



MEMORANDUM

Date: June 27th, 2024
To: City of Madison Heights City Council
From: Matt Lonnerstater, AICP – City Planner
Subject: Special Approval Request PSP 24-03– 28245 John Road – Modification to Previously-Approved Special Approval [Wash Pointe Car Wash]

TEMPLATE MOTION AND FINDINGS INCLUDED ON PAGE 5

Introduction

The applicant and property owner, Steve Gunn, requests a modification to a previously approved Special Approval application for *Wash Pointe Car Wash*, located at 28245 John R Road (PIN # 44-25-14-232-014). The applicant owns and operates the auto wash and requests to increase the number of exterior vacuum spaces from four (4) to eight (8). The property is zoned B-3, General Business.

Note: The applicant applied for this Special Approval modification request prior to formal adoption of the new Zoning Ordinance/Zoning Map. Therefore, City Council should use the processes and standards of the prior Zoning Ordinance to act upon this request.

Background and Historical Information (Minutes Attached)

- **August 11th, 2003:** City Council granted Special Approval allowing the applicant to construct and operate an auto wash at the subject site (listed as a special approval use in the B-3 zoning district). Per Zoning Ordinance standards in 2003, exterior vacuums were not permitted at auto wash uses. Therefore, exterior vacuums were not included, nor approved, in the original application. The auto wash opened for business in 2005.
- **October 24th, 2005:** The applicant requested a modification to the previously-approved auto wash to allow the installation of exterior vacuums. City Council approved the installation of **two (2)** exterior vacuums, with the condition that the Zoning Board of Appeals grant a variance to allow vacuums outside the building area.
- **January 5th, 2006:** The Zoning Board of appeals (ZBA) approved a variance to allow external vacuuming equipment at the auto wash. ZBA approval accounted for an additional vacuum, bringing the total to three (3). However, the Special Approval was never updated to include the third vacuum.
- **Today:** There are currently four (4) exterior vacuums at the auto wash, although City Council only formally approved two (2), and the ZBA only formally approved three (3). It is unclear when the additional vacuum was installed; per the applicant, it may have been approved through an informal handshake process. The applicant is requesting a modification to the existing Special Approval to increase the number of exterior vacuuming spaces to eight (8), with a total of nine (9) vacuums.

The four (4) existing vacuuming spaces are placed parallel to the auto wash building, as shown in the image below. These are pay-to-use vacuums. The applicant intends to remove these vacuums and install a total of nine (9) "VACUTECH" vacuums, which will be accessed via eight (8) 90-degree, perpendicular parking spaces. The additional vacuum will allow patrons on the end to vacuum either side of their vehicle.

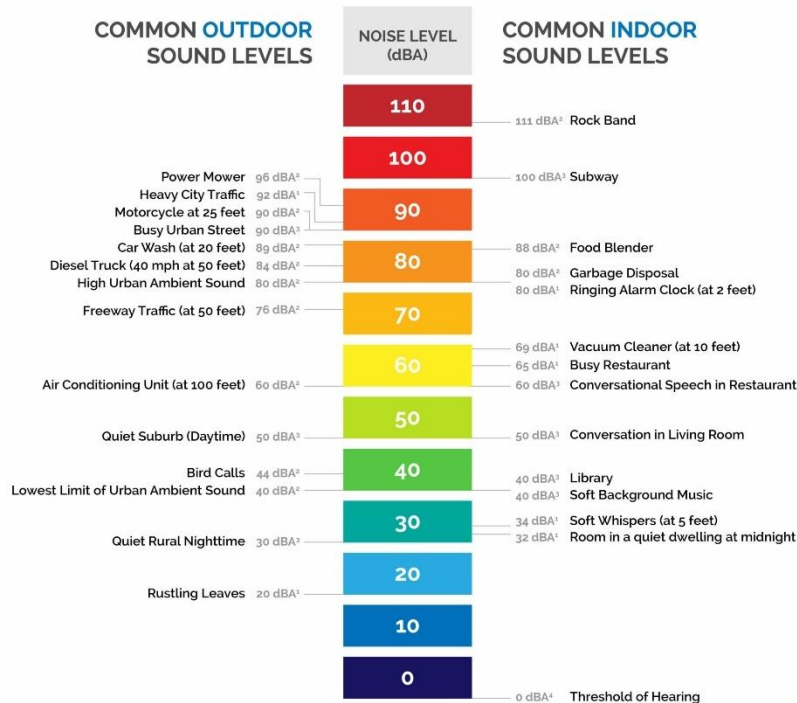
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Based on the ninety-degree orientation of vacuuming parking spaces, two-way circulation is proposed adjacent to the vacuums. The previous submittal depicted angled parking spaces, which would have required patrons to proceed through the car wash after utilizing the vacuums. Per the applicant, the ninety-degree orientation allows for applicants to exit the site after using the vacuums.

Noise

The applicant has provided a noise study showing the sound level meter readings from various distances from the turbine/generator. Per the study, at a distance of 20 feet, the turbines produce a sound level of approximately 54 decibels. Based on a chart provided by the Federal Aviation Administration (FAA), below, this is similar to the sound produced by a conversation in a living room. At a distance of 30 feet, the turbines produce a sound level of approximately 38 decibels, similar to that of the background noise in a library.

Comparative Noise Levels (dBA)



Source: FAA

The turbine, which generates air flow and power to the vacuuming hoses, will be placed inside the auto wash structure. The nearest residential property line is located 60 feet from turbine location and is separated from the turbine by the car wash building itself and an additional masonry wall.

Trash/Dumpster

Per the applicant, the modified vacuums include trash cannisters that restrict the ability to place obscure, larger items inside. The applicant claims that there will be no increase in trash as a result of the new vacuums.

While the site does feature a dumpster enclosure and dumpster pad in the northwest corner (approved as part of the original site plan), the dumpster itself has been moved to an unimproved area in the southwest corner of the site adjacent to the public alley. Per Section 10.510(B)(8), all dumpsters shall be located on an eight-inch-thick concrete pad and completely screened from view. The new dumpster area should be brought into conformance as part of the Special Approval process.

Special Approval Criteria

Per Section 10.201(5)(h), *“the conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner.”* As City Council granted original Special Approval for the auto wash and the exterior vacuuming layout, City Council approval is required to modify the layout and general number of exterior vacuums.

Requests for Special Approval are subject to criteria and review standards contained in Section **10.201(4)**. The primary review standards are outlined below.

[...]

(C) *The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:*

1. *Location of use(s) on site;*
2. *Height of all improvements and structures;*
3. *Adjacent conforming land uses;*
4. *Need for proposed use in specified areas of the city;*
5. *Conformance with future land use plans for the area as adopted by the planning commission;*
6. *Compatibility with the permitted principal uses allowed in the zoning district where the special approval use is requested.*

[...]

(G) *The use shall not have an adverse effect on the environment beyond the normal effects of permitted principal uses in the same zoning district and shall not result in an impairment, pollution, and/or destruction of the air, water, and natural resources.*

[...]

(I) *The proposed use shall be designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any nearby properties. The use shall not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odors, and adverse environmental impacts.*

These approval criteria should be incorporated into any motion acting upon the Special Approval request. Additional criteria for reviewing Special Approval uses are contained at the end of this report.

Staff Analysis

Staff concerns relating to exterior vacuums primarily relate to noise and hour of operation. While the subject site directly abuts a residential neighborhood to the west, the auto wash building separates the vacuuming spaces from the adjacent homes. Additionally, the vacuuming operating equipment, including turbine and muffler, will be located within the auto wash structure which should dampen noise impacts, as evident by the noise study provided by the applicant.

The Zoning Board of Appeals previously approved a variance to allow exterior vacuums but did not place a condition relating to the total number of vacuums. Therefore, additional variances through the ZBA are not required.

As part of this Special Approval request, the nonconforming dumpster location and conditions should be addressed. As a condition of approval, if granted, staff recommends requiring a dumpster pad and screening to bring the site into compliance with the Zoning Ordinance.

Conditions

Per Section 10.201(4)(k), City Council may impose conditions in granting Special Approval that it deems necessary to fulfill the spirit and purpose of the Zoning Ordinance. If City Council moves to approve the Special Approval application, staff recommends the following conditions to meet the intent and purpose of the B-3 zoning district and the spirit of the Zoning Ordinance:

1. *Provide a dumpster pad and screening enclosure (either masonry wall or landscaping, or combination) for the dumpster, in coordination with the Community and Economic Development Department. Alternatively, move the dumpster back to the originally-approved dumpster pad/enclosure.*
2. *Vacuums shall be turned off no later than 8 p.m., consistent with the closure of the auto wash tunnel.*
3. *Motors and mechanical equipment for the outdoor vacuums shall be enclosed within the auto wash building. Details of such equipment shall be provided on the formal building plans, when submitted.*

Template Motion, Findings and Conditions

Staff offers the following motions and findings as a suggested template and guide for City Council's motion on this case, either for approval or denial. Staff urges City Council to provide additional detailed findings, as needed, to substantiate any motion for approval or denial.

MOVE TO **(APPROVE/DENY)** SPECIAL APPROVAL REQUEST NUMBER PSP 24-03 BASED UPON THE FOLLOWING FINDINGS PERTAINING TO THE SPECIAL APPROVAL CRITERIA OF SECTION 10.201(4):

1. The applicant and property owner requests a modification to a previously approved Special Approval application for *Wash Pointe Car Wash*, located at 28245 John R Road. The applicant owns and operates the car wash and requests to increase the number of exterior vacuum spaces on-site. The property is zoned B-3, General Business.
2. The subject site is zoned B-3, General Business, which is intended to, *"provide sites for more diversified business types and are often located so as to serve passer-by traffic."* The proposed modifications **(ARE/ARE NOT)** consistent with the intent of the B-3 zoning district and **(ARE/ARE NOT)** compatible with the principal uses permitted by-right in the B-3 zoning district.
3. The subject site is immediately adjacent to properties improved with, and zoned for, residential and commercial uses, and is located across the street from auto-oriented uses and commercial zoning. The proposed modifications **(ARE/ARE NOT)** compatible with adjacent land uses.
4. The proposed modifications **(ARE/ARE NOT)** consistent with the site's *"Commercial"* future land use designation and **(ARE/ARE NOT)** aligned with the goals and objectives stated in the 2021 Madison Heights Master Plan.
5. The proposed modifications **(ARE/ARE NOT)** designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any nearby properties.
6. Based on the above findings, the proposed modifications **(DO/DO NOT)** generally satisfy/satisfies the Special Approval review standards and criteria listed in Section 10.201(4).

If City Council moves to approve the requested modifications to the Special Approval use, staff recommends including the following conditions of approval relating directly to the site layout and operation of the proposed vacuums, in accordance with Section 10.201(4)(k), to fulfill the spirit and purpose of the Zoning Ordinance and the intent of the B-3 zoning district:

1. *Provide a dumpster pad and screening enclosure (either masonry wall or landscaping, or combination) for the dumpster, in coordination with the Community and Economic Development Department. Alternatively, move the dumpster back to the originally-approved dumpster pad/enclosure.*
2. *Vacuums shall be turned off no later than 8 p.m., consistent with the closure of the auto wash tunnel.*
3. *Motors and mechanical equipment for the outdoor vacuums shall be enclosed within the auto wash building. Details of such equipment shall be provided on the formal building plans, when submitted.*

Next Step

After the public hearing and discussion, City Council may take action on the requested modified Special Approval. **Any motion shall include concise findings based upon the Special Approval review standards and criteria, Section 10.201(4). Per Section 10.201(3), City Council may postpone action on a Special Approval request to allow verification, compilation, or submission of additional or supplemental information or to address other concerns or issues.**

Pertinent Zoning Ordinance Sections

Section 10.201 – *Special Approval Use Review Procedures and Requirements*

- (4) *Review standards and criteria.* The city council shall consider the following standards and criteria in their review of all special approval use requests:
- (a) Site plans submitted for special approval uses shall be prepared in conformance with and contain all information as outlined in Section 10.514. Site Plan Review.
 - (b) All design standards or criteria imposed on specific special approval uses elsewhere in this Ordinance shall be met.
 - (c) The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:
 - 1. Location of use(s) on site;
 - 2. Height of all improvements and structures;
 - 3. Adjacent conforming land uses;
 - 4. Need for proposed use in specified areas of the city;
 - 5. Conformance with future land use plans for the area as adopted by the planning commission; and
 - 6. Compatibility with the permitted principal uses allowed in the zoning district where the special approval use is requested.
 - (d) Ingress/egress to the use shall be controlled to assure maximum vehicular and pedestrian safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:
 - 1. Reduction in the number of ingress/egress points through elimination, minimization and/or consolidation of drives and/or curb cuts;
 - 2. Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);
 - 3. Reduction/elimination of pedestrian/vehicular traffic conflicts;
 - 4. Adequacy of sight distances;
 - 5. Location and access of off-street parking;
 - 6. Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.
 - (e) Screening shall be provided along all property lines, where council determines such screening is necessary to minimize impact of the use on adjacent properties or uses.
 - (f) The use shall be properly served by utilities.
 - (g) The use shall not have an adverse effect on the environment beyond the normal affects of permitted principal uses in the same zoning district and shall not result in an impairment, pollution, and/or destruction of the air, water, and natural resources.
 - (h) The use shall be specifically scrutinized for conformance with the performance standards outlined in section 10.509 of this Ordinance.
 - (i) The proposed use shall be designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any other nearby properties. The use shall not involve uses, activities, processes, materials, equipment and conditions of

- operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odors, and adverse environmental impacts.
- (j) The proposed use does not impose an unreasonable burden upon public services and utilities in relation to the burden imposed by permitted principal uses in the same zoning district.
 - (k) The city council may impose conditions in granting special approval that it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall:
 - 1. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.
 - 3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration (if applicable); and be necessary to ensure compliance with those standards.
 - 4. Provide adequate safeguards as deemed necessary for the protection of the general welfare and individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement, and the failure to correct such breach within 30 days after an order to correct is issued by the city shall be reason for immediate revocation of the special approval. Conditions and requirements stated as a part of special use permit authorizations shall be continuing obligations of the holders of such permits and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such special use permit is in effect.
 - (l) The discontinuance of a special use after a specified time may be a condition to the issuance of the permit. Renewal of a special use permit may be granted after a review and determination by the city council that continuing private need and public benefit will be served by such renewal. Renewal applications shall be in accord with standards and requirements in effect at the time that the renewal is requested.

Sec. 10.326 - B-3 Uses Permissible on Special Approval

- (8) Auto washes:
 - (a) When completely enclosed in a building.
 - (b) An attendant must be on duty and on the premises at all times that such auto wash is in operation. All other times, the building must be locked and safely secured.
 - (c) The time of operation shall be limited between the hours of 8:00 a.m. and 10:00 p.m.
 - (d) All buildings to be used in connection with the auto wash shall be located at least 20 feet away from any right-of-way line.
 - (e) Where multiple wash stalls are proposed all auto stacking lanes must be channeled with curbs to each wash stall so as to prevent cross traffic and the minimum stacking space shall be six cars per stall. The minimum amount of stacking space to be provided in all car wash developments shall be equivalent to 20 minutes of full and continuous operation.

- (f) Buildings must be constructed so as to be enclosed on two sides plus doors on the front and rear of each stall, capable of being locked.
- (g) All lights used in connection with auto washes shall be shaded so as not to project upon or become a nuisance to adjacent properties.
- (h) All land used in connection with auto washes is to be paved and drainage provided in accordance with existing ordinances pertaining to parking lots.
- (i) A chainlink-type fence must be constructed so as to enclose the entire property except drives and areas where screen walls are required, two feet along any street, four feet side and back.
- (j) Access points are limited to not more than two 20-foot drives. Such drives are to be a minimum of 50 feet apart and ten feet from the exterior lot lines and 35 feet from any intersection right-of-way lines and shall not be constructed so that ingress and egress shall be through residentially zoned areas. Such access points must have the approval of the Madison Heights Police Department to effect that they will not interfere with vehicular traffic nor will they create a safety hazard.
- (k) No steam hose for public use shall be located upon the premises in connection with such auto wash.
- (l) All blowers shall be turned off when not in use in connection with the operation of the car wash.
- (m) It shall be unlawful for any person, firm or corporation or any agent, servant or employee thereof, who while operating an auto wash, to permit or cause to be permitted upon the premises in which the said business is located, a nuisance, by allowing the health, safety or welfare of the community to be impaired.
- (n) It shall be the duty of the licensee, manager, or person in charge of any auto wash, to keep the premises whereon said auto wash is located, together with the parking area and any adjacent area, free from rubbish, waste products and debris.
- (o) It shall be unlawful for any patron of an auto wash or for any other person while parking on or adjacent to the premises to race the motor of any vehicle, to suddenly start or stop any unseemly noise, nuisance or disturbance which shall impair the peace, health or safety of the community.
- (p) Construction of auto wash buildings shall not be permitted if said construction shall require standing or parking on public rights-of-way in connection with the operation of the auto wash.
- (q) All operations must be carried on within the building area, including but not limited to vacuuming, washing and drying.