



CITY OF ALBION ZONING BOARD OF APPEALS
TUESDAY, JULY 26, 2016
COUNCIL CHAMBERS
5:30 P.M.

AGENDA

I. Call To Order (Reminder: turn off cell phones)

II. Roll Call of the Board

III. Approval of Prior Meeting Minutes-April 12, 2016

IV. Correspondence

V. Order of Business

A. PUBLIC HEARING

1. Variance Request - Downtown Albion Hotel, LLC, property owner of record of 200 S. Superior Street, Block 52, Lots 1 through 12. Case: #2016-038

Variance is requested for reduction in width of the green strip required between parking lot and property line along W. Center St. by two (2) feet to a width of eight (8) feet and a reduction of seven (7) feet along S. Clinton St. to a width of three (3) feet.

2. Variance Request -Downtown Albion Hotel, LLC, property owner of record of 200 S. Superior Street, Block 52, Lots 1 through 12. Case # 2016-039

Variance is requested for reduction of interior parking lot green space required in order to allow for required number of parking spaces. Interior parking area is 20,424 square feet. Green space required for said sq. ft. is 1,362 sq. ft... Proposed parking lot has four landscaped islands located at the ends of the parking lanes that provide 200 sq. ft. each for a total of 800 square feet. Requesting a reduction of 562 sq. ft. of interior landscaping. Street, Block 52, Lots 1 through 12. Case: #2016-039

VI. Excuse Absent Commissioners

VII. Citizen Comments (Persons addressing the DDA shall limit their comments to no more than 5 minutes. Proper decorum is required.)

VIII. Adjournment

ZBA PUBLIC HEARING PROCESS

- 1) The ZBA Chair opens the hearing
- 2) Chair summarized the process
- 3) Staff presents report on applicant's request
- 4) Chair reads any correspondence into the record
- 5) Public speaking portion of hearing
 - Individuals in support
 - Opposition speakers
 - Questions & rebuttal (directed through Chair)
 - Public speaking portion of hearing closed
- 6) Finding of facts
- 7) Board begins deliberations
- 8) Motion is made
- 9) Roll call vote taken



CITY OF ALBION

Department of Planning, Building, Code Enforcement
112 W. Cass Street, Albion, Michigan 49224
Office: (517) 629-7189 Fax: (517) 629-7189

Planning Department Report Zoning Board of Appeals July 26, 2016

CASE: #2016-038

I. Case #2016-038

Applicant: Downtown Albion Hotel, LLC.
Property Address: 200 S. Superior Street
Tax Identification: 51-000-899-00
Zoning District: B-2 Central Business District

II. Applicant purpose of request and requested action

The location of this new hotel is in the Historic Downtown District and its property site sizes are restricted by the existing downtown street grid layout. Our current design maximizes parking in order to meet the required parking required by Zoning and at the same time it strives to comply with the landscaping requirements while being contained in one city block.

We are required to have a landscaped green strip at least ten (10) feet in width at the perimeter of parking areas to provide adequate screening from adjacent properties. We are able to comply with this along W. Porter Street but are requesting a variance for the other two streets. In order to provide the maximum amount of on-site parking and for that along W. Porter Street but are requesting a variance for the other two streets. In order to provide the maximum amount of on-site parking and for that parking to be a minimum of 180 square feet we encroached into the other two sides. We would ask for a reduction in width of the green strip along W. Center Street by two (2) feet to a width of eight (8) feet and reduction of seven (7) feet along S. Clinton Street to a width of three (3) feet.

This reduction will still provide adequate screening of the adjacent properties just in a more compact manner which shall preserve the enjoyment and rights and pose no detriment to the adjacent properties. This variance request is not a change of use just a reduction of the landscape screening of the parking areas due to site restrictions. Other than the landscape restrictions all other portions of the zoning ordinance are being complied with.

III. Why is a Variance Needed?

Section 30-433. Landscaping and screening of parking areas.

Parking lots shall have the following perimeter landscaping and screening:

1. Parking lots, or parts thereof, that are adjacent and/or visible from a public right-of-way, must include the following perimeter landscaping between the parking lot and the right-of-way:
 - a. A landscaped greenstrip at least ten (10) feet in width.
 - b. A hedge forming a continuous screen at least thirty-six (36) inches above the street grade, or a berm, wall or combination thereof forming a continuous screen at least thirty-six (36) inches

above the street grade, and located to provide maximum screening of the parking lot. Relocation of the hedge, berm, wall or combination thereof may be allowed to prevent traffic hazards, vision obstruction or other public safety dangers. The building may also be used to screen the parking lot.

IV. B-2 Central Business District

The B-2 Central Business District is intended to provide for a variety of retail and office services which serve the needs of consumer trade area that extends beyond the corporate boundaries of the city. This district is characterized by intense pedestrian activity and a unified architectural scale.

Adjacent land uses and zoning districts

North: B-2 Central business district
South: B-2 Central business district
East: B-2 Central business district
West: B-2 Central business district

V. Project Information

See attached/enclosed print: DLZ Architecture-Engineering site plan drawing number SP2.1 reference proposed Courtyard by Marriott Hotel parking lot.

VI. Analysis

No such variance in the provisions or requirements of this chapter shall be authorized by the board unless the board finds, beyond reasonable doubt that all of the following facts and conditions exist:

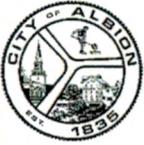
- (1) That there are exceptional or extraordinary conditions applying to the property, that do not apply to other properties or classes of uses in the same zoning district.
- (2) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
- (3) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not impair the purposes of this ordinance or the public interest.
- (4) That such variance shall in no manner or guise be construed to mean a change of use, but shall mean only a variation or modification from the provisions of this chapter.

VII. Recommendation

In view of the primary use of said parking lot to be used for twenty four (24) hour parking of hotel patrons, with limited nearby access to other twenty four (24) hour parking, and public street parking not allowing on street parking between the hours of 2:00 a.m. and 6:00 a.m., and due to the fact the district has a zero (0) front and side building setback requirement, in my opinion as Director of Planning, Building, Code Enforcement, I recommend the board to be in favor of approval for requested variance.

VIII. Attachments

- Application for Zoning Variance #2016-038
- Section 30-433. Landscaping and screening of parking lot.
- DLZ Site Plan for Downtown Albion Hotel, LLC. Drawing Number SP2.1



CITY OF ALBION--APPLICATION FOR ZONING VARIANCE
ALTER/EXPAND NON-CONFORMING PROPERTY
 City of Albion Planning Department (517) 629-7189
 Cornerstone Inspection Services (269) 729-9244

Application Instructions: Complete all sections of this form. Type or use black ink. No application will be considered submitted or processed by the Planning Department until a complete application and all required documents are received.

Required Documents:

- Seven sets of plans, drawn to scale in black line or blueprint, showing the:
 - ◆ shape and dimensions of the lot to be built upon or to be changed in its use,
 - ◆ exact location, size, and height of all buildings or structures (including fences) on the lot,
 - ◆ location of sidewalks, public streets, and curb cuts, and
 - ◆ location and dimensions of improved driveways and parking areas.
- Proof of payment of application fee.

Fee: Single Family Residential Use: \$200
 All Other Uses: \$200

FOR OFFICE USE ONLY	
Permit #: 2016 - 038	
Stamp here for "Date Received" <div style="border: 2px solid black; padding: 5px; text-align: center;"> RECEIVED JUL 14 2016 </div>	
Received by: <i>Hand Copies Fed Exp</i>	
Deposit to Account: #101-400-483.00	
Stamp here for "Date" <div style="border: 2px solid black; padding: 5px; text-align: center;"> PAID JUL 14 2015 </div>	
Approved by: _____	
Stamp here for "Approved/Deny" Date: _____	

1. Property Information: Property Zoned: B-2

Street Address: <i>Use Complete Street Address, e.g. 101 North Main Street</i> 200 S. Superior St. Block 52, South Superior Street		Parcel Number 51-000-899-00 1 Thru 12
Zoning District B-2	Parcel Type: <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Other (describe)	

2. Owner Information:

Name: <i>Include Contact Person If Applicable</i> DOWNTOWN ALBION HOTEL, LLC - NICK SEEHAFFER		Phone 989-799-5700
Street Address: <i>Use Complete Street Address, e.g. 101 North Main Street</i> 1100 S. Washington Ave	City, State Zip Code: SAGINAW, MI 48601	

3. Applicant Information:

Name: <i>Include Contact Person If Applicable</i> DOWNTOWN ALBION HOTEL, LLC - NICK SEEHAFFER		Phone 989-799-5700
Street Address: <i>Use Complete Street Address, e.g. 101 North Main Street</i> 1100 S. Washington Ave.	City, State Zip Code: SAGINAW, MI 48601	

4. Project Information:

Improvement Type <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Repair/Replacement <input type="checkbox"/> Demolition <input type="checkbox"/> Relocation <input type="checkbox"/> Foundation Only <input type="checkbox"/> Change of Use Only <input type="checkbox"/> Other <i>Explain</i>	Proposed Use <input type="checkbox"/> Assembly <input type="checkbox"/> Retail <input type="checkbox"/> Factory <input type="checkbox"/> Single Family Residential <input type="checkbox"/> Multi-Family Residential <input type="checkbox"/> Professional <input type="checkbox"/> Educational <input type="checkbox"/> Institutional <input type="checkbox"/> Two Family Residential <input type="checkbox"/> Accessory Structure Describe the exact nature of the proposed use: <p style="font-size: 1.2em; font-family: cursive;">NEW HOTEL FACILITY</p>	
Structural Frame <i>Check all that apply</i> <input type="checkbox"/> Steel <input type="checkbox"/> Concrete <input type="checkbox"/> Masonry <input checked="" type="checkbox"/> Wood <input type="checkbox"/> Other	Exterior Walls <i>Check all that apply</i> <input type="checkbox"/> Steel <input type="checkbox"/> Concrete <input checked="" type="checkbox"/> Masonry <input checked="" type="checkbox"/> Wood <input type="checkbox"/> Other	
Are there any structural assemblies that are fabricated off site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Street Frontage (feet)	Stories 3	Lot Area (sq. feet) 1.68 ACRES
Front Setback (feet) 0	Bed Rooms	Building Area (sq. feet) 54,416
Rear Setback (feet) 190	Full Bathes	Parking Area (sq. feet)
Left Setback (feet) 0	Partial Bathes	Living Area (sq. feet)
Right Setback (feet) 0	Garages	Basement Area (sq. feet) 0
Height Above Grade (feet) 42'-0"	Windows	Garage Area (sq. feet) 0
New Residential Units 0	Fireplaces	Office/Sales Area (sq. feet) 0
Existing Residential Units 0	Enclosed Parking Spaces 0	Service Area (sq. feet) 0
Elevators/Escalators 2/0	Open Parking Spaces 82	Manufacturing Area (sq. feet) 0
Est. Start Date August/Sept 2016	Est. Finish Date August 2017	Estimated Building Value 8,500,000

5. Variance Request

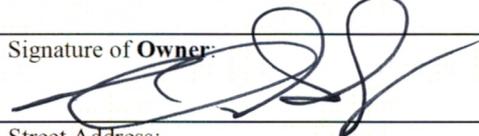
Explain the exact nature of the variance requested, include reference to all relevant sections of the zoning ordinance. Explain how the proposed variance meets the criteria outlined by Section 30-79(e) of the Albion Zoning Ordinance. Use additional pages if necessary.

Section 30-79(e): No such variance in the provisions or requirements of this chapter shall be authorized by the board unless the board finds, beyond reasonable doubt that all of the following facts and conditions exist:

- (1) That there are exceptional or extraordinary conditions applying to the property, that do not apply to other properties or classes of uses in the same zoning district.
- (2) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
- (3) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not impair the purposes of this ordinance or the public interest.
- (4) That the authorizing of such variance shall in no manner or guise be construed to mean a change of use, but shall mean only a variation or modification from the provisions of this chapter.

6. Certification

I hereby certify that I am the owner of record of the named property, and I agree to conform to all applicable laws of this jurisdiction. In addition, I agree to allow members of the Zoning Board of Appeals and Planning Department staff to inspect the site as a part of the consideration of this request. I hereby affirm that if this variance is granted, I will comply with all general and specific special-use conditions required by the Planning Commission under the zoning ordinances. However, I retain the right to decline the variance if I find those conditions unacceptable. Finally, should a variance be granted, I shall apply for and receive all applicable permits before beginning any construction.

Signature of Owner: 	Phone 989-799-5700	Date 7/11/16
Street Address: 1100 S. Washington Av.	City, State, Zip Code Saginaw, MI 48601	

I hereby certify that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the code official or the code official's authorized representative shall have the authority to enter areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit.

Signature of Applicant: 	Phone 989-799-5700	Date 7/11/16
Street Address: 1100 S. Washington Av.	City, State, Zip Code Saginaw, MI 48601	

7. Evaluation and Determination

CORNERSTONE INSPECTION SERVICES

Mechanical Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Plumbing Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Electrical Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Residential Building Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Commercial Building Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Plans Examination	<input type="checkbox"/> YES	<input type="checkbox"/> NO

PUBLIC SERVICES

Right of Way	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Curb Cut	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Soil Erosion	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Sewer Connection	<input type="checkbox"/> YES	<input type="checkbox"/> NO

ZONING PERMIT

Site Plan	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Non-conformity	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Special Use	<input type="checkbox"/> YES	<input type="checkbox"/> NO

PUBLIC NOTICE

<i>Public Notice in Newspaper</i>	<i>Letter to Nearby Properties</i>	<i>Public Hearing Date</i>
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PUBLIC HEARING

<i>Zoning Board of Appeals Recommendation (In Favor, Opposed)</i>	<i>Date Applicant was Notified of ZBA Decision</i>
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PLANNING DEPARTMENT APPROVAL/DENY

<i>Signature</i>	<i>Date</i>
<i>Notes</i>	<i>Stamp</i>



1100 S. Washington Ave.
Saginaw, MI 48601

July 11, 2016

Downtown Albion Hotel
Variance Request 1

Section 30-433 Landscaping and screening of parking areas, Subsection 1., a. and b.

The location of this new hotel is in the Historic Downtown District and its property site sizes are restricted by the existing downtown street grid layout. Our current design maximizes parking in order to meet the required parking required by Zoning and at the same time it strives to comply with the landscaping requirements while being contained in one city block.

We are required to have a landscaped green strip at least ten (10) feet in width at the perimeter of parking areas to provide adequate screening from adjacent properties. We are able to comply with this along W. Porter Street but are requesting a variance for the other two streets. In order to provide the maximum amount of on-site parking and for that parking to be a minimum of 180 square feet we encroached into the other two sides. We would ask for a reduction in width of the green strip along W. Center by two (2) feet to a width of eight (8) feet and a reduction of seven (7) feet along S. Clinton to a width of three (3) feet.

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- Seven sets of plans, drawn to scale in black line or blueprint, showing the:
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 - ◆ exact location, size, and height of all buildings or structures (including fences) on the lot,
 - ◆ location of sidewalks, public streets, and curb cuts, and
 - ◆ location and dimensions of improved driveways and parking areas.

- Proof of payment of application fee.

Fee: Single Family Residential Use: \$200
 All Other Uses: \$200

FOR OFFICE USE ONLY
Permit #: 20 16 - 039
Stamp here for "Date Received" RECEIVED JUL 14 2016 BY: <i>Hand copies - Fudka</i>

Deposit to Account #101-400-483-00 Stamp here for "Date" JUL 14 2016 BY:
--

Stamp here for "Approved/Deny" Date
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1. Property Information: Property Zoned: **B-2**

Street Address: <i>Use Complete Street Address, e.g. 101 North Main Street</i> 200 S. Superior St. BLOCK 52, SOUTH SUPERIOR STREET	Parcel Number 51-000-899-00 1 Thru 12
Zoning District B-2	Parcel Type: <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Other (describe)

2. Owner Information:

Name: <i>Include Contact Person If Applicable</i> DOWNTOWN ALBION HOTEL, LLC - NICK SEEHAFFER	Phone 989-799-5700
Street Address: <i>Use Complete Street Address, e.g. 101 North Main Street</i> 1100 S. Washington Ave	City, State Zip Code: SAGINAW, MI 48601

3. Applicant Information:

Name: <i>Include Contact Person If Applicable</i> DOWNTOWN ALBION HOTEL, LLC - NICK SEEHAFFER	Phone 989-799-5700
Street Address: <i>Use Complete Street Address, e.g. 101 North Main Street</i> 1100 S. Washington Ave.	City, State Zip Code: SAGINAW, MI 48601

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Improvement Type <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Repair/Replacement <input type="checkbox"/> Demolition <input type="checkbox"/> Relocation <input type="checkbox"/> Foundation Only <input type="checkbox"/> Change of Use Only <input type="checkbox"/> Other <i>Explain</i>	Proposed Use <input type="checkbox"/> Assembly <input type="checkbox"/> Retail <input type="checkbox"/> Factory <input type="checkbox"/> Single Family Residential <input type="checkbox"/> Multi-Family Residential <input type="checkbox"/> Professional <input type="checkbox"/> Educational <input type="checkbox"/> Institutional <input type="checkbox"/> Two Family Residential <input type="checkbox"/> Accessory Structure Describe the exact nature of the proposed use: <p style="font-size: 1.2em; font-family: cursive;">NEW HOTEL FACILITY</p>	
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Are there any structural assemblies that are fabricated off site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
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Height Above Grade (feet) 42'-0"	Windows	Garage Area (sq. feet) 0
New Residential Units 0	Fireplaces	Office/Sales Area (sq. feet) 0
Existing Residential Units 0	Enclosed Parking Spaces 0	Service Area (sq. feet) 0
Elevators/Escalators 2/0	Open Parking Spaces 82	Manufacturing Area (sq. feet) 0
Est. Start Date August/Sept 2016	Est. Finish Date August 2017	Estimated Building Value 1,500,000

5. Variance Request

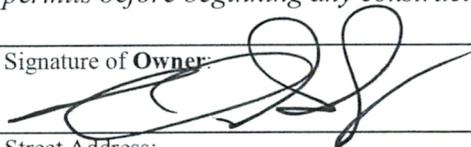
Explain the exact nature of the variance requested, include reference to all relevant sections of the zoning ordinance. Explain how the proposed variance meets the criteria outlined by Section 30-79(e) of the Albion Zoning Ordinance. Use additional pages if necessary.

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- (2) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
- (3) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not impair the purposes of this ordinance or the public interest.
- (4) That the authorizing of such variance shall in no manner or guise be construed to mean a change of use, but shall mean only a variation or modification from the provisions of this chapter.

6. Certification

I hereby certify that I am the owner of record of the named property, and I agree to conform to all applicable laws of this jurisdiction. In addition, I agree to allow members of the Zoning Board of Appeals and Planning Department staff to inspect the site as a part of the consideration of this request. I hereby affirm that if this variance is granted, I will comply with all general and specific special-use conditions required by the Planning Commission under the zoning ordinances. However, I retain the right to decline the variance if I find those conditions unacceptable. Finally, should a variance be granted, I shall apply for and receive all applicable permits before beginning any construction.

Signature of Owner: 	Phone 989-749-5700	Date 7/11/16
Street Address: 1100 S. Washington Av.	City, State, Zip Code Saginaw, MI 48601	

I hereby certify that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the code official or the code official's authorized representative shall have the authority to enter areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit.

Signature of Applicant: 	Phone 989-749-5700	Date 7/11/16
Street Address: 1100 S. Washington Av.	City, State, Zip Code Saginaw, MI 48601	

7. Evaluation and Determination

CORNERSTONE INSPECTION SERVICES

Mechanical Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Plumbing Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Electrical Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Residential Building Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Commercial Building Permit	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Plans Examination	<input type="checkbox"/> YES	<input type="checkbox"/> NO

PUBLIC SERVICES

Right of Way	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Curb Cut	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Soil Erosion	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Sewer Connection	<input type="checkbox"/> YES	<input type="checkbox"/> NO

ZONING PERMIT

Site Plan	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Non-conformity	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Special Use	<input type="checkbox"/> YES	<input type="checkbox"/> NO

PUBLIC NOTICE

<i>Public Notice in Newspaper</i>	<i>Letter to Nearby Properties</i>	<i>Public Hearing Date</i>
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PUBLIC HEARING

<i>Zoning Board of Appeals Recommendation (In Favor, Opposed)</i>	<i>Date Applicant was Notified of ZBA Decision</i>
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PLANNING DEPARTMENT APPROVAL/DENY

<i>Signature</i>	<i>Date</i>
<i>Notes</i>	<i>Stamp</i>



1100 S. Washington Ave.
Saginaw, MI 48601

July 11, 2016

Downtown Albion Hotel
Variance Request 2

Section 30-433 Landscaping and screening of parking areas, Subsection 2

The location of this new hotel is in the Historic Downtown District and its property site sizes are restricted by the existing downtown street grid layout. Our current design maximizes parking in order to meet the required parking required by Zoning and at the same time it strives to comply with the landscaping requirements while being contained in one city block.

Parking areas of greater than 10,000 square feet shall be provided with 1 square foot of landscape area for each 15 square feet of parking lot

Our calculations show that our interior parking area is 138 feet by 148 feet for a total of 20,424 square feet. 20,424 divided by 15 square feet required equals 1,362 square feet of interior landscaping required. We have four landscape islands located at the ends of the parking lanes that provide 200 square feet each for a total of 800 square feet. We are requesting a reduction of 562 square feet of interior landscaping.

This reduction will still provide pleasing interior landscaping and the layout is in compliment with the perimeter landscaping. The reduced landscaping shall preserve the enjoyment and rights and pose no detriment to the adjacent properties. This variance request is not a change of use just a reduction of the interior landscaping of the parking areas due to site restrictions. Other than the landscape restrictions all other portions of the zoning ordinance are being complied with.



CITY OF ALBION

Department of Planning, Building, Code Enforcement
112 W. Cass Street, Albion, Michigan 49224
Office: (517) 629-7189 Fax: (517) 629-7189

Planning Department Report Zoning Board of Appeals July 26, 2016

CASE: #2016-039

I. Case #2016-039

Applicant: Downtown Albion Hotel, LLC.
Property Address: 200 S. Superior Street
Tax Identification: 51-000-899-00
Zoning District: B-2 Central Business District

II. Applicant purpose of request and requested action

The location of this new hotel is in the Historic Downtown District and its property site sizes are restricted by the existing downtown street grid layout. Our current design maximizes parking in order to meet the required parking required by Zoning and at the same time is strives to comply with the landscaping requirements while being contained in one city block.

Parking areas of greater than 10,000 square feet shall be provided with 1 square foot of landscape area for each 15 square feet of parking lot.

Our calculations show that our interior parking area is 138 feet by 148 feet for a total of 20,424 square feet. 20,424 divided by 15 square feet required equals 1,362 square feet of interior landscaping required. We have four landscape islands located at the ends of the parking lanes that provide 200 square feet each for a total of 800 square feet. We are requesting a reduction of 562 square feet of interior landscaping.

This reduction will still provide pleasing interior landscaping and the layout is in compliment with the perimeter landscaping. The reduced landscaping shall preserve the enjoyment and rights and pose no detriment to the adjacent properties. This variance request is not a change of use just a reduction of the interior landscaping of the parking areas due to site restrictions. Other than the landscape restrictions all other portions of the zoning ordinance are being complied with.

III. Why is a Variance Needed?

Section 30-433. Landscaping and screening of parking areas.

2. Parking areas of greater than ten thousand (10,000) square feet, in addition to Section 30-433 (1)(a) and (b), must meet the following interior landscaping requirements:

Within the interior of the parking lots there shall be one square foot of landscaped area for each fifteen (15) square feet of parking lot. In computing the lot area for this requirement, the paved area within twenty (20) feet of the perimeter may be excluded.

Each interior landscaped area shall have at least one hundred fifty (150) square feet.

The interior landscaped areas shall be located in a manner that breaks up the expanse of paving throughout the parking lot.

IV. B-2 Central Business District

The B-2 Central Business District is intended to provide for a variety of retail and office services which serve the needs of consumer trade area that extends beyond the corporate boundaries of the city. This district is characterized by intense pedestrian activity and a unified architectural scale.

Adjacent land uses and zoning districts

North: B-2 Central business district

South: B-2 Central business district

East: B-2 Central business district

West: B-2 Central business district

V. Project Information

See attached/enclosed print: DLZ Architecture-Engineering site plan drawing number SP2.1 reference proposed Courtyard by Marriott Hotel parking lot.

VI. Analysis

No such variance in the provisions or requirements of this chapter shall be authorized by the board unless the board finds, beyond reasonable doubt that all of the following facts and conditions exist:

- (1) That there are exceptional or extraordinary conditions applying to the property, that do not apply to other properties or classes of uses in the same zoning district.
- (2) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
- (3) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not impair the purposes of this ordinance or the public interest.
- (4) That such variance shall in no manner or guise be construed to mean a change of use, but shall mean only a variation or modification from the provisions of this chapter.

VII. Recommendation

In view of the primary use of said parking lot to be used for twenty four (24) hour parking of hotel patrons, with limited nearby access to other twenty four (24) hour parking, and public street parking not allowing on street parking between the hours of 2:00 a.m. and 6:00 a.m., in my opinion as Director of Planning, Building, Code Enforcement, I recommend for the board to be in favor of approval for requested variance.

VIII. Attachments

- Application for Zoning Variance #2016-038
- Section 30-433. Landscaping and screening of parking lot.
- DLZ Site Plan for Downtown Albion Hotel, LLC. Drawing Number SP2.1

DIVISION 9. LANDSCAPING AND SCREENING

{Division 9 added by Ordinance #98-3.}

Section 30-431. Intent.

Landscaping and screening and approval of all development plans listed below is required by the provisions of this Section. The impact of urban development on the form, function and environment of the community is significant. The intent of this section is to ensure a high level of quality and to secure a compatible relationship between land use activities and to improve the appearance of the community within developing residential, business and industrial areas. The following landscaping requirements shall be provided.

Section 30-432. General requirements.

Landscaping and screening as provided in this section shall be required on the site in the following cases:

Whenever a building permit is required for the erection of a main building or structure except for a one-family residential dwelling or accessory building related to a one-family residential dwelling.

Whenever a building permit is required for a structural alteration, addition or repair to a building when the square footage of the addition, alteration, or repair exceeds fifty (50) percent of the square footage of the entire building or structure, exclusive of foundation, prior to its improvement (as determined by the Director of the Department of Neighborhood Services).

Section 30-433. Landscaping and screening of parking areas.

Parking lots shall have the following perimeter landscaping and screening:

1. Parking lots, or parts thereof, that are adjacent and/or visible from a public right-of-way, must include the following perimeter landscaping between the parking lot and the right-of-way (applies to public alleys only when a residential use or zone is located across from a public alley):
 - a. A landscaped greenstrip at least ten (10) feet in width.
 - b. A hedge forming a continuous screen at least thirty-six (36) inches above the street grade, or a berm, wall or combination thereof forming a continuous screen at least thirty-six (36) inches above the street grade, and located to provide maximum screening of the parking lot. Relocation of the hedge, berm, wall or combination thereof may be allowed to prevent traffic hazards, vision obstruction or other public safety dangers. The building may also be used to screen the parking lot.

2012-06 D. 2.
Added Language

2. Parking areas of greater than ten thousand (10,000) square feet, in addition to Section 30-433(1)(A) and (B) above, must meet the following interior landscaping requirements:

Within the interior of the parking lots there shall be one square foot of landscaped area for each fifteen (15) square feet of parking lot. In computing the lot area for this requirement, the paved area within twenty (20) feet of the perimeter may be excluded.

Each interior landscaped area shall have at least one hundred fifty (150) square feet.

The interior landscaped areas shall be located in a manner that breaks up the expanse of paving throughout the parking lot.

Section 30-434. Landscaping and screening of conflicting land uses.

1. Neighboring residential and park properties shall be shielded from any adverse external effects and negative impacts of nonresidential development. A screen required by this section shall limit visual contact between uses and to create a strong impression of spatial separation. Such screen must be opaque in all seasons of the year. Unless otherwise indicated, the screen shall be composed of hedge, fence, landscaped earth berm, wall, planted vegetation or existing vegetation or a combination thereof which is opaque from the ground to the height of at least six (6) feet. Separation screening is required for the following abutting land uses:
 - a. Except as provided in subsection (B) below, a parking lot, office, business use or any combination thereof abutting to a public park or land principally used or zone for residential purposes must be separated by screening between it and all abutting areas of such park or residential land or use.
 - b. An industrial or research park or combination thereof use abutting a public park facility or land principally used or zoned for residential purposes must have a separation screening with a minimum height of eight (8) feet.
2. For purposes of (a) and (b) above, the Planning Commission may approve screening consisting of existing vegetation, planted vegetation and topographical characteristics of the land or a combination thereof if it satisfies the intent of purpose of the section concerning opaque screening. The Planning Commission shall consider the characteristics of the land and vegetation present, the adequacy of the screening proposed, and other factors which impact upon adjoining residential and park uses. The Planning Commission, in approving the use of existing topographical characteristics of the land or existing and/or planted vegetation, may condition such approval on the planting of new vegetation in the number, size, and type to satisfy the intent and purpose of this section.

3. The Planning Commission may increase or decrease the height of the separation screening and/or require additional landscaping as part of the site plan review under Section 30-420 through 30-430 if the minimum requirements of this section would not adequately protect existing or future abutting residential uses. In deciding whether the requirements of this section protect abutting residential uses the Planning Commission may consider factors which include, but are not limited to, the topography of the land, the type(s) of use(s) involved, the materials and vegetation utilized and the distance between structures and uses.

Section 30-435. Landscaping and screening of refuse containers.

Refuse containers for other than single and two-family uses shall be screened from view of any public right-of way or adjacent residential use or residential zone. Screening shall consist of a solid wall or fence or live landscape material at least six (6) feet high.

Section 30-436. Materials standards.

Materials used to comply with this section must meet the following standards:

No artificial plants or trees may be used. All plant material must be maintained in a healthy and growing condition. All fences and walls must be maintained so as to ensure the continuity of the fence and/or wall. Diseased, dying, dead and/or damaged materials must be replaced to ensure the continuity of the required buffer.

Where plant material is used for screening, it shall be composed of at least fifty (50) percent evergreens. Plant materials shall be of a size, quantity and spacing to achieve seventy (70) percent year round opacity within three (3) years.

Where a wall or fence is used in conjunction with landscaping, with the exception of walls abutting a public right-of-way, the fence or wall shall be set adjacent to and within one foot of the property line except where natural features prevent the use of the property line or where underground utilities interfere.

Where a wall is used in conjunction with landscaping, such wall shall be an opaque masonry structure with a footing depth of forty-two (42) inches. If concrete blocks are used for walls, they must be decorative or brick-faced.

Where a fence is used in conjunction with landscaping, such fence shall be an opaque structure with a footing depth of forty-two (42) inches with the footings comprised of pressure-treated or decay resistant wood. Vertical and horizontal members that support the fence shall be concealed within the fence or be exposed only on the nonresidential side of such fence.

Perimeter landscaped areas adjacent to a public right-of-way shall be covered with grass or ground cover. When grass or ground cover is used, it shall be planted and maintained to present a finished landscaped appearance within one growing season.

Interior landscaped areas shall be covered with grass, ground cover, adequately prepared and weed retardant stone beds or bark or wood chip mulch.

When required by this section, evergreen trees shall be a minimum of five (5) feet in height with a minimum spread of three (3) feet, and a burlap ball size of at least ten (10) times the caliper size.

Existing vegetation on the property may be used to meet the requirements of this section if it meets the size and opacity requirements.

Berms shall have slopes no greater than one (1) vertical foot for each three (3) horizontal feet and shall have at least two (2) feet of flat area on top and shall have adequate protection for prevent erosion.

Landscaping areas within the interior of the parking lot shall be protected by concrete or bituminous curbing.

Section 30-437. Landscaping plan.

A landscaping plan must be submitted to the Department of Neighborhood Services showing the location, type and size of all screening and landscaping in sufficient detail for a determination that the landscaping and screening conforms with this section. If it conforms to the requirements of this section, it shall be approved by the Director or his appointed representative. Rearrangement of landscaping may be required to prevent traffic hazards, vision obstructions or other dangers to public safety. The landscaping plan may be made part of the site plan required by Section 30-420 through 30-430 but the landscaping plan shall not be subject to the Planning Commission approval unless landscaping requirements of this section are deemed inadequate to protect neighboring residential property or parks from the proposed use.

ORDINANCE NO. 2012-06
AN ORDINANCE TO AMEND CHAPTER 18 AND CHAPTER 30 OF
THE CITY CODE AND ZONING CODE OF THE CITY OF ALBION
BY AMENDING FENCE REQUIREMENTS

Findings and Purpose:

The Mayor and City Council of the City of Albion find that clarification is needed in City Code and Zoning Code to establish allowable fence materials and coverage on properties within the City. The Albion Planning Commission held a public hearing on Wednesday, February 22, 2012 to receive public comment on the proposed amendments. The Albion Planning Commission has recommended that the City Council approve the proposed amendments.

It is the intention of the City Council that the provisions of this Ordinance shall become and be made part of the City Code of Ordinances and the Zoning Code of Ordinances, City of Albion, Michigan, and the Sections of this Ordinance may be renumbered to accomplish such intention.

THE CITY OF ALBION ORDAINS:

Section 1 – Title. An Ordinance to amend Chapter 18 and Chapter 30 of the City Code and Zoning Code of the City of Albion by amending the language that establishes allowable fence materials and coverage on properties in the City.

Section 2 – Amendment.

- A. That the title of Section 18 – 301. is hereby replaced with the following language:

“Section 18 – 301. Height, material and location restrictions.”

- B. That Section 18 – 301. (c) of the Code of the City of Albion is hereby replaced with the following language:

(c) Solid (opaque) fences shall not be erected or placed in front yard areas. Solid fences include all fencing of between sixty-three percent (63%) to one hundred percent (100%) solid. Fencing in side and rear yard areas may be solid (opaque). In zoning districts other than residential, the Planning Commission shall have the authority to permit and/or require solid fencing in front yard areas. In approving an exception, the Planning Commission shall indicate in the approving resolution the reasons or criteria for approving the exception.

- C. That the following language is added to Section 18 – 301.:

(e) Fencing material utilized shall be in the form of traditional fencing sold for retail purposes, including metal, vinyl or wood. Temporary fencing (light, flexible plastic, wire or wood) may be used for up to a six (6) month period each calendar year. Typically this fencing would be used for gardens, snow fencing, a temporary barrier, etc. After the six (6) month period the fencing, posts etc. shall be completely removed.

D. That the following language is added to Section 30 -- 432.:

1. Landscaping and screening (no changes)
2. In residential areas, where fencing is required (or an option) in front yard areas, the fencing shall not be solid (opaque). In these situations, the fencing installed shall be less than sixty-three percent (63%) solid. In other zoning districts the Planning Commission shall have the authority to permit and/or require solid fencing in front yard areas. In approving an exception, the Planning Commission shall indicate in the approving resolution the reasons or criteria for approving the exception.

Section 3 – Separability. If any Section, sub-section, sentence, phrase or portion of this Amendment to the City of Albion Code of Ordinances and Zoning Code of Ordinances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4 – Ordinances Repealed. All Sections or parts of Sections of this City Code and Zoning Code, Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5 – Effective Date. This Ordinance shall take effect after publication in a newspaper of general circulation in the City of Albion and on May 17, 2012.

First reading:

Second reading and adoption

March 5, 2012

April 16, 2012

Ayes 6

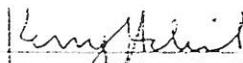
Ayes 7

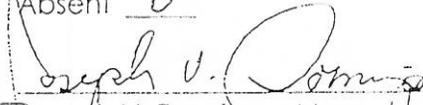
Nays 0

Nays 0

Absent 1 - Krause

Absent 0


Kerry Heldick, City Clerk


Joseph V. Domingo, Mayor