



# MEMORANDUM

Date: June 30<sup>th</sup>, 2023  
To: City of Madison Heights City Council  
From: Matt Lonnerstater, AICP – City Planner  
Subject: Special Approval Request PSP 23-05– 29022 Stephenson Hwy. – ‘Jax Kar Wash’

## Introduction

The applicant, BMW Kar Wash doing business as Jax Kar Wash, requests special use approval for an auto wash facility. The subject site is located at 29022 Stephenson Highway and consists of three (3) separate parcels (PINs 44-25-11-377-016; -016; and -019). The properties are zoned B-3, General Business.

## Project Details

The applicant proposes to construct a modern express car wash on the site located at the northeast corner of Stephenson Highway and Twelve Mile Road, immediately to the west of I-75. The subject site comprises three (3) separate parcels and is currently improved with Col’s Place Restaurant. If the project is approved, the applicant will be required to recombine the three (3) properties into a single parcel.

Per Section **10.326(8)**, ‘Auto Wash’ facilities are permitted in the B-3 district as a special use, subject to use-specific standards; these use-specific standards are listed in full at the end of this report.

The applicant has submitted a preliminary site plan and concept color renderings for the project. As proposed, the existing Col’s Place Restaurant would be demolished to accommodate a 6,200 square foot express car wash building. Nineteen (19) outdoor self-service vacuum bays are proposed. Vehicular access is proposed via a single curb-cut along Stephenson Highway, with triple queuing lanes circling around to the pay stations. The preliminary plans depict a modern architectural façade and significant landscaping around the site and adjacent to public rights-of-way.

The applicant has voluntarily offered the following monetary contributions as part of the special approval application:

- 1) \$60,000 toward Madison Heights’ entrance identification and beautification sign program and a potential easement at the southwestern corner of the property for such sign.
- 2) \$90,000 towards the installation of playground equipment and improvements at Twelve-Sherry Park.

Requests for special approval are subject to the following criteria, as outlined in Section **10.201(4)**:

*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.*

Additional criteria for reviewing special uses are contained at the end of this report.

### Project History

City Council denied a similar car wash proposal (different applicant) on the subject site in 2022 under case PSP #22-06 (Cosmo's Car Wash). Staff notes that the proposed Jax Car wash site layout is similar to that proposed under PSP #22-06.

### Site Analysis

#### Existing Zoning and Land Use

The table below denotes existing adjacent land uses and zoning designations.

	Existing Land Use	Existing Zoning
<b>Site</b>	Commercial (Restaurant)	B-3, General Business
<b>North</b>	Oakland County Water	M-1, Light Industrial
<b>South (across 12 Mile)</b>	Retail	General Business (City of R.O)
<b>East</b>	--	I-75
<b>West (across Stephenson)</b>	Gas Station	M-1, Light Industrial

The subject site is located immediately to the west of the 12 Mile Road/I-75 interchange. Adjacent land uses consist primarily of auto-oriented uses, including a gas station across Stephenson Highway, an auto repair shop across 12 Mile Road, and a drive-through fast food restaurant located kitty-corner at the intersection of 12 Mile Road and Stephenson Highway (in Royal Oak).

The site is zoned B-3, General Business, which is intended to provide for more diversified business types and often located so as to serve the passer-by traffic.

#### Future Land Use, Master Plan and Transportation

The table below denotes adjacent future land use designations as contained within the 2021 Madison Heights Master Plan.

	Future Land Use
<b>Site</b>	Industrial
<b>North</b>	Industrial
<b>South (across 12 Mile)</b>	General Commercial (City of R.O)
<b>East</b>	I-75
<b>West (across Stephenson)</b>	Industrial

The future land use designation of the subject site is '*Industrial*'. Per the Master Plan, the Industrial designation is intended to accommodate manufacturing, processing, warehousing, storage of raw materials and intermediate and finished products, industrial service providers, industrial parks, and industrial research activities.

City Council should consider the following Goals & Objectives of the 2021 Madison Heights Master Plan as part of this special approval request:

Community Character

- *Enhance the city's commercial corridors to support walkability and improve community identity.*
- *Promote the city's positive identity in the region.*
- *Promote the use of quality building design and materials to enhance the appearance and long-term maintenance of new development.*
- *Protect established neighborhoods and business districts from the potentially negative impacts of development, including noise, traffic, waste, odor, and other nuisances through effective and thoughtful site and building design.*

Commercial & Industrial Development

- *Promote incentives and flexible zoning mechanisms for commercial and industrial property owners and tenants to upgrade existing commercial and industrial sites.*
- *Promote the mix of commercial, office, and industrial uses in a way that fosters collaboration and business growth while creating a desirable environment for the local workforce.*
- *Promote walkability by ensuring sufficient local destinations for goods and services.*

Per the Master Plan, 12 Mile Road and Stephenson Highway are both designated as “principal arterial” roads, which are intended to carry long distance, through-travel movements and provide access to regional centers.

**Use-Specific Standards and Site Plan Requirements**

Section **10.326(8)** of the Zoning Ordinance contains use-specific standards for auto washes in the B-3 zoning district. Based on the proposed concept plan, the project fails to satisfy the following standards:

- *The time of operation shall be limited between the hours of 8:00 a.m. and 10:00 p.m.*
  - The applicant seeks to open for business at 7:00 a.m.
- *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; and*
  - The auto wash building is set back 10 feet from the 12 Mile Road Right-of-Way.
- A chain link-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.
  - The applicant proposes perimeter landscaping as an alternative to the required chain link fence.
- *All operations must be carried on within the building area, including but not limited to vacuuming, washing and drying.*
  - Nineteen (19) outdoor self-service vacuum bays are proposed.

The applicant has acknowledged the need to request variances from the Zoning Board of Appeals for these deficient items.

Further, staff notes the following site plan deficiencies:

- Missing pedestrian connection to adjacent public sidewalk (Section 10.506(H)).
- Missing bicycle rack (Section 10.505(F)).

### Staff Analysis

The subject site's location immediately to the west of the I-75/Twelve Mile Road interchange makes it conducive for commercial uses. However, staff has concerns about the proliferation of auto-oriented uses and businesses that only provide services for customers in vehicles.

There are seven (7) existing auto wash uses in Madison Heights, in addition to two (2) that have recently received site plan approval and are awaiting construction.

Existing Auto Washes:

- Quick & Easy Car Wash: 32372 John R. Road
- Autobath America: 465 12 Mile Rd.
- Doc's Auto Wash: 29990 John R. Rd.
- WashPointe Car Wash: 28245 John R. Rd.
- Eleven Mile Auto Wash: 404 W. 11 Mile Rd.
- Super 6 Car Wash: 26750 Car Wash
- WashPointe Car Wash: 26655 Dequindre Rd.

Approved Auto Washes (awaiting construction):

- CarRite Car Wash: 32800 Alger St.
- El Car Wash: 1275 W. 14 Mile Rd.

### Template Findings and Conditions

Staff offers the following findings as a template for City Council's motion, either for approval or denial, on this case:

1. The applicant requests special use approval for an auto wash use at 29022 Stephenson Highway.
2. The subject site is zoned B-3, General Business, which is intended to provide sites for, *"more diversified business types and often located so as to serve the passer-by traffic."* The proposed auto wash **(IS/IS NOT)** consistent with the intent of the B-3 zoning district and **(IS/IS NOT)** compatible with permitted principal uses permitted in the B-3 zoning district.
3. The subject is in the vicinity of properties improved with auto-oriented uses, including a gas station, an auto repair shop, and a drive-through fast food restaurant. The proposed auto wash **(IS/IS NOT)** compatible with adjacent land uses.
4. The proposed use **(IS/IS NOT)** consistent with the site's *'Industrial'* future land use designation and **(IS/IS NOT)** aligned with the goals and objectives stated in the 2021 Madison Heights Master Plan.
5. The applicant **(HAS/HAS NOT)** demonstrated a need for the proposed use in the specified area of the city.
6. The proposed use **(DOES/DOES NOT)** generally satisfy/satisfies the special use approval review standards and criteria listed in Section 10.201(4).

7. The proposed use **(DOES/DOES NOT)** satisfy/satisfies the use-specific requirements for auto washes listed in Section 10.326(8). The applicant acknowledges the need to apply to the ZBA for several variances from the specific-use standards of Section 10.326(8).
8. The Site Plan Review Committee (SPRC) reviewed the proposed special approval request at their June 21<sup>st</sup>, 2023 meeting and did not cite concerns regarding the proposed special use. Separate SRPC approval will be required for the final site plan.

If City Council moves to approve the requested special land use, staff recommends including the following conditions of approval:

1. Resolve site plan deficiencies relating to building setback, hours of operation, chain link fence and outdoor self-service vacuum bays or seek the appropriate variances from the Zoning Board of Appeals.
2. Install a pedestrian sidewalk connection and a bicycle rack, as required per Section 10.505 of the Zoning Ordinance; the exact locations may be determined through the Site Plan review process.
3. Add landscaping at the southwest corner of the site, adjacent to the proposed monument sign, to fill in the landscaping gap and to screen the view of the auto wash bay from the road; the details of this landscaping may be determined through the Site Plan review process.
4. Move the location of the dumpster enclosure out of the front yard; the exact location may be determined through the Site Plan review process.
5. The Landscape Plan and Building Elevations submitted with the site plan package shall be substantially consistent with the preliminary plans submitted with this special use application, with the exception of any required modifications placed as conditions of approval.
6. As **voluntarily offered** by the applicant, the applicant shall donate a minimum of \$60,000 towards Madison Heights ongoing entrance identification and beautification sign project and a minimum of \$90,000 towards public improvements at Twelve-Sherry Park.
7. As **voluntarily offered** by the applicant, the City of Madison Heights shall have the right to obtain an easement at the southwest corner of the subject property for the purposes of installation, operation, and maintenance of a City entrance/identification sign, provided that the location of the sign does not interfere with the use and operation of the Property as an auto wash in accordance with the approved special use.

#### Next Step

After the public hearing and discussion, City Council may take action on the requested special use. **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

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### 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.