## PLANNING COMMISSION MEETING AGENDA July 14, 2022 THURSDAY 6:00 P.M.

Location: Kalamazoo Charter Township Hall, 1720 Riverview Drive, Kalamazoo, MI 49004

## **AGENDA:**

- #1 Call to Order
- #2 Roll call and recognition of visitors
- #3 Approval of the agenda for the July 14, 2022 special meeting.
- #4 Approval of the minutes for June 2, 2022 regular meeting.
- #5 Public Comment (3-minute limit)
- #6 Scheduled Reviews:
  - 6a. 1100 Nazareth Road, Top Grade Aggregates, Gravel Mine Renewal
- #7 Public Hearings:
  - 7a. 523 Coolidge Avenue, Daycare, Special Land Use
- #8 New Business:
  - 8a. 523 Coolidge Avenue, Daycare, Site Plan Review
- #9 Old Business:
  - 9a. 4123 W. Main Drive & Shine, Site Plan Review
- #10 Open Discussion
  - 10a. Members of the Audience
- #11 COMMUNICATIONS: None.
- #12 REPORT OF THE TOWNSHIP BOARD REPRESENTATIVE.
- #13 REPORT OF THE TOWNSHIP ZBA REPRESENTATIVE.
- #14 COMMENTS FROM PLANNING COMMISSION MEMBERS.
- #15 REPORT OF THE PLANNER.
  - Home Occupation Ordinance
  - Master Plan Work Session #3: ???
- #16 REPORT OF THE ZONING ADMINISTRATOR.
- #17 REPORT OF THE TOWNSHIP ATTORNEY.
- #18 ADJOURNMENT.

The public may attend this meeting for your information and comments. Please contact the Planning & Zoning Department if you have any questions at (269) 381-8085.

1		Charter Township of Kalamazoo
2		Minutes of a Planning Commission Meeting
3		Held on June 2, 2022
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5	A reg	ular meeting of the Kalamazoo Charter Township Planning Commission was conducted on June 2,
6	2022,	commencing at 6:00 p.m. at the Kalamazoo Township Hall.
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8	Prese	nt were:
9	Willia	m Chapman
10	Denis	e Hartsough
11	Christ	opher Mihelich
12	Peter	Morrison
13	Fred I	Nagler, Chairman
14	Warre	en Cook
15	Steve	Leuty
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17	Abser	nt was: None.
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19	Also p	resent were Township Manager Dexter Mitchell; Fire Marshal Todd Kowalski; Planning Consultant
20	Danie	lle Bouchard; Township Attorney Roxanne Seeber; and 4 additional members of the audience.
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22	1.	Call to Order
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24	The cl	nairman called the meeting to order.
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26	2.	Roll Call and Recognition of Visitors
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28	All me	embers were present.
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30	3.	Approval of the Agenda for the June 2, 2022 Planning Commission Meeting
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32		otion of Cook, supported by Hartsough, the agenda for the meeting was unanimously accepted as
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35	4.	Approval of Meeting Minutes of the May 19, 2022 Planning Commission Meeting.
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37		next item on the agenda was the approval of the minutes of the May 19, 2022 special meeting. The
38		es had been provided to the members in their packets. Upon motion of Hartsough, supported by
39	Chapr	man, the motion <u>passed unanimously.</u>
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41	5.	Public Comments.
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43	None	
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46	6.	Scheduled Reviews.
47		2702 Ravine Road, Hillside Gravel, Gravel Mine Renewal.

11, 2022 and the fee paid. The owners are anticipating expanding the mining area further north, into an area that had been considered and approved for expansion on the original site plan approved in 2008. The Township has received a bond for the expansion. The liability insurance expires on June 24, 2022. The earth change permit is valid until May 11, 2024; and the bond expires on June 1, 2023. Bouchard further reported that the owners are planning on an expansion to the operation into additional properties located further south and west of the current operation. She stated that this expansion would require rezoning of multiple properties; site plan review; operational and land use approval; and a new bond to the Township. Public hearings on the rezoning and the special use will be required. The Township has not received any complaints about the site in the last year.

Bouchard reported that a site inspection of the gravel mining operation was conducted on May

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The applicant had nothing to add. Leuty inquired as to whether there was a timeline for the proposed expansion/rezoning. Bouchard indicated that the applicants were looking to purchase adjoining parcels. In response to an inquiry from Hartsough, Bouchard stated that they are looking at purchasing vacant residential land adjacent to existing homes.

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1950 Ravine Road, Superior Gravel, Gravel Mine Renewal.

8a. 2703 E Main Street, Fire Station #2, Conceptual Site Plan

Bouchard reported that a site inspection of the gravel mining operation was conducted on May 11, 2022 and the fee paid. The slopes around the cell tower have been stabilized on all sides and vegetation covers the slopes. The operators undertake occasional concrete crushing near the center of the site where it is well buffered from adjacent uses. The operation has no plans to expand at this time. Non-working slopes have all been stabilized. No complaints have been received by the Township for this site in the last year.

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Cook moved, supported by Leuty to renew the special use permits for Superior Gravel and Hillside Gravel for another year. The motion passed unanimously.

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#### 7. **Public Hearings**

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None.

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#### 8. **New Business.**

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Mucha indicated that the Township is looking to reconstruct the fire station at 2703 E. Main. He indicated that the fire department had received two variances from the Township Zoning Board of Appeals in April. Those were for lot coverage and vegetation along East Main Street. The architect for the new fire station had indicated a need for visibility. The fire department and architect were now asking for a deviation from the required berm and north side landscaping requirement, which deviation was within the purview of the Planning Commission. The architect had stressed the need for visibility for emergency vehicles and ingress/egress access. Mucha indicated that the new fire station needed to fit in a smaller space within the neighborhood. The goal, Mucha said, was for the fire station to be transitioned from a part-time station to a full-time one. This transition would require additional building space and additional equipment. The landscaping berm was problematic, he said, because some of the fire trucks would need to encroach onto it due to their turning radius. The fire department wished to substitute a fence with slats for the berm and to provide a small landscape barrier on the north side.

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Leuty inquired as to the juxtaposition of the proposed fence and plantings. Mucha stated that there are some trees on the far north side and that the plantings were planned to be located north of the fence. Nagler reported that several members of the Zoning Board of Appeals were uncomfortable in granting a variance for the berm and landscaping because it was thought to interfere with the purview of the Planning Commission. Some neighbors at the Zoning Board of Appeals meeting voiced support for elimination of the berm, he stated.

There were no additional questions or comments. Leuty <u>moved</u> to accept the conceptual plan for the new fire station as proposed, to allow the berm to be eliminated and replaced with a fence and plantings on the north side of the property, with plantings to be located north of the fence. Mihelich <u>supported</u> the motion and it <u>passed unanimously</u>. Mihelich inquired about maneuvering of the dump truck. Fire Marshal Kowalski felt that it was intended to be backed out, but he was not sure.

## 8b. 4123 W Main, Drive & Shine, Site Plan Amendment

Bouchard introduced the matter, admitting that a lot of content had been produced and that some of it had been received late that afternoon. She indicated that the applicant is proposing a modification to the northern drive aisle and vacuum space at the Drive & Shine facility at 4120 W. Main. She stated that changes in site circulation needed to go to the Planning Commission for a site plan amendment. The facility had moved from a two-way drive design on the north side of the building to a one-way drive design and had placed temporary cones in the area to direct traffic. She stated that they had gone back and forth with the applicant on the matter and finally convinced them to go to the Planning Commission due to the site circulation change. The original site plan was approved with a two-way traffic pattern by the vacuum cleaners on the north side of the building. She asked the Planning Commission to consider the changes that the applicant was proposing.

Bouchard had included different correspondence she had with the applicant over the fall of 2021. They had considered the change in site circulation change a significant modification of the original approval. Bouchard stated that they had recommended denial of the site plan in their 4-26-22 staff report. The applicant had asked the Township to cancel the May Planning Commission meeting in order to give it more time to add additional reports. She stated that there was too much of a difference of opinion as to the deviation from the original site plan and that they had been unable to come to any compromise. Part of the problem, she stated, was the use of temporary cones to direct traffic in a new direction. There was also some thought that the goal of the change in site circulation was to eliminate a potential to use the self-vacuums without paying for a service before accessing them. Bouchard stated that other changes had been made to the site without approval, including the installation of an electronic gate on the east side of the site, the addition of chains and traffic cones to direct traffic. Additionally, there was a water barrier placed without approval. The applicant had agreed to remove it. Bouchard stated that there was no new service being offered and no change to needed parking at this time. She stated that the main situation at present was the change to the site circulation.

Bouchard explained that the northern portion of the site was approved originally for two-way traffic flow. This had been changed to a one-way traffic flow. This was contrary to common cross-access design standards. The proposed drive aisle width was 26 feet, which was required by the fire code ordinance of the Township. She indicated that the applicant had notified them as of that day that KABA had received permit applications for the installed electronic gate on the east entrance. Bouchard had provided the Planning Commission with the 12 conditions contained in the original approval. Additionally, a sign needed to be added where the applicant stated a snow plow had knocked it out.

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Bouchard continued, indicating that another part of the proposed change which was not consistent with best zoning practices was the use of temporary cones and chains to effect a permanent traffic-pattern change. In short, she said, the planning consultants have an issue with using temporary cones and chains as permanent fixtures on a site. The change in traffic flow and the ability to change temporary improvements would lead to confusion among clients, she stated. Additionally, there were fire safety concerns relevant to the change that had already been made. The planning consultants were recommending a more permanent solution, if the site circulation change was allowed to be maintained.

Staff had noted during a site visit that an employee had parked a Jeep in such a manner as to

obstruct a fire lane during an inspection. Bouchard stated that the Township Engineer had been consulted and that they agreed that the cones/chains were not a long-term solution. A sign proposed on the west entrance saying 'do not enter' had rendered the west entrance to the site virtually useless. Based on the cars wanting to turn into the site off of West Main Street, it may encourage drivers to make a U-turn to approach in a different direction. One sign was required by the MDOT, to be placed in the right-of-way. Bouchard stated that the situation was an unusual one because they were recommending denial the application. She referred the Planning Commission to her memo which outlined 6 reasons for denial.

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Bouchard stated that their proposed shared access point was not on the west side of the property; but on the former Davenport University property, both of which were owned by the developer. applicant was also required to submit information for the fire department's review for changes to the site that adhere to the fire standards site plan ordinance. She stressed the need for a cross-access agreement with the owner of the Davenport site. If that property is sold, the easement will be necessary, she said indicating that the proposal for cross-access was a preemptive measure in case the properties were not under the same ownership in the future. The MDOT had required a right turn only sign on the east entrance to the site.

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Bouchard stated that their biggest concern was the use of temporary cones and chains which are not conducive to best practices. The significant circulation change needed to be reviewed and approved by the Planning Commission. She also stated that if the applicant was denied, they would continue to try to work with them to find a mutually-agreeable solution. Some of their thoughts included moving the self-serve vacuums to another location and/or to add charging mechanisms to the machine. She stated that one of the goals of the applicant was to ensure that anyone using the vacuums paid for a car wash first.

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Kowalski reported on a recent site visit, indicating that they saw chains, gates, temporary cones and a water barrier, none of which were on the original site plan. He also found that the gate had been installed without an electrical permit or permission from the Township. He had a lengthy discussion with the applicant in preparation for the May Planning Commission meeting, in which he indicated that the fire access requirements, including the fire department 26' wide access lane. They had allowed the sidewalk on West Main to be poured a little wider and thicker to allow for fire department access, if needed. The applicant had stated that changing the drive aisle to 26' in width for the fire department would not be a problem at the time of initial approval. His biggest concern was the change to the circulation of the site, the installation of different traffic measures without permission from the Township. Kowalski also commented on the Jeep that was on site parked parallel to the new cones in an area reserved for fire department access. The staff person stated that he had parked there because when he saw the cones, he thought they were for a marked parking space. Kowalski reported that he had multiple conversations with the Owner and his staff at their headquarters in Indiana. He felt that there were methods to achieve what they are trying to do, if approved. For example, he said, electric gates could be placed on each side of the ingress/egress and that would solve the situation at hand, in Kowalski's mind.

Morrison voiced concern about access to the rear of the site and safety concerns. Bouchard stated that according to the minutes, the original discussion on the vacuum situation was to move them as far north on the site as possible, due to a complaint from the owners of the apartments to the south. The Township was concerned that it had no opportunity to comment on the safety of the proposed changes. Hartsough inquired about the current traffic pattern and why it was preferable to the applicant. Andrew Roselle, engineer for the applicant explained the general new site circulation being proposed and established whether a person driving through the car wash would have an opportunity to know whether he could turn right or left. He stated that a patron can turn right and go around in order to get out on the west entrance and turn left. In response to a further inquiry from Hartsough, Nagler explained that there was a bypass lane on the outside. A person may have to drive around the site more than once to get to all of the services he or she wanted.

Owner Haji Tehrani wished to address the Planning Commission. He stated that he has a number of other car washes in Michigan and Indiana and they all use a circular traffic pattern, in which all cars go either clockwise or counterclockwise through the site. He didn't ever want the two-way traffic by the self-vacuums but the Township had required it. Matthew Van Dyk, attorney for the applicant did a screen share. He stated that there was already a cross access from the former Davenport site to the Briarwood Valley complex. He did not understand why the planning consultants were requiring it. Bouchard stated that she had been mistaken as to the ownership of the site on which the cross-access was required. It was the former Davenport site and not the Briarwood Valley site that she asked for cross-access on. Van Dyk stated that the cross-hatched area on the screen was an existing cross-access easement with Briarwood Valley. Upon her request, Van Dyk agreed to provide the easement document to Bouchard. On the former Davenport University site, the east side is presently an open lot. The Davenport site, Drive N Shine, and the vacant parcel all have access rights to the middle drive shown on the site.

Van Dyk stated that there had been a handful of issues. To his knowledge, most of them had been addressed. He stated that his client owns 15 car washes in Michigan. His primary concern is safety. Car washes are his life's work. Van Dyk indicated that it is very common on a car wash side to utilize chains and cones to direct traffic. In this case, they were being used to direct traffic in a one-way circular pattern. They had already encountered near misses between vehicles going in opposite directions. He stated that a one-way traffic flow on the site was a must for safety purposes. He noted that Chick-Fil-A located up the street from this site utilized a one-way traffic pattern with cones and chains. A one-way pattern assures the least disruption for traffic flow. Van Dyk noted that there was conflict between the fire department and the township engineer. The engineer preferred a more permanent change while the fire department was more concerned with an unobstructed traffic flow. He assured the group that the best way to ensure a one-way traffic pattern was to use cones and chains. Van Dyk also voiced concerns about the application of a non-zoning ordinance by the fire marshal. He stated that the signs had already been taken care of. The "right turn only" on the east driveway was required by the MDOT. He stated that the Township could always issue citations for zoning violations. There was no reason to hold up site plan approval. He felt that the conditions provided by the planning consultants were unreasonable and objectionable. He asked for permission to change-up the traffic flow to improve on-site safety.

 Andrew Rossell 5725 Venture Park spoke as the engineer for the applicant. He stated that they had been back and forth with the planning consultants. Their purpose was to get the Planning Commission's feedback regarding the revised site circulation and barriers. They had considered several options. The planning consultants had proposed gates at either end. His client preferred cones because they could be easily moved, making the driveways accessible for snow removal. Fire trucks, he said, could drive over them if necessary. Due primarily to safety concerns, the desire was to revise the site circulation to provide for one-way traffic. The site is a unique configuration, he stated, because there are both two-way and one-way circulations on it presently. As a customer of the site, Rossell felt that one-way traffic was preferred. He indicated that knowing which way to turn when a driver comes off of the car wash conveyor or out of the oil change or self-vacuums made sense, so that a person did not always have to look both ways before getting back into the circulation pattern. The 26-foot-wide drive aisle on the east side of the site provides an area for a vehicle to move out of the way if it needs to miss another vehicle in its path. He placed the proposed amended site plan on the screen and went through the proposed revisions. He explained that the center drive aisle off of West Main served all three properties, only one of which was the Drive & Shine site.

Rossell recalled that the Township wanted to close the west access point during the prior site plan review, and a compromise had been reached to require a right-turn only. The MDOT had approved this detail and required a sign at the exit. The sign has been installed since day one. On the back side of the site there is a "do not enter" sign. There is also a one-way sign adjacent to the one-way drive on the west side. This sign had been previously damaged by a snow plow and has been replaced, he said. Rossell acknowledged that there were differing opinions as to the chains and cones. His client wished to speak to their usefulness. The water barrier was still present, he said, but it would be removed. In Rossell's opinion, most of the customers were repeat customers and they had gotten the hang of the new traffic pattern. The cones and chains are enough to guide new clients around the site.

Tehrani stated that gates in two locations would be even more confusing because people don't know what the gates are for. He did not think that they were a better safety mechanism. These chains and cones were used throughout all of his facilities. They do not hamper emergency access and they are used in airports and banks all over the country, he said. Tehrani commenced showing his different facilities in Michigan and Indiana, indicating that chains and cones were used in all of them. Additionally, with the exception of the one in Kalamazoo Township, they all had one-way traffic.

Tehrani stated that his main concern is safety over aesthetics. He wished he did not have to appear and prove this to the Planning Commission, he said. He did not think that it was necessary to argue over cones. He stated to Bouchard that she had no experience with a car wash business which meant to him that she didn't really know what she was talking about. Cones are used everywhere in the business, he said. Her lack of industry-specific experience made her ideas untenable. Tehrani stated that he feels very strongly about the cones to accommodate snow plows and the concerns of the fire marshal. Tehrani stated that he did not consider a two-sided gate. Part of the problem, he said, was that the fire marshal here had required a 26-foot-wide drive aisle. This was unheard of in the business and was much larger than that required by all of the other municipalities that he operated in. He has a site with two gates in Indiana. Sometimes a pile-up on the street is created, forcing them to provide cones and directionals to customers. Tehrani stated that his store in Cassopolis always has cones.

Tehrani reported that on SR 19 in Indiana there are high traffic cones, less than 100 feet away from the main road. They have the cones out there so that they can move them, he said. He next pointed to Store No. 10 in Niles, Michigan. He provided a photograph, showing the cones and indicating that their

purpose was to prevent cars from going both in and out. In this store, no car can make a left turn. The only way to exit is to the right. He showed the main entrance to another car wash facility, with the main entrance on the street in the exact same situation. When cars are moved off of the conveyor belt in the wash facility, it is hard to stop them with other cars coming up from behind. Tehrani explained that he didn't understand that the need for a 26-foot opening would cause such a big problem, but he had to comply with what the fire marshal wanted in order to accommodate his turning radius. Kowalski explained that the Township had adopted a national fire code and contained within that was the 26-footwide fire access aisle. It was not unique to Kalamazoo Township.

Tehrani stated that the chains and cones on the site were required because drivers on site didn't know what they were doing and would cause a collision. The difference with respect to the vacuum bays was that a person has control of their own car. They don't know to look both ways when they pull out and they are unaware of the conveyor situation at the wash area. Tehrani stated that at Store 4 they service 55,000 cars a day. It is located less than 50 feet from the road. He was never questioned about chains and cones, he said, in fact that particular site has quite a few chains and cones. They were very common. He did not invent the idea to use them. It is an industry standard. Tehrani stated that he happened to be an expert in the carwash industry. He serves on the governing board for the industry and had seen thousands of chains and cones on sites. He had borrowed the idea from industry experts and applied it in Kalamazoo Township, he said.

Tehrani continued his photographic presentation, showing different sites with landscaping and showing how the cones and chains were not visible. Tehrani stated that he had worked at KitchenAid before he joined the car wash industry. He did not want his facilities to look like a car wash. He built them to be gorgeous. If anyone cares about the aesthetics of the facilities, it was him. His number one objective, he stated, was to "wow you" and a chain and cone were not significant enough to "un-wow" you. Tehrani continued, stating that he had driven between West Main Street and his Comstock location off Gull Road. He had seen a number of car washes on the trip and every one of them had chains and cones. No carwashes he saw had magnificent landscaping like his. Appearance is critical to him. He stated that he is not doing it to impress people, but as a service to his customers. If a person's eyes go to a beautiful building and landscaping, he or she is more likely to participate in the services offered. Next, Tehrani showed photos of the circulation patterns and cones at the Chick-Fil-A on West Main Street. Van Dyk stated that it is common for businesses with high volumes predicting to use cones to direct the on-site traffic. Tehrani showed the landscaping near the Popeye's facility, indicating that safety was the number one reason for it. Tehrani stated that when his contractor came from Indiana to put the gates in, they did not get a permit. They now have the permit. He never considered that placing cones would create such confusion.

Morrison inquired as to whether the original site plan showed the cones and chains? Bouchard stated that the original site plan was for two-way traffic. Tehrani stated that the plan was never to have two-way traffic. The left entrance also had to be 26-feet-in width. The original design he said, showed no entrance from the west. The only reason he changed it was because the Township had forced him to. The Township required an exit-only and they had kept the same curb cuts, he said.

Leuty recalled that there was an expectation at the time of site plan review that two-way traffic was planned. Tehrani stated that some cars would have to do a U-turn. They had blocked off the west side linkage to Popeyes, he said. Leuty stated that the original site plan had looked as though two-way traffic was anticipated. Tehrani stated that all they had done was put up a couple of posts and chains that can be driven through from Popeyes. These had replaced the three bollards. He stated that the initial gate

had the wrong lock on it, but that had been corrected and the fire department had access to the key. Van Dyk showed a photograph of the Popeye's blocking. Rossell showed the location of the mutual drive aisle on the plan. Tehrani stated that the east side entrance is two-way traffic to each side. The driveway itself sits on the property to the east. Van Dyk stated that there is an existing easement. They may have to shift the driveway over to the right a bit, he said. Van Dyk reported on a bid discussion they had if a new owner were to purchase the southern site.

Cook, recalled that the two properties on the east and west of the site in question were part of a larger plan at one time. He understood the need to control access points to M-43. Usually a multiple-use large parcel such as this would provide an interior drive aisle, he said. Van Dyke stated that it will not come into play until the property to the east is developed. Tehrani walked the members through the circulation on site. He explained that when cars come into the site, they cannot make a right turn. They must be forced to go straight. He indicated that there are three lanes for the car wash; and two for the lube. Most customers go the car wash first, but there is an option to go the lube. He was not yet offering full-service interior clean and drive-through wash. If a person wanted to access the vacuums, they had to access them through the lube or car wash site. There is a gate or outgoing traffic when a customer is done. Cook theorized that a person would have to loop around the site if he or she needed more than one service. Tehrani stated that there is a special lane provided for interior self-vacuums. There are 20 spaces for this service on the north side of the site. In response to an inquiry from Mihelich, Tehrani acknowledged that it was possible to enter and access without using any services.

Morrison inquired about the cones in the winter. Tehrani stated that they just take them out to allow the plow to come at 3:00 a.m. Mihelich indicated that he had spoken with the manager who stated that he takes the cones out because they are so dangerous. Mihelich noted two prominent signs indicating that entry was prohibited from the direction he was coming from. At the Gull Road site, if services are not desired a person just drives straight out. Tehrani stated that not wanting any services happened sometimes. On the current site, the lube and car wash are spilling out to the self-vacuum area.

Tehrani compared the site in question with the newer Comstock Township site indicating that the two main differences were no required continuous 26-foot-wide access lane around the site; and room for landscaping. Kowalski recalled that the original site plan showed two-way traffic. Nagler agreed. In response to an inquiry from Nagler, Rossell stated that the original plan had a west entrance. At that time, Popeyes was so congested that it was required to be right-turn only. They had put up a sign to deter people from making a left-hand turn out of this exit. Nagler suggested removing the two-way arrow from the site plan. It was determined that a revised site plan, without the arrow had been provided just a couple of hours before the meeting and the Planning Commission didn't have it.

Bouchard stated that she would require documentation of approval on the do not enter sign. The Township had required the right turn only sign. MDOT required the one-way. Kowalski commented that the change in site circulation, the on-site parking, the addition of cones and a water feature; and the lack of a permit for a gate that that Township had not been advised of were his main concerns. The group discussed the proposed site circulation with respect to the potential need for a left turn either off of or onto West Main Street. Kowalski inquired of the applicant as to whether they were willing to forego the chains, which had done damage to a fire truck when the Township had to drive over them at another site. Tehrani stated that he wanted both. Kowalski stated that he had recommended more than one gate. Tehrani stated that he uses chains and cones everywhere else.

 Bouchard voiced concerns with using a temporary structure to direct traffic. They would prefer a permanent structure, she said. Kowalski stated that permanent structures are more troublesome to him because they tend to fall apart and/or be unstable. Leuty stated that he would share the concerns about the site aesthetics. Kowalski stated that the original design was flawed with the self-vacuums being forced all the way to the north. Tehrani stated that the only way to solve the problem was with temporary cones. Comparing this site with that at Comstock he commented that Comstock had used permanent curbs. Van Dyk stated that temporary cones are much easier to remove if fire department access is needed.

The Planning Commission moved to deliberation. Leuty inquired about various methods of access from different parts of West Main Street. He stated that the "do not enter" sign should be turned to face the west. The point of the sign was to avoid people turning in to the site and then getting confused.

Nagler stated that as an engineer, he appreciates the one-way traffic flow and keeping everyone in the same direction. This being said, if one-way was the desire, then there should be a way to make it oneway. He wished to avoid dangerous left turns in or out of the site. He was not comfortable discussing aesthetics. As to the temporary nature of the cones and chains, he inquired of the applicant as to his willingness to remove them when the business was closed. Bouchard would be more inclined to approve a temporary cone if it was removed at night and kept out only during operational hours. Nagler stated that the vacuum issue was easily solved by making the machines coin-operated. Morrison agreed with using as many right-turns as possible and incorporating proper directional signs. He stated that if the traffic volume in the car was not sufficient to fill three lanes, the traffic should be directed to the two Hartsough agreed that making all of the traffic go in the same direction was Cook felt that the Planning Commission could be pretty accommodating to get the traffic pattern in one direction and the site appropriately signed. Nagler stated that development of adjoining sites may present additional issues. Hartsough wondered why gates would not be required. The group discussed various methods of signage, permanent barriers; gates versus cone and chains and other possibilities in terms of traffic flow on the site. Hartsough suggested painting arrows on the asphalt to show driving directions. Tehrani reminded the group that cars are being pushed out of the car wash. Sometimes his stores have 200 cars to wash in an hour in the winter. Van Dyk stated that the exit of the car wash is the most dangerous spot on the site. Hartsough appreciated Morrison's comments about directing car wash traffic to the two lanes furthest away from the oil change. The group discussed whether a barrier to the vehicles leaving the lube preventing a sharp right turn was appropriate. Mihelich stated that making a left turn out of the lube would avoid this conflict. He voiced concern that the issue was really about preventing free access to the self-vacuums. Mihelich inquired as to whether a "go" or "stop" signal could be placed from the lube area angled toward the car wash. Rossell stated that this might be possible with a reverse wiring.

Leuty suggested a second gate on the NE corner in the area where vehicles would be leaving the vacuums. He did not think that two cones were enough to stop cars from going the wrong way. The gate, he suggested, was a more permanent solution. Morrison inquired about speed humps.

Seeber suggested that the Planning Commission had determined that one-way traffic was appropriate; however, it was now stretching to solve a problem that the applicant should be assigned to solve. Several ideas had been voiced but it was up to the applicant to provide a solution. Hartsough and Nagler agreed. Bouchard stated that she had been keeping notes that she would share with Rossell. Leuty noted that the applicant was the expert on car washes. He should provide his expertise to the engineer and come up with a design that the Planning Commission and applicant would be comfortable with. Hartsough

<u>moved</u> to table the request to the next Planning Commission meeting in order to give the applicant time to provide an updated plan. Chapman <u>supported</u> the motion. It <u>passed unanimously</u>.

9. Old Business.

None.

#### 10. Open Discussion.

**10a. Members of the audience.** Byron Swift is the owner of a grow facility on Burdick Street. He had been in business for a year and a half and was interested in selling his company to a business that would be requesting a new special use for more plans. He stated that he would work carefully with Bouchard and Mucha during the transition process and provide the Township with whatever it needed,

#### 11. Communications.

None.

None.

### 12. Report of the Board Representative.

#### 13. Report of the ZBA Member

Nagler reported on the special Zoning Board of Appeals meeting for the new fire station in Eastwood.

## 14. Comments of the Planning Commissioners

Recalling the autism center's recent approval, Leuty inquired about a bonus or preference for native plantings. He and Bouchard would be discussing this in the future.

Leuty reported that Prein and Newhof is going out to bid for non-motorized transportation improvements. The present plan focused on solving a number of orphan corners in Eastwood. The goal was to have the whole neighborhood become ADA accessible.

Cook inquired about MTA planning and zoning upcoming trainings. Several Planning Commission members were interested.

Hartsough stated that native plants are harder to come by than you would think. She suggested providing native-plant retailers lists to applicants.

## 15. Report of the Planner.

Mucha discussed the home occupation ordinance. They had obtained 10 samples from other communities and were working on finding commonalities. They were planning on providing a "highlight and strike" discussion document to the Planning Commission along with their initial findings. Trends were also being considered. Depending on how involved the matter became they may just want to schedule a special meeting for discussion.

Bouchard reported that they had approved a minor site plan review for a marijuana facility, changes to parking. She also stated that a Master Plan Work Session Number was scheduled for June 16. They were still soliciting feedback on the surveys. So far, only about 140 surveys had been retuned. Hartsough inquired as to whether there was an email list available. Bouchard stated that they were checking into that. There being no further discussion and without objection, the chairman adjourned the meeting at 8: 25 pm. **SUMMARY OF ACTIONS** The Charter Township of Kalamazoo Planning Commission undertook the following actions at its regular meeting of June 2, 2022: Granted one-year special use extensions for gravel mines to Hillside and Superior Gravel. Tabled consideration of a revised site plan for Drive & Shine. 

## **MCKENNA**



# Memorandum

**TO:** Kalamazoo Charter Township Planning Commission

FROM: Danielle Bouchard, AICP, Senior Planner

SUBJECT: Gravel Mine Reviews – 1100 Nazareth Road

**DATE:** June 29, 2022

**Kalamazoo Charter Township has several gravel mines within its jurisdiction.** As per the Township's Zoning Ordinance, a gravel mine is a permitted use in the Township's industrial district subject to special land use approval. Section 8.02.S outlines the requirements for gravel mines in Kalamazoo Township.

### **TOP GRADE AGGREGATES - 1100 NAZARETH ROAD**

A site inspection of Top Grade Aggregates was conducted on June 22, 2022. The bond for this site expires on June 2, 2023 and the liability insurance expires on May 1, 2023. Gravel crushing occurs well away from adjacent uses. All non-working slopes have been stabilized. The \$120 inspection fee was paid to the Township and the earth change permit expires on June 3, 2023.

We recommend approval for continued gravel mine operations on this site.



## **MCKENNA**



# Memorandum

**TO:** Kalamazoo Charter Township Planning Commission

FROM: Danielle Bouchard, Senior Planner Kyle Mucha, AICP, Senior Planner

SUBJECT: 523 Coolidge Avenue Daycare – Special Land Use Review

**DATE:** June 22, 2022

The applicant, resident at 523 Coolidge Avenue, is seeking special land use approval to operate a group day care out of the residential home. The home is located at the southwest corner of Coolidge Avenue and Crestview Avenue in Kalamazoo Township.

#### **SUMMARYOF REQUEST**

The applicant is requesting special land use approval to operate a group day care out of their residential home. The home is currently zoned R-2, Single and Two-Family Residential District.

Section 12.02.B of the Township Zoning Ordinance lists the special land uses permitted in the R-2 District, subject to review and approval by the Planning Commission. As per Section 12.02.B., a "Group Day Care Home" is a permitted special land use in the R-2 District.

The Township Zoning Ordinance defines a Group Day Care Home as the following "Group Day Care home: A private home in which more than six but not more than 12 minor children are received for child day care, including a home in which care is given to an unrelated minor child for more than four weeks during a calendar year."

The applicant is proposing to operate the day care out of the existing home located at 523 Coolidge Avenue. No new construction is proposed in relation to this request. The subject site is approximately 0.22 acres in size.



The applicant has also submitted a site plan of the proposed daycare location at 523 Coolidge Avenue for consideration.

## STANDARDS FOR GRANTING SPECIAL LAND USE APPROVAL

Pursuant to Section 26.03.C., of the Township's Zoning Ordinance, the following standards apply for granting special land use approval:

#### 1. Compatibility with Adjacent Uses

The proposed special land use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design of the proposed special land use shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:



- a. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
  - Given the residential home located on the site, site screening for parking areas and vehicular circulation is not applicable.
- b. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
  The site includes an existing privacy fence located at the perimeter of the home in the rear yard. Outdoor activities include outdoor toys, but no play structure. The year yard does not include a detached accessory structure, as that has been removed. The applicant notes that the rear yard does include several items for children's play equipment, such as a 4 ft. play structure, 2 ft. caterpillar climber, bikes, riding toys, and other items.
- c. The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
   The daycare provides care for children first and third shift. The drop off and pick up time varies for each parent based on their work schedule. The intended hours for drop-off are 6:30 am -9:30 am and 9:30 pm. Pick up begins from 6:00 am, 3:30 pm -6:30 pm. As such, we note that the intended hours of operation range from fairly early in the morning (6am) to fairly late
  - that the intended hours of operation range from fairly early in the morning (6am) to fairly late (9:30pm) at night. The applicant shall provide information on the intended days of operation (such as Monday-Friday). We defer to the Planning Commission to determine that the intended hours of operation are adequate for the proposed use and will not cause any adverse effects to surrounding properties and neighbors.
- d. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
  - The bulk, placement, and existing materials of construction are harmonious with the residential nature of Coolidge Avenue. No new construction is proposed.
- e. Proposed landscaping and other site amenities. Additional landscaping over and above the requirements of this Ordinance may be required as a condition of approval of a special land use.
  - A site plan has been provided to the Township for review. Site plans indicate two large mature trees and one small tree in the rear yard, one small tree in the front yard (fronting Coolidge Avenue), and several tall bushes on the side yard, (fronting Crestview Avenue). Given the residential nature of this site and surrounding sites, the existing landscaping is likely adequate to serve the proposed use.

#### 2. Compatibility with the Master Plan

The proposed special land use shall be consistent with the general principles and objectives of the Township's Master Plan.

The property is currently zoned and planned for residential uses.



#### 3. Public Services

The proposed special land use shall be located so as to be adequately served by essential public facilities and services, such as highways, roads, police and fire protection, drainage systems, water and sewage facilities, and schools, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the special land use is established. The subject site is adequately served by roads and essential utilities. We will defer to the Township Fire Marshal for fire safety compliance review and comment.

## 4. Impact of Traffic

The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met consideration shall be given to the following:

a. Proximity and access to major thoroughfares.

The site has approximately 115 feet of frontage on Crestview Avenue, a cul-de-sac roadway, and approximately 82 feet of frontage on Coolidge Avenue. The front of the existing home is located on Coolidge Avenue where the driveway and garage are located. We also note that it appears the subject site once had a driveway off Crestview Avenue as well, given the location of a concrete slab that connects off the street and adjacent to the side of the existing home. It is likely the home was added onto at one point and the location of the driveway was altered.

It should also be noted that the site is located approximately 500 feet from the W. Main Street intersection. The site's access to major thoroughfares is likely adequate for the proposed use.

#### b. Estimated traffic generated by the proposed use.

Given the proposed day care use, an increase in traffic during peak hours is likely. The maximum number of children permitted on the site at one time is 12. As such, it is possible that the site will experience a traffic increase by approximately 12 cars per day, twice per day (assuming 1 car per child), resulting in increased traffic by approximately 25 cars (including one employee).

The applicant has indicated that conversations with the Road Commission have been initiated to discuss proposed on-street parking. The applicant is awaiting a response. Further, the applicant has indicated that the proposed daycare will have a maximum of 11 children due to their own child living in the home. The increased traffic will occur from 6:00 am -9:30 am, and 3:30 pm - 10:00 pm, given that the intention of the daycare is to provide childcare for first and third shift employees. The applicant has indicated that traffic will increase by approximately 7-8 cars per day because of families with siblings.

We defer to the Planning Commission to determine that the site, and surrounding residential homes, can accommodate the estimated increase in traffic, especially given the hours for drop-off and pickup are intended for first and third shift employees (early mornings at 6:00 am and later evenings at 9:30 pm).



c. Proximity and relation to intersections.

The site is located at the southwest corner at the intersection of Crestview Avenue and Coolidge Avenue.

d. Adequacy of driver sight distances.

Driver site distances are adequate for the proposed use given the width of the proposed driveway and flat topography on the site.

e. Location of and access to off-street parking.

The applicant has provided photos of the proposed parking areas with the application. The applicant proposes parking on the front yard driveway, approximately 2 spaces. Additionally, the "old" driveway space located on side of the home (facing Crestview Avenue) provides an additional 2 parking spaces (approximately 16' x 20'). This parking area is striped to depict the 2 separate spaces.

Lastly, it appears that an area of gravel has been placed in the front of the home (facing Coolidge Avenue) to offer additional parking. Site plans indicate that this area is approximately 8' x 48' in size. The applicant shall provide proof of permission from the Kalamazoo County Road Commission for this on-street gravel parking area.

Overall, site plans provide parking for approximately 6 vehicles.

f. Required vehicular turning movements.

Vehicular turning movements are adequate for the proposed use.

g. Provisions for pedestrian traffic.

A 5-foot-wide sidewalk exists along Coolidge Avenue. However, we note that a sidewalk is not constructed along the subject site's frontage on Crestview Avenue (the sidewalk ends at the adjacent home). We recommend the applicant complete the sidewalk network to connect Crestview Avenue and Coolidge Avenue as part of the site plan review process. We defer to the Planning Commission to determine if an additional sidewalk is required in this location.

#### 5. Detrimental Effects

The proposed special land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the level of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

Provided that the applicant complies with all Ordinance requirements and State laws pertaining to day care establishments, it is not anticipated that the proposed special land use will cause any detrimental effects to public health, safety, or welfare.

### 6. Economic Well-Being of the Community



The proposed special land use shall not be detrimental to the economic well-being of those who will use the land, residents, businesses, landowners, and the community as a whole.

It is not anticipated that the proposed special land use will cause any detrimental effects to the economic well-being of those who will use the land, residents, businesses, landowners, and the community as a whole.

## 7. Compatibility with Natural Environment

The proposed special land use shall be compatible with the natural environment and conserve natural resources and energy.

The special land use is compatible with the natural environment in that the site is planned to remain a residential home in a largely residential area. We recommend the applicant further describe any actions taken place to conserve natural resources and energy on the site, if any.

### PROVISIONS APPLICABLE TO DAYCARE OPERATIONS

Section 8.02T. notes supplementary provisions related to group daycare homes. The following regulations apply:

Where permitted, group day care homes licensed by the State of Michigan to serve 7 to 12 children shall be subject to the following regulations:

- 1. Location: Such facilities shall be located in the permanent residence of the operator. The applicant has submitted proof of ownership for the Township's file.
- 2. Number of Employees: Such facilities shall have no more than one full-time equivalent non-resident employee.

The applicant has indicated that 1 employee per shift will be on-site. The first employee will be on-site from 6:00 am – 6:30 pm and the second employee on-site from 9:30 pm-6:00 am. We note that although it is likely that there will be 2 full-time employees staffed for the business, not more than 1 employee (in addition to the homeowner) will be present on-site at any given time. This likely meets the intent of the Ordinance requirements. However, State of Michigan requirements for at-home daycares may require additional staff per the number of children located on-site. As such, the applicant shall be in compliance with all State standards for employee to child ratios.

- 3. Fencing: The perimeter of any yard used for play or instruction shall be enclosed by a fence that is a minimum of four (4) feet in height to prevent children from departing or entering the yard without permission of an adult employee or the operator.
  Existing conditions and images provided by the applicant show fencing along the perimeter of the property. The applicant has indicated the fence is 6 feet in height. This is in compliance with Ordinance standards.
- 4. Hours of Operation: Such facilities shall operate no more than 16 hours per day. There shall be no outdoor activity, noise or lighting beyond the boundaries of the site between the hours of 10:00 p.m. and 6:00 a.m.

Hours of operation include: First shift: 6:00 am – 6:30 pm



Third shift: 9:00 pm - 6:00 am

Given the hours above, the proposed daycare business will be operating approximately 21.5 hours per day (6:00 am-6:30 pm = 12.5 hours, 9:00 pm-12:00 am = 3 hours, 12:00 am-6:00 am = 6 hours). The only time the daycare is planned to be closed is between the hours of 6:30 pm and 9:00 pm. We note that the proposed hours of operation are not in compliance with Ordinance standards. The applicant shall revise the intended hours of operation to a maximum of 16 hours per day.

- 5. Signs: Signs shall comply with the regulations in Article 8.00. No signs are proposed as a component of this special land use request. A permit application must be approved and filed with the Township prior to the erection of any signage on the site. This satisfies Ordinance requirements.
- 6. Parking: Off-street parking shall be required as follows:
  - a. One (1) space per employee.
     Parking details are noted above and include driveway parking spaces (approximately 2), side yard parking spaces (approximately 2), and a portion of gravel provided for on-street parking on the front of the home (approximately 2). The site can likely accommodate up to 6 parking spaces.
  - b. Two (2) off-street child drop-off/pick-up spaces, unless alternate safe accommodations are approved that are satisfactory to the Planning Commission.
    Parking details are noted above and include driveway parking spaces (approximately 2), side yard parking spaces (approximately 2), and a portion of gravel provided for on-street parking on the front of the home (approximately 1 space). It is likely that the number of spots provided are adequate for the proposed use, but we note that any gravel parking area shall be reviewed and approved by the Kalamazoo County Road Commission.

#### **RECOMMENDATIONS**

We recommend approval of the proposed special land use for a group daycare home (6-12 children) located at 523 Coolidge Avenue, subject to the following conditions:

- 1. The applicant shall revise the intended hours of operation to a maximum of 16 hours per day.
- 2. The applicant shall provide information on the intended days of operation (such as Monday-Friday).
- 3. That the Planning Commission determines that the site, and surrounding residential homes, can accommodate the estimated increase in traffic.
- 4. The applicant shall comply with all conditions and comments as noted by the Township Fire Marshal and other applicable safety personnel.
- 5. The applicant shall provide proof of permission from the Kalamazoo County Road Commission for the onstreet gravel parking area.
- 6. The Planning Commission determines if an additional sidewalk is required along Crestview Avenue.



7. The applicant shall submit proof of state approvals and licenses to operate the daycare facility and shall also comply with any and all State regulations pertaining to at-home daycare facilities.

Respectfully Submitted,

Caulle Bouchard

Danielle Bouchard Senior Planner

# Memorandum

**TO:** Kalamazoo Township Planning Commission

FROM:

Danielle Bouchard, Senior Planner
Kyle Mucha, AICP, Senior Planner

SUBJECT: Site Plan Review – 523 Coolidge Avenue Daycare

**DATE:** June 22, 2022

The applicant, resident at 523 Coolidge Avenue, is seeking special land use approval to operate a group day care out of the residential home. The home is located at the southwest corner of Coolidge Avenue and Crestview Avenue in Kalamazoo Township.

#### **OVERVIEW**

The applicant is requesting site plan approval to operate a group daycare out of their residential home. The home is currently zoned R-2, Single and Two-Family Residential District. As per Section 12.02.B., a "Group Day Care Home" is a permitted special land use in the R-2 District.

The Township Zoning Ordinance defines a Group Day Care Home as the following "Group Day Care home: A private home in which more than six but not more than 12 minor children are received for child day care, including a home in which care is given to an unrelated minor child for more than four weeks during a calendar year."

The applicant is proposing to operate the day care out of the existing home located at 523 Coolidge Avenue. No new construction is proposed in relation to this request. The subject site is approximately 0.22 acres in size.

## **USE OF THE PROPERTY**

The property is currently, and planned to remain, a single-family residential dwelling. If the proposed special land use is approved, an additional use of a group day care (maximum 12 children) would also be permitted on the site. Current site conditions include one single-family residential dwelling with an attached garage (fronting Coolidge Avenue), a play structure in the rear yard, and a parking area located on the north side of the site, fronting Crestview Avenue. Additionally, the existing site includes an 6-foot privacy fence located on the perimeter of the rear yard.



#### **EXISTING AND SURROUNDING CONDITIONS AND ZONING DISTRICTS**

The existing zoning district on the subject site is R-2, single and two-family residential. Surrounding properties are also zoned R-2, single and two-family residential.



#### SITE PLAN REVIEW

Schedule of Regulations: Section 25.02

Regulation Type	R-2 District Requirements	523 Coolidge Conditions	Compliance with Ordinance Standards
Minimum Lot Area	13,200 sq. ft.	9,583 sq. ft.	No
Minimum Lot Width	80 ft.	~83 ft.	Yes
Maximum Stories	2.5	1	Yes
Maximum Building Height	30 ft.	~16 ft.	Yes
Front Yard Setback	25 ft.	~28 ft.	Yes
Side Yard Setback	5 ft. (each)	5 ft. (north) 8 ft. (south)	Yes
Rear Yard Setback	35 ft.	~19 ft.	Yes
Maximum Lot Coverage	25%	19%	Yes

No new construction, additions, or buildings are proposed on the site. It is likely that the home was constructed prior to the Ordinance update in 2016, in terms of the minimum lot area requirements.

#### Parking: Section 8.02.T

Off-street parking shall be required as follows:

- One space per employee
- Two off-street child drop-of/pick-up spaces, unless alternate safe accommodations are provided that are satisfactory to the Planning Commission

The applicant has provided photos of the proposed parking areas with the application. The applicant proposes parking on the front yard driveway, approximately 2 spaces. Additionally, the "old" driveway space located on side of the home (facing Crestview Avenue) provides an additional 2 parking spaces (approximately 16' x 20'). This parking area is striped to depict the 2 separate spaces.

Lastly, it appears that an area of gravel has been placed in the front of the home (facing Coolidge Avenue) to offer additional parking. Site plans indicate that this area is approximately 8' x 48' in size. The applicant shall provide proof of permission from the Kalamazoo County Road Commission for this on-street gravel parking area.

Overall, site plans provide parking for approximately 6 vehicles.

## Site Circulation: Section 2.20

A 5-foot-wide sidewalk exists along Coolidge Avenue. However, we note that a sidewalk is not constructed along the subject site's frontage on Crestview Avenue (the sidewalk ends at the adjacent home). We recommend the applicant complete the sidewalk network to connect Crestview Avenue and Coolidge Avenue as part of the site plan review process. We defer to the Planning Commission to determine if an additional sidewalk is required in this location.

Given the proposed day care use, an increase in traffic during peak hours is likely. The maximum number of children permitted on the site at one time is 12. As such, it is possible that the site will experience a traffic increase by approximately 12 cars per day, twice per day (assuming 1 car per child), resulting in increased traffic by approximately 25 cars (including one employee).

The applicant has indicated that conversations with the Road Commission have been initiated to discuss proposed on-street parking. The applicant is awaiting a response. Further, the applicant has indicated that the proposed



daycare will have a maximum of 11 children due to their own child living in the home. The increased traffic will occur from 6:00 am -9:30 am and 3:30 pm -10:00 pm, given that the intention of the daycare is to provide childcare for first and third shift employees. The applicant has indicated that traffic will increase by approximately 7-8 cars per day because of families with siblings. Further, Crestview Avenue is a cul-de-sac design. As such, it is possible that neighbors of the subject site may be more prone to experiencing adverse effects from the increased traffic.

We defer to the Planning Commission to determine that the site, and surrounding residential homes, can accommodate the estimated increase in traffic, especially given the hours for drop-off and pickup are intended for first and third shift employees (early mornings at 6am and later evenings at 9:30pm).

## Landscaping: Article 5.00

A site plan has been provided to the Township for review. Site plans indicate two large mature trees and one small tree in the rear yard, one small tree in the front yard (fronting Coolidge Avenue), and several tall bushes on the side yard, (fronting Crestview Avenue). Given the residential nature of this site and surrounding sites, the existing landscaping is likely adequate to serve the proposed use.

## Fencing: Section 8.02.T

Section 8.02.T.3 states: "The perimeter of any yard used for play or instruction shall be enclosed by a fence that is a minimum of four (4) feet in height to prevent children from departing or entering the yard without permission of an adult employee or the operator."

The applicant notes that the existing fence is approximately 6 feet in height. This is in compliance with ordinance standards. However, the existing fence height should be noted on site plans.

#### **Hours of Operation**

Section 8.02.T.4 states: "Such facilities shall operate no more than 16 hours per day. There shall be no outdoor activity, noise or lighting beyond the boundaries of the site between the hours of 10:00 p.m. and 6:00 a.m."

Hours of operation include:

First shift: 6am - 6:30pm

Third shift: 9pm - 6am

Given the hours above, the proposed daycare business will be operating approximately 21.5 hours per day (6am-6:30pm = 12.5 hours, 9pm-12am = 3 hours, 12am-6am = 6 hours). The only time the daycare is planned to be closed is between the hours of 6:30pm and 9pm. The proposed hours of operation are *not* in compliance with Ordinance standards. The applicant shall revise the intended hours of operation to a *maximum* of 16 hours per day.

#### **Lighting: Section 2.12**

No new lights are proposed on the site. Existing exterior lighting is proposed to remain. No complaints have been received by the Township in regards to the exterior lighting on this property. This satisfies Ordinance requirements.

#### Signage: Article 7.00

No signs are proposed as a component of this review. Any signage added to the site shall require separate review and approval by the Township Zoning Administrator.

## Trash Disposal: Section 2.22

Given the proposed use may generate more trash as a result of the group day care for up to 12 children, the applicant shall provide additional information on the anticipated amount of trash generated from the proposed us for Planning Commission consideration. Additional information could include the intent to have multiple 96-gallon carts on site.

#### Safety

Given the existing privacy fence and general well-maintained conditions of the home, it is not likely that safety concerns will arise on the site. However, it should be noted that the applicant shall submit proof of all Staterequired and approved documentation pertaining to the day care business for the Township to keep on file. We defer to the Township's safety personnel for comment on safety concerns related to the proposed use.



#### RECOMMENDATIONS

We recommend the approval of the site plan by the Planning Commission subject to the following considerations:

- 1. The applicant shall provide proof of permission from the Kalamazoo County Road Commission for the onstreet gravel parking area.
- 2. The applicant shall provide the intended days of operation.
- 3. The existing fence height should be noted on site plans.
- 4. The applicant shall revise the intended hours of operation to a *maximum* of 16 hours per day.
- 5. That the applicant shall comply with any safety requirements as determined by the Township Fire Marshal, or any other applicable safety personnel.
- 6. That the Planning Commission determines the trash disposal plan is adequate for the proposed use.
- 7. The applicant shall submit proof of state approvals and licenses to operate the daycare facility and shall also comply with any and all State regulations pertaining to at-home daycare facilities.
- 8. That the Planning Commission determines the intended traffic increase is adequate for the proposed use and will not cause adverse effects on any adjacent properties.

Please feel free to reach out to Kyle Mucha, AICP, Senior Planner at <a href="Mucha@mcka.com">KMucha@mcka.com</a> or Danielle Bouchard at <a href="mailto:dbouchard@mcka.com">dbouchard@mcka.com</a> if you have any questions regarding this review.

Respectfully Submitted,

aulle Bouchard

Danielle Bouchard Senior Planner

## **MCKENNA**



# Memorandum

**TO:** Kalamazoo Charter Township Planning Commission

FROM:

Danielle Bouchard, Senior Planner
Kyle Mucha, AICP, Senior Planner

SUBJECT: Site Plan Review #6 – Drive & Shine Car Wash: 4123 W. Main Street

**DATE:** June 24, 2022

The applicant, Drive & Shine Inc., is proposing modifications to the northern drive aisle and vacuum stations, which includes the installation of an electronic gate and traffic cones on the west side of the site located at 4123 West Main Street. Further, the applicant is proposing to implement 3 traffic cones, on the west side of the site to prevent customers from entering the vacuum area via the west entrance. As previously discussed, the applicant has effectively and substantially altered the existing site circulation conditions as previously approved by the Planning Commission by turning the site into a one-way traffic flow. The proposed site plans for this review are dated May 26, 2022 and were submitted to the Township on June 17, 2022.

A first review of the proposed changes was completed and issued to the applicant in a letter dated September 15, 2021. Additionally, McKenna issued a second letter to the applicant on October 18, 2021– which recommended that the application be considered by the Planning Commission, given the substantial changes to site circulation, and a third letter on February 14, 2022, that further iterated required revisions



to bring the site into compliance for Planning Consideration. A fourth letter was issued to the applicant on April 26, 2022 recommending denial of the proposed site improvements because of substantial traffic safety and site design concerns.

Further, the application and site plans were discussed and presented at the June 2, 2022 Planning Commission meeting. At that time, the Planning Commission requested the applicant present one-way traffic flow alternatives (among other requests detailed herein) at the subsequent July 2022 Planning Commission meeting. Additionally, we have enclosed an analysis of the site conducted by Kalamazoo Township Trustee (and Commissioner) for the applicant's review.

The applicant has demonstrated consistent failure to substantively incorporate comments from the Township Administration and the Planning Commission.

#### PLANNING COMMISSION DISCUSSION

The following includes changes to the site plans as requested by the Kalamazoo Township Planning Commission during the June 2, 2022 Meeting.



- Direct all traffic to a one-way configuration on the entirety of the site

  Site plans dated May 26, 2022 do not comply with this request from the Planning Commission. Site plans
  depict an arrow for patrons to turn left from the lube center to exit the site from the west driveway. Further,
  site plans depict a "one way" for those existing the lube center to direct all traffic to the west driveway.
- Reposition the "do not enter" sign facing W. Main so it is easier to see for motorists traveling from all directions

The applicant has indicated that this concern has been addressed. "The revised sign is a triangle with "Right Turn Only" facing S and "Do Not Enter" facing NW and NE. This will provide better visibility of the Do-Not-Enter sign for both eastbound and westbound traffic on West Main."

• Include a second gate at the east entrance (using the Gull Road store as an example)

The applicant has not included a second gate at the east entrance on site plans. Site plans still depict several cones located at the east entrance, adjacent to the existing electronic gate. The applicant has stated, "The site designers elected against this for two main reasons. First, regardless of signage, mirroring gates create confusion for visitors. A single gate on the "right" side of the internal drive signals clearly to motorists that that gate is to accommodate traffic headed east (i.e., the "right side of the road"), particularly when coupled with cones on the "left" side of that drive (which signals no traffic either direction). Second, such a second gate would not be operational (i.e., it would not be an electronic gate like the "right" side gate is) because no traffic either direction should be going through that area. As such, it creates more obstruction both for fire and emergency personnel and for vendors (i.e., snow removal, in particular) than is necessary or advisable."

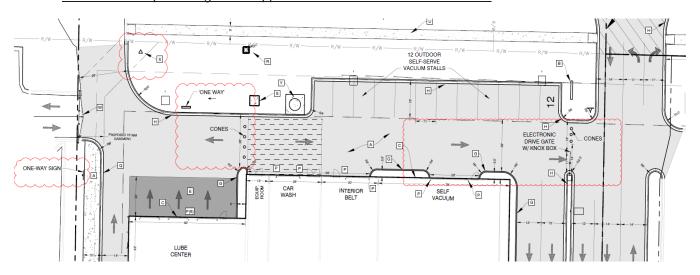
This confusion could be mitigated by proper signage on the electronic gates signaling "do not enter" on the appropriate side. Further, the electronic gates can be programmed to open and close (or be left open) for appropriate vendor personnel for snow removal purposes. Such as, an employee can open the gates when the snow removal personnel is on-site and close the gates back when the job is complete.

- Enhance the signage on the gates so it is more obvious which way patrons enter/exit the gate
   Again, this has not been addressed in the new site plans. However, the applicant has indicated a
   willingness to consider enhanced signage on the electronic gates making the intended traffic flow more
   obvious to patrons.
- Remove the entrance arrow at the west driveway on site plans
   This has been completed.
- Remove the chain connecting the cones due to potential fire truck damage
  This has been completed. However, it is important to note that the ONLY changes made to the site plans since discussion at the June 2, 2022 Planning Commission meeting took place was the readjustment of signage and the removal of the chains. The applicant has NOT brought forth any other suggestions, options, alternatives, or recommendations that address comments from the Commission.
- . Send the easement agreement with the east property for Township file



The administration has received a copy of the site survey which includes the easement information. Other documentation has not been submitted.

• Submit any proof or approvals from MDOT for the "do not enter" sign on W. Main The applicant has submitted a copy of the sign permit from MDOT and indicated that further documentation pertaining to this approval will be submitted once located.



#### **OTHER AGENCY REVIEWS**

#### 1. Fire Marshal.

"I have reviewed the submitted site plan for the Drive and Shine Car Wash located at 4123 West Main Street in Kalamazoo Township. This submittal is dated 5/26/2022. The sheet number that was given and reviewed was C302.

At this time, the site plan looks to be the same plan that has been submitted prior, outside of the water barrier on the eastside of the property has now been changed out for a traffic cone stand and the cone stand on the west is still placed in a location that forces the lube shop to make a left turn from a right turn only drive. This action is contradictory to the original site plan and planning commission wishes.

The gate and current water barrier that have been placed on the east end of the site and the current traffic cone and chain that have been placed on the site were not part of the original site plan nor have they been approved.

By Kalamazoo Township site plan ordinance, the use of the electronic gate requires the installation of a Knox brand key switch as well as siren activation. The owner has been made aware of these requirements on multiple occasions over the past year and half and has yet to comply with this fire safety ordinance.



During the original site plan review and Planning Commission meeting in April of 2019, it was discussed at length the requirement for unrestricted and unobstructed access to the entire site. By Kalamazoo Township ordinance, the required unobstructed fire access road is 26 foot wide. The placement of water barriers and chained traffic cones now makes this drive obstructed and therefore non-compliant.

Also, during that same planning commission meeting, there was a requirement for right turn only while leaving the west driveway. By placing the traffic cones on the west end of the carwash building, east end of the lube shop has dramatically changed the approved site circulation thus forcing vehicle traffic to potentially make the left turn from the west driveway.

The planning commission was quite clear at the last meeting in the direction to submit a couple of site plan ideas to staff and we get only one site plan, and it is the same site plan in essence that we have already seen in multiple submissions and one that has been denied on each occasion.

With the site plan as provided, along with the prior site plan review and conditions, I would recommend not approving the plan as submitted.

#### OTHER NOTEWORTHY ASPECTS

We recommend the applicant revise the proposed site plan to include a **permanent solution** to replace the temporary structures to direct traffic flow on the site, such as electronic gates to replace ALL traffic cones. Further, we have conducted an analysis of the immediately adjacent area, and do not find other commercial properties utilizing temporary structures on site to dictate traffic flow. As such, this would cause inconsistent aesthetics and character along the West Main corridor in Kalamazoo Township. However, we defer to the Planning Commission to make the final determination on this recommendation.

#### **Aesthetics**

The proposed site circulation mechanisms do not contribute to the site's (and the West Main Corridor's) aesthetic quality. This is due to the following reasons (but not limited to):

- As previously stated, the cones are considered temporary structures and therefore not encouraged to be placed as a permanent fixture on the site.
- Given the temporary nature of the cones, the fixtures will need to be consistently maintained and replaced due to damage over time.
- Other commercial sites in the general vicinity do not utilize similar means for traffic circulation on-site, causing unharmonious conditions with surrounding properties.
- The traffic cones can be confusing for patrons.

## **RECOMMENDATION**

The applicant made site modifications without Township approval and then repeatedly failed to incorporate plan revisions provided by the Township and the Planning Commission to remedy the situation. Due to the failure of the applicant to provide substantive revisions consistent with the intent of the original Planning Commission approval and subsequent discussion, the Township Administration must recommend *denial* of the proposed site plans due to the following reasons:



- 1. The applicant has not shown good faith as to comply with a majority of the recommendations as discussed during the June 2, 2022 Planning Commission meeting. Please see narrative above for additional detail on the discussion.
- 2. The applicant has not complied with requirements as noted by the Township Fire Marshal, most notably, the requirement for unobstructed access around the site.
- 3. The placement of temporary structures, such as traffic cones, to use as permanent fixtures on-site to dictate traffic flow can potentially set a precedent for future site plans in the Township. We do not recommend establishing this standard.

In the event the Planning Commission agrees with the review Township Administration's recommendation, the applicant shall restore the site back to its state from original approval.

Please feel free to reach out to Kyle Mucha, AICP at <a href="mailto:KMucha@mcka.com">KMucha@mcka.com</a>, or Danielle Bouchard at dbouchard@mcka.com, if you have any questions regarding this review.

Hamlle Bouchard

Respectfully Submitted,

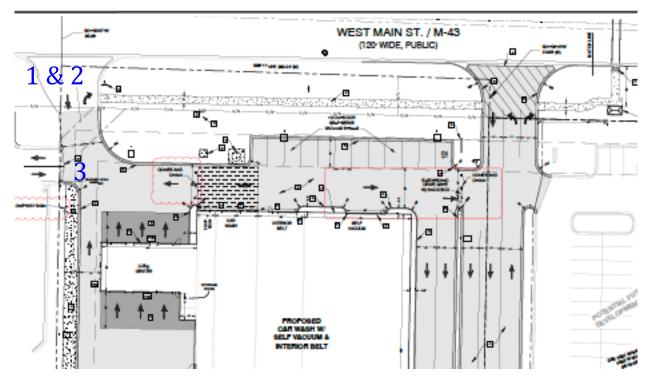
Kyle Mucha, AICP Senior Planner

KMucha

Danielle Bouchard Senior Planner

cc. Paul Lippens, AICP, NCI, Vice President enc. Drive & Shine Concerns 6-22-22

Drive & Shine, W. Main: Safety concerns, 6/22/22 (S. Leuty)



1. Traffic accidents on W. Main due to eastbound vehicles on W. Main trying to turn south into Drive & Shine's western (exit-only drive) drive.

Possible improvements:

- a) install a "Exit only. Do not enter." sign, facing west and located as close to W. Main as MDOT will allow, to be more visible to eastbound vehicles on W. Main. The existing "Do not enter" sign located east of the western drive faces north, which has some value for W. Main's westbound traffic, but is poorly visible to eastbound traffic.
- b) Replace the western drive's western curb from a countoured, ~45-degree angle to a squared, 90-degree angle to visually "un-invite" entry by eastbound traffic on W. Main.
- c) remove the western drive's south arrow from both the concrete (if it exists) and the plan.



Popeyes' drive (east-facing) includes a visible sign.



Drive & Shine's west drive (east-facing): the contoured curb and the lack of a visible sign encourages eastbound vehicles to enter.

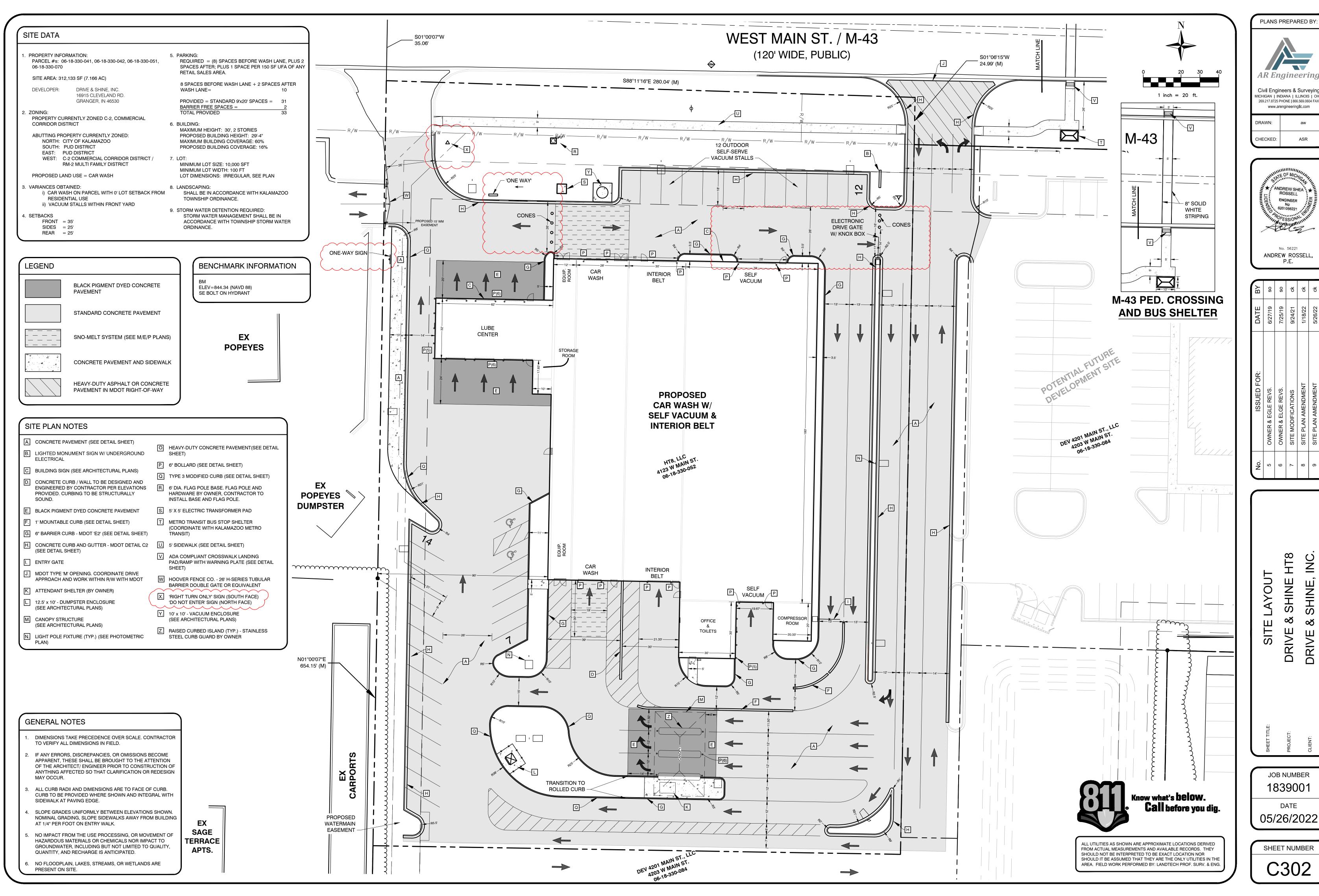
2. Traffic accidents on W. Main due to vehicles attempting to turn west from Drive & Shine's western drive. Possible improvement: Drive & Shine installed a right-turn-only sign for vehicles leaving the western drive.



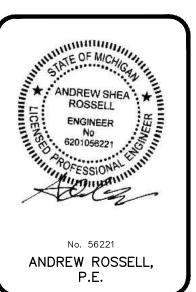
3. Congestion and confusion due to the existing "Car Wash & left arrow" sign.



This existing and highly visible sign ("Car Wash" and a left arrow) encourages vehicles on W. Main to enter the western drive, then incorrectly proceed eastward within Drive & Shine's property through the cone/chain and electronic gate barriers to access a car wash. This generates confusion and safety concerns because the car wash is only accessible via the eastern drive.



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<del>S</del>	5/26/22	SITE PLAN AMENDMENT	6
쓩	1/18/22	SITE PLAN AMENDMENT	80
쓩	9/24/21	SITE MODIFICATIONS	7
so	7/25/19	OWNER & ELGE REVS.	9
os	6/27/19	OWNER & EGLE REVS.	5
ВУ	DATE	ISSUED FOR:	No.

JOB NUMBER 1839001

DATE

C302