
**MINUTES OF REGULAR MEETING
BOARD OF ZONING APPEALS
September 13, 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 6:35 p.m. Roll call was taken.

Present: M. Alling, J. Leaming, C. Iannuzzi, M. Rice, K. Berryman & M. Solak

Absent: J. Hovey & J. Quick

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. Leaming to approve the agenda as printed. On a voice vote, the motion carried 6-0.

III. PUBLIC COMMENT

IV. ACTION

A. BZA-4039.18, 2900 Collins Road

Ms. Stachowiak said that this is a request by McLaren Greater Lansing to construct a new hospital on the property at 2900 Collins Road that would have a maximum building height of 178 feet and would have frontage on and be accessed via Forest Road and Collins Road, both of which are classified as collector roads. Section 1260.09 of the Zoning Ordinance limits the height of a building in the "D-1" Professional Office district, which is the zoning designation of the subject property, to 45 feet. Section 1260.03(b) requires the lot on which a hospital is located to have not less than one property line abutting a principal arterial. This Section also requires that each point of ingress and egress to the site must be directly from a principal or minor arterial. A variance of 133 feet to the building height limitation and variances to the road frontage classification for a hospital site and to the road classification requirement providing access to the site are therefore, being requested. Ms. Stachowiak stated that staff is recommending approval of the requests, based 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.

Ms. Stachowiak said that the 45 foot building height limitation is impractical for a hospital given its unique operations and needs in comparison to other uses permitted in the "D-1" Professional Office district. She also said that the proposed location is ideal for a hospital, despite it having its road frontage and only vehicular access from 2 collector roads. Ms. Stachowiak said that if the variance is denied, the applicant would have to build horizontally rather than vertically which would make the hospital operations inefficient to the extent that the project would not be viable. Building vertically allows the hospital staff to travel through the building by elevator and stairs which is much faster and far more efficient than traveling through hallways in a sprawled-out building. She said that in the case of a hospital, this is essential in comparison to a typical office building where the efficiency and speed with which its occupants can travel through the building is really just a matter of mere convenience.

Ms. Stachowiak said that with respect to the road classification variances, the applicant has selected a location that is very appropriate for a hospital, despite being located on and accessed by collector road, particularly since there are no residential uses adjoining the subject property. She said that road classifications are based on traffic volumes and the uses that the roads serve. At this time, the uses on Collins Road and Forest Road do not generate enough traffic or serve the types of uses that would warrant being classified as principal or minor arterials. The traffic generated by the hospital, once in full operation, will likely result in the designation, as least for Collins Road, being reclassified as a minor arterial. Ms. Stachowiak stated that while Collins and Forest Roads are designated as collectors, both are designed to accommodate a fairly high volume of traffic and any necessary upgrades to the roads to accommodate traffic from the hospital will be installed as part of the overall project.

She said that she received a phone call from Nancy Mahlow, president of the Eastside Neighborhood Organization in opposition to the height variance.

Ms. Alling opened the public hearing.

Dan Rooney, KMG, representing McLaren Hospital, spoke in support of the request. He said that 178 feet is the height to the highest element. The maximum height of the building itself is 140 feet (9 stories) and the rest is technology. Mr. Rooney said that a traffic study has been conducted and improvements to the transportation system will need to be installed. He said that McLaren will be contributing to the costs of those improvements.

Ms. Alling stated that traffic is pretty heavy in the area during MSU football games.

Mr. Rooney said that traffic for a hospital is steady rather than a lot of traffic all at one time. He said that football game traffic affects everything in the area but it is only 6 times each season. Mr. Rooney said that the traffic improvements will make things more efficient for football game traffic as well.

Mr. Leaming asked about the future use of the existing McLaren facilities. He also asked if the variances are the last step in obtaining the necessary approvals for the new hospital.

Ms. Stachowiak said that they are zoned "DM-4" Residential, which district permits hospitals but that the sites may need to be rezoned in order to accommodate an appropriate reuse of the sites. She said that the site plan for the development is currently being processed at the staff level. She also said that the only remaining approval besides the variances and the administrative site plan review is final approval by the City Council of the request to vacate portions of Alliance Drive and Technology Blvd.

John Shaski, 2911 Stoneleigh Drive, spoke in opposition to the variances. He said that he works for Sparrow but is only representing himself as a resident of the area and a member of the Forest View Neighborhood Association. Mr. Shaski said that he is also the ward 2 representative to the Planning Board. He stated that Ms. Stachowiak was incorrect in stating that there are no residences surrounding the subject property as there is a house located on the north side of Forest Road directly across from the proposed hospital site. Mr. Shaski asked that the BZA delay action on the variance requests until he and the other neighbors receive answers to the concerns about the project that have been expressed to McLaren. He said that McLaren's website about this project has not been updated since June and McLaren has not been responsive to the concerns regarding traffic and other matters that may affect the residents of the area.

Elena Keller, 2718 Wabash Road, stated that she is not opposed to the project but is concerned about the increased traffic, particularly during MSU events. She said that Forest and Collins Roads are both in poor condition. Ms. Keller stated that Forest Road is a scenic corridor that would be destroyed if it were to be widened, resulting in the loss of many trees along the roadway. She also expressed concerns about noise, lights, helicopters, exacerbating sewer

problems that already exist in the area, the disruption of wetlands and the destruction of as wildlife habitat. Ms. Keller said that McLaren has not been "transparent" where this project is concerned.

Mindy Jones, 2724 Fireside Drive, spoke in opposition to the request. She said that football games are 7-8 times each season, not 6 as previously stated. Ms. Jones asked Ms. Stachowiak for clarification on the 3 variances that area being requested.

Jean Herford, 2208 Robinson Road, expressed concerns about the cold way in which this project has been handled. She said that there is a lot of wildlife in the area that will be impacted by this development, not to mention its impact on peace and quiet of the area for its residents. She expressed concerns about noise, light and traffic that will be generated by the hospital, thus changing the character of the area as it currently exists.

Kenneth Kerbyson, 2520 Forest Road, stated that traffic has increased a great deal on Forest Road over the past 3 years and the hospital will make it much worse. He said that motorists tend to speed, sometimes traveling at twice the speed limit. Mr. Kerbyson expressed concerns about the increase in traffic that will be generated by the hospital as well as other issues that could negatively impact the quality of life for residents in the area.

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

Mr. Rice stated that a lot of issues have been raised with regard to noise, light glare and the responsiveness by the hospital to the concerns of the neighbors. He said that the BZA has very specific criteria that it must consider, and only consider, when evaluating requests for variances. Mr. Rice said that the BZA members are volunteers that are not compensated in any way and that they must look at these requests objectively in accordance with the criteria set forth in the Zoning Ordinance. He said that in this case, the only issues before the Board are the height of the building and the road classification. Mr. Rice said that there is a concern amongst the neighbors that McLaren is not listening to their concerns and he hopes that changes but it is not an issue that the BZA can take into consideration when making its decision. He said that he is inclined to support the variances as the 45 foot building height limitation is not sufficient for a hospital. With regard to the road classification, he said that the reason that Collins Road is not classified as a minor arterial is being the traffic volumes do not warrant it at this time but will dramatically increase with the hospital to the extent that it could be reclassified once the hospital is in full operation.

Mr. Leaming said that the BZA needs to make a decision based on the criteria set for the in the Zoning Ordinance for evaluating variances, which he read aloud for the audience. He said that the only matters that the Board is considering are the building height and road classification and in his opinion, the requests satisfy the evaluating criteria. Mr. Leaming stated that the traffic concerns will be addressed by the City at the administrative level.

Ms. Alling expressed support for the variances stating that site is zoned for a hospital but does not allow for a building height necessary to accommodate a hospital. She also said that the City will ensure that the necessary traffic controls/improvements are in place to properly manage the traffic. Ms. Alling asked that the hospital work with the neighbors to address their concerns.

Mr. Rice made a motion, seconded by Mr. Solak to approve BZA 4039.18 be approved for a variance of 133 feet to the 45 foot building height limitation and for variances to the requirement that hospitals be located on and have direct access to a principal or minor arterial, to permit a 178 foot high building and to permit a hospital that would have frontage on and its only access to collector roads, on a finding that the variances would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this request. On a roll call vote, the motion carried (5-1). Mr. Berryman cast the dissenting vote.

B. BZA-4040.18, 1600 Block, East Kalamazoo Street

Ms. Stachowiak said that this is a request by the Allen Neighborhood Center to permit the properties located at 317 Allen Street, 326 Shepard Street and the parcels located on the north side of the 1600 block of E. Kalamazoo Street to be used for a mixed residential/commercial building. The applicant is proposing a total of 40 residential units which requires 56,800 square feet of lot area in accordance with Section 1256.06 of the Zoning Ordinance. The site contains 49,248 square feet. Section 1284.13 of the Zoning Ordinance requires 160 parking spaces for the proposed project. 80 parking spaces can be accommodated on the site. Section 1268.06 of the Zoning Ordinance requires a 20 foot front yard setback in the "F" Commercial district, which is the zoning designation of the subject properties. The building will have a zero foot setback along E. Kalamazoo Street, an 8 foot setback along Allen Street and a 9.25 foot setback along Shepard Street. Variances of 7,552 square feet to the lot area requirement, 80 to the required number of parking spaces and 20, 12 and 10.75 feet to the required setbacks are therefore, being requested. Ms. Stachowiak stated that staff is recommending approval of the request, based 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.

Ms. Stachowiak stated that the practical difficulty in this case involves the limited amount of land necessary to accommodate the lot area requirement for enough residential units to make the development economically feasible and to accommodate the required number of parking spaces. She said that compliance with the zoning ordinance requirements would result in the applicant having to purchase adjoining residential properties, demolish the houses to create additional parking and constructing/relocating the building to the required 20 foot front yard setback along the street frontages, all of which would be contrary to the desired land use pattern for the area as described in the master plan and with proper planning and zoning principles in general for an urban neighborhood/low impact commercial environment.

Ms. Stachowiak stated that she received a call from Emily Franklin and one other resident in the area in support of the request. She said that she received a phone call from the owner of 313 Allen Street expressing concerns about the close proximity of the parking lot to his property line and how snow storage will be handled.

Ms. Alling opened the public hearing.

Joan Nelson, Director, Allen Neighborhood Center (ANC), 1611 E. Kalamazoo Street, spoke in favor of the request. Ms. Nelson said that ANC recently purchased the property on the north side of the 1600 block of E. Kalamazoo Street, even though it has occupied the building for 19 years. She said that the complex is for the most part empty with the exception of ANC and one other business. The entire 2nd floor is vacant. Ms. Nelson said that the development will include 40 residential apartment units will likely be occupied in large part by older people who no longer wish to own a home but want to stay in the area. She said that they are working with MSHDA to make it an affordable place to live. Ms. Nelson said that the proposed amount of parking should be sufficient, given that many of the residents in the target population will likely only have 1 vehicle per unit and will take advantage of public transportation. She also said that there are options for leasing on-site parking from other sites in the area if necessary.

Jonathan Lum, Chairman of the ANC Board, 1500 N. Fairview Avenue, spoke in favor of the request. He said that the type of development that is being proposed is appropriate for the area. Mr. Lum said that it is anticipated that there will be a decline in the need for parking in years to come as people become less reliant on private automobiles. He said that Neogen has always helped ANC with parking in their lot during special events. He also said that they will provide a buffer between the parking lots and the residential neighbors to the north.

Rick Kibbey, 1614 Linbergh Drive, spoke in support of the request. He said that he has a strong background in urban planning and this proposal represents good planning for the area in

which it is located. Mr. Kibbey said that this type of development is consistent with the Master Plan and will be permitted as a matter of right in the proposed form-based code.

Pat Harrington, 313 Allen Street, stated that he is happy about the proposed project but wants to ensure that there is a sufficient buffer/screen so that headlights do not shine into his windows. He also said that the parking lot will be about 3 feet from his house and thus, snow storage is a concern with regard to damaging or causing leakage in his basement.

Ms. Nelson said that she and her team will work with Mr. Harrington to ensure that these matters are addressed.

Darryl Taylor, 1710 E. Kalamazoo, spoke in support of the request. She said that this is a great project and may be the catalyst for other positive changes in the area as well.

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

Mr. Leaming stated that the project is appropriate for the area. He said that they have addressed the parking and have done some community outreach. Mr. Leasing said that trying to retrofit a new development in an area such as the 1600 block of E. Kalamazoo is difficult and the requested variances seem reasonable.

Mr. Rice stated that the request complies with the evaluation criteria set for the in the Zoning Ordinance, as described in the staff report, and he will be supporting the variances. He said that without variances, it would not be possible to develop the site in a manner consistent with the area in which it is located and with the City's master plan.

Mr. Berryman agreed that the project is good for the area in which it will be located and he is able to support the variances. The other Board members agreed as well.

Mr. Iannuzzi made a motion, seconded by Mr. Berryman to approve BZA 4040.18 for variances of 7,552 square feet to the lot area requirement, 80 to the required number of parking spaces and 20, 12 and 10.75 feet to the required setbacks to permit a mixed use, 40 unit residential/commercial development on the properties located at 317 Allen Street, 326 Shepard Street and the parcels located on the north side of the 1600 block of E. Kalamazoo Street 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. On a roll call vote, the motion carried unanimously (6-0).

V. OLD BUSINESS

VI. APPROVAL OF MINUTES – Special Meeting, July 26, 2018

Mr. Leaming made a motion, seconded by Mr. Rice to approve the minutes from the special meeting held on July 26, 2018, as presented. On a roll call vote, the motion carried unanimously (6-0).

VII. NEW BUSINESS

A. Rules of Administrative Procedure

Ms. Stachowiak said that all of the City Boards and Commissions are reviewing their rules of procedure to make sure that they are up-to-date. She said that the BZA Rules of Procedure have not been updated since the 1960's. Ms. Stachowiak said that the proposed Rules do not change the way the BZA currently conducts its meetings.

Mr. Berryman said that the issue at the last meeting had to do with what constitutes a quorum. He said that Section 5.0 states that five members of the person seating on the BZA shall constitute a quorum for the transaction of business and the taking of official actions. Section 11.0, however, states that any action is by majority votes of those present.

Ms. Stachowiak stated that Section 11.0 is incorrect. She said that a majority of those members serving on the board must vote in favor of a variance in order for it to pass. Ms. Stachowiak said that she would make that correction to the proposed rules.

Mr. Leaming made a motion, seconded by Mr. Iannuzzi to approve the rules of administrative procedure dated July, 2018 with the correction to Section 11.0 regarding a the number of votes constituting a quorum being necessary to approve a variance. On a voice vote, the motion carried unanimously (6-0).

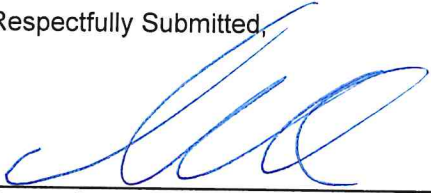
B. Excused Absences

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

VIII. PUBLIC COMMENT

VIII. ADJOURNMENT AT 8:06 P.M.

Respectfully Submitted,



Susan Stachowiak, Zoning Administrator