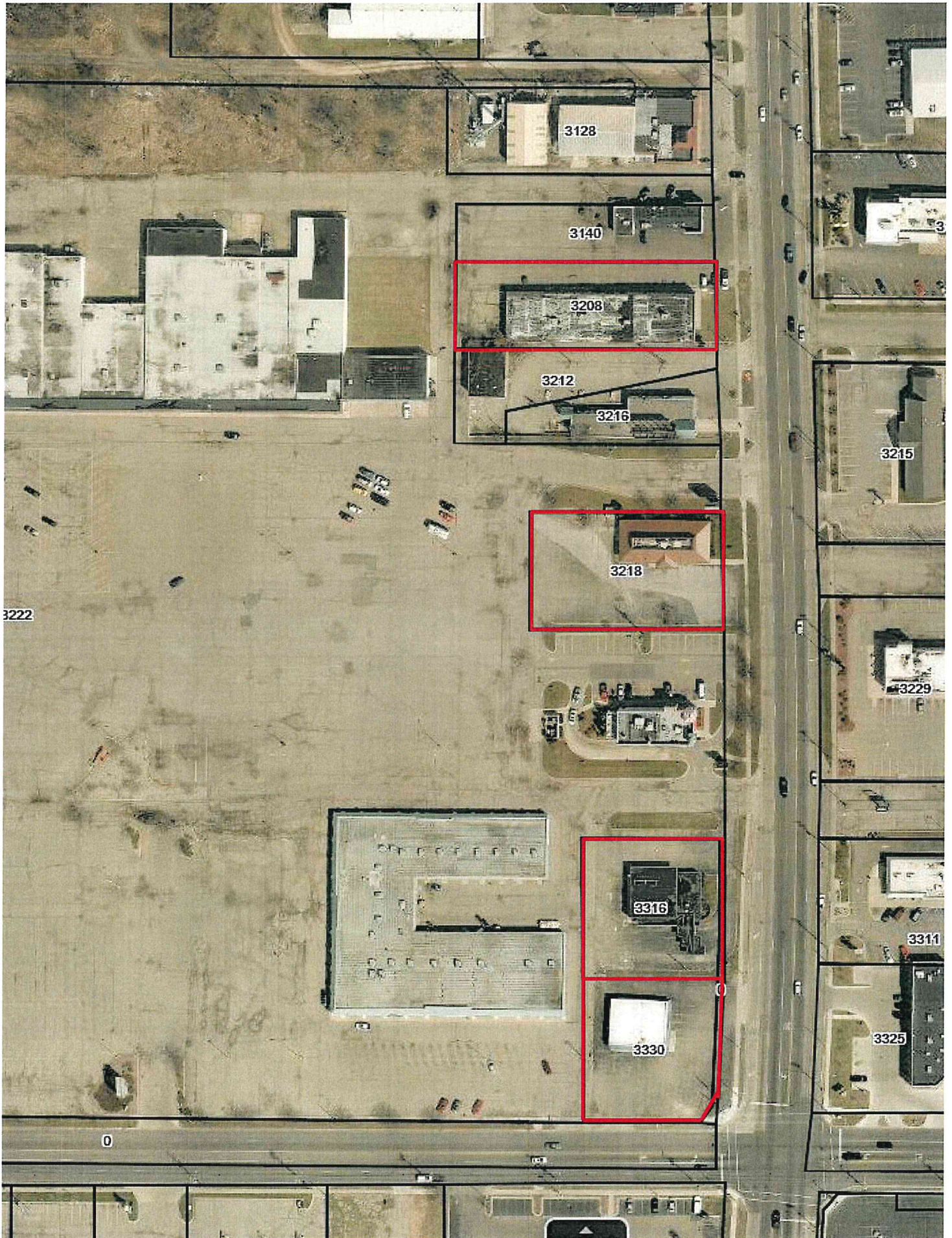
LANSING, MICHIGAN 48906

FAX(517)482-9290

WWW.SWANSONDESIGN.COM

3316 S. M. L. King





Legend

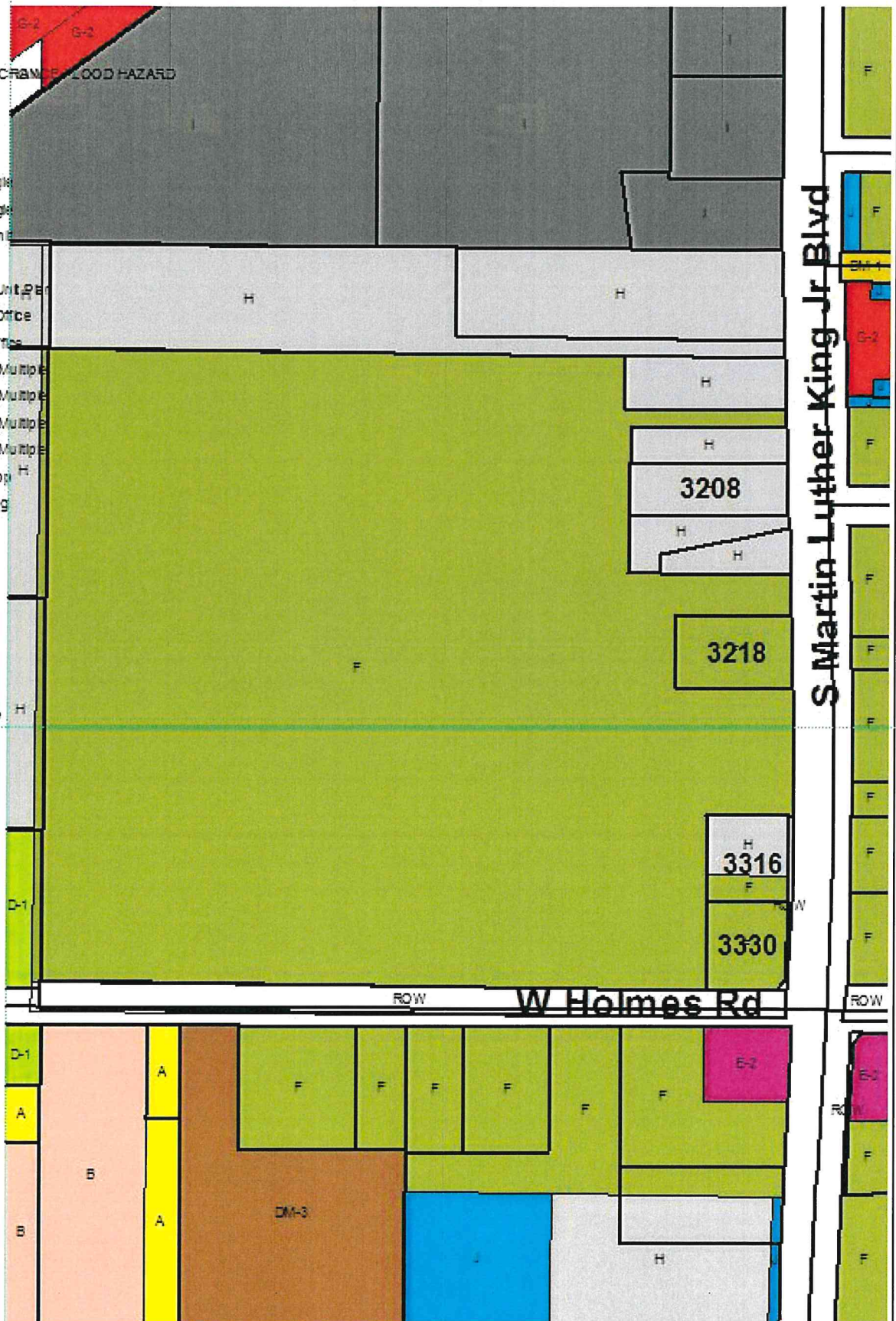
roads_final

FEMA Flood Zones

Flood Zone

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- Tax Parcels
- A Residential-Single
- B Residential-Single
- C Residential-2 Units
- NONE
- CUP Community Unit Plan
- D-1 Professional Office
- D-2 Residential Office
- DM-1 Residential Multiple
- DM-2 Residential Multiple
- DM-3 Residential Multiple
- DM-4 Residential Multiple
- E-1 Apartment Shop
- E-2 Local Shopping
- F Commercial
- F-1 Commercial
- G-1 Business
- G-2 Wholesale
- H Light Industrial
- I Heavy Industrial
- J Parking
- ROW Right of Way

City of Lansing Zoning Map



N



GENERAL INFORMATION

APPLICANT/OWNER: Green Square Holdings, LLC
AST Ventures, LLC
812 S. Main Street, Suite 200
Royal Oak, MI 48067

REQUESTED ACTION: Variance to the 500 foot separation requirement between two medical marijuana provisioning centers

EXISTING LAND USE: Vacant Commercial Building

EXISTING ZONING: "F" Commercial District

PROPERTY SIZE & SHAPE: Slightly Irregular Shaped Lot – 22,419 square feet

SURROUNDING LAND USE: N: Commercial
S: Commercial
E: Commercial
W: Commercial

SURROUNDING ZONING: N: "F" Commercial & "H" Light Industrial Districts
S: "F" Commercial District
E: "F" Commercial District
W: "F" Commercial District

MASTER PLAN DESIGNATION: The Design Lansing Master Plan designates the subject property as "community mixed use center". S. ML King is designated as a major arterial.

REQUEST

This is a request by Green Square Holdings, LLC for a variance to permit a medical marijuana provisioning center at 3330 S. ML King that would be located approximately 260 feet from another proposed provisioning center at 3316 S. ML King. Section 1300.13(A)(2) of City Ordinance 1217 prohibits a medical marijuana dispensary within 500 feet of another medical marijuana dispensary. A variance to the required separation distance between the 2 proposed provisioning centers is therefore, being requested.

Required	Proposed	Variance
500 foot separation	260 foot separation	240 feet

ANALYSIS

On September 7, 2017, the City Council adopted Ordinance No. 1217 regulating medical marijuana facilities. Section 1300.13 of the Ordinance requires a 500 foot separation between medical marijuana provisioning centers. The distance is measured from nearest edge of building to nearest edge of building, along the centerline of the street (see attached). Section 1300.18 of the Ordinance authorizes the Board of Zoning Appeals to grant variances from the separation distance requirements. The criteria that the Board must consider in determining whether to grant a variance to the separation requirement is different from the criteria used to evaluate variances to the Zoning Ordinance. In this case, the Board does not have to establish that a practical difficulty or unnecessary hardship exists that warrants relief from the ordinance standard. Section 1300.18 (3) of Ordinance 1217 states that, in making its decision on variances to separation requirements, the Board shall consider all of the following:

1. The amount of time, if any, that the applicant has been operating in compliance with this chapter at the present location.

The applicant has not been operating a provisioning center on the subject property. The ordinance that was adopted in 2017 allows for 25 licenses to operate medical marijuana provisioning centers in the City. The City received 87 license applications for the first 20 licenses that will eventually be issued. The applications have been reviewed in accordance with a scoring system developed by the City Clerk's Office. The applicant and the other 3 applicants that have applied for variances scored in the top 20 of the 87 applications that were received. If the variances are approved, the applications will remain in consideration for issuance of the initial 20 licenses. If denied, they could all be excluded from any further consideration. In the alternative, 2 of them that are separated by more than 500 feet could still be considered.

2. The extent to which the applicant has demonstrated a commitment to the land use and public nuisance concerns in the surrounding neighborhood.

As evidenced by the attached photographs, the building and the site are well maintained. There are no illegal signs or debris on the site and parking is more than adequate to accommodate the provisioning center. In addition, the applicant's proposal for the center scored in the top 20 of the 87 licensing applications that were received. If approved, the applicant intends to make improvements to the site (repaving/re-striping the parking lot, new landscaping, new and enhanced exterior lighting) and to the appearance of the building (see attached design).

3. **The distance between the applicant's location and any medical marijuana provisioning center that is within 500 feet of the applicant's location.**

The applicant's provisioning center would be located approximately 260 feet from the proposed provisioning center at 3316 S. ML King. The owner of that provisioning center is also seeking a variance. If approved, both applicants will continue to be considered for issuance of a license although approval of the variances does not guarantee that either of them will be issued a license.

4. **The need for a provisioning center at the location in order to provide the safe and efficient access to medical marijuana with the City.**

If all of the requested variances are approved, 4 of the total 25 provisioning centers that will eventually be issued licenses in the City would be located within about 700 feet of each other. The alternative is to spread the facilities out along the corridors. While this would eliminate a concentration of provisioning centers in one particular area, it would result in them being located in more geographic areas of the City, some of which may not be as appropriate and compatible with the surrounding areas as those that are the subject of the current variance requests. Some of the benefits to allowing several provisioning centers in the 3200-3300 blocks of S. ML King is that none of them would adjoin any residential uses, the area is already characterized by high impact commercial uses and the transportation system is designed to accommodate the traffic generated by the centers. S. ML King is one of the City's primary commercial corridors where businesses have a high level of exposure to some of the highest traffic volumes in the City. From a planning standpoint, provisioning centers should be concentrated along major commercial corridors where there is easy access to public transportation and the roadway is designed to accommodate high volumes of traffic.

5. **The character of the structure and its surroundings.**

As depicted on the attached photographs, the building and the site are well maintained and consistent with the character of the area in which it is located. If approved for issuance of a license, the applicant intends to make substantial improvements to the building and the site, including repaving/restriping the parking lot and new landscaping, which will enhance the area in which it is located.

6. **The impact of the variance on the character of the structure's surroundings and owners of other properties in the vicinity.**

Unlike most commercial businesses along S. ML King, the subject property and the property at 3316 S. ML King do not adjoin any residential properties. Both sites are completely surrounded by commercial uses. The nearest residential property is on

the east side of S. ML King, more than 1000 feet to the north. The proposed provisioning center, therefore, will have no impact on any residential properties and nor will it change the character of the surrounding area.

The majority of the commercial businesses in the vicinity of the subject property are fast-food restaurants, automotive-service establishments and convenience retail uses that generate a high volume of business on daily basis. All of these types of uses are permitted by right on the subject property. While provisioning centers also generate a high volume of business, the level of activity and the amount of traffic will be no greater than many uses that could be established on the property as a matter right or by the majority of other businesses already existing in the area. Furthermore, S. ML King is a major arterial that is designed to accommodate a high volume of traffic.

FINDINGS

This is a request by Green Square Holdings, LLC for a variance to permit a medical marijuana provisioning center at 3330 S. ML King that would be located approximately 260 feet from another proposed provisioning center at 3316 S. ML King. Section 1300.13(A)(2) of City Ordinance 1217 prohibits a medical marijuana dispensary within 500 feet of another medical marijuana dispensary. A variance to the required separation distance between the 2 proposed provisioning centers is therefore, being requested.

The available information supports a finding that the requested variance is consistent with the criteria listed in Section 1300.18(3) of the City's ordinance regulating medical marijuana facilities (Ordinance No. 1217).

RECOMMENDATION

Based on the information and findings described above, the following motion is offered for the Board's consideration:

BZA 4046.18 be approved for a variance of 240 feet to the required 500 foot separation between a medical marijuana provisioning center at 3330 S. ML King and a medical marijuana provisioning center at 3316 S. ML King, on a finding that the variance is consistent with the variance evaluation criteria set forth in Section 1300.18(3) of Ordinance 1217, as detailed in the staff report for this application.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

Measurement

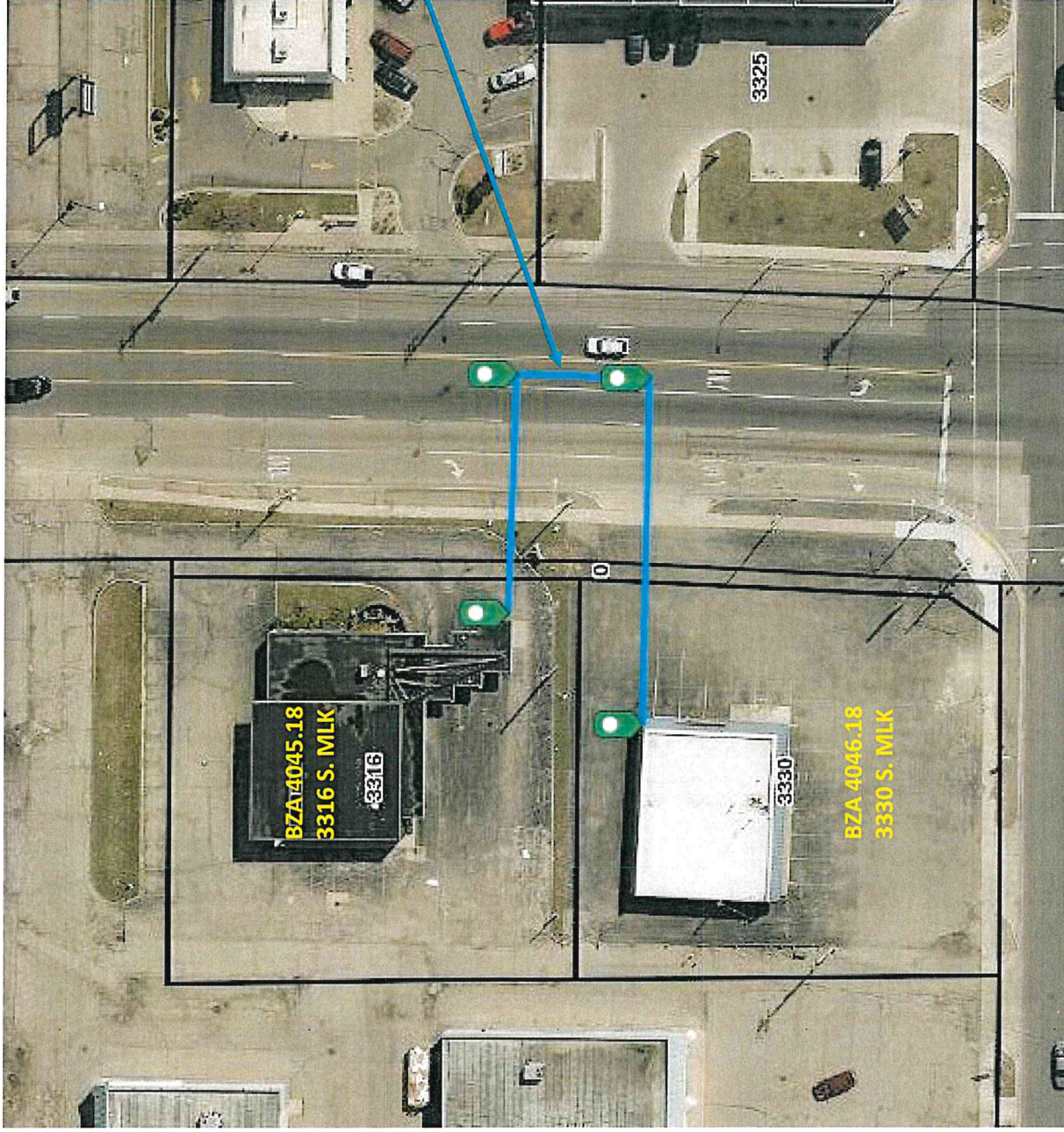


| Feet ▾

Measurement Result

260.2 Feet

Clear



Variance Analysis for Medical Marihuana Provisioning Center

Green Square, LLC
3330 S. Martin Luther King Jr. Boulevard
Lansing, Michigan

Introduction:

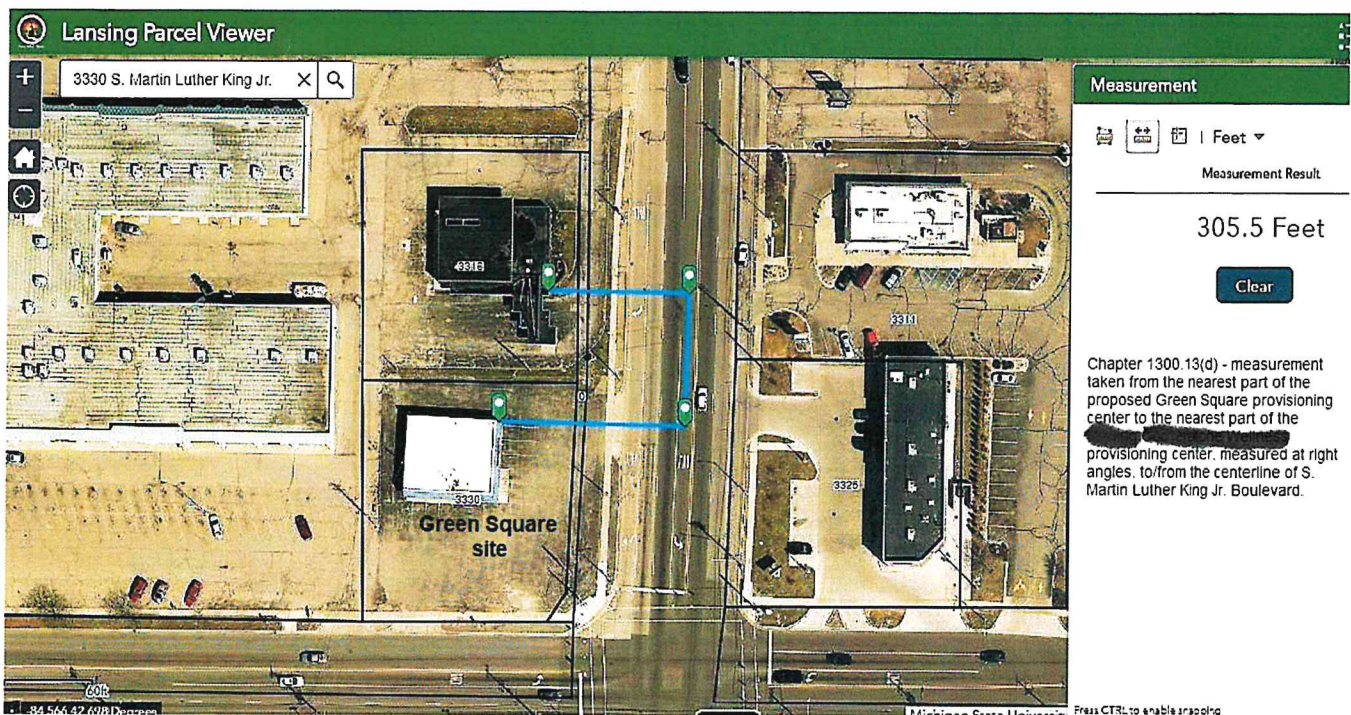
The subject property at 3330 S. Martin Luther King Jr. Boulevard (parcel 33-01-01-29-451-022) is located at the northwest corner of S. Martin Luther King Jr. Boulevard and W. Holmes Road. The 0.5 acre parcel is zoned F, Commercial land improved with an approximate 2,800 square foot vacant building and associated parking areas. According to city records, the existing building was constructed in 1962 and previously occupied by a Laundromat (One Hour Martinizing). The proposed medical marihuana provisioning center will occupy the entire building with extensive interior and exterior building renovations planned to satisfy state and local requirements. Site enhancements including new parking lot pavement, striping and landscaping are also planned. A photo of the subject property as it currently exist is provided below.



3330 S. Martin Luther King Jr. Boulevard – looking west

Variance Request for Proposed Medical Marihuana Provisioning Center:

Chapter 1300.13(a) of the City of Lansing Code of Ordinances establishes location, buffering, dispersion and zoning requirements for medical marihuana provisioning centers. The proposed medical marihuana provisioning center at 3330 S. Martin Luther King Jr. Boulevard is not located within 1,000 feet of an operational school, or within 500 feet of public playground equipment located in park, commercial child care organization, church or substance abuse prevention, treatment or rehabilitation facility. However, the proposed medical marihuana provisioning center is located within 500 feet of another proposed medical marihuana provisioning center at (3316 S. Martin Luther King Jr. Boulevard) Based on the buffering and dispersion calculation methodology outlined in Chapter 1300.13(d), the proposed Green Square provisioning center is located approximately 305 feet from another proposed provisioning center (see below).



Given this pre-existing condition, Green Square, LLC respectfully requests a variance from the 500 foot buffering and dispersion requirement outlined in Chapter 1300.13(a).

Determination of Practical Difficulty or Unnecessary Hardship:

Green Square, LLC (Lansing)
3330 S. Martin Luther King Jr. Boulevard

October 11, 2018

Chapter 1244.06(c) of the City of Lansing Code of Ordinances identifies criteria for determining if a practical difficulty or unnecessary hardship exists. The need for a variance from the 500 foot separation requirement from another medical marihuana provisioning center is unique to this particular property and does present a practical difficulty/unnecessary hardship to Green Square, LLC.

While the City of Lansing adopted an authorizing ordinance in September 2017 to license and regulate medical marihuana facilities, no facilities have yet been licensed/approved. The proposed provisioning center located at 3316 S. Martin Luther King Jr. Boulevard has not received formal approval, the strict application of the buffering and dispersion requirements in Chapter 1300.13(a), from another provisioning center that has not yet received formal licensing/approval, creates a practical difficulty and unnecessary hardship upon Green Square, LLC. Furthermore, this hardship is not the result of actions by Green Square, LLC and is peculiar to the subject property located at 3330 S. Martin Luther King Jr. Boulevard.

Variance Consideration Criteria for Proposed Medical Marihuana Provisioning Center:

Chapter 1300.18(a)(3) of the City of Lansing Code of Ordinances establishes six criteria for consideration of variance requests involving buffering and dispersion requirements for medical marihuana provisioning centers. A discussion of these criteria and how they apply to the Green Square, LLC proposal is provided below.

- i. The amount of time, if any, that the applicant has been operating in compliance with this chapter at the present location.*

The applicant is not currently operating a provisioning center from the subject property.

A formal application has been submitted and is currently pending approval from the City of Lansing.

- ii. The extent to which the applicant has demonstrated a commitment to the land use and public nuisance concerns in the surrounding neighborhood.*

The existing building/parking lot at 3330 S. Martin Luther King Jr. Boulevard is aged and has fallen into a state of disrepair with and aged exterior façade, boarded up windows, deteriorated asphalt and a lack of greenspace/landscaping. In conjunction with the reuse

of the building/site for the proposed provisioning center, the applicant has committed to make significant improvements to the property. Extensive interior and exterior building renovations will be completed and new parking lot pavement, striping and landscaping will be installed across the site.

- iii. The distance between the applicant's location and any proposed medical marihuana provisioning center that is within 500 feet of the applicant's location.*

As described above and based on the buffering and dispersion calculation methodology outlined Chapter 1300.13(d), the proposed Green Square provisioning center is located approximately 305 feet from another proposed provisioning center.

- iv. The need for a provisioning center at the location in order to provide the safe and efficient access to medical marihuana within the City.*

The proposed provisioning center at the subject property is needed in order to provide qualified patients and caregivers within the City of Lansing, and adjacent communities, convenient and efficient access to safe medicinal marihuana products.

- v. The character of the structure and its surroundings.*

Reuse of the existing building/site for a provisioning center is in character with the surrounding commercial land use and zoning pattern along S. Martin Luther King Jr. Boulevard and W. Holmes Road.

- vi. The impact of the variance on the character of the structure's surroundings and owners of other properties in the vicinity.*

Granting the variance to allow establishment of the provisioning center at the subject property, with the above referenced building and site enhancements, will have a positive impact on surrounding businesses/property owners and will also improve property values and the visual streetscape along S. Martin Luther King Jr. Boulevard and W. Holmes Road.

Additional Variance Consideration Criteria and Standards:

Chapter 1244.06(e) of the City of Lansing Code of Ordinances identifies four additional standards for consideration of variance requests. A discussion of these standards and how they apply to the Green Square, LLC proposal is provided below.

- (1) The proposed use will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.*

The subject property and surrounding area is zoned F, Commercial which allows for a variety of general retail and commercial uses. Furthermore, the Future Land Use Plan for the City of Lansing classifies the subject property and the surrounding area as appropriate for Community Mixed-Use Center. The location, size and character of the proposed provisioning center at the subject property is consistent with the F, Commercial zoning district and the Community Mixed-Use Center future land use classification, and will be in harmony with orderly development within this heavily commercialized corridor.

- (2) The proposed use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.*

Access to the subject property is provided through an existing full service driveway from S. Martin Luther King Jr. Boulevard and an existing full service driveway from W. Holmes Road. Anticipated traffic generation from the proposed medical marihuana provisioning center will be similar to other commercial uses allowed in the F, Commercial zoning district and can be accommodated by the adjacent roadway network. Adequate vehicular parking areas will be provided at the subject property and existing sidewalks are present along S. Martin Luther King Jr. Boulevard and W. Holmes Road which provide a non-motorized, pedestrian mode of travel to/from the proposed provisioning center.

- (3) The location, size, intensity, site layout and periods of operation of any such proposed use will be designed to eliminate a possible nuisance emanating therefrom, which nuisance*

might be noxious to the occupants of any other nearby permitted use, whether by reason of dust, noise, fumes, vibration, smoke or lights.

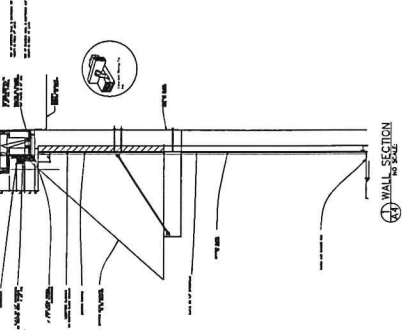
The location, size, intensity, layout and operation of the proposed medical marihuana provisioning center will not produce any nuisances that might be noxious to the occupants or patrons of nearby businesses.

(4) The location and height of structures and joint driveways and the location, nature and height of walls and fences will be such that the proposed use will not interfere with or discourage the appropriate development and use of adjacent land and structures or unreasonably affect their value.

The location and height of the existing building and the location of existing driveways at the subject property will not interfere with or discourage appropriate development of adjacent properties and structures or adversely impact associated values.

Respectfully Submitted,

Michael West, AICP
Certified Community Planner
10691 Abigail Street
Portage, Michigan 49002
(269) 491-4733
mkwest999@aol.com



NOTE:
Do not scale drawings. Use
calculated dimensions only.
Verify existing conditions in
field.

SHEET TITLE:
ELEVATION PLAN

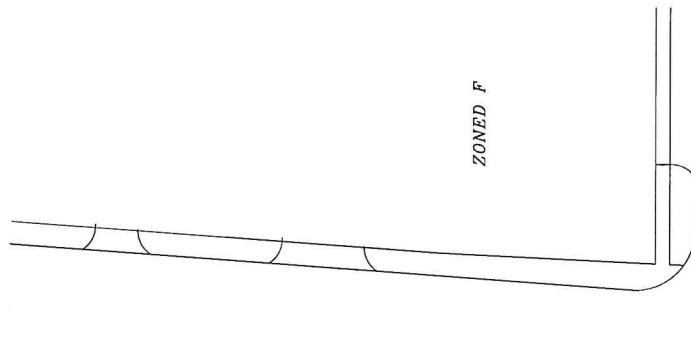
SCALE:
3/16" = 1'-0"

Project Number:
17-264

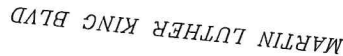
SHEET NUMBER:
A-2



DBI
Detroit Design Images, L.L.C.
4320 PEARL RD
ANN ARBOR, MI 48103
PH: (313) 790-0129



W HOLMES RD



W HOLMES RD

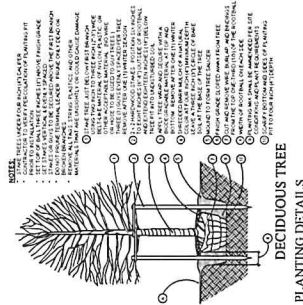
SCALE: 1" = 20'-0"

ZONED F

LANDSCAPE PLANTING NOTES:

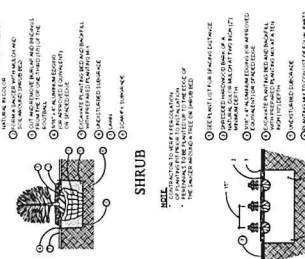
- [illegible]

W HOLMES RD



DECIDUOUS PLANTING DETAILS

W HOLMES RD



ANNUAL / PERENNIAL / GROUNDCOVER

PLANT LIST		
KEYTY.	BOTANICAL NAME	SIZE
R 11	CRIMSON KING MAPLE	3' cal. BAB
MVC 7	Malus sp. 'White Candle'	White Candle Crabapple
ST 41	Americoallo 'Happy Returns'	2 gal. pot., 15" o.c.
SJA 52	PERNOSTIA ATRICULIFOLIA	2 gal. pot., 15" o.c.
JPN 9	* LIMEGLO ('CREEPING JUNIPER') JUNIFERS HOR	2 gal. pot., 15" o.c.

PLANT LIST

KEYWORD	BOTANICAL NAME	COMMON NAME	SIZE
R 11	CRIMSON KING MAPLE	CRIMSON KING MAPLE	3' tall, BAB
MWC 7	Malus sp. 'White Candle'	White Candle Crabapple	2' tall, BAB
ST 41	Americanalis 'Happy Returns'	STELLA DORO Daylily	2 gal. pot., 15" o.c.
SJA 52	PERONISTIA ATROPICIFOLIA	RUSSIAN SAGE	2 gal. pot., 15" o.c.
JPN 9	'MELGLOW' (CREEPING JUNCIFER)	JUNIPERS HOR	

ZONED F

SCALE: 1" = 20'-0"

ZONED F

IDD

**A & M
CONSULTANTS**
835 MASON ST.
DEARBORN, MI-48124
PH: (313) 790-0129
FAX: (313) 582-0028

PROJECT: _____
**Provisioning
Center**

3330 S. MARTIN LUTHER
KING JR. BLVD
LANSING, MI. 48910

CLIENT:
GREEN SQUARE
HOLDING LLC.
3330 S.MARTIN LUTHER
KING JR. BLVD
LANSING, MI.48910

Issued:
12/07/2017
10/13/2018

NOTE: Do not scale drawings. Use calculated dimensions only. Verify existing conditions in field.

SHEET TITLE: LANDSCAPING PLAN

SCALE:
1" = 20'-0"

Project Number:
17-264

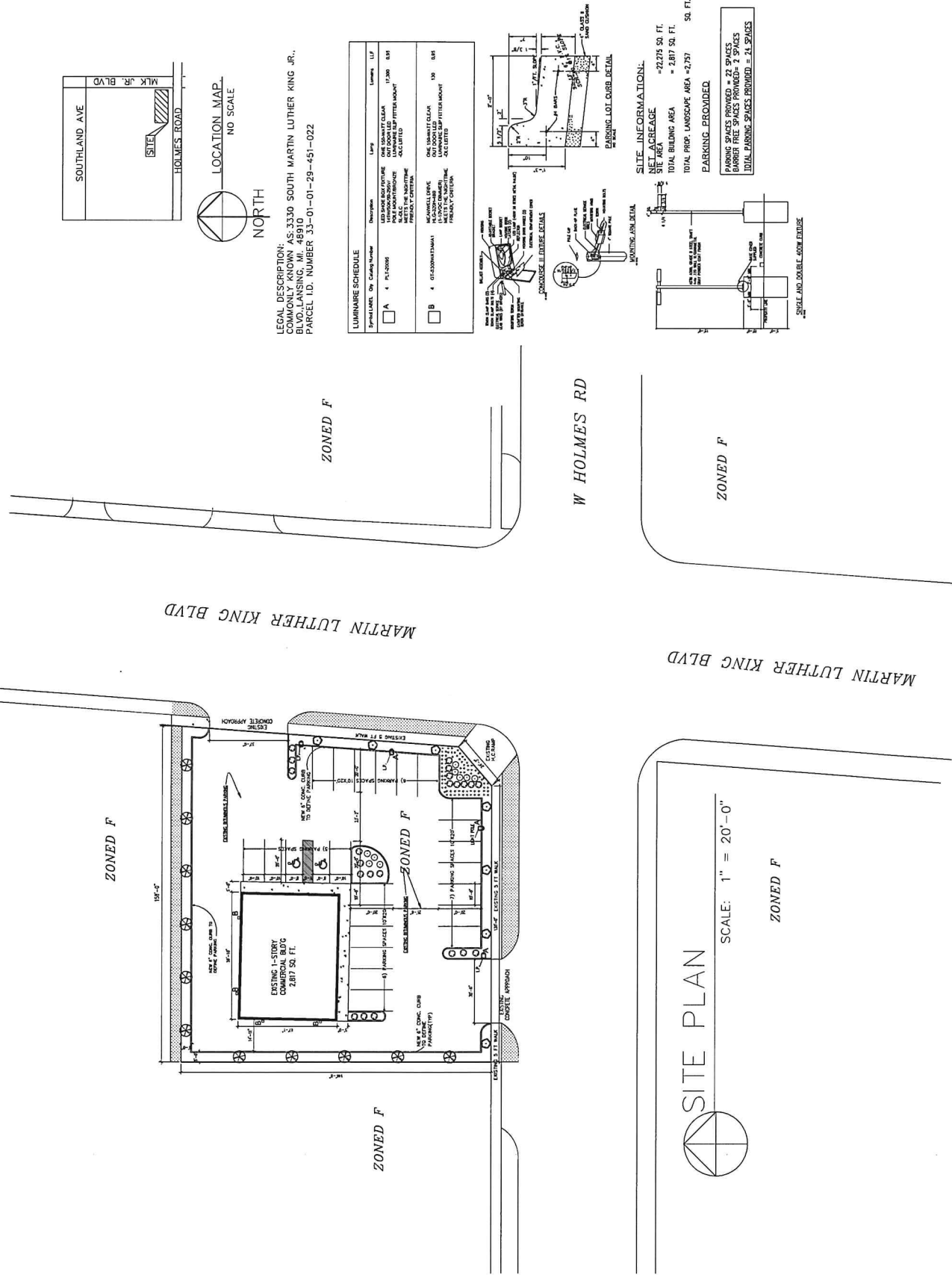
SHEET NUMBER:
L-1



A & M CONSULTANTS
 835 WAGON ST.
 DEARBORN, MI 48124
 PH(313) 790-0129
 PH(313) 582-0028

PROJECT:
Provisioning Center
 3330 S MARTIN LUTHER KING JR. BLVD
 LANSING, MI 48210
CLIENT:
 GREGORY SQUARE HOLDING LLC
 3330 S MARTIN LUTHER KING JR. BLVD
 LANSING, MI 48210
Issued:
 12/07/2017
 10/13/2018

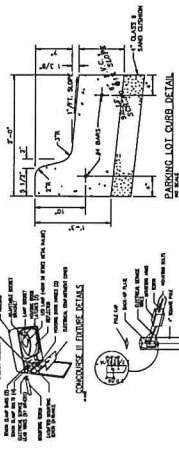
NOTE:
 Do not scale drawings. Use tabulated dimensions only. Field setting conditions in field.
SHEET TITLE:
PROP. SITE PLAN
SCALE:
 1" = 20'-0"
Project Number:
 17-264
SHEET NUMBER:
 SP-2



LEGAL DESCRIPTION:
 COMMONLY KNOWN AS 3330 SOUTH MARTIN LUTHER KING JR., BLVD, LANSING, MI 48210
 PARCEL I.D. NUMBER 33-01-01-29-451-022

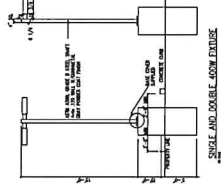
LUMINAIRE SCHEDULE

Symbol	Label	Qty	Grade Number	Description	Height	LF
A	4	1	1	1" x 1" x 1" CLEAR LUMINAIRE MOUNTED ON POLE WITH ADJUSTABLE ARM AND SHIELD TO PREVENT GLARE AND LIGHT POLLUTION	17'-0"	5.0
B	4	1	1	1" x 1" x 1" CLEAR LUMINAIRE MOUNTED ON POLE WITH ADJUSTABLE ARM AND SHIELD TO PREVENT GLARE AND LIGHT POLLUTION	17'-0"	5.0



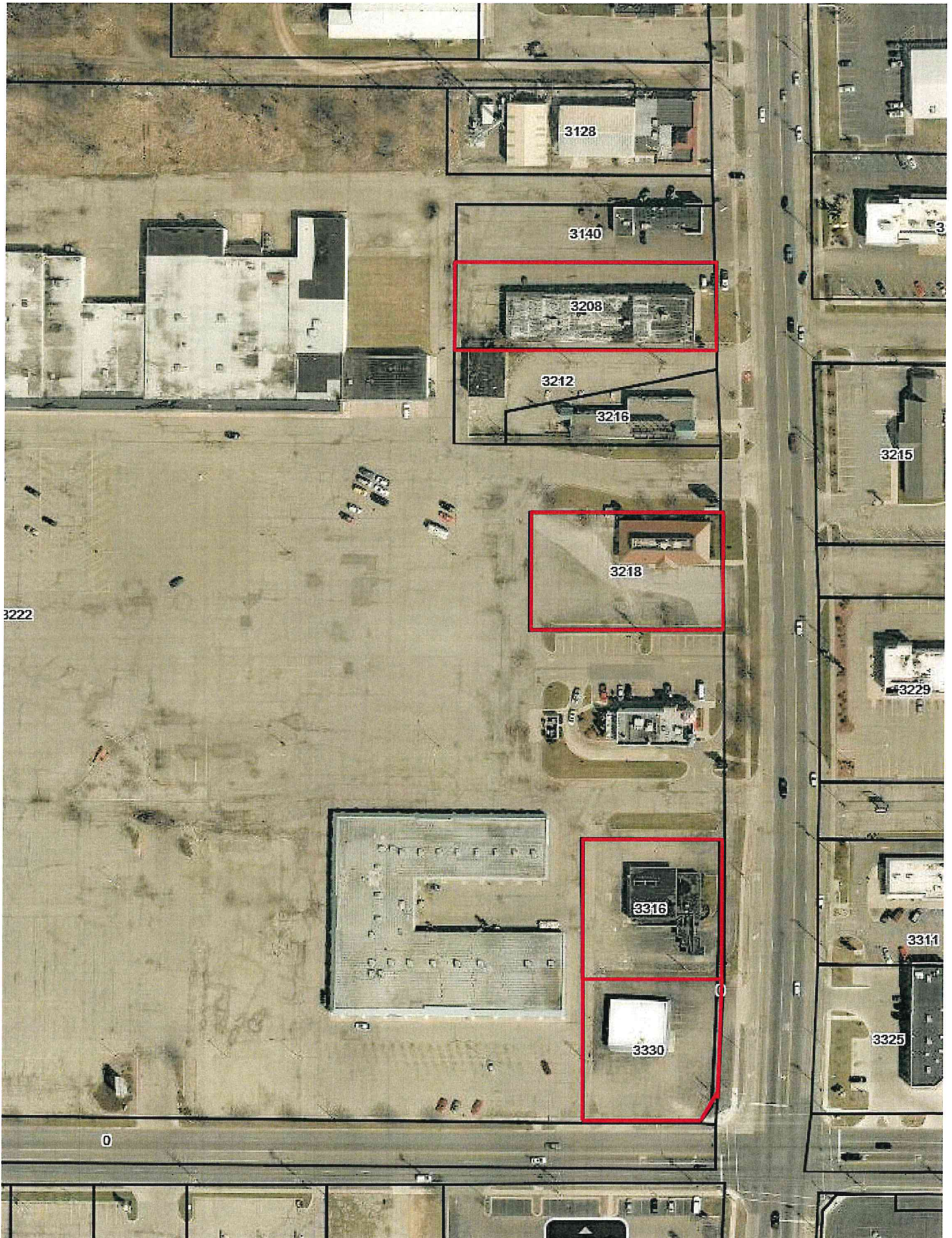
SITE INFORMATION:

NET ACRES	22.275 SQ. FT.
TOTAL BUILDING AREA	2,817 SQ. FT.
TOTAL PROP. LANDSCAPE AREA	2,757 SQ. FT.
PARKING PROVIDED	
PARKING SPACES PROVIDED	21 SPACES
BARRIER FREE SPACES PROVIDED	2 SPACES
TOTAL PARKING SPACES PROVIDED	23 SPACES



3330 S. M. L. King





City of Lansing Zoning Map

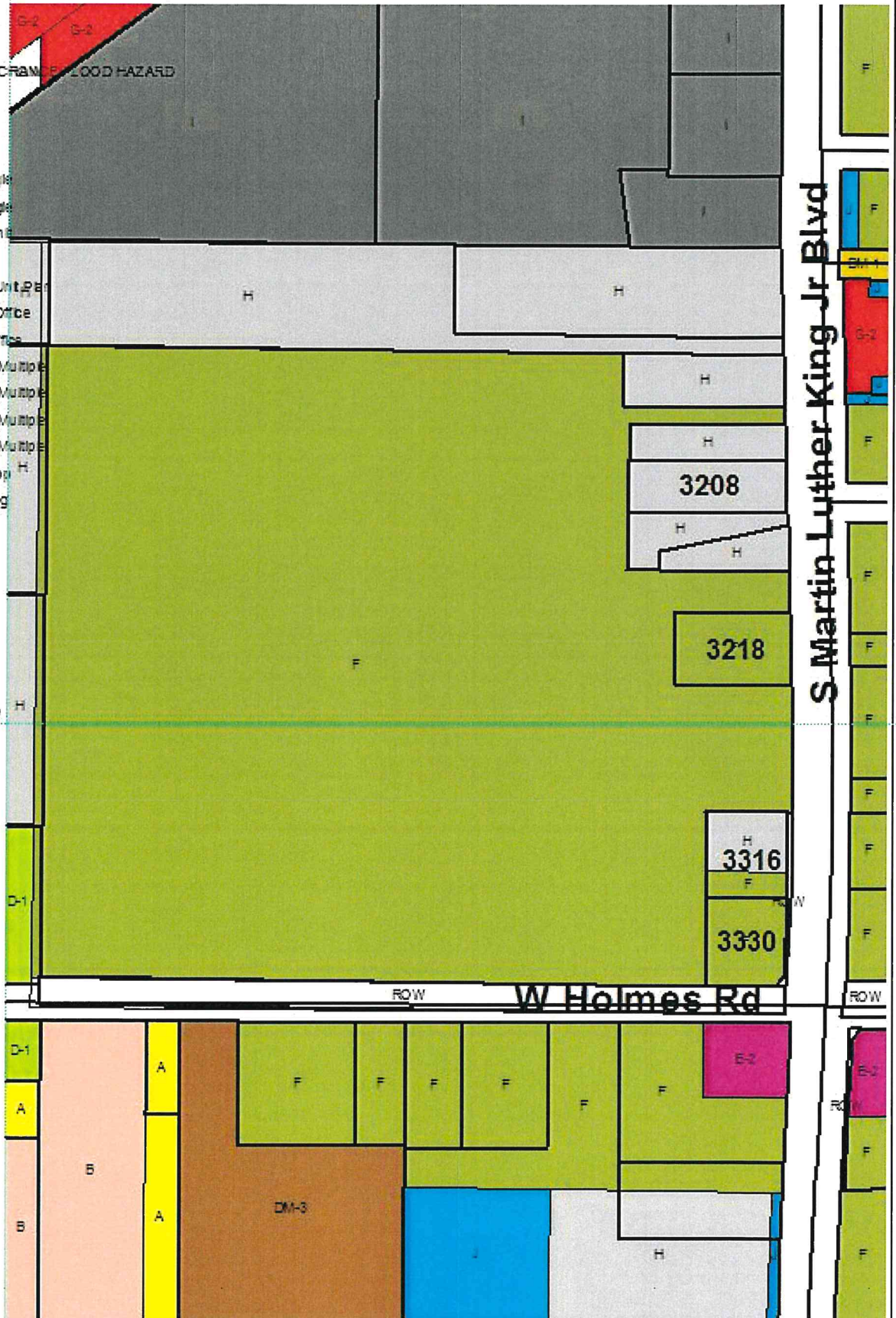
Legend

roads_final

FEMA Flood Zones

Flood Zone

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- Tax Parcels
- A Residential-Single
- B Residential-Single
- C Residential-2 Units
- NONE
- CUP Community Unit, Part
- D-1 Professional Office
- D-2 Residential/Office
- DM-1 Residential-Multiple
- DM-2 Residential-Multiple
- DM-3 Residential-Multiple
- DM-4 Residential-Multiple
- E-1 Apartment Shop
- E-2 Local Shopping
- F Commercial
- F-1 Commercial
- G-1 Business
- G-2 Wholesale
- H Light Industrial
- I Heavy Industrial
- J Parking
- ROW Right of Way



BOARD OF ZONING APPEALS
TELEPHONE NUMBER: 517-483-4066

REGULAR BOARD OF ZONING APPEALS MEETINGS - CALENDAR YEAR 2019

ADDRESS OF PRINCIPAL OFFICE: 316 N. CAPITOL AVE, SUITE D-1

DATE	TIME	PLACE
January 10, 2019	6:30 PM	600 W. Maple St.
February 14, 2019	6:30 PM	600 W. Maple St.
March 14, 2019	6:30 PM	600 W. Maple St.
April 11, 2019	6:30 PM	600 W. Maple St.
May 9, 2019	6:30 PM	600 W. Maple St.
June 13, 2019	6:30 PM	600 W. Maple St.
July 11, 2019	6:30 PM	600 W. Maple St.
August 8, 2019	6:30 PM	600 W. Maple St.
September 12, 2019	6:30 PM	600 W. Maple St.
October 10, 2019	6:30 PM	600 W. Maple St.
November 14, 2019	6:30 PM	600 W. Maple St.
December 12, 2019	6:30 PM	600 W. Maple St.

POSTED AT:

- Ⓢ City Clerk's office
- Ⓢ Planning Division Lobby
- Ⓢ City Council Office

**MINUTES OF REGULAR MEETING
BOARD OF ZONING APPEALS
October 11, 2018, 6:30 P.M.
Neighborhood Empowerment Center - 600 W. Maple Street**

I. ROLL CALL

The meeting was called to order by Chairperson Marcie Alling at 6:30 p.m. Roll call was taken.

Present: M. Alling, M. Rice, C. Iannuzzi, K. Berryman, W. Sanford & M. Solak

Absent: J. Hovey & J. Leaming

Staff: S. Stachowiak

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

II APPROVAL OF AGENDA

It was moved by Mr. Rice, seconded by Mr. Berryman to approve the agenda with the addition of "excused absences" under New Business. On a voice vote, the motion carried 6-0.

III. PUBLIC COMMENT

IV. ACTION

A. BZA-4041.18, 1924 Remsing Drive

Ms. Stachowiak stated that this variance request has been withdrawn by the applicant.

Robbi Goodine, 1918 Remsing, expressed concerns about the applicants and their wellbeing. She said that she and her husband live next door to the applicants and have helped them out on numerous occasions as they are elderly people. Ms. Goodine said that the house seems to be full of a stuff and may be a serious fire hazards. She said that they have contacted the City's Code Enforcement Office and the Mayor's Office but nothing has been done and the living conditions are deplorable. Ms. Goodine said that these people need help and are not getting it.

Thomas Goodine, 1918 Remsing, said that he and his wife have not seen David Arganian for some time and are concerned about his whereabouts. He said that the house is red tagged as there are multiple code violations and yet the owners are still living there. There are no working fire alarms and the house has not been inspected by the City in a very long time. Mr. Goodine stated that there are serious health and safety issues associated with the property and he is concerned for the owners and also the potential for damage to his house if there were to be a fire.

Ms. Stachowiak stated that she would make sure that Code Compliance and Fire follow up on these concerns and that the Police perform a well-check on the couple that live there.

B. BZA-4042.18, 628 Glendale Avenue

Ms. Stachowiak said the applicant, Kevin Ohl, is appealing a decision by the City's Zoning Administrator that the mobile home located on the property at 628 Glendale Avenue, which is zoned "A" Residential, is in violation of the Zoning Ordinance and must be removed. The Zoning Administrator has determined that the "A" Residential district permits one single family residential dwelling unit per parcel of land and that the mobile home constitutes a second dwelling unit as there is already a permanent house on the property. The applicant is appealing

the decision that the mobile home is considered a dwelling unit as it is only used for sleeping purposes and is not connected to any utilities. The applicant also contends that the structure is considered a trailer as opposed to a mobile home and is therefore, permitted to be parked on the property.

Ms. Stachowiak stated it is her determination that the structure that is the subject of this request is considered a mobile home, as that is the purpose for it was manufactured, and thus qualifies as a dwelling unit as defined by Section 1240.03 of the Zoning Ordinance. She said that by the standards of the Zoning Ordinance and the definitions contained therein, a mobile home is a structure, just like a house, that is designed for permanent occupancy. A trailer, by contrast, is a vehicle, such as a motor home or pop-up camper that is used for temporary living or sleeping purposes. Trailers are only permitted in the "A" Residential district, which is the zoning designation of the subject property, in a designated and approved trailer camp. A trailer camp is permitted in the "A" Residential district, with a special land use permit, on a site that is at least 10 acres in size. The subject property contains 8,905 square feet.

Ms. Stachowiak said that in the "A" Residential district, mobile homes are only permitted if they are firmly attached to a permanent foundation, have a core living space of at least 24 feet by 24 feet, an internal height of at least 7.5 feet and comply with the other design standards listed in Section 1240.03 of the Zoning Ordinance under the definition of "dwelling unit". As evidenced by the photographs contained in the meeting packet, the structure that is the subject to this request does not comply with any of these requirements.

Ms. Stachowiak said that Chapter 1248, Section 1248.02 of the Zoning Ordinance lists a "one-family dwelling" as a use permitted by right in the "A" Residential district. Chapter 1248 makes no provision for allowing more than one dwelling unit on a single parcel of land, except as a planned residential development which requires approval by the City Council, following a public hearing and a recommendation from the Planning Board. In order to be approved for a planned residential development, the site and the buildings located thereon would have to comply with numerous requirements for parking, lot size, setbacks, open space, distance between buildings, etc. The subject property is too small to accommodate the minimum requirements for approval of a planned residential development. For example, a minimum of 2 on-site parking spaces would be required for each unit. As evidenced by the attached photographs, the location of the trailer only leaves room for 2 parking spaces in the driveway. In addition, a minimum lot size of 12,000 square feet would be required for a 2-unit planned residential development. The subject property is 8,905 square feet in area.

Ms. Stachowiak stated that the mobile home cannot be considered a permissible vehicle as it is not drivable on its own, it is not incidental to the primary use of the property (single family dwelling) and it is clearly being stored on the lot as it has not moved in several weeks. In fact, the information provided by the appellant indicates that, if given the necessary approvals, he intends to leave the structure on the property and continue to use it for sleeping purposes indefinitely.

Ms. Stachowiak said that in addition to the Zoning Ordinance issues, the mobile home cannot be occupied, especially for sleeping purposes, as it does not comply with minimum housing or building code requirements for such use. No structure may be used for sleeping/residential purposes that is not connected to the necessary electrical, mechanical and plumbing utilities required by code to may it a safe and sanitary environment for human occupancy. Therefore, even if the zoning issues are resolved by a ruling from the Board of Zoning Appeals in favor of the appellant, the structure would have to be brought into compliance will all applicable housing and building codes for residential occupancy. This will include properly connecting the structure to electrical, mechanical and plumbing utilities.

Ms. Stachowiak said that it is her position that the structure that is the subject of this request is not permitted on the property at 628 Glendale Avenue for the following reasons:

- * The structure is considered a mobile home which, by Zoning Ordinance definition and by design is a "dwelling unit".
- * Since the subject property is zoned "A" Residential, one dwelling unit is permitted. The mobile home constitutes a second dwelling unit as there is also a permanent home on the property.
- * The issue of whether the structure falls under the definition of a mobile home or a trailer is irrelevant as the structure would be in violation of the Zoning Ordinance in either case. If it is a mobile home, it is a 2nd dwelling on a parcel zoned "A" Residential. If it is a trailer, it is only permitted to be parked in a designated trailer park.
- * The structure, even though it may be classified as a vehicle by the State of Michigan, is not considered a vehicle permitted to be parked on a single family residential lot by the standards of the Zoning Ordinance. The structure is not "incidental" to the principal use of the lot which is a single family residential home and it is clearly being stored rather than just parked on the lot.
- * The structure does not comply with Housing or Building Code requirements for human occupancy, even if it is used only for sleeping quarters.

Kevin Ohi, 628 Glendale Avenue, stated that it is his position that he and his wife are only using the trailer for sleeping accommodations and therefore, it is not a violation of the Zoning Ordinance. He said that the trailer is not connected to any utilities connections although he does plan to connect a free-standing certified 100# propane tank to the furnace of the trailer so that they will have heat in cold weather. Mr. Ohi said that he and his wife were forced to move and with their limited social security, their only option was to park the trailer in their daughter's driveway. He said that his daughter is a single mother with 5 kids and she does not have room in the house for them to sleep so they sleep in the trailer. He said that he has diabetes and Leukemia and he also saw this as an opportunity to spend more time with his daughter and grandchildren. Mr. Ohi stated that he contacted the City's Code Enforcement Office and it was his understanding that as long as the trailer is used only for sleeping, it would not be a problem.

Mr. Ohi said that the State of Michigan titled the property as a trailer/coach as opposed to a mobile home. He said that his wife spoke with Brian McGrain, Director of Economic Development & Planning for the City and he indicated that the trailer was permitted as long as it was only being used for sleeping purposes. Mr. Ohi said that if the trailer needs to be hooked up to utilities, he could do that work himself. He said that he is requested that the Board find in his favor so that he and his wife can continue to stay in the trailer on his daughter's property and they cannot afford to rent a lot in a mobile home park.

Mr. Solak stated that there are code restrictions that would prevent the trailer from being connected to propane.

Mr. Rice said that he considers the structure to be a mobile home and thus, a second dwelling unit on a parcel of land zoned for single family residential use only. He said that the issue of whether the structure is connected to utilities or not is irrelevant. Mr. Rice said that he agrees with the Zoning Administrator's decision.

Mr. Berryman asked Mr. Ohi if he intends to keep the structure on the property permanently.

Mr. Ohi said that it would not be permanent but how long it would stay on the property depends on how long he has to live.

Mr. Berryman said that he considers the structure to be more of a trailer than a mobile home.

Mr. Ohl said that it will be problematic if he has to move the trailer to a park as he does not have the funds to do so.

Mr. Rice made a motion to uphold the decision of the Zoning Administrator for the following reasons:

- * The structure is considered a mobile home which, by Zoning Ordinance definition and by design is a “dwelling unit”.
- * Since the subject property is zoned “A” Residential, one dwelling unit is permitted. The mobile home constitutes a second dwelling unit as there is also a permanent home on the property.
- * The issue of whether the structure falls under the definition of a mobile home or a trailer is irrelevant as the structure would be in violation of the Zoning Ordinance in either case. If it is a mobile home, it is a 2nd dwelling on a parcel zoned “A” Residential. If it is a trailer, it is only permitted to be parked in a designated trailer park.
- * The structure, even though it may be classified as a vehicle by the State of Michigan, is not considered a vehicle permitted to be parked on a single family residential lot by the standards of the Zoning Ordinance. The structure is not “incidental” to the principal use of the lot which is a single family residential home and it is clearly being stored rather than just parked on the lot.
- * The structure does not comply with Housing or Building Code requirements for human occupancy, even if it is used only for sleeping quarters.

Mr. Sanford seconded the motion.

Mr. Solak said that he agrees with the Zoning Administrator's decision as well but does not agree with the fifth bullet point regarding Housing & Building Code requirements. He offered a friendly amendment to strike that bullet as a reason for upholding the decision.

Mr. Rice and Mr. Sanford accepted the friendly amendment.

Mr. Sanford said that there is no practical difficulty or hardship associated with the request that would warrant approval to allow the structure to remain on the property. He also said that doing so would not be harmonious with the surrounding area which is one of the criteria that the Board must consider in making its determination.

Mr. Rice said that the criteria that Mr. Sanford mentioned relates to variances as opposed to administrative appeals.

Mr. Sanford said that the structure is a trailer rather than a mobile home and it is semi-permanent in nature.

On a roll call vote, the motion carried 5-1. Mr. Berryman cast the dissenting vote.

Mr. Solak asked that the City work with the applicant and be as flexible as possible in getting the violation corrected.

Ms. Stachowiak assured the Board that she would proceed in that fashion.

V. OLD BUSINESS**VI. APPROVAL OF MINUTES – Regular Meeting, September 13, 2018**

Mr. Rice made a motion, seconded by Mr. Berryman to approve the minutes from the regular meeting held on September 13, 2018, as presented. On a roll call vote, the motion carried unanimously (6-0).

VII. NEW BUSINESS**A. Excused Absences**

Mr. Iannuzzi made a motion, seconded by Mr. Solak to grant excused absences for Mr. Hovey and Mr. Leaming. On a voice vote, the motion carried unanimously (6-0).

- B.** Ms. Stachowiak said that the November meeting is going to be lengthy as there are four variances cases for medical marijuana dispensaries within 500 feet of each other on S. MLK. She said that there is at least one other variance case on the agenda as well for that evening. Ms. Stachowiak said that she will have one of the City Attorneys at the meeting.

VIII. PUBLIC COMMENT**VIII. ADJOURNMENT AT 7:00 P.M.**

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator