

## Meeting Agenda

### City of Kalamazoo - Zoning Board of Appeals

March 14, 2019

City Commission Chambers, City Hall

7:00 p.m.

A. Call to Order:

B. Communications and Announcements:

C. Approval of the Special Meeting Minutes for February 21, 2019:

D. Public Hearings:

1. ZBA #19-02-05: 4303 W. Michigan Avenue. Bosch Architecture on behalf of the developer is requesting the following: **1)** A use variance from Chapter 4, Section 4.2 Q.3, to authorize residential use of the ground floor level of each building for a 12-unit multi-family residential development, where retail or other commercial floor space is required on the ground floor level in Zone CN-1; and **2)** A dimensional variance from Chapter 50-72 1, to authorize 22 parking spaces above allowed maximum number of off-street parking spaces of 26 for a total of 48 off-street parking spaces.
2. ZBA #19-03-09: 3717 E. Cork Street. Tapan Patel of ENAS Hospitality is requesting a dimensional variance from Chapter 50-7.2 1, to authorize 45 parking spaces above allowed maximum number of off-street parking spaces of 45 for a total of 90 off-street parking spaces for the hotel development proposed with 82 rooms.
3. ZBA #19-03-10: 210, 212, 214, 218 E. Vine St. / 812, 816, 820, 824, 828 Boerman Ave. Bronson Methodist Hospital is requesting a variance from Chapter 6, Section 6.3 D, to authorize the screened waste receptacle (dumpster) to be located in the front yard for the proposed medical office building, where screened waste receptacles are required to be located in the rear or side yard.
4. ZBA #19-03-11: 504, 518 and 604 N. Drake Road. Progressive AE on behalf of Chick-fil-A, Inc. is requesting a dimensional variance from Chapter 50-72 1, to authorize 17 parking spaces above allowed maximum number of off-street parking spaces of 43 for a total of 60 off-street parking spaces for the proposed restaurant with drive thru service.

E. Other Business:

F. Adjournment:

**MINUTES  
CITY OF KALAMAZOO  
SPECIAL MEETING FOR  
ZONING BOARD OF APPEALS  
FEBRUARY 21, 2019 - 7:00 p.m.  
CITY COMMISSION CHAMBERS**

**Members Present:** Matt Lager, James Houston, Reed Youngs, Chris Flach, Christina Doane, Jeff Carroll

**Members Absent:**

**City Staff:** Pete Eldridge, Zoning Administrator; Clyde Robinson, City Attorney; Deanna Benthin, Recording Secretary

**Chair Youngs called the meeting to order at 7:00 p.m.**

**MINUTES:**

**Mr. Houston moved to approve the minutes of January 10, 2019 as submitted, seconded by Mr. Carroll.**

**Motion approved by voice vote unanimously.**

**NEW BUSINESS:**

**PUBLIC HEARINGS:** Chair Youngs summarized the process and explained the Zoning Board of Appeals public hearing rules of procedures stating that a full board consists of six members and that approval requires four affirmative votes. If only four members are present the applicants would have the option to hold their requests over to the next meeting or present their requests with the hopes of getting all four affirmative votes.

Mr. Houston read the application for 4231 Portage Street, Parcel # 06-35-450-387:

**ZBA #19-02-03: 4231 Portage Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Avanika Patel, the property owner. The request concerns the property at 4231 Portage Street, which is situated in use Zone CC, Commercial – Community District. The request, if approved, would authorize a dimensional variance from Chapter 4, Section 4.2 I 2, of 1,790 feet from the 2,640 foot (1/2 mile) separation distance required from convenience stores, package liquor stores, or gasoline stations which sell alcoholic beverages for off-site consumption. The owner plans to open a new convenience store which would also sell alcoholic beverages (beer, wine and hard liquor) for off-site consumption but the Circle K at 4117 Portage Street already sells alcoholic beverages for off-site consumption.**

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the item described above. There were twenty-five notices of public hearing sent and nine responses were received.

Mr. Patel spoke on behalf of Ms. Avanika Patel who owns the property and will run the business. They want to open a packaged liquor store for the following reasons, first there's no store within about a mile radius that sells liquor. The Circle K is within a half mile, it's a gas station that sells gas, candy, and snacks. The proposed new store will not sell gas; Circle K doesn't sell packaged liquor. Second, the building has been vacant, he doesn't want it sitting vacant, and they can make use of the building. The State of Michigan's Liquor Commission has approved the liquor license for this location.

Attorney Gary Tibble, 5144 Gull Rd, commented Mr. Patel's new business would add four to five new jobs. The Patel family has run the former Bronco Mart prior with a good record. The State has approved a new license for this location. The Circle K is a beer store, 9% is beer, a little wine, and they sell gas. Mr. Patel will have no gas. Ms. Patel's new store would be called the Milwood Liquor Store.

Mr. Lager questioned what the special circumstances are. Attorney Tibble commented about a year and half ago the liquor laws changed, they didn't want people buying alcohol and then driving away. Few stores had packaged liquor. Now many convenience stores sell beer and wine.

Speaking in opposition:

Mike Kragt, 5210 Bennett St, Portage, asked that the Board deny the request. He stated his concerns with the existing businesses that will be forced out with this new business. He spoke of the other businesses on or near Portage Road that sell liquor and alcohol, One Well Brewing, and the renovation at 4315 Portage into a supermarket. He had concerns that some residents at apartment complexes didn't receive notices of this request.

Ranelle Smith, owner of 1706 and 1714 Bloomfield Avenue stated she submitted a letter also in opposition; she had traffic and safety concerns leaving the parking lot. There are eight liquor stores in the area already.

Mr. Carroll questioned if the business sold food would she have the same concerns. Ms. Smith stated they wouldn't have the intoxication issues, or fast in and out traffic.

Mr. Eldridge commented the Board had addressed three similar cases with the half mile separation distance where the Board upheld the separation distance requirements. He commented the Michigan Liquor Control Commission changed their regulations, small gas stations can hold an SDM License to sell beer and wine, it has been problematic for the City. The City was supposed to receive notice of everyone going through review, they received some notices soon enough to identify if they were too close to another store selling alcoholic beverages and they didn't meet local ordinances, the State still issued the license because it met the States requirements. The owner then has to deal with the local jurisdiction on the zoning issues. Just because the MLCC has issued a license doesn't give the property owner any standing. The information the MLCC provides states their approval does not supersede the

local zoning and building code regulations, it does make it clear they are subject to local approval too. It's been in effect since 2014.

Mr. Houston questioned if there's a distance requirement between an establishment that sells liquor and a residential home. Mr. Eldridge stated no, there are certain commercial zone districts that allow for those convenience stores that sell alcoholic beverages and packaged liquor as a separate category.

Mr. Carroll questioned if the State has separation distance requirements. Mr. Eldridge commented he's not that familiar with the State's requirements.

Mr. Flach questioned if the State recognizes the difference between the sales of beer and wine versus packaged liquor. Mr. Eldridge stated a SDD license is required for the sale of spirits and a separate SDM license is required for the sales of beer and wine.

Mr. Flach asked if the City of Kalamazoo recognizes the difference between the SDD and the SDM license. Mr. Eldridge stated no, the City looks at the way the ordinance states it as "alcoholic beverage sales" at gas stations and convenience stores. Mr. Flach commented One Well is not included in that ordinance, even though they sell beer there. Mr. Eldridge stated yes.

Mr. Flach asked for clarification as to why the City changed the Ordinance in 2014 to the half mile distance to packaged liquor sales. Mr. Eldridge clarified the history behind it; there was a clustering at intersections that was occurring, convenience stores, and gas stations selling alcoholic beverages. Because they are not a bar or restaurant that closes at 2:00 a.m. they can be open 24 hours and became a Public Safety hotspot for issues. The ordinance disperses the uses to eliminate concentration of them.

Chair Youngs closed the public hearing.

## **FINDING OF FACT**

Mr. Lager moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 4231 Portage Street shall include all information included in the notice of public hearing dated February 6, 2019.

Twenty-five notices of public hearing were sent and nine responses were received.

- 2.) A public hearing was held before the board and public comments were accepted.
- 3.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.

- 4.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Amik Patel spoke on behalf of the applicant, Avaniika Patel intends to open a convenience store that sells beer, wine and liquor. He noted there are no liquor stores within a one mile distance of that store that sell packaged liquor. The Circle K that is within one half miles doesn't sell packaged liquor and is primarily a gas station that sells less alcohol and other products. He stated the building has been vacant for a long time and that the State has approved the liquor license at this location. Attorney Tibble spoke on their behalf and noted the business will create four or five new jobs, the Patel Family had operated and owned The Bronco Mart and ran it successfully until it sold recently. He noted it would solve the vacancy issue at this location. State laws changed recently and the State is granting licenses to gas stations to sell beer and wine. Mike Kragt spoke in opposition stating there are three businesses in the building and they would be forced out of business with this plan, one of the former tenants in this location left as recently as December 31, 2018. He indicated there are a number of alcohol sales establishments along Portage and also believes the residents in the complexes behind this location may not have received notice. Ranelle Smith spoke in opposition, she indicated her main concern was traffic, it's a high traffic area made more complicated by the ramps for the highway being near. Mr. Eldridge commented there have been three recent cases in the past couple years in which the ZBA upheld the half mile rule and noted the conflict between the State licensing rules and local ordinances, the licensing rules do not supersede local ordinances.

**Mr. Houston seconded the Finding of Fact.**

**Motion approved for the Finding of Fact by voice vote unanimously.**

**Mr. Lager moved to approve the application, seconded by Mr. Carroll.**

Mr. Carroll commented there are no special circumstances and there's a strong history of precedence.

Chair Youngs agreed, there were three other similar requests before the Board and they denied all of them because the Ordinance states there is a half mile distance required.

Ms. Doane stated she finds nothing exceptional that would warrant approval.

**Motion denied by roll call vote unanimously.**

Mr. Houston read the application for 213 E. Frank Street, Parcel # 06-15-179-010:

**ZBA #19-02-04: 213 E. Frank Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Dan Kastner the property owner. The request concerns the property at 213 E. Frank Street, which is situated in use Zone Live-Work 2 District. The applicant is requesting a dimensional variance from Chapter 12, Section 12.3, to allow a wall sign which projects 32 inches from the building and is mounted perpendicular to the front wall of the building, where a wall sign is defined as having a sign face projecting not more than 18 inches from the building and the sign face must be on a parallel plane with the exterior surface of the building.**

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the item described above. There were thirty-four notices of public hearing sent and zero responses were received.

Dan Kastner, the property owner is asking for a projecting sign for visibility, this building was vacant prior and was a manufacturing building that didn't need signs. Their customers are having trouble finding the building; the flat sign isn't visible enough.

Mr. Eldridge commented as you drive in that area there are other projecting signs, the sign ordinance changed with the 2004 update. He gave a brief history of the intent to focus the projecting signs in the downtown area, where buildings had zero setbacks. He spoke to the projecting signs at 302 E. North St., 708 N. Burdick and Green Door Distilling. He stated this is a re-use of an older building along the thoroughfare. There's no space to put up a freestanding sign.

Attorney Robinson commented if the Board is inclined to grant this variance he suggested to add a condition they obtain a temporary encroachment permit since the sign would hang over the right of way and sidewalk.

There were no comments from the public.  
Chair Youngs closed the public hearing.

## **FINDING OF FACT**

Mr. Lager moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 213 E. Frank St. shall include all information included in the notice of public hearing dated February 6, 2019.
- 2.) Thirty-four notices of public hearing were sent and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.

- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Dan Kastner the applicant and owner wanted a projecting sign, stating the reason is the customers have a hard time finding the location, and to increase visibility. Prior to this business, the location was vacant for five years and was a manufacturing facility and now it's more of a commercial retail space. Mr. Eldridge commented in 2004 there was an ordinance change to allow projecting signs in the downtown area, and outside of the downtown, then was changed to downtown area only, the purpose was to note the problem with visibility for zero setback buildings, and the same condition applies in areas north and south of the downtown area where commercial revitalization is occurring. Within the area of the applicants business there are at least three projecting signs already there. Attorney Robinson suggested if the ZBA is inclined to grant this variance it be conditioned upon the applicant obtaining a temporary encroachment agreement from the City.

**Mr. Houston seconded the Finding of Fact.**

**Motion approved for the Finding of Fact by voice vote unanimously.**

**Mr. Lager moved to approve the application, with the condition the applicant obtains a temporary encroachment agreement, seconded by Mr. Houston.**

Chair Youngs commented on the other projecting signs previously before the Board and the approval of those signs. He reviewed the criteria and stated it's the minimum action required to make use of the structure.

Mr. Houston stated he had a hard time finding the businesses himself, and was in favor of the request.

**Motion approved by roll call vote unanimously.**

Mr. Houston read the application for 2805 E. Cork Street, Parcel #06-25-396-002:

**ZBA #19-02-06: 2805 E. Cork Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Byce & Associates Inc. on behalf of Seven Points Supply. The request concerns the property at 2805 E. Cork Street, which is situated in use Zone M-2, Manufacturing – Limited District. The applicant is requesting: 1) a variance from Chapter 6, Section 6.3 D, to allow the screened waste receptacle (dumpster) to be located in the front yard, where screened waste receptacles are required to be located to the rear or to the side of the primary structure; 2) a dimensional variance from Chapter 6, Section 6.3 B 2, to allow eight foot fencing in the front yard, where the maximum fence height is six feet for the front yard or front setback areas; and 3) A variance from Chapter 6, Section 6.3 B 3, to**

**allow chain link fencing in the front yard where no chain link is permitted in the front yard or front setback area.**

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above. There were twelve notices of public hearing sent and zero responses were received.

Brian Webster, Engineer with Byce and Associates spoke on behalf of the applicant Seven Point Supply, he gave an overview of the location and proposal for the site. The site is intended to be in the SE corner of the Davis Creek Industrial Park. The proposal is to have a 20,000 sq. ft. medical marijuana facility, parking on the north side of the building with future expansion to the south and the east are planned encompassing 6.4 acres of property for the development. He spoke of the dumpster location currently on the north side of the building adjacent to the parking that makes the access easy, and is in the most desirable location. The building itself is planned to be of metal siding and split face blocks, the dumpster enclosure would match and screened with landscaping. Mr. Webster stated the way the site lays out they have front yard on Cork St., on the west side of Full Circle Dr. and to the north of the building, three of the four sides are front yards. The zoning ordinance requires the dumpster to be in the rear or side yard which limits the placement of the dumpster enclosure. The owner intends to build in the future to the south and east limiting the placement of the dumpster in those two locations. The west side which is the only side allowed by the zoning ordinance has obstacles, one is the Fire Marshal has requested a future drive for the fire truck access around the west side of the building for future expansions. Mr. Webster commented the second reason is layout of the building, it needs to be there for future growth, puts the office on the west side of the building, the offices are the only location they have windows, and the view of the woods is spectacular, they don't want to look at a dumpster. The third factor is the overall site configuration, the dumpster pad; they can see other dumpsters at surrounding businesses. The request for the chain link fence, due to the nature of the facility, the security is important for the owner, they propose a fenced in enclosure on the north side of the building. It would allow secure access for vehicles. A small van shows up, a gate opens, it enters the fenced in enclosure, the gate shuts, the overhead door to the building opens and the van enters the building securely. The eight foot chain link fence is the desirable size because of the height and a chain link fence has visibility to see through also. It's approximately 20 by 30 feet. The ordinance only allows the chain link fence in the side and rear of the property, which would place it to the west side of the building where the pond and fire truck access needs to be.

Mr. Flach questioned the screening. Mr. Webster stated the screening would match the building and have landscaping.

Mr. Houston commented on other properties across from Full Circle Drive, already staked for future development, would the placement of their dumpster be offensive to them. Mr. Webster commented other dumpsters are already visible at existing businesses, it's a manufacturing district, M2 District, and any future businesses would have to meet the zoning district requirement.

Chair Youngs commented the screening requirements would have to meet the site plan review requirements. Mr. Webster is only requesting the placement be approved.

Mr. Flach questioned other placements of the dumpster, would a large dump truck and a fire truck fit down the road. Mr. Webster stated it would limit the future expansions to the east with the east west requirements and the Fire Departments request for a 26' road. It would compromise future expansions; the existing pond impedes their options. Mr. Flach asked for clarification on the fire lane access, if a dump truck was picking up trash, and there was an emergency, on the future expansions, could a fire truck in his opinion get back to the rear building with the dump truck already back there. Mr. Webster stated he would say no. Mr. Flach clarified it would impede the fireman's ability to do their jobs, by not having clear access to the fire lane.

Mr. Eldridge commented he understands it's the Davis Creek Business Park, and it's the first development going in. However, the dumpster enclosure is not far off the front property line, its two dumpsters, an 8 x 20 walled in enclosure with gates on the front. Coming up Full Circle Drive the first thing you see rounding the building is this dumpster enclosure not too far behind the sidewalk along Full Circle Drive. Planning Staff struggled with this one; there are alternatives on the west side of the building. Mechanical units on the east would be relocated, windows could be shifted, and floor area use on the west side could be altered. If approved the dumpster enclosure would be in the front yard for a long time. On the fencing, it's a significant ways back from the public street; the ordinance allows for a six foot fencing in the front yards, they are asking for eight foot. Its 65 foot back from the front property line, behind the parking lot. The fencing is less of a concern; it's in an industrial area. The dumpster enclosure, they have very specific standards of keeping a dumpster out of the front yard, even a distance of 20' away from a street or public sidewalk, it's far enough away from the property line, but predominant feature in the front yard. There's alternatives for the placement and discussed the frontages on the east, north and southern portion.

Chair Youngs, Mr. Flach and Mr. Carroll discussed several alternatives for placement of the dumpster on the east side, or south side by the building to meet the requirements. Mr. Webster replied by moving the building or placement of the dumpster it would either impede fire truck access of the future building expansions proposed.

Mr. Carroll questioned the uses of the Head House. Mr. Webster stated it has several vegetation rooms, grow/trim rooms, offices, and mechanical spaces. The rooms have specific dimensions for the layouts of the rooms for functionality purposes.

Chair Youngs if Full Circle Drive would be extended to Cork St. Mr. Eldridge stated no, this was a Brownfield site, engineered to create buildable areas. Chair Youngs questioned moving the dumpster to the other side of the parking lot and it would be seen would be a better option. Mr. Eldridge commented it'd be a better fit, the Board can chose to deny this variance, and then they can go back and redesign the dumpster enclosure.

Mr. Eldridge stated since this hasn't been built yet the entrance drive could be moved, for the dumpster access. The primary front yard is on the north side, even with the multiple front yards with the wrapping roadway, the most predominant side is where the parking lot and entrance of the building is. Mr. Flach questioned is the predominant front yard what they are basing the zoning off of. Mr. Eldridge stated they are basing it off "any front yard area" so the dumpster can't be located around the east side of the building, it would still be in the front yard of Full Circle Drive.

Mr. Lager questioned the eight foot fence on the side yard is permissible. Mr. Eldridge replied yes, the height and type of fence is permissible in the side yard.

Mr. Webster stated he had meetings with the City and had talks of the locations for the dumpster, they decided it was the best location for the dumpster placement on the northwest corner. The dumpster in the west side is not the most desirable.

Mr. Flach questioned what meeting the discussion occurred in. Mr. Webster stated the met with Mr. Rob Bauckham and the Site Plan group.

There were no comments from the public.  
Chair Youngs closed the public hearing.

### **FINDING OF FACT**

Mr. Carroll moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 2805 E. Cork Street shall include all information included in the notice of public hearing dated February 6, 2019.
- 2.) Twelve notices of public hearing were sent and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Brian Webster, Byce & Associates spoke on behalf of the applicant, the proposed building will be at the northeast corner of the property with future expansion to the south and east. The proposed dumpster on the north side of the build is next to the parking. The screening materials will match the building and will be hidden by landscaping. Three of the four sides of the property are front yards. The west side of the building is not an option because the Fire Marshal has requested a fire lane access, the best view is to the west is desired not to be locked. The applicant informed the Board they can see three neighboring property dumpsters from their site. Security for transportation vehicles is a concern therefore an eight foot see through fence is requested and provides the most security. The enclosure will be 20 by 30 feet. Mr. Eldridge commented this property is not easily compared as it's the first development in the park. The large dumpster enclosure is very visible

upon the approach to the property. They have concerns about the proximity to the road.

**Mr. Lager seconded the Finding of Fact.**

**Motion approved for the Finding of Fact by voice vote unanimously.**

**Chair Youngs moved to approve the application for 1) a variance from Chapter 6, Section 6.3 D, to allow the screened waste receptacle (dumpster) to be located in the front yard, where screened waste receptacles are required to be located to the rear or to the side of the primary structure, seconded by Houston.**

Mr. Lager commented there are special circumstances peculiar to this property with three front yards in the location of the dumpster will be a challenge with the fire road access on the east. He commented if the granting of the variance would negatively affect adjacent land in a material way. Since the industrial park isn't developed, the visibility of the dumpster from the road. Considering there are alternative spots, he's not in favor of the dumpster location.

Mr. Flach commented the west side allows the dumpster without conflicts; it's not a hardship, only a challenge. There's a fire lane access requested by the Fire Department that needs to be met. There are alternatives.

Chair Youngs reviewed the criteria conditions that must be met to qualify and stated there are options for the dumpster locations.

**Motion denied by roll call vote.**

Yes: Doane, Houston, Flach

No: Carroll, Lager, Youngs

**Mr. Carroll moved to approve the application for 2) a dimensional variance from Chapter 6, Section 6.3 B 2, to allow eight foot fencing in the front yard, where the maximum fence height is six feet for the front yard or front setback areas seconded by Mr. Lager.**

Mr. Lager commented it has the same special circumstances with the three frontages, with the fence in the furthest place, and least obtrusive area, and security is an important corner he's in favor of this request.

Chair Youngs reviewed the criteria conditions that must be met to qualify; security is of the utmost importance and stated he was in favor.

**Motion approved by roll call vote unanimously.**

**Chair Youngs moved to approve the application for 3) A variance from Chapter 6, Section 6.3 B 3, to allow chain link fencing in the front yard where no chain link is permitted in the front yard or front setback area seconded by Mr. Houston.**

Chair Youngs reviewed the criteria conditions that must be met to qualify, there's a need to see through for safety reasons and stated he was in favor.

Mr. Flach asked about decorative metal fencing. Mr. Eldridge stated metal fencing was preferred.

**Motion approved by roll call vote unanimously.**

Mr. Houston read the application for 216, 220, 302, 302(Rear), 308, 308 (Rear) and 316 Lake Street / 205 and 209 E. Stockbridge Avenue, Parcel #06-22-344-262, #06-22-344-261, #06-22-415-001, #06-22-415-260, #06-22-415-002, #06-22-415-259, #06-22-410-002, #06-22-349-001 and #06-22-349-003:

**ZBA #19-02-07: 216, 220, 302, 302(Rear), 308, 308 (Rear) and 316 Lake Street / 205 and 209 E. Stockbridge Avenue: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by the LIFT Foundation. The request concerns the properties at 216, 220, 302, 302(Rear), 308, 308 (Rear) and 316 Lake Street / 205 and 209 E. Stockbridge Avenue; which are situated in use Zone CC, Commercial – Community District; Zone CN-1, Commercial – Neighborhood District; and M-1, Manufacturing – Limited District. The applicant is requesting a use variance from Chapter 4, Section 4.2 Q.3, to allow residential dwelling units on the ground floor level of each of the three proposed apartment buildings (60 residential units total), where retail or other commercial floor space is required on the ground floor level in Zone CC. Please note that the majority of the land area assembled for this project is located in Zone CC. Therefore, the development regulations for Zone CC are applicable site development standards for the multi-family project.**

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the item described above. There were forty-eight notices of public hearing sent and two responses were received.

Attorney Jeff Swenerton, spoke on behalf of the Lift Foundation, the proposal consists of three different buildings, in three different zoning classifications, in the CC District. The zoning ordinance permits mixed use multi-family residential with commercial provided there's commercial on the first floor. They want to do 60 units in the three buildings and are asking for a minor use variance to have residential in buildings two and three that are not on the road frontage. This will permit them to have barrier free housing on the first floors and meets the Master Plan for 2025, working to achieve affordable housing. He spoke of the Lift Foundation and their background. He stated it will be a community asset in the CC Zoning District. The first floor will have a day care center, and may have residential units in back. They have purchased eight parcels and are closing on two other properties. The commercial is in the CC District the three buildings are accessed off E. Stockbridge Avenue and are barrier free. He spoke about the north half of the project, the flooding in this area has been a concern, and this project will not exasperate the flooding concerns, but will reduce those. The bioswale will be dug out, and help the flooding conditions. They could have designed more buildings there, but chose not to at this time. They could build these buildings up to six stories, but will only be

three stories each. The special circumstances are the need for the barrier free to be on the first floor.

Lisa Wilcott, Lift Foundation, 2725 Airview Blvd. Ste #302, commented they redesigned this project after hearing the neighbor's concerns; they have lots of flood retention and will be vetted by the DEQ, and won't be disturbing wetlands. They intend to make it a community asset, with a community garden, a walking trail, they won't disturb wildlife, she had the DNR check the area, there are no endangered species in the area. There will be community space available within these buildings. She spoke of the Lift Foundations work within the community.

Mr. Houston commented the area is a known area to flood, by adding their buildings, what impact will that have. Attorney Swenerton stated overall with the bioswales on the north side it will be an improvement even with the three buildings it would be an improvement to the flooding concerns there. Ms. Wilcott stated the Stockbridge properties are not in the flood plain area. Mr. Houston commented the City has been trying to solve the flooding in this area for over fifty years and they feel they have the solution. Ms. Wilcott stated they have a solution to have more places for the water to go. The bioswales will create a deeper place for the water to go, and the DEQ will have to approve.

Mr. Lager commented the purpose of the variance is to simply allow barrier free access on the first floor.

Chair Youngs clarified the Board is not deciding on any flood plain issues, only to decide if to allow residential units on the ground floor.

Mr. Flach commented the building on Stockbridge will have commercial space. Attorney Swenerton replied correct.

Mr. Flach asked if this meets the future Master Plan. Mr. Eldridge replied yes, from the mixed use development stand point. The City has pushed for commercial on the public street. The Master Plan is for affordable housing. They are doing amendments to the Zoning regulations; they are looking at project that is more than just affordable housing units. It has a day care center on the property; it's not just an affordable housing complex. They are looking at ordinance, the intent was to create mixed use buildings, however, they are finding a lot of mixed use projects aren't 100% commercial on the ground floor. Many projects and variations have come before the Board for variances. They plan to make changes to that ordinance.

Speaking in favor:

David Anderson, member of the Lift Foundation Board, stated they are the largest local non-profit developer of affordable housing in Kalamazoo County; their mission is to create, preserve, manage and own for the long term affordable multi-family housing. They have redesigned the development after hearing the neighbor's concerns. The Stockbridge property doesn't flood and never has the intent will be to help and exceed the requirements. The three story buildings don't have elevators, they aren't required, and needs the barrier free on the ground floor. They are asking for the two interior buildings where a commercial presence wouldn't be appropriate. This is a mixed income project for low to moderate income.

Speaking in opposition:

Richard Stewart, resident and owner of a business in the proposed Southtown Neighborhood, he spoke to the City not recognizing the Southtown Neighborhood. He stated the use variance application by the Lift Foundation is inappropriate and unethical, because other sites are available. On January 3, 2019 The Lift Foundation applied to rezone the same parcels to allow a 90 unit apartment building and the Planning Commission denied the application after hearing neighbors speaking out against the development. Now Mr. Anderson is side stepping the Planning Commissions denial and going before the ZBA with a new revised plan. This plan doesn't overcome the objections, it brings a new safety concern, and the proposed site is four acres of natural greenspace and a water shed. It's the last natural green space, the last natural water shed, the last habitat for wildlife. Flooding is the number one issue they deal with. He spoke to the City connecting the sanitary sewer to a separate sewer system that causes extreme pressures to the neglected systems. The City states each house can get a backflow preventer valve installed in their house. He feels that's a band aid solution to the problem of the high pressure in the sanitary sewer lines. He spoke to the letters of support from people who don't live in the neighborhood. He feels the Kalamazoo Mental Health and the KVCC buildings placed additional burdens on the existing system. He spoke to Mr. Anderson's comment on meeting the requirements as KVCC and Kalamazoo Mental Health that has failed. He has health and safety concerns for the retention ponds in the area for children.

Mr. Carroll asked what neighborhood the City says he lives in. He lives in the fringe of Vine and Edison Neighborhoods.

David Greeley, 326 Lake St., stated he has rental properties at 320, 322 and 324 Lake St. that border the 300 ft. radius of this property. He applauded the City wanting to help low income people in the City and commented he rents to low income families too. His concern is with street flooding and the sewers backing up. The streets flood around them, he parks his cars up higher during flooding. The City doesn't have the funds to fix the flooding, but asked that they don't make it worse. Adding more rentals into this area isn't a good choice.

Mike Fleckenstein, owner of property at 935 John St., stated this variance has implications, noting similar variances have been granted. The retention on site of rain and storm water on site is good, but feels you'll see run off. He feels an engineering study needs to be done on the sewage lines.

Ann Brown, 215 Lake St., runs a child care center and has concerns with flooding. Her other objection is this project is proposing a child care center and so is the proposed YMCA center at Lake St. and Portage St.

Vicki Vanos, 326 Lake St., stated she met last month with the Planning Commission and they voted down to change the zoning at this property. There have been two floods in the last five months. She's a limited licensed psychologist in the City of Kalamazoo with children, for over twenty years, she feels everybody deserves the same treatment and had concerns with putting lower income people who work every day, live paycheck to paycheck and house them in a flood plain area, they deserve better. There's housing being built downtown, low income housing units shouldn't have to be built in a flooded area. Upjohn Park is under water, then goes to Bronson Park, look at the difference.

Jeffrey Neal, 1222 John St. he's lived there for over 20 years, and owned a business downtown on the Mall for over 30 years, the downtown business district was extended. He's against the variance for this affordable housing project, traffic, light pollution, crime and decreased property values are a few of his concerns. He understands the needs for affordable housing, and would like to see a project similar to a neighborhood by Farmer's Market, houses where people can take pride. He spoke of Interfaith Homes, a Lift Foundation project, with no hand gun signs, stating no trespassing, illegal activity; this isn't what they want in this area.

Tina McClinton, 310 Lake St., she's lived there for over thirty years, she feels safe, doesn't want to lose the green space, they lost twelve acres with KVCC building, there is a lack of infrastructure. The parcels in this application are the last greenspace in this neighborhood; she spoke of the wildlife that would be disturbed, the flooding in the area. The Planning Commission denied this plan now it's before the ZBA with another request. She's already flooded three times in the last three years, requiring a new furnace and water heater.

Linda Runkel, 307 Stockbridge, stated she owns three other properties on Stockbridge, has a beautiful backyard, she's very upset over this request.

John Davis, 920 S. Burdick, he stated no one would build a house on Lake St or Burdick, they know they have a water problem and it floods, He understands the issue of having a shortage of low income housing so build them housing and put them in an area that's known to flood isn't a good idea. The City has a flooding problem, it will flood again. There are other places to build, the Planning Commission said no, please listen to them.

Jacob Lamphere, 148 Stockbridge, stated Stockbridge floods, he had six inches of water in his basement, the DHS's parking lot floods. He has problems with retention ponds and bioswales supposedly taking care of the problems of flooding.

Mr. Eldridge commented this is a challenging area, from a hydrology standpoint. He received feedback from the Director James Baker, he relayed any development in this area has to demonstrate there is net zero storm water discharged. The storm water created on the property has to be managed on the property. The sanitary sewer capacity the Engineering Staff reviewed it and said there are no issues with capacity to bring 60 more units on line. There's no deficiency. Mr. Baker explained during a flood event the sanitary sewer, when the streets flood and the manholes are submerged there's infiltration of water around the manhole covers and water does get mixed into the sewage and increases the flow, in some cases it reverses the flow, that's the backups that occur. There is a program to install back flow preventers units in homes to address no reverse flowing. Mr. Baker stated there no capacity deficiency for these 60 units. Mr. Baker stated to contact Public Services for any flooding concerns. He stated the original request was for a 90 unit project that was in the flood plain, it's now a 60 unit project that shifted to the south and the three buildings are outside the flood plain. The use variance is for the ground floor usage only. The Board has approved other mixed use variance requests.

Mr. Carroll clarified the original request was denied at the Planning Commission. Mr. Eldridge commented this is a concept plan only; the site plan review committee will have to review the plan next.

Mr. Eldridge clarified if this development had commercial use on all three buildings on the ground level. It would go straight to the site plan review.

Chair Youngs clarified the request before the Zoning Board is for the two buildings to have ground floor barrier free units rather than a commercial use.

Attorney Swenerton stated they were before the Planning Commission to rezone the property only.

Mr. Carroll questioned if residential or commercial use had a higher demand on the sanitation system? Mr. Eldridge stated he'd only be guessing if he answered.

Mr. Carroll clarified the Director Mr. Baker stated there was no issue with the demand on the sewer system. He commented the occupants, being lower income or with accessibility issues, shouldn't they have commerce near them, food, service, etc.

Chair Youngs closed the public hearing.

## **FINDING OF FACT**

Ms. Doane moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 216, 220, 302, 302 (Rear), and 316 Lake Street / 205 and 209 E. Stockbridge Avenue shall include all information included in the notice of public hearing dated February 6, 2019.
- 2.) Forty-eight notices of public hearing were sent and two responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter from the City Planner and minutes from the January 3, 2019 meeting.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Chair Youngs mentioned a conversation with a person connected to this case, upon referral to the ZBA no further discussion occurred. Attorney Jeff Swenerton, spoke to the request, the Lift Foundation wants a use variance for the housing units on the bottom floor of buildings two and three. It was stated that it fits in with the Master Plan. The new plan includes bioswales to aide in flood minimzation. A total of 60 units in the three buildings. A new plan will have to be approved by the DEQ and be environmentally sound. Staff confirmed the mixed use such as

current request is consistent with Master Plan and is being updated to reflect this. Other exceptions are it's not in a commercial node having been approved. David Anderson, Lift Board member spoke in favor, spoke to the mission, the modified plan to reflect community feedback. It will not have elevators so to be accessible it needs ground floor units. Speaking in opposition; Richard Stewart, spoke to the loss of four acres of green space, it's the last habitat for wildlife, they have problems with sewer lines, and plumbing lines backing up, and standing water. David Greeley, stating sewage and street flooding is already significant would be made worse with the new project and wishes to maintain green space. Mike Fleckenstein, he didn't have objections to the variance itself but had concerns with flooding and related dangers. Ann Brown, concerns with flooding, adding a daycare with another one Lake and Portage being added, making it the third day care in the area. Vicki Vanos, the Planning Commission already denied their application, due to flooding concerns, doesn't feel people should live in high flood areas or less desirable areas. Jeffrey Neal, feels the density, cars, traffic, and crime will be increased by the presences of this project, and the area will be better served by other types of businesses. Tina McClinton, doesn't wish the natural area to be changed, concerns with flooding and increased crime, showed pictures of wildlife and flooding. Linda Runkel, wishes to maintain the greens space, concerns with flooding. John Davis, concerns with flooding, people living in a heavy flood zone, it's not safe, and would be too dense. Jacob Lamphere, concerns about increased flooding on Stockbridge. Mr. Eldridge reports development has to improve the storm water, it will stay on the property and engineering reviewed it, determined it will not overload the sanitary sewer and the backflow preventers will aide in stopping the sewer backup issues. All three buildings will be out of the flood plain area.

**Mr. Carroll seconded the Finding of Fact.**

**Motion approved for the Finding of Fact by voice vote unanimously.**

**Mr. Lager moved to approve the application, seconded by Mr. Houston.**

Mr. Houston stated he had mixed feelings. The ZBA concerns are with the use only, the site has issues, and he empathizes with the area.

Mr. Lager stated Kalamazoo has a water problem. However, they are discussing the first floor only on the buildings and creating barrier free access, it meets the Master Plan, and the future zoning changes planned. He's in favor of the first floor placement of the residential units.

**Motion approved by roll call vote.**

**Yes: Houston, Youngs, Lager, Doane, Flach**

**No: Carroll**

Mr. Houston read the application for 2400 Portage Street, Parcel # 06-27-428-002:

**ZBA #19-02-08: 2400 Portage Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by The Heritage Community of Kalamazoo. The request concerns the property at 2400 Portage Street, which is situated in use Zone RM-15, Residential – Multi Family District. The applicant is requesting a use variance from Chapter 4, Section 4.1, to authorize a rehabilitation and therapy clinic operated by Bronson at this location on the Heritage Community of Kalamazoo campus, where medical service uses are not permitted in Zone RM-15. The proposed rehabilitation and therapy clinic will be approximately 2,900 square feet and located in an existing building. It will service both Heritage Community of Kalamazoo residents and outside patients.**

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above. There were fifty-eight notices of public hearing sent and zero responses were received.

Jay Prince, CEO of Heritage Community, he's an advocate for seniors; this request is for a small outpatient rehab center for the local community. This center is an internal renovation of an existing structure. It will be on the lower level of the Old Upjohn Nursing Home. They provide internal and external rehab, but will be partnering with Bronson for outpatient services. The seniors will benefit the service of Bronson, also the seniors in Milwood who can come; they have a good relationship with the neighbors.

Susan Blanc, it's about a 3,000 sq. ft. area, it will have three therapists and administrative staff, open Monday through Friday. It will have minor interior renovations.

Matthew VanDyke, Relator with Miller-Johnson, commented the need for the variance is due to being in a RM-15 and rehab centers are permitted, but not the outpatient portion.

Rachael Olmstead, CFO Heritage Community, she stated this will complement the other uses on the campus.

Paul Barber, Vice President of Operations for Heritage Community stated he's in support.

Mr. Eldridge questioned what the number of outside patients they foresee coming in. The applicants couldn't guess, but stated they have seven parking spots for outside patients. Mr. Eldridge spoke to the site plan review from 2002 when they partnered with Borgess and set up a small clinic on site.

Chair Youngs closed the public hearing.

## **FINDING OF FACT**

Mr. Flach moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 2400 Portage Street shall include all information included in the notice of public hearing dated February 6, 2019.
- 2.) Fifty-eight notices of public hearing were sent and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Jay Prince, CEO Heritage Community, small interior remodel, with seven parking spots being added, it will be an asset, a win-win to the community by partnering with Bronson, it will decrease traffic, Matt VanDyke, traffic shouldn't change or even decrease, the ordinance does allow inpatient, but doesn't allow outpatient, Rachel Olmstead, it's in a good location, Paul Barber commented he was in support.

**Mr. Houston seconded the Finding of Fact.**

**Motion approved for the Finding of Fact by voice vote unanimously.**

Ms. Doane questioned why outpatient was excluded. Mr. Eldridge commented it could intensify the use; require more parking would be required.

**Chair Youngs moved to approve the application, seconded by Mr. Lager.**

Chair Youngs reviewed the criteria conditions that must be met to qualify and stated he was in favor.

Ms. Doane stated the outside traffic would be minimal.

Mr. Carroll stated he was in favor.

**Motion approved by roll call vote unanimously.**

**OTHER BUSINESS:**

**Mr. Lager made a motion to reappoint Reed Youngs as President and Matt Lager as Vice-Chair. This motion also included Jeff Carroll to be appointed as Secretary. Motion approved by voice vote unanimously.**

**Mr. Carroll made a motion to approve the recommendation of Dick Skalski to the vacant seat, seconded by Chair Youngs.**

**ADJOURNMENT:**

**The meeting was adjourned at 10:19 p.m.**

**Submitted By** \_\_\_\_\_ **Date** \_\_\_\_\_  
Recording Secretary

**Reviewed By** \_\_\_\_\_ **Date** \_\_\_\_\_  
City Staff

**Approved By** \_\_\_\_\_ **Date** \_\_\_\_\_  
Chair

DRAFT



## Community Planning and Economic Development

415 Stockbridge Avenue

Kalamazoo, MI 49001

PH: (269) 337-8044

FAX (269) 337-8429

[www.kalamazoocity.org](http://www.kalamazoocity.org)

### NOTICE OF PUBLIC HEARING

February 26, 2019

**RE: ZBA #19-02-05  
4303 W. Michigan Avenue  
Parcel #06-19-386-002**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Bosch Architecture on behalf of the developer. The request concerns the property at 4303 W. Michigan Avenue, which is situated in Zone CN-1, Commercial – Neighborhood District.

The applicant is requesting the following: **1)** A use variance from Chapter 4, Section 4.2 Q.3, to authorize residential use of the ground floor level of each building for a 12-unit multi-family residential development, where retail or other commercial floor space is required on the ground floor level in Zone CN-1; and **2)** A dimensional variance from Chapter 50-72-1, to authorize 22 parking spaces above allowed maximum number of off-street parking spaces of 26 for a total of 48 off-street parking spaces.

Please note that this request will not change the zoning classification of the property. This is a request for variance only regarding the items described above.

A public hearing will be held on **Thursday, March 14, 2019 at 7:00 p.m.** in the City Commission Chambers in City Hall (241 W. South Street), at which time you may submit your views on this matter in person, by writing, or by representative. If you should know of any interested person who has not received a copy of this letter, please inform them of the time and place of the hearing.

Further information, including property diagrams and drawings are available at the Community Planning and Economic Development Department at 415 Stockbridge Avenue. Meeting agenda packets will also be available to view on-line 10 days prior to the meeting at: [www.kalamazoocity.org/boards](http://www.kalamazoocity.org/boards)

If you have any questions, please call (269) 337-8026 or submit by email at [eldridgep@kalamazoocity.org](mailto:eldridgep@kalamazoocity.org).

Sincerely,  
ZONING BOARD OF APPEALS

A handwritten signature in blue ink that reads "Peter C. Eldridge".

Peter C. Eldridge, AICP  
Zoning Administrator

c: Property File



### Zoning Board of Appeals (ZBA) Application Form

Community Planning & Development Department  
415 Stockbridge  
Kalamazoo, MI 49001  
Phone: 269-337-8026  
www.kalamazoocity.org

**\*\*Amended Application 2/14/2019**

Your fully completed application, fee, and all related documents must be submitted to the Community Planning & Development Department at **least four (4) weeks prior** to the Zoning Board of Appeals meeting.

**Applicant:** Name John Lovely - Bosch Architecture  
Address 8065 Vineyard Parkway  
City, State, Zip Kalamazoo, MI 49009  
Phone 269-321-8151 Cell 269-352-3904  
Fax N/A Email jlovely@boscharch.com

**Owner:** Name Matt O'Connor - Property Under Contract - Attach  
Address 3025 Midland Dr. SE  
City, State, Zip East Grand Rapids, MI 49506  
Phone 616-430-4296 Cell \_\_\_\_\_  
Fax \_\_\_\_\_ Email Matt.S.OCONNOR@gmail.com

*(If the applicant is not the property owner, a letter signed by the owner agreeing to the variance must be included with the application.)*

**Property Information**  
Street or Street Address 4303 W. Michigan Ave  
This property is located between Drake Rd. street and Howard street, on the  
north (south) east west side of the street.  
CCN# 06-19-386-002 Zone CN-1

**Type of Request**  
 Interpretation of Chapter(s) \_\_\_\_\_ Sections(s) \_\_\_\_\_  
Paragraph(s) \_\_\_\_\_ of the City of Kalamazoo Zoning Ordinance.

**Use Variance:** Applicant must demonstrate that if the Zoning Ordinance is applied strictly, unnecessary hardship to the applicant will result. All Use Variance Requirements must be met. (See *Requirements List*.)

**Dimensional Variance:** Applicant must demonstrate that if the Zoning Ordinance is applied strictly, practical difficulties to the applicant will result. All Dimensional Variance Requirements must be met. (See *Requirements List*.)

**Appeal of an Administrative Decision**

Description Requesting Variance from Chapter 4, Section 4.2, Q3 To Develop All Residential Buildings (2 Total) with Residential on the first floor.

Attachments **Dimensional variance: Chapter 7, Section 7.2, #2, Table 7.2-1**  
 \$495 Fee **Providing Additional Parking on top of max allowable.**

- Brief narrative (less than one type-written page) describing the nature of the request (2 copies)
- Sketch plan of the property in questions (2 copies)
- Additional attachments as needed e.g. (pictures, architectural drawings, petitions, etc. (2 copies)

Signature of Applicant John Lovely Date 1/15/19  
Signature of Owner (if different than applicant) Matt O'Connor Date 1-16-19



January 17, 2019

Peter Eldridge  
 Zoning Administrator  
 City of Kalamazoo Community Planning & Development  
 415 E Stockbridge Ave  
 Kalamazoo, MI 49001

Dear Peter,

As you are aware, we are applying for a use variance for the Proposed Student Housing project located at 4303 W Michigan Ave, Kalamazoo, MI 49006. The property is currently located within the CN-1 District. **Chapter 4, Section 4.2, Q3** reads: "Additional Requirements for CMU, CN-1, CO, CN-2, and CC Districts. Dwelling units are allowed in the CMU, CN-1, CO, CN-2, and CC districts only when part of a mixed-use project and only when located above the ground floor of buildings containing retail or other commercial floor space on the ground floor." We are requesting a variance to build an all residential development with residential on the ground floor.

The properties to the East, West, and Across W Michigan Ave to the North are also within the CN-1 District. The property to the South is owned by Michigan Central Railroad and is in the CC Zoning District. To the east is the Consumer's Energy Power Station, to the West is a single family residential home and to the North across the street is a smaller multi-unit residential development. Currently, the site contains a single family home that will be removed as part of the proposed redevelopment if this use variance is approved. We are proposing two (2) new Multi-Unit residential buildings. Each building would be a maximum of six (6) units with each unit containing four (4) bedrooms. Our total proposed units would be twelve (12) which works out to forty-eight (48) total bedrooms. We also recognize that this development would require screening along the west property line which we will provide in the form of a screening fence or row of trees.

We feel that this property is an ideal location for the proposed development due to the walkability having sidewalks all along this stretch of W Michigan Ave, the fact that it's along the bus route line, its closeness to campus, and because of very similar and complimentary uses close to this property and within the CN-1 District. Western Michigan University's campus is approximately a mile down W Michigan Ave to the East of this property. As shown on the vicinity plan attached to this request, there are a few other full residential developments with residential on the ground floor all within a half mile radius and also within the CN-1 district. Granting this variance is the minimum possible action that will make the use of land possible that is not contrary to the public interest and would carry out the spirit of this ordinance. Additionally, the granting of this variance would not adversely affect adjacent land in a material way and will be consistent with the purposes and intent of the ordinance. Based on our analysis, we feel this is the best use for this Property and look forward to working with you and the City for this Use Variance.

Please advise if you have any questions and thank you for your attention in this matter.

Sincerely,

A handwritten signature in black ink that reads "John J. Lovely". The signature is written in a cursive, flowing style.

John J. Lovely  
 Bosch Architecture  
 269-321-5151  
[jlively@boscharch.com](mailto:jlively@boscharch.com)

18131 2019-01-17 4303 W Michigan Use Variance Request Narrative

8065 Vineyard Parkway • Kalamazoo • Michigan • 49009 • ph 269-321-5151 • www.boscharch.com



February 14, 2019

Peter Eldridge  
 Zoning Administrator  
 City of Kalamazoo Community Planning & Development  
 415 E Stockbridge Ave  
 Kalamazoo, MI 49001

Dear Peter,

In addition to our request for a use variance for this project, we have discovered through further investigation and discussions with the City, that one (1) dimensional variance will be required as well. Below is a description for the additional variance request.

**Chapter 7, Section 7.2, Table 7.2-1 Maximum Allowable Parking Stalls Beyond City Requirements**

The newly amended parking ordinance specifies that for this particular use, two (2) parking stalls are required per dwelling unit. We are proposing a total of twelve (12) dwelling units which would mean the requirement for this development is 24 total parking stalls. The maximum allowable parking per the ordinance is 110% of the required value, meaning we would be allowed to provide a maximum of 26 parking stalls. Per our preliminary site conceptual plan, we are proposing to provide 48 total parking stalls for the development. This development is unique in the sense that each dwelling unit will have four (4) leasable rooms totaling out to 48 leasable rooms to be used for off campus student housing. It is anticipated that approximately three (3) out of every four (4) tenants will have a car based on similar developments in the area. That would require 36 parking stalls for the tenants and provide some visitor parking as well. Providing enough parking for the tenants and visitors will help us avoid the tenants and visitors from parking where they should not which can be a safety hazard. Due to the nature of this development, we believe that the City should account for the overall rooms even though the ordinance specifies that it is two (2) spaces per dwelling unit. Without the additional allowed parking as requested, the development would not be possible from a marketing and economic standpoint. This is a 22 parking stall and a 75% variance request  $[(48 \text{ proposed} / 26 \text{ max allowable} \times 100) - 110\% = 75\%]$ .

Please advise if you have any questions and thank you for your attention in this matter.

Sincerely,

A handwritten signature in black ink that reads "John J. Lovely". The signature is written in a cursive style with a large, stylized initial "J".

John J. Lovely  
 Bosch Architecture  
 269-321-5151  
[jlively@boscharch.com](mailto:jlively@boscharch.com)



**AUTHORIZED BUY & SELL AGREEMENT ("Agreement") OF THE  
GREATER KALAMAZOO ASSOCIATION OF REALTORS®**



Date 12/06/2018 1:30  A.M./  P.M. (TIMES ARE KALAMAZOO, MICHIGAN TIME.) Form# BSA4303  
MLS No. 18057276

**AGENCY**

The undersigned Buyer and Seller ("The Parties") each acknowledge that they have read and signed the Real Estate Agency Disclosure.

The agency relationships at the time of execution of this Agreement are as follows:

<p><u>Network Team Homes Exp Realty</u>, Listing Broker represents:</p> <input checked="" type="checkbox"/> Seller Only (Check only one) <input type="checkbox"/> Seller and Buyer (Disclosed Dual Agent) <input type="checkbox"/> Neither (Transaction Coordinator) <p><u>Steven Zientek</u>, Listing Salesperson represents:</p> <input checked="" type="checkbox"/> Seller Only (Check only one) <input type="checkbox"/> Seller and Buyer (Disclosed Dual Agent) <input type="checkbox"/> Neither (Transaction Coordinator)	<p><u>Network Team Homes EXP</u>, Selling Broker represents:</p> <input type="checkbox"/> Seller Only (Check only one) <input type="checkbox"/> Buyer Only <input type="checkbox"/> Seller and Buyer (Disclosed Dual Agent) <input checked="" type="checkbox"/> Neither (Transaction Coordinator) <p><u>Steve Zientek</u>, Selling Salesperson represents:</p> <input type="checkbox"/> Seller Only (Check only one) <input type="checkbox"/> Buyer Only - Addendum # _____ <input type="checkbox"/> Seller and Buyer (Disclosed Dual Agent) - Addendum # _____ <input checked="" type="checkbox"/> Neither (Transaction Coordinator) - Addendum # _____
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**OFFER**

- PRIOR OFFERS:** This offer terminates any prior offers or counteroffers between The Parties for The Property.
- PROPERTY DESCRIPTION:** Buyer agrees to buy from Seller The Property, whose address is 4303 W Michigan ave  
(Property Street Address—Full Mailing Address)  
Kalamazoo, MI 49006. The Property is located in the  CITY  VILLAGE  TWP, of Kalamazoo  
(City) (Zip) (City/Village/Township Name)  
Kalamazoo County, Michigan, and legally described as: See Attached  
(County Name) ("The Property")

subject to existing zoning ordinances. TAX ID# 39000619386002

The Property shall include all buildings, improvements, appurtenances, fixtures and, if now in or on the property, the following: antennas and/or satellite dishes including all accessories and complete rotor equipment (unless rented); all landscaping, including all plantings; landscape lighting; ceiling fans; lighting fixtures, light bulbs and their shades; built-in sound system wiring and built-in speakers; wall mounted hardware for TV's (excluding TV); security systems; fireplace doors, screens and grates; wood burners and fireplace inserts; drapery and curtain hardware; window shades and blinds; wall-to-wall carpeting; screens, storm windows and doors; stationary laundry tubs; all water conditioning equipment (unless rented); water heaters (unless rented); sump pumps; heating and air conditioning equipment (excluding window units); LP tanks (unless rented); water pump and pressure tank; underground sprinkling systems; built-in kitchen appliances; awnings; mail boxes; garage door openers and transmitters; stationary outdoor grills; storage sheds; pool and pool equipment; fencing; attached; outdoor play equipment, work benches, cabinetry, shelving, mirrors, smoke/fire detectors, carbon monoxide detectors, thermostats, timers, and under-cabinet appliances; invisible fencing and controllers; hot tub and/or spa and all related equipment, and

Dishwasher; Dryer; Microwave; Range; Refrigerator; Washer

But shall exclude RENTED ITEMS and \_\_\_\_\_.

- SALE PRICE:** \_\_\_\_\_ (\$ \_\_\_\_\_) Dollars
- CLOSING:** Sale shall be closed on a day and time mutually agreeable to The Parties, but not earlier than 01/18/2019 and not later than 02/15/2019. Buyer shall pay any closing fee charged by a title company, except Seller shall pay said closing fee and wood destroying insect inspection fee(s) if required by a VA lender. Seller shall pay real estate transfer taxes at the time the deed is delivered.
- POSSESSION:** Buyer shall be entitled to possession of The Property as follows: (Check one box)

- At the completion of closing. OR
- Seller shall pay to Buyer at closing, a non-refundable delayed possession fee of \$ \_\_\_\_\_, and shall have the right to possession of The Property until 11:59 p.m. on the \_\_\_\_\_ day after the day of closing.

Seller shall not be entitled to possession after the time agreed above. Unless otherwise provided in writing and signed by The Parties, Seller shall provide possession of The Property free from the rights of any other person or entity, including, but not limited to, tenants. At the time of transfer of possession of The Property, Seller shall have removed all personal property (unless otherwise stated in this or an additional written agreement), made arrangements for final payment on all utilities, and shall deliver all keys to Selling Broker or Buyer.

The Property shall be free and clear of trash and debris; buildings and improvements shall be left in broom-clean condition. Seller shall maintain The Property in its present condition until time of possession in this transaction, normal and reasonable wear excepted. Seller shall pay for utilities and for any repairs due to damage caused by the Seller to The Property after closing and before transfer of possession. Seller is responsible for obtaining any insurance Seller deems necessary, covering Seller to the time of transfer of possession.

If Seller fails to give possession to Buyer as provided, Seller shall pay Buyer \$ \_\_\_\_\_ for each day that Seller retains The Property beyond the agreed time and shall be liable for all court costs and reasonable actual attorney fees incurred by Buyer in obtaining possession and collecting the amount due.

- ATTACHMENTS:**  No  Yes Attachments and/or addendum #: Agency Addendum & Legal Description

7. **DISCLAIMER:** Buyer understands and agrees that the real estate Brokers and Salespersons do not warrant: (i) The Property's boundaries, the size of the land, the size of the buildings and improvements; (ii) the condition of The Property; or (iii) that appropriate permits were obtained for repairs or other work performed on buildings or improvements. Buyer understands and agrees that the real estate Brokers and Salespersons also do not assume any responsibility for the representations made by Seller. It is further understood that no representations or promises have been made to Buyer by the real estate Brokers or Salespersons, or by Seller other than those contained in this Agreement or as otherwise made or given by Seller to Buyer in the written disclosure statement(s). The Parties understand that Brokers and Salespersons are not environmental experts. Unless expressly contained in a written instrument signed by the Brokers, Brokers and Salespersons have no knowledge of, and make no representations regarding (a) the environmental condition of The Property, (b) the existence of underground storage tanks at The Property now, or in the past, (c) whether The Property is, has been or may be listed as a site of environmental contamination, or (d) whether any such sites are located in the proximity of The Property. If Buyer or Seller requests the Brokers or Salespersons to recommend inspectors, repairmen or other professionals, The Parties agree that the Brokers and Salespersons shall not be liable for errors or omissions made by said inspectors, repairmen or other professionals.

8. **BUYER INVESTIGATIONS:**

- A. **Buyer Acknowledgment:** Buyer acknowledges that Buyer has been advised to carefully evaluate The Property to determine its condition and suitability for Buyer's intended use. Buyer is aware that inspectors and inspection services are available to aid Buyer in these evaluations. Items Buyer should evaluate include, but are not limited to, the following: structural integrity; condition of mechanical systems; infestation by termites or other wood-destroying insects; environmental concerns such as underground storage tanks or abandoned uncapped wells; health or safety issues, including radon and mold; zoning; assessed valuation, including the Principal Residence Exemption status and any possible changes to that status; the size of the land; the size of the buildings and improvements; the availability of utilities, including the cost to extend or hook-up; soil erosion or settling; the existence of wetlands; the availability of homeowner's insurance or flood insurance at a cost acceptable to Buyer.
- B. **Buyer Investigation Period:** Buyer shall have ten (10) days from the last dated acceptance of this Agreement ("Investigation Period") to investigate The Property. During the Investigation Period, Buyer and Buyer's investigators shall have reasonable access to The Property to conduct investigations as Buyer deems necessary. Buyer agrees to defend, indemnify and hold Seller harmless from any physical damage to persons or property resulting from such investigations. To the extent The Property is damaged due to any of Buyer's investigations, Buyer agrees to restore The Property to its original condition. Buyer is solely responsible for ordering and paying for any inspections and evaluations, except, if Buyer has elected to use VA financing, Seller shall pay for the wood destroying insect inspection at closing.
- C. **Seller Responsibility Concerning Utilities:** Seller shall have the following utilities, if attached, turned on for Buyer's investigations, appraisals and final inspection: electric, natural gas, propane, heating oil, sewer and water. Seller shall be solely responsible for de-winterization, re-winterization and any and all costs and procedures associated with this subparagraph.
- D. **Results of Investigations:** If any investigation reveals a condition unacceptable to Buyer, then, **prior to the expiration of the Investigation Period**, Buyer may pursue one of the following resolutions:
1. **Buyer may Deliver to Seller or Listing Broker a written request for corrective action(s)** on the GKAR Investigations Addendum, or a similar notice, along with any applicable documentation or report(s) AND ANY APPLICABLE WRITTEN COST ESTIMATE(S). Seller shall have five (5) days from receipt of the Investigations Addendum, or a similar notice, to respond to Buyer, in writing, as to whether Seller will agree to pay for and/or perform said requested corrective action(s). **If Seller rejects any part of Buyer's request in writing, Buyer shall have three (3) days from receipt of Seller's written rejection to terminate this Agreement in writing. If Seller does not respond in writing, Buyer shall have three (3) days from the expiration of Seller's allowed five (5) day period to terminate this Agreement in writing. If Buyer fails to so terminate this Agreement, Buyer shall be deemed to have accepted the condition of the Property in its "AS-IS" condition as it relates to this paragraph.**
- OR
2. **Buyer may terminate this Agreement** by providing written notice of the termination to Seller or Listing Broker, identifying the unacceptable condition. If requested by Seller, Buyer shall provide Seller with a copy of any inspection report or documentation of unacceptable condition.
- E. **Waiver of Contingencies:** BUYER AGREES THAT THE CONTINGENCIES IN THIS PARAGRAPH SHALL BE DEEMED TO HAVE BEEN WAIVED IF (1) BUYER FAILS TO DELIVER WRITTEN NOTICE OF BUYER'S PROPOSED RESOLUTION TO SELLER OR LISTING BROKER WITHIN THE INVESTIGATION PERIOD OR (2) BUYER FAILS TO TERMINATE THIS AGREEMENT IN WRITING AS PROVIDED ABOVE. IF THESE CONTINGENCIES ARE WAIVED, OR IF BUYER ELECTS TO CLOSE THIS TRANSACTION, BUYER SHALL BE DEEMED TO HAVE ACCEPTED THE PROPERTY IN ITS "AS-IS" CONDITION AS OF THE DATE OF CLOSING.

9. **LOCATION OF BOUNDARIES AND IMPROVEMENTS:** Buyer may, at Buyer's expense, obtain a survey or mortgage report of The Property. If the survey or mortgage report: (1) reveals material differences in The Property's boundaries or land area from that which was represented by Seller in writing, or (2) reveals encroachments, setback violations, or matters which would interfere with Buyer's intended use of The Property ("Survey Defects"), Buyer shall furnish Seller with a copy of the survey or mortgage report, along with a written request that Seller correct the Survey Defect(s). These must be received by Seller no later than fifteen (15) days after delivery of the title commitment referenced in Paragraph 16 to Buyer or Selling Broker. Seller shall respond in writing to Buyer within five (5) days as to whether or not Seller will correct the Survey Defect(s). If Seller does not agree to do so or fails to respond, Buyer shall have three (3) days from receipt of Seller's written refusal (if any) or from the expiration of Seller's allowed time, whichever first occurs, to terminate this Agreement in writing.

BUYER AGREES THAT THIS CONTINGENCY SHALL BE DEEMED WAIVED IF (1) BUYER FAILS TO PROVIDE SELLER WITH A SURVEY OR MORTGAGE REPORT OR (2) BUYER FAILS TO TERMINATE THIS AGREEMENT IN WRITING AS PROVIDED ABOVE. IF THIS CONTINGENCY IS WAIVED AND BUYER ELECTS TO CLOSE THIS TRANSACTION, BUYER SHALL BE DEEMED TO HAVE ACCEPTED THE LOCATION OF THE PROPERTY BOUNDARIES AND IMPROVEMENTS, "AS IS".

10. **WELL/WATER/SEPTIC SYSTEM EVALUATIONS:** If The Property is serviced by a water well, Seller agrees to order within five (5) days of the last dated acceptance of this Agreement and promptly provide to Buyer and/or Selling Broker, at Seller's expense, an evaluation report from the County Health Department or the private well evaluation company listed in Paragraph 11, covering the well and tests for nitrates and bacteria in the water by either the County Health Department or other government approved laboratory. Any water evaluation beyond tests for nitrates and bacteria shall be Buyer's responsibility and Buyer's expense. If The Property is serviced by a septic system, Seller agrees to order within five (5) days of the last dated acceptance of this Agreement and promptly provide to Buyer and/or Selling Broker, at Seller's expense, an evaluation report covering the condition of the septic system by the local County Health Department or the private septic evaluation company named in Paragraph 11. Seller further agrees to have the septic tank pumped if required by the local County Health Department.

If the evaluation report(s) in any of the above circumstances disclose(s) a condition which Buyer reasonably deems unacceptable, Buyer shall notify Seller or Listing Broker of such condition and requested corrective action in writing within five (5) days of the date Buyer has received the applicable report(s). If Seller does not agree or fails to respond within fifteen (15) days of Buyer's requested corrective action, Buyer shall have the right to terminate this Agreement by providing written notice to Seller or Listing Broker within three (3) days from receipt of Seller's written refusal (if any) or from the expiration of Seller's allowed time, whichever first occurs.

BUYER AGREES THAT THE CONTINGENCY PROVIDED BY THIS PARAGRAPH SHALL BE DEEMED TO HAVE BEEN WAIVED IF (1) BUYER FAILS TO PROVIDE WRITTEN NOTICE OF A CONDITION DEEMED UNACCEPTABLE WITHIN FIVE (5) DAYS AFTER BUYER HAS RECEIVED THE APPLICABLE REPORT(S) OR (2) BUYER FAILS TO TERMINATE THIS AGREEMENT IN WRITING AS PROVIDED ABOVE.

IF THESE CONTINGENCIES ARE WAIVED, OR IF BUYER ELECTS TO CLOSE THIS TRANSACTION, BUYER SHALL BE DEEMED TO HAVE ACCEPTED THE PROPERTY IN ITS "AS IS" CONDITION AS OF THE DATE OF CLOSING.

11. **PRIVATE WELL AND/OR SEPTIC EVALUATION COMPANIES:** The Parties agree that the following shall be used to evaluate the well/water/septic system per Paragraph 10: For evaluation of the well and water: NA. For evaluation of the septic system: NA. A blank line shall indicate the agreement of The Parties to use the local County Health Department.

12. **SOURCE OF FUNDS:** This Agreement:

**A. IS NOT CONTINGENT** on the sale or exchange of any real or personal property by Buyer. **BUYER REPRESENTS THAT THE FUNDS NECESSARY TO COMPLETE THIS AGREEMENT (ON THE TERMS SPECIFIED) ARE CURRENTLY AVAILABLE TO BUYER IN CASH OR AN EQUALLY LIQUID EQUIVALENT.**

**B. IS CONTINGENT ON:**  
 **(1) THE CLOSE OF THE PENDING SALE OF BUYER'S PROPERTY** located at \_\_\_\_\_, A copy of the agreement(s) to sell or exchange Buyer's property is being delivered to Seller or Listing Broker along with this offer. Buyer shall notify Seller or Listing Broker in writing within 48 hours of any changes in the terms or progress of said agreement(s) that will delay or materially affect the consummation of this Agreement. In such an event, Seller may terminate this Agreement by written notice to Buyer or Selling Broker within 48 hours of receipt of said notice from Buyer. Failure of Buyer to notify Seller of such changes, or a default by Buyer in said agreement(s), shall be considered a default in this Agreement.

**(2) OTHER:** \_\_\_\_\_

13. **METHOD OF PAYMENT:** All moneys must be paid in US funds by wire transfer, certified check, cashier's check, or money order. The sale will be completed upon Seller's delivery of a warranty deed conveying marketable title by the following method:

**A. CASH.** Buyer will pay the sale price by cash, certified check, cashier's check or money order.

**B. NEW MORTGAGE.** This Agreement is contingent upon Buyer's ability to obtain a(n) \_\_\_\_\_ (type) mortgage loan in the amount of \$ \_\_\_\_\_ or \_\_\_\_\_ % of the sale price. Buyer shall apply for the loan from \_\_\_\_\_ (name of financial institution-Lender) within 5 days of the last dated acceptance of this Agreement.

Loan application shall include the payment of any appraisal fee, application fee, and all other costs customarily charged by Lender for loan approval. Buyer acknowledges that failure to complete the loan application as agreed shall constitute a default by Buyer. Buyer shall take no action that would impair Buyer's credit or ability to obtain the loan and shall accept such loan if offered. Buyer may waive this mortgage loan contingency by written notice to Seller or Listing Broker and pay cash as provided in subparagraph A above.

Seller may terminate this Agreement by written notice to Buyer or Selling Broker if Buyer fails to provide Seller or Listing Broker with evidence of loan approval by 5:00 p.m. \_\_\_\_\_ ("Loan Approval Deadline Date"). If Buyer is unable to obtain written verification of Lender's approval, Buyer may provide oral verification from Lender to Seller or Listing Broker. If said loan approval is acceptable to Seller, no response shall be necessary.

If Seller reasonably determines that the evidence of loan approval is inadequate or unacceptable and if Seller therefore wishes to terminate, Seller must deliver written notice of termination of this Agreement by 5:00 p.m. on the third day after the Loan Approval Deadline Date. If Seller so terminates, Buyer may waive this mortgage contingency and void the termination by delivering written notice of such waiver to Seller or Listing Broker by 5:00 p.m. on the third day after Seller's delivery of termination. If Buyer waives this mortgage contingency and subsequently fails to close due to Buyer's failure to secure financing, Buyer shall be considered in default in this Agreement.

**BUYER HEREBY INSTRUCTS LENDER TO RELEASE TO SELLING BROKER AND SELLER OR LISTING BROKER INFORMATION CONCERNING COMPLETION OF LOAN APPLICATION AND STATUS OF LOAN APPROVAL.**

**C. LAND CONTRACT.** See attached GKAR Land Contract Addendum.

14. **SELLER'S DISCLOSURE STATEMENT:** BUYER  **HAS**  **HAS NOT RECEIVED A COMPLETED AND SIGNED COPY OF THE SELLER'S DISCLOSURE STATEMENT #** \_\_\_\_\_ **DATED OR REVISED** 12/05/2018 **SELLER HEREBY CERTIFIES THAT, TO THE BEST OF SELLER'S KNOWLEDGE, THE INFORMATION CONTAINED IN SUCH SELLER'S DISCLOSURE STATEMENT IS CURRENT AS OF THE DATE OF THIS AGREEMENT. FURTHER, SELLER AGREES TO INFORM BUYER IN WRITING OF ANY CHANGES IN THE CONDITION OF THE PROPERTY RELATING TO THE INFORMATION CONTAINED IN SUCH DISCLOSURE STATEMENT.**

15. **LEAD BASED PAINT DISCLOSURE STATEMENT:** BUYER  **HAS**  **HAS NOT RECEIVED BOTH AN EPA PAMPHLET "PROTECT YOUR FAMILY FROM LEAD IN YOUR HOME" AND A COMPLETED AND SIGNED COPY OF THE SELLER'S LEAD BASED PAINT DISCLOSURE STATEMENT #** \_\_\_\_\_

If The Property was constructed prior to January 1, 1978, Buyer will not be obligated to the terms of this Agreement unless the above documents are received by Buyer. If the above documents are received after the last dated acceptance of the Agreement, Buyer shall have the right to terminate this Agreement within 72 hours after Buyer's receipt of the above documents if the Seller's Lead Based Paint Disclosure Statement indicates any condition unacceptable to Buyer. If Buyer fails to terminate this Agreement within said 72 hours, Buyer's right to terminate under this provision shall be considered waived. BUYER  **WAIVES OR**  **REQUESTS LEAD BASED PAINT INSPECTIONS TO BE PERFORMED PER LEAD-BASED PAINT ADDENDUM #** \_\_\_\_\_, **WHICH IS ATTACHED HERETO.**



23. **FINAL INSPECTION:** Buyer shall have the right to inspect The Property within seventy-two (72) hours prior to closing to make sure that the real estate and personal property are in place and in a condition that is not substantially different from the condition at the time of Buyer's offer per this Agreement, or as improved by any agreed-upon corrective action. If substantial differences have occurred, then Buyer shall immediately notify Seller and/or Listing Broker in writing, of said differences and Buyer's requested corrective action. The Parties shall be deemed to have settled such differences as of close of sale. Broker(s) and/or Salesperson(s) have no responsibility for the condition of The Property.
24. **DISCLOSURE:** Buyer acknowledges Buyer has been advised that Seller and Seller's agent may not consider the existence of or terms of Buyer's offer to be confidential. The Parties further acknowledge that the sale price and terms will be disclosed to the Greater Kalamazoo Association of REALTORS<sup>®</sup> MLS/SWMRIC, who may use it in the ordinary course of business.
25. **UNPLATTED LANDS:** Seller represents that The Property is not a new land division under the Land Division Act and Seller owns no other contiguous, unplatted land unless otherwise disclosed in writing. Seller is transferring to Buyer all available divisions, if any, under Section 108 of the Land Division Act but makes no representations as to the number. Buyer has not relied on any information or opinions of the Broker(s) or Salesperson(s) on this matter.
26. **LEGAL COUNSEL:** Buyer acknowledges that Broker(s) and/or Salesperson(s) have recommended that Buyer retain an attorney to pass upon the marketability of title to The Property. The Parties acknowledge that Broker(s) and/or Salesperson(s) have recommended that they each retain an attorney to ascertain that the requirements of this Agreement have been met.
27. **DUE ON SALE: SELLER UNDERSTANDS THAT SELLING OR TRANSFERRING THE PROPERTY DOES NOT RELIEVE SELLER OF ANY MORTGAGE OBLIGATION OR OTHER INDEBTEDNESS TO WHICH THE PROPERTY IS SUBJECT, UNLESS OTHERWISE AGREED TO BY THE LENDER OR REQUIRED BY LAW OR REGULATION.**
28. **CONSENT TO FEES:** The Parties acknowledge that Brokers may be offered placement fees, finder's fees or other consideration from others who become involved in the sale of The Property. The Parties hereby grant Broker(s) permission to receive such fees and/or consideration, unless otherwise agreed in writing.
29. **CASUALTY:** In the event that, on or before the closing date, any buildings or other improvements on The Property shall be damaged by fire, storm or other casualty, and the cost to repair same is in excess of 10% of the sale price, either party shall have the right to rescind this Agreement by written notice to the other party within seven (7) days after receiving notice of such casualty, and Buyer shall be entitled to a refund of any earnest money.
30. **ARBITRATION:** The Parties acknowledge that they have been informed that any claim or dispute between them, related to this Agreement, may be arbitrated if Seller and Buyer each agree in writing to such arbitration.
31. **EARNEST MONEY RESOLUTION:** If this Agreement is not closed in the time and manner provided, the Selling Broker shall have the right, but is not obligated, to propose a final disposition of the earnest money in writing to Buyer or Buyer's Salesperson and to Seller or Seller's Salesperson. Unless Broker, within thirty (30) days of the date of giving such notice, receives different instructions in a written instrument signed by both of The Parties, or is furnished written evidence that a lawsuit has been filed relating to enforcement or termination of this Agreement or disposition of the earnest money, all parties shall be deemed to have agreed to Broker's proposed disposition of the earnest money. If a party objects and no mutually agreeable disposition can be negotiated, Broker may deposit the funds by interpleader with a court of proper jurisdiction or await further actions by The Parties. In the event of litigation involving the earnest money, in whole or in part, the non-prevailing Buyer or Seller, as determined by the court, shall reimburse the other for reasonable actual attorneys' fees and expenses incurred in connection with the litigation, and shall reimburse Broker for any reasonable actual attorney's fees and expenses incurred in connection with the interpleader action instituted.
32. **COUNTERPARTS/SIGNATURES:** This Agreement may be signed in one or more counterparts each of which will be deemed to be an original copy of this Agreement and all of which, when taken together will be deemed to constitute one Agreement. The exchange of copies of this Agreement and signature by facsimile or other similar electronic device shall constitute effective execution and delivery of this Agreement as to The Parties, and may be used in lieu of the original Agreement for all purposes. Copies shall be deemed to mean any duplicate, reproduction or similar or exact imitation of the original executed Agreement. Signatures of The Parties transmitted by facsimile or other similar device shall be deemed to be their original signatures for all purposes and shall be deemed valid and binding upon The Parties as if their original signatures, initials and modifications were present on the documents in the handwriting of each party. Neither Buyer nor Seller shall assert the statute of frauds or non-enforceability or validity of this Agreement because of facsimile or similar electronic device copies being used, and both of The Parties specifically waive and relinquish any such defense. Each party agrees to provide an original signed document to the other upon request.
33. **HOME PROTECTION PLAN:** The Parties have been informed that home protection plans are available. Such plans may provide additional protection and benefit to the parties.

34. OTHER PROVISIONS:

Buyer Request 75 Days to perform inspections

[Empty box for other provisions]

- 35. **DEFAULT:** If Buyer defaults, Seller may enforce this Agreement, or may declare Buyer's right to purchase terminated, retain the earnest money, and pursue Seller's legal remedies. If Seller defaults, Buyer may enforce this Agreement, or may demand return of the earnest money and pursue Buyer's legal remedies. Broker(s) and Salesperson(s) have no responsibility for the performance of this Agreement by the parties.
- 36. **EARNEST MONEY:** Buyer is depositing \$ 1000  cash  check  note with Broker as earnest money evidencing good faith. Broker is required by law to deposit the earnest money in a separate custodial or trust account within two (2) banking days after this Agreement is signed by The Parties. If the offer made is not accepted or if the sale is not closed due to a failure to satisfy a contingency specified herein for a reason other than the fault of Buyer, the earnest money shall be refunded to Buyer. The earnest money will be applied to the sale price at closing.

**ACCEPTANCE**

WHEN SIGNED BY BOTH PARTIES, BUYER AND SELLER AGREE THAT THIS SHALL BE A BINDING AGREEMENT FOR THE SALE AND PURCHASE OF THE PROPERTY. DELIVERY OF ACCEPTANCE OF THIS OFFER AFTER SIGNING BY THE PARTIES IS NOT NECESSARY TO CREATE A BINDING AGREEMENT.

- 37. **TIME IS OF THE ESSENCE:** TIME IS OF THE ESSENCE WITH RESPECT TO THIS AGREEMENT. TIME LIMITS SHALL BE STRICTLY OBSERVED.
- 38. **AUTHORIZATION:** Buyer gives Broker until 12/12/2018, 2  A.M./ P.M. to obtain Seller's written acceptance of Buyer's offer.
- 39. **FINAL AGREEMENT:** THIS AGREEMENT EXPRESSES THE ENTIRE UNDERSTANDING BETWEEN THE PARTIES CONCERNING THIS TRANSACTION AND SUPERCEDES ALL PREVIOUS UNDERSTANDINGS, WHETHER ORAL, WRITTEN OR ELECTRONIC, INCLUDING ANY PROMOTIONAL MATERIALS OR LISTING DESCRIPTIONS. No modifications of this Agreement shall be binding unless in writing and signed by Buyer and Seller. In signing below, The Parties acknowledge that they have read the Agreement carefully before signing and have received copies of pages 1, 2, 3, 4, 5 & 6 as well as any attachments.
- 40. **FUTURE NOTICES:** The Parties authorize Broker(s) to use the contact information set forth below for notices after the last dated acceptance of this Agreement. During the term of this Agreement, The Parties agree to notify Broker(s) of any contact information changes. The contact information set forth below shall not constitute a material part of this Agreement and any addition or modification of the same shall not constitute a rejection of an offer, the creation of a counteroffer or an amendment to this Agreement. **Any future notices required or permitted to be given under this Agreement shall be in writing and signed by the party giving notice.** Notice shall be deemed to have been given: (i) at the time of personal delivery; or (ii) at the time sent by facsimile (with a successful facsimile confirmation sheet); or (iii) at the time sent by electronic mail. Future notices shall be given to Buyer's or Seller's Broker and shall constitute notice given to Buyer or Seller, respectively. If either party is not represented by a Broker, future notices shall be given to such party directly.

Salesperson Name (print): Steve Zientek

Salesperson Phone: 269-352-2931 Fax: 269-585-6011

Salesperson Email: stevezientek@gmail.com

Buyer Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

X Matt S. O'Connor dotloop verified 12/11/18 10:49 PM EST YPLK-GB9C-3XCP-NAXU

Buyer

Matt S. O'Connor

Print Legal Name (as you wish it to appear on final papers)

X \_\_\_\_\_

Buyer

Print Legal Name (as you wish it to appear on final papers)

SELLER'S RESPONSE: (Date/Time) 12/13/2018, 10  A.M./ P.M.

41. THE ABOVE TERMS OF SALE ARE (Check one)  ACCEPTED AS OFFERED  SUBJECT TO COUNTEROFFER NO. CO430.

Salesperson Name (print): Steven Zientek

Salesperson Phone: 269 352 2931 Fax: 269 585 6011

Salesperson Email: stevezientek@gmail.com

Seller Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

X Ravinder Singh dotloop verified 12/13/18 10:41 AM EST NWFP-PIOL-RZ99-PE7Y

Seller

Print Legal Name (as you wish it to appear on final papers)

X \_\_\_\_\_

Seller

Print Legal Name (as you wish it to appear on final papers)



# AUTHORIZED SELLERS COUNTEROFFER OF THE GREATER KALAMAZOO ASSOCIATION OF REALTORS® ("GKAR")



Form #: co 4303

Property Address: 4303 W Michigan ave, Kalamazoo, MI 49006 Date: 12/13/2018, Time: 10  A.M./ P.M.

Seller's response to the offer dated 12/06/2018 as set forth in Authorized Buy & Sell Agreement # BSA 4303 is as follows:

**Rejection of Offer:** Seller hereby rejects the offer made by Buyer and acknowledges that this Counteroffer terminates the offer made by Buyer. Seller submits the following Counteroffer:

Sale Price to be 140,000 (One Hundred Forty Thousand Dollars)

Inspection Period to be 45 days Closing to take place no later than February 15th. 2019

Commissions Paid by Seller to be 5% on sale Price.

All other terms remain the same.

**Except as provided above, all of the terms and conditions of the Agreement shall remain in full force and effect.**

**Acceptance:** When signed by both parties, Buyer and Seller agree this shall be a binding Agreement for the sale and purchase of The Property. Delivery and acceptance of this Agreement shall not be necessary to create a binding Agreement.

**Termination:** This Counteroffer shall terminate:

1) if unsigned by Buyer as of 8 pm. ( A.M.)( P.M.) 12/15/2018

**OR**

2) if unsigned by Buyer at the time of Seller's delivery of written withdrawal of this Counteroffer to Buyer or Buyer's Agent. Until such termination, Seller shall not accept an offer from a third party for The Property.

X Ravinder Singh dotloop verified 12/13/18 10:41 AM EST TZ3V-3C4U-C5D6-XTHJ Seller

X \_\_\_\_\_ Seller

**ACCEPTANCE OF COUNTEROFFER**

X Matt S. O'Connor dotloop verified 12/15/18 5:45 PM EST KBFN-AURG-CPKY-NNMJ Buyer

X \_\_\_\_\_ Buyer

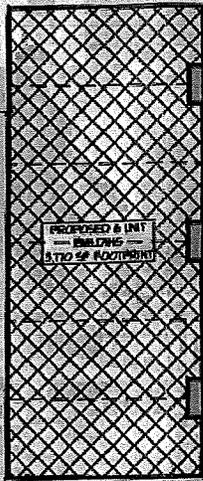
Dated 12-13-18 Time \_\_\_\_\_

# W MICHIGAN AVE

NEW FIRE HYDRANT  
FINAL LOCATION TO  
BE DETERMINED AT  
SITE PLAN REVIEW

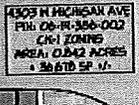
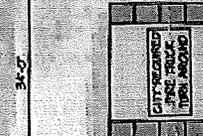
NEW PROPOSED  
DRIVE CUT LOCATION

20'-0"



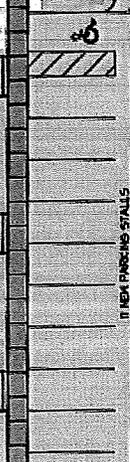
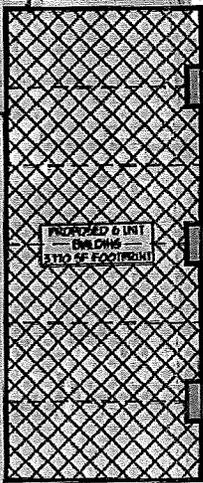
48 TOTAL PARKING  
STALLS PROPOSED  
C2 BFJ

34'-0"



4,223 W MICHIGAN AVE  
C2-1F ZONING

20'-0"



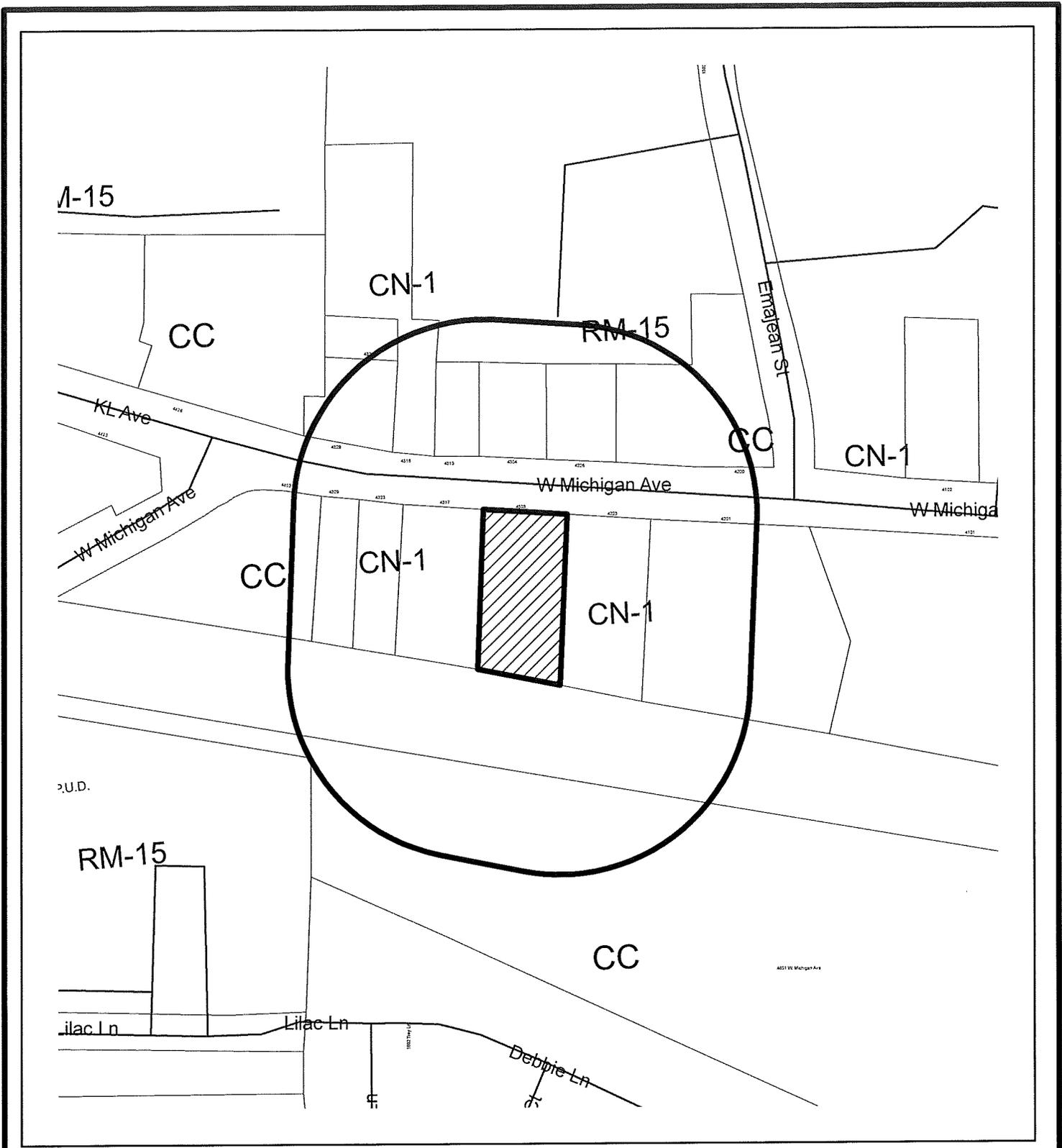
PROPOSED SCREENING  
FENCE OR ROW OF TREES



MICHIGAN CENTRAL RAILROAD  
CC ZONING



CONCEPTUAL SITE PLAN  
SCALE: 1" = 20'



300' Mailing Boundary  
 4304 W. Michigan Ave.





**Community Planning and Economic Development**

415 Stockbridge Avenue  
Kalamazoo, MI 49001  
PH: (269) 337-8044  
FAX (269) 337-8429  
www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

February 26, 2019

**RE: ZBA #19-03-09  
3717 E. Cork Street  
Parcel #06-25-477-001**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Tapan Patel of ENAS Hospitality. The request concerns the property at 3717 E. Cork Street, which is situated in Zone CC, Commercial – Community District.

The applicant is requesting a dimensional variance from Chapter 50-7.2 1, to authorize 45 parking spaces above allowed maximum number of off-street parking spaces of 45 for a total of 90 off-street parking spaces for the hotel development proposed with 82 rooms.

Please note that this request will not change the zoning classification of the property. This is a request for variance only regarding the item described above.

A public hearing will be held on **Thursday, March 14, 2019 at 7:00 p.m.** in the City Commission Chambers in City Hall (241 W. South Street), at which time you may submit your views on this matter in person, by writing, or by representative. If you should know of any interested person who has not received a copy of this letter, please inform them of the time and place of the hearing.

Further information, including property diagrams and drawings are available at the Community Planning and Economic Development Department at 415 Stockbridge Avenue. Meeting agenda packets will also be available to view on-line 10 days prior to the meeting at:

[www.kalamazoocity.org/boards](http://www.kalamazoocity.org/boards)

If you have any questions, please call (269) 337-8026 or submit by email at [eldridgep@kalamazoocity.org](mailto:eldridgep@kalamazoocity.org).

Sincerely,  
ZONING BOARD OF APPEALS

  
Peter C. Eldridge, AICP  
Zoning Administrator

c: Property File



**Zoning Board of Appeals (ZBA) Application Form**

Community Planning & Development Department

415 Stockbridge

Kalamazoo, MI 49001

Phone: 269-337-8026

www.kalamazoocity.org

Your fully completed application, fee, and all related documents must be submitted to the Community Planning & Development Department at least four (4) weeks prior to the Zoning Board of Appeals meeting.

**Applicant:** Name Tapan Patel  
Address 3241 Carleton Rd  
City, State, Zip Hillsdale, MI 49242  
Phone 817 610 2417 Cell -  
Fax - Email tapan.patel@tapresources.net

**Owner:** Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Phone \_\_\_\_\_ Cell \_\_\_\_\_  
Fax \_\_\_\_\_ Email \_\_\_\_\_

(If the applicant is not the property owner, a letter signed by the owner agreeing to the variance must be included with the application.)

**Property Information**

Street or Street Address 3717 Cork St Kalamazoo, MI 49001

This property is located between Cork St street and Alvan Rd street, on the

north  south  east  west side of the street.

CCN# 06-25-477-001 Zone CC

**Type of Request**

Interpretation of Chapter(s) \_\_\_\_\_ Sections(s) \_\_\_\_\_  
Paragraph(s) \_\_\_\_\_ of the City of Kalamazoo Zoning Ordinance.

Use Variance: Applicant must demonstrate that if the Zoning Ordinance is applied strictly, unnecessary hardship to the applicant will result. All Use Variance Requirements must be met. (See Requirements List.)

Dimensional Variance: Applicant must demonstrate that if the Zoning Ordinance is applied strictly, practical difficulties to the applicant will result. All Dimensional Variance Requirements must be met. (See Requirements List.)

Appeal of an Administrative Decision

Description \_\_\_\_\_

**Attachments**

- \$275 Fee
- Brief narrative (less than one type-written page) describing the nature of the request (2 copies)
- Sketch plan of the property in questions (2 copies)
- Additional attachments as needed e.g. (pictures, architectural drawings, petitions, etc. (2 copies)

[Signature]  
Signature of Applicant

2/15/19  
Date

Signature of Owner (if different than applicant)

Date

February 5, 2019  
City of Kalamazoo  
Planning Commission and Affiliates  
Zoning Board of Appeals  
415 E Stockbridge Ave  
Kalamazoo, MI 49001

RE: Parcel ID: 06-25-477-001  
Zoning Variance

Property Information

ID: 06-25-477-001  
Size: 1.1 Acres  
Zoning: CC

Proposed Use: Hotel

The proposed hotel is a 5 story, 82 unit AVID. The property will cater to short term guests who want to enjoy modern amenities often found in urban boutique hotels. The location for the hotel is off of I-94 on exit 80, on Cork St. This location is conveniently located a few miles from Western Michigan University and downtown Kalamazoo.

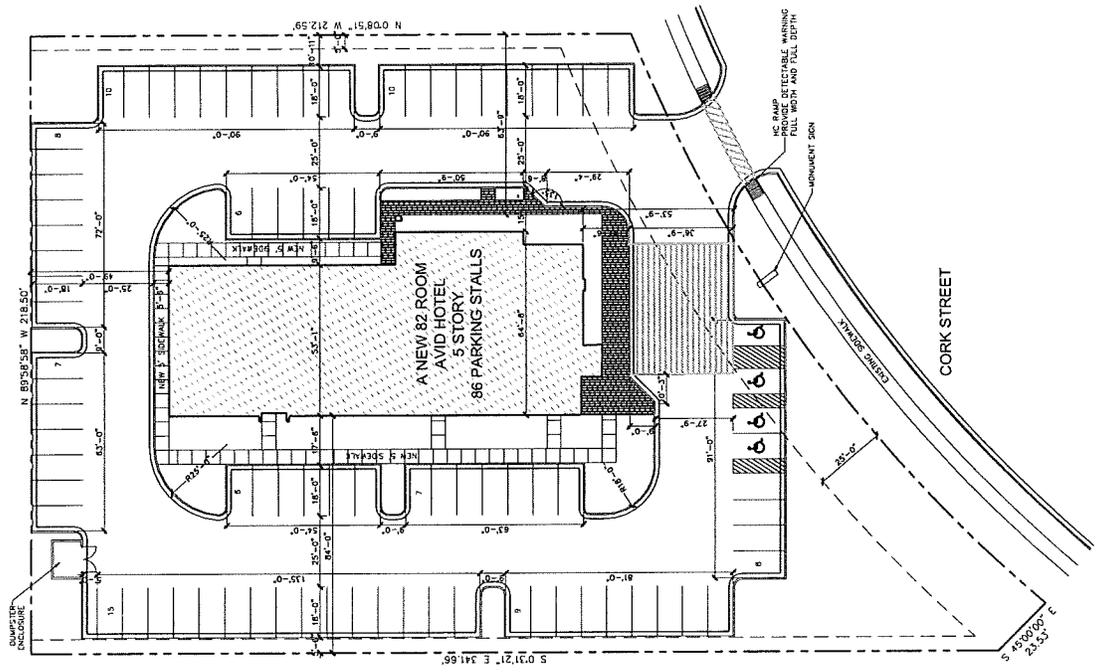
Zoning Variance Request:

Currently, the zoning ordinance allows for 1 parking spot per 2 rooms. However, IHG, the franchisor of AVID, requires 1.1 spots per room, in order to accommodate both guests and staff. Additionally, the site is in a suburban market, right off the exit, where the primary means of transportation is via automobile. Virtually all guests will arrive to the hotel via their own vehicle. Most of our staff, up to 10 on a peak day, will also be coming to their hotel job via their own vehicle.

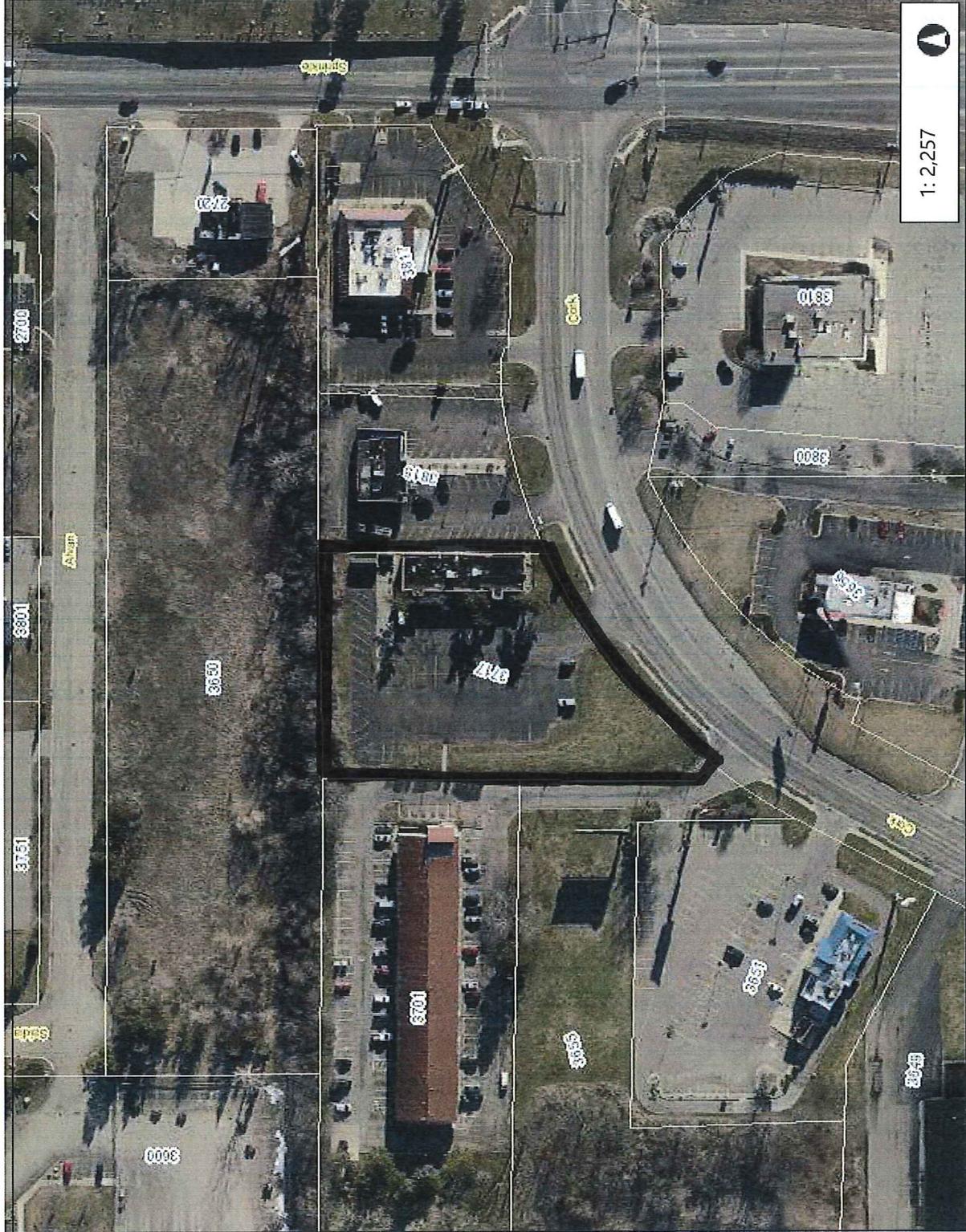
We believe that a shortage of parking will be a burden on guests and employees. Also, IHG will not approve a site plan with parking shortage nor extend to us an AVID license, therefore the new development would not be possible. As a new construction, the shortage of parking would be an issue for any hotel franchise.

We are requesting a variance to allow for 90 parking spaces. That many spaces will fit on the site while still maintaining the minimum greenspace of 20% and have no impact to neighboring parcels.

Tapan Patel  
ENAS Hospitality  
3241 Carleton Rd  
Hillsdale, MI 49242



# 3717 E. Cork Street (Zone CC)



1: 2,257

0.1 Miles

0.04

0

0.1

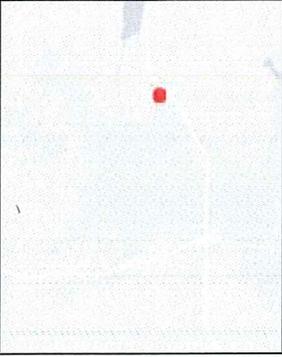
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

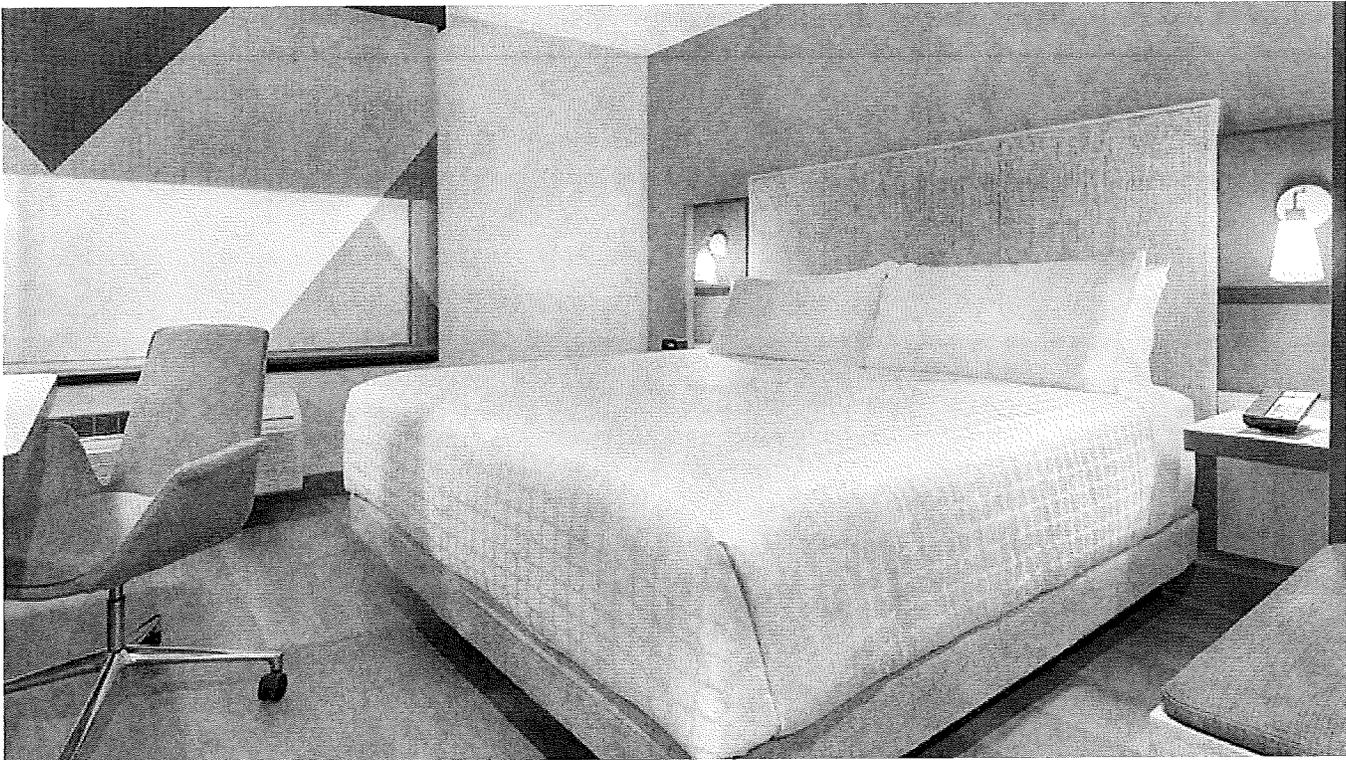
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

## Legend

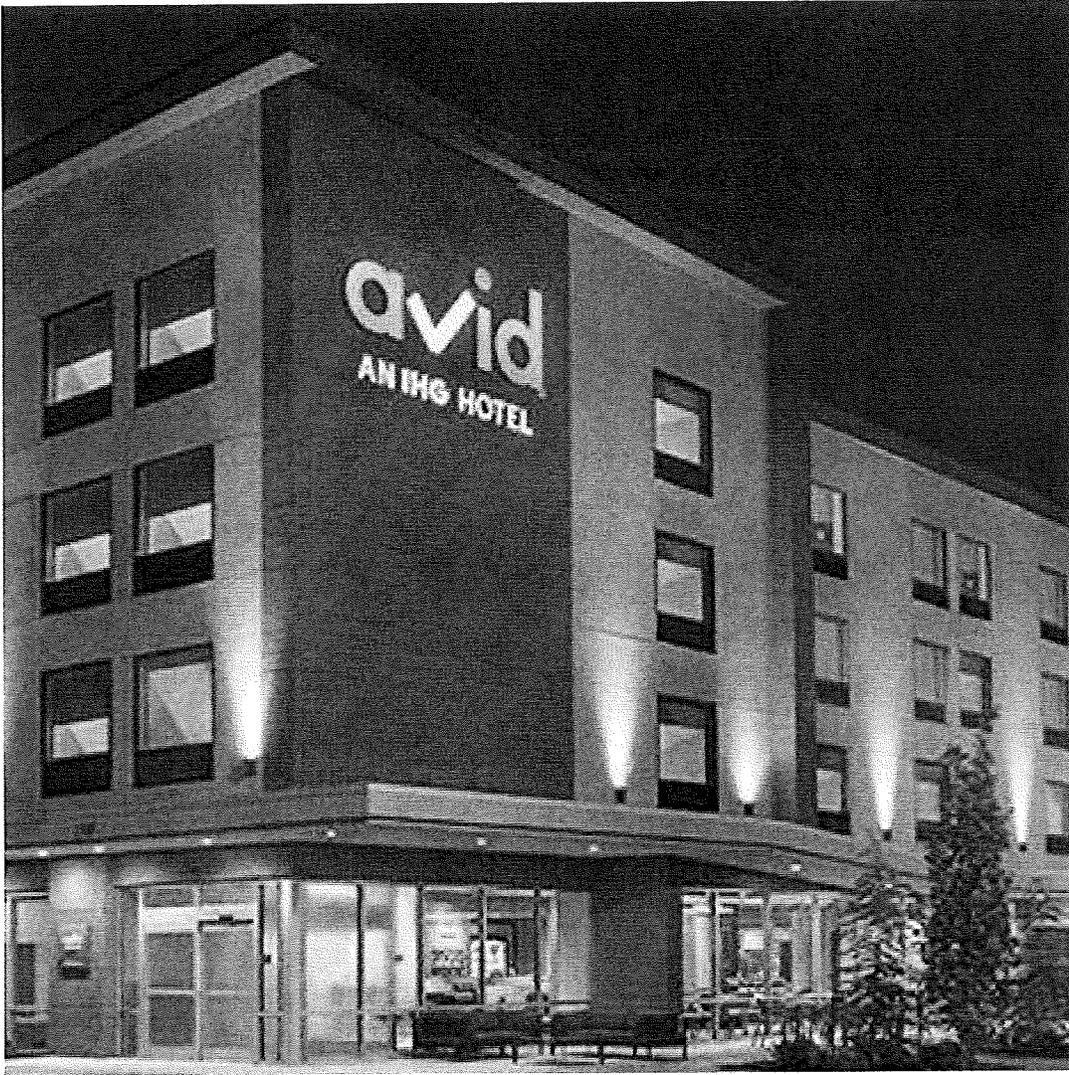
Street Names - City

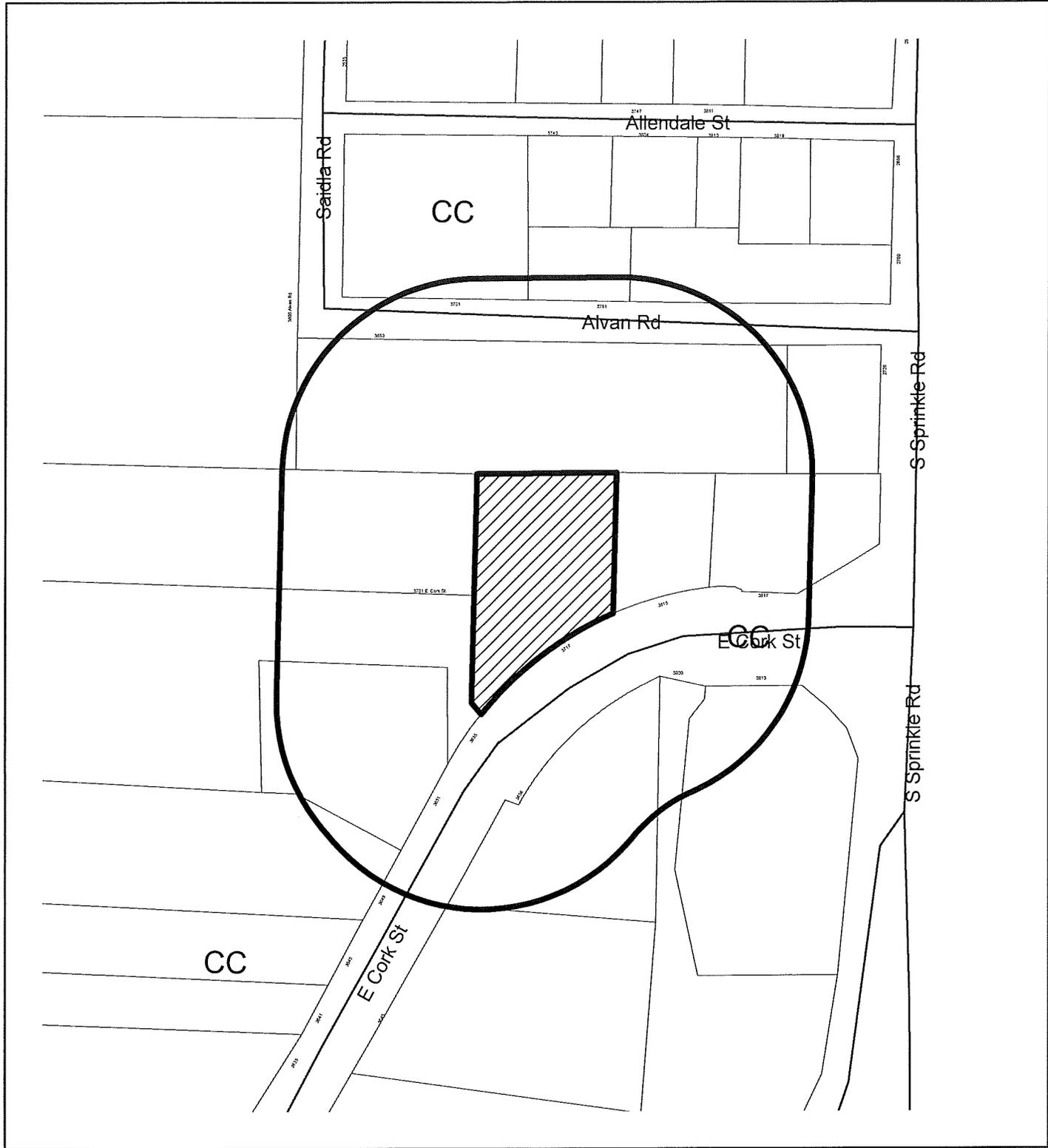
Parcels











300' Mailing Boundary  
 3717 E. Cork St.



0 2550 100 Feet



**Community Planning and Economic Development**

415 Stockbridge Avenue  
Kalamazoo, MI 49001  
PH: (269) 337-8044  
FAX (269) 337-8429  
www.kalamazoocity.org

**NOTICE OF PUBLIC HEARING**

February 26, 2019

**RE: ZBA #19-03-10**  
**210, 212, 214, 218 E. Vine St. / 812, 816, 820, 824, 828 Boerman Ave.**  
**Parcel #06-22-188-224, #06-22-184-007, #06-22-184-006, #06-22-184-008, #06-22-189-007,**  
**#06-22-189-006, #06-22-189-005, #06-22-189-001, #06-22-189-002**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Bronson Methodist Hospital. The request concerns the properties at 210, 212, 214, 218 E. Vine St. / 812, 816, 820, 824, 828 Boerman Ave., which are situated in Zone CCBD, Commercial Central Business District and Zone RM-36, Residential – Multi Dwelling District.

The applicant is requesting a variance from Chapter 6, Section 6.3 D, to authorize the screened waste receptacle (dumpster) to be located in the front yard for the proposed medical office building, where screened waste receptacles are required to be located in the rear or side yard.

Please note that this request will not change the zoning classification of the properties. This is a request for variance only regarding the item described above.

A public hearing will be held on **Thursday, March 14, 2019 at 7:00 p.m.** in the City Commission Chambers in City Hall (241 W. South Street), at which time you may submit your views on this matter in person, by writing, or by representative. If you should know of any interested person who has not received a copy of this letter, please inform them of the time and place of the hearing.

Further information, including property diagrams and drawings are available at the Community Planning and Economic Development Department at 415 Stockbridge Avenue. Meeting agenda packets will also be available to view on-line 10 days prior to the meeting at:  
[www.kalamazoocity.org/boards](http://www.kalamazoocity.org/boards)

If you have any questions, please call (269) 337-8026 or submit by email at [eldridgep@kalamazoocity.org](mailto:eldridgep@kalamazoocity.org).

Sincerely,  
ZONING BOARD OF APPEALS

  
Peter C. Eldridge, AICP  
Zoning Administrator

c: Property File



Zoning Board of Appeals (ZBA) Application Form

Community Planning & Development Department

415 Stockbridge

Kalamazoo, MI 49001

Phone: 269-337-8026

www.kalamazoocity.org

Your fully completed application, fee, and all related documents must be submitted to the Community Planning & Development Department at least four (4) weeks prior to the Zoning Board of Appeals meeting.

Applicant: Name Bronson Methodist Hospital
Address 601 John Street, Box 9
City, State, Zip Kalamazoo, MI 49007
Phone 269-341-6703 Cell
Fax Email blancs@bronsonhg.org

Owner: Name
Address
City, State, Zip
Phone Cell
Fax Email

(If the applicant is not the property owner, a letter signed by the owner agreeing to the variance must be included with the application.)

Property Information

Street or Street Address 805 John Street (Include Addresses on E. Vine St./Boerman Ave.)

This property is located between Vine street and Boerman street, on the

[x] north [ ] south [x] east [ ] west side of the street.

CCN# 06-22-188-225 Zone CCBD & RM-36

Type of Request

[ ] Interpretation of Chapter(s) Sections(s)
Paragraph(s) of the City of Kalamazoo Zoning Ordinance.

[ ] Use Variance: Applicant must demonstrate that if the Zoning Ordinance is applied strictly, unnecessary hardship to the applicant will result. All Use Variance Requirements must be met. (See Requirements List.)

[x] Dimensional Variance: Applicant must demonstrate that if the Zoning Ordinance is applied strictly, practical difficulties to the applicant will result. All Dimensional Variance Requirements must be met. (See Requirements List.)

[ ] Appeal of an Administrative Decision

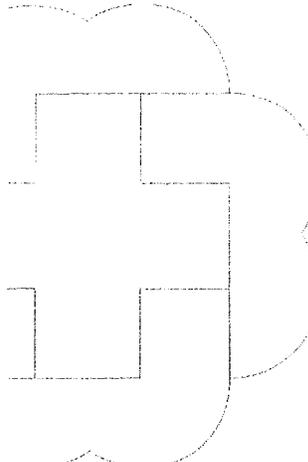
Description Dumpster placed in front yard

Attachments

- [ ] \$ Fee
[ ] Brief narrative (less than one type-written page) describing the nature of the request (2 copies)
[ ] Sketch plan of the property in questions (2 copies)
[ ] Additional attachments as needed e.g. (pictures, architectural drawings, petitions, etc. (2 copies)

Susan L. Blanc Signature of Applicant Date 2-15-19

Signature of Owner (if different than applicant) Date

A large, faint outline of a cross, likely a watermark or a placeholder for a logo, is visible on the left side of the page.

February 15, 2019

Dear City of Kalamazoo Zoning Board of Appeals:

It is with great pleasure that we submit to you our plans for a new medical office building to be built immediately south of our existing Bronson Methodist Hospital campus downtown. Located on the south side of Vine Street between John Street and Boerman Avenue, the proposed new medical office building is located immediately south of the existing Medical Office Building. If approved, the new structure would be approximately 85,000 square feet on five floors, plus a mechanical penthouse. It would provide space for physician offices and specialty services.

As we developed these plans, we have worked closely with City Staff to comply with the various standards, guidelines, and requirements that apply to this site. We are very appreciative of the time and assistance provided. Because our proposed facility covers the end of a city block, per the Zoning Ordinance it is subject to the standards that apply to three front yards. While we were able to meet most of the requirements of this unique situation, we were not able to accommodate the standards for the dumpster. Therefore, we are requesting a variance.

Due to the need for a dimensional variance, we have included the pertinent criteria from the Zoning Ordinance, along with our response that supports the request.

- 1. There are special circumstances or conditions (like exceptional topographic conditions, narrowness, shallowness, or the shape of the property) that are peculiar to the land or structures for which the variance is sought, that is not applicable to other land or structures in the same zone district.**

The fact that the development site is subject to three front yards is unique and this does not apply broadly in the same zoning district.

- 2. The special circumstances are not the result of the actions of the applicant or titleholder of the land.**

We did not layout the street grid or the dimensions of the block. We did layout the building and are proposing to locate the dumpster enclosure on the east side of the building. This allows for staff to safely

access the dumpster and recycling facilities multiple times during the day without having to cross the vehicular drives.

**3. The literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zone district, and would cause practical difficulty.**

Although technically a front yard, the east side of the building functions as the maintenance side of the building; the side that would typically be found at the rear of a conventional site. On such a site common in the zone district, the proposed arrangement would be of no concern.

**4. The granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.**

We have worked hard to minimize the presence and negative impacts associated with the dumpster enclosure and have ensured it is the minimum request necessary.

**5. The granting of the variance will not adversely affect adjacent land in a material way.**

We believe this dumpster location to be the least viewable from the two main roads adjacent to the site: Vine Street and John Street. We have chosen to place the dumpster on Boerman Avenue, which is the least traveled of the three streets. We have also designed a brick enclosure for the dumpster and mechanical area that matches the building brick to screen these items from view.

Additionally, you can see from the drawings that we also placed landscape between that brick enclosure wall and the road right of way to further screen this area from view on either of these public streets. It is noteworthy, that across the street from the proposed enclosure on Boerman is a parking lot owned by Bronson and a Consumers Energy substation.

**6. The granting of the variance will be generally consistent with the purposes and intent of this Ordinance.**

This is a unique parcel with special circumstances because it fronts three streets and only has one non-street frontage side. We believe we have placed the dumpster in the best location to meet the spirit of the ordinance by placing it in the frontage of the least traveled street of the three. In addition, with the screening wall and landscaping proposed around this dumpster enclosure, we believe we have not only met the screening requirements of the Ordinance, but we have shielded the adjacent property owners and passing public from view of the enclosed refuse material.

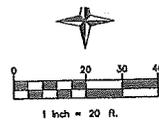
Thank you for your time in reviewing this material, the attached plans and information. We look forward to reviewing this in more detail with you at the public hearing and answering any questions you may have at that time.

Sincerely,



Susan L. Blanc  
System Director  
Facility Planning & Development

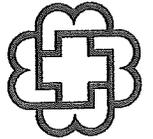




**AR Engineering**  
 Civil Engineers & Surveying  
 1020 N. FORDHAM ST. SUITE 1000  
 GRAND RAPIDS, MI 49503  
 TEL: 616.451.1111 FAX: 616.451.1112  
 JOB NUMBER: 1604214

612 South Park Street  
 Kalamazoo, Michigan 49007

15 Ionia SW - Suite 330  
 Grand Rapids, Michigan 49503



**PRELIMINARY NOT FOR CONSTRUCTION**

NEW MEDICAL OFFICE PAVILION  
**BRONSON HEALTHCARE GROUP**  
 601 JOHN STREET KALAMAZOO, MI 49007

KEYNOTE

100% SD SET - 07/27/18  
 25% DD SET - 12/03/18  
 100% DD SET - 02/12/19

ISSUED

FEBRUARY 15, 2019

PROJECT NUMBER

18062.00

SHEET TITLE

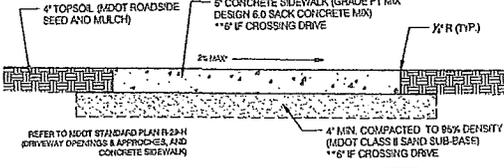
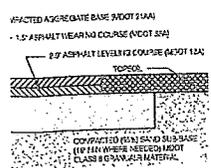
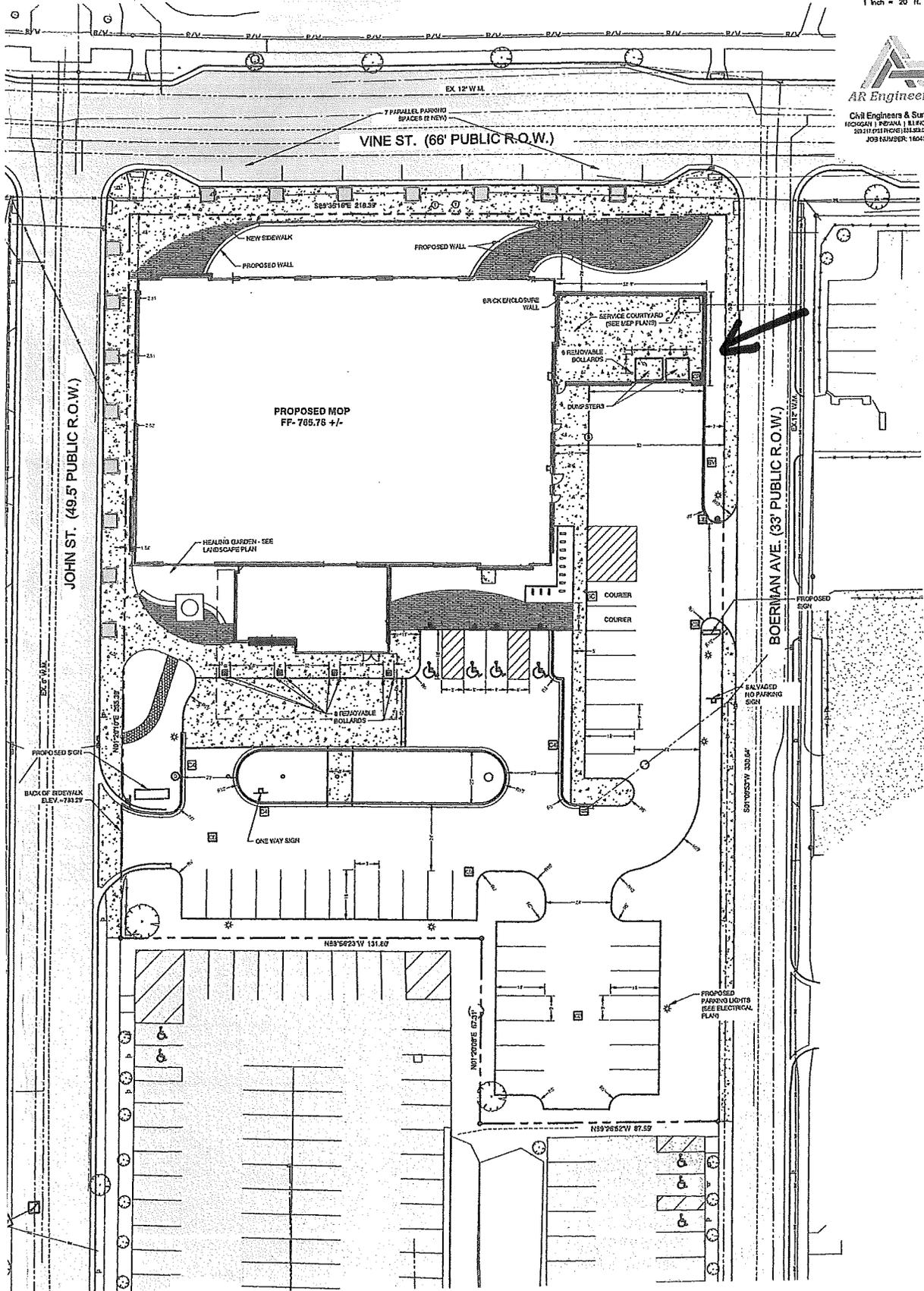
SITE PLAN

SHEET NUMBER

**C3.0**  
 DESIGN DEVELOPMENT



ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA. VERIFY ALL UTILITIES BY TRENCH AND VIEWING.



\*TRANSVERSE SIDEWALK SLOPES ARE 2% MAXIMUM. IF THE TRANSVERSE SLOPE IS REQUIRED TO BE LESS THAN 1.5%, IN ORDER TO MEET SITE CONDITIONS, LONGITUDINAL DRAINAGE MUST BE PROVIDED.

PROPOSED LIGHT-DUTY ASPHALT PAVEMENT SECTION

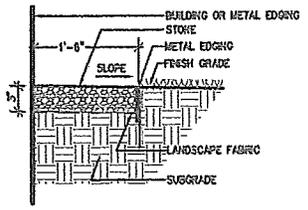
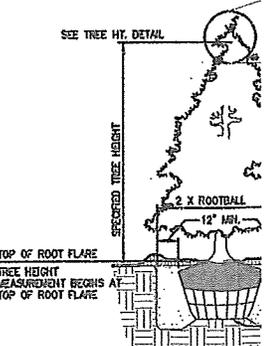
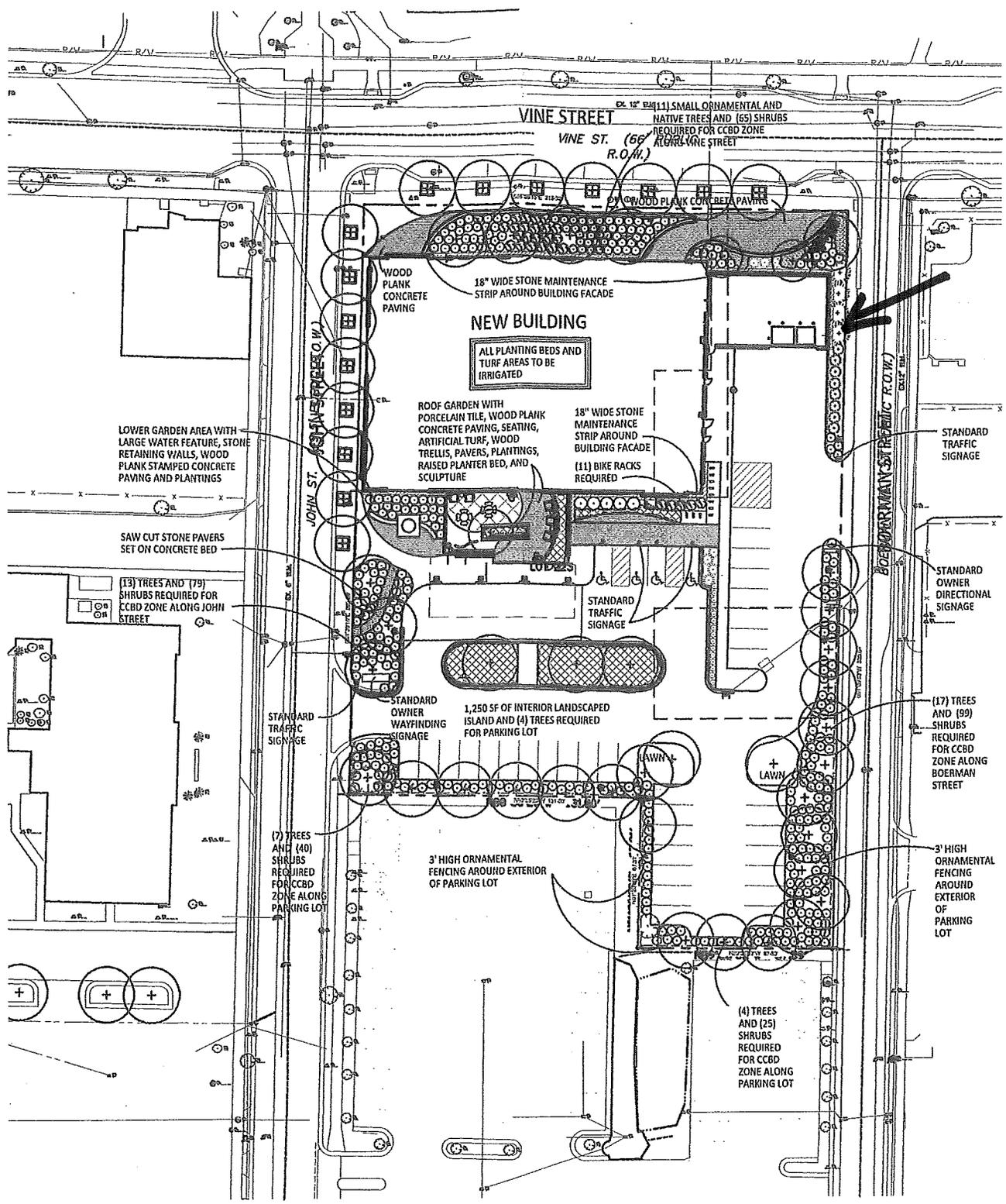
PROPOSED SIDEWALK SECTION

# LANDSCAPE NOT

1. SURVEY OF EXISTING CONDITIONS PROVIDED BY OI
2. CALL "MISS DIG" AND VERIFY ALL UNDERGROUND UTILITIES DISTURBED BY CONSTRUCTION SHALL BE REPAIRED AT CONTRACTOR'S RISK
3. ANY DISCREPANCIES BETWEEN THESE PLANS AND FIELD CONDITIONS SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY
4. IN AREAS OF NEW TURF PLACE 4" MINIMUM TOPSOIL
5. PLACE SHREDDED HARDWOOD MULCH TO A 3" DEPTH
6. UNLESS OTHERWISE NOTED, TOPSOIL, FINE GRADE
7. REPAIR AND RESTORE ANY DAMAGE OUTSIDE OF THE PROJECT LIMITS
8. PROTECT ALL TREES AND EXISTING FEATURES TO REMAIN
9. ALL TOPSOIL AND EXCESS FILL MATERIAL SHALL BE MANAGED AND PROTECTED FROM EFFECTS OF EROSION
10. ALL NURSERY STOCK SHALL BE TRUE TO TYPE AND ROOT SYSTEMS. ALL STOCK SHALL BE WELL FORMED AND HEALTHY
11. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR IRRIGATION SYSTEM DESIGN AND INSTALLATION
12. CONTRACTOR RESPONSIBLE TO LOCATE SITE LIGHT DISTRIBUTION OCCURS
13. UNLESS OTHERWISE SPECIFIED, ALL PERENNIALS, SHRUBS AND TREES TO BE PLANTED BY THE CONTRACTOR

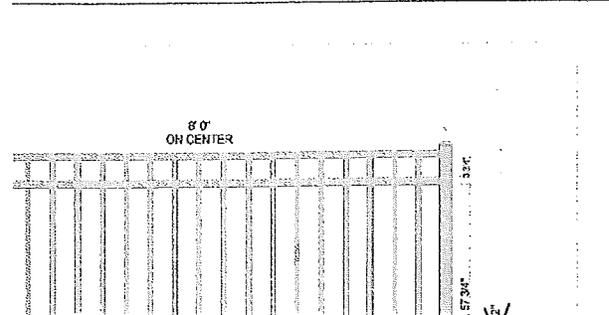
# PROPOSED FEATURES

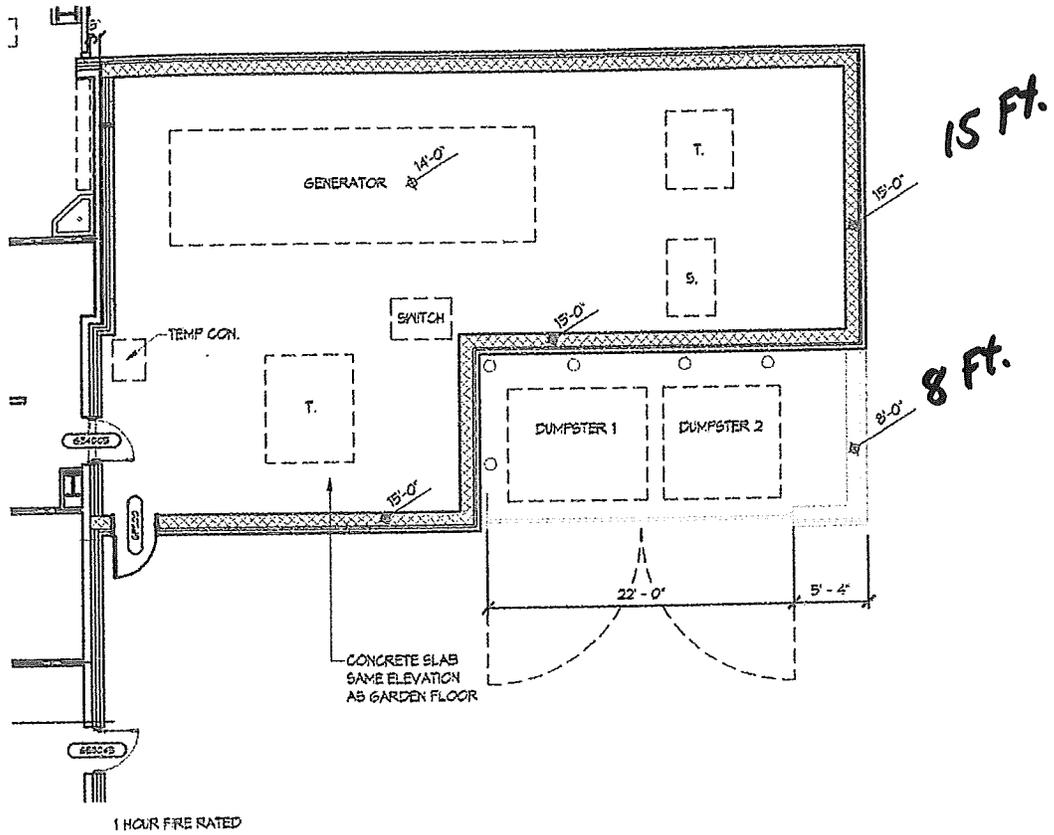
SYMBOL	DESCRIPTION
	PROPOSED DECIDUOUS TREE
	PROPOSED EVERGREEN TREE
	PROPOSED SHRUB
	PROPOSED ORNAMENTAL TREE
	PROPOSED PERENNIALS
	MAINTENANCE STRIP
	WOOD PLANK STAMPED PAVING
	PROPOSED BED LINE / METAL EDGING
	3' HIGH ORNAMENTAL FENCING
	LIMIT OF WORK
	PROPERTY LINE



**4 Maintenance Strip**  
Not To Scale

**7 Conifer**  
Not To Scale





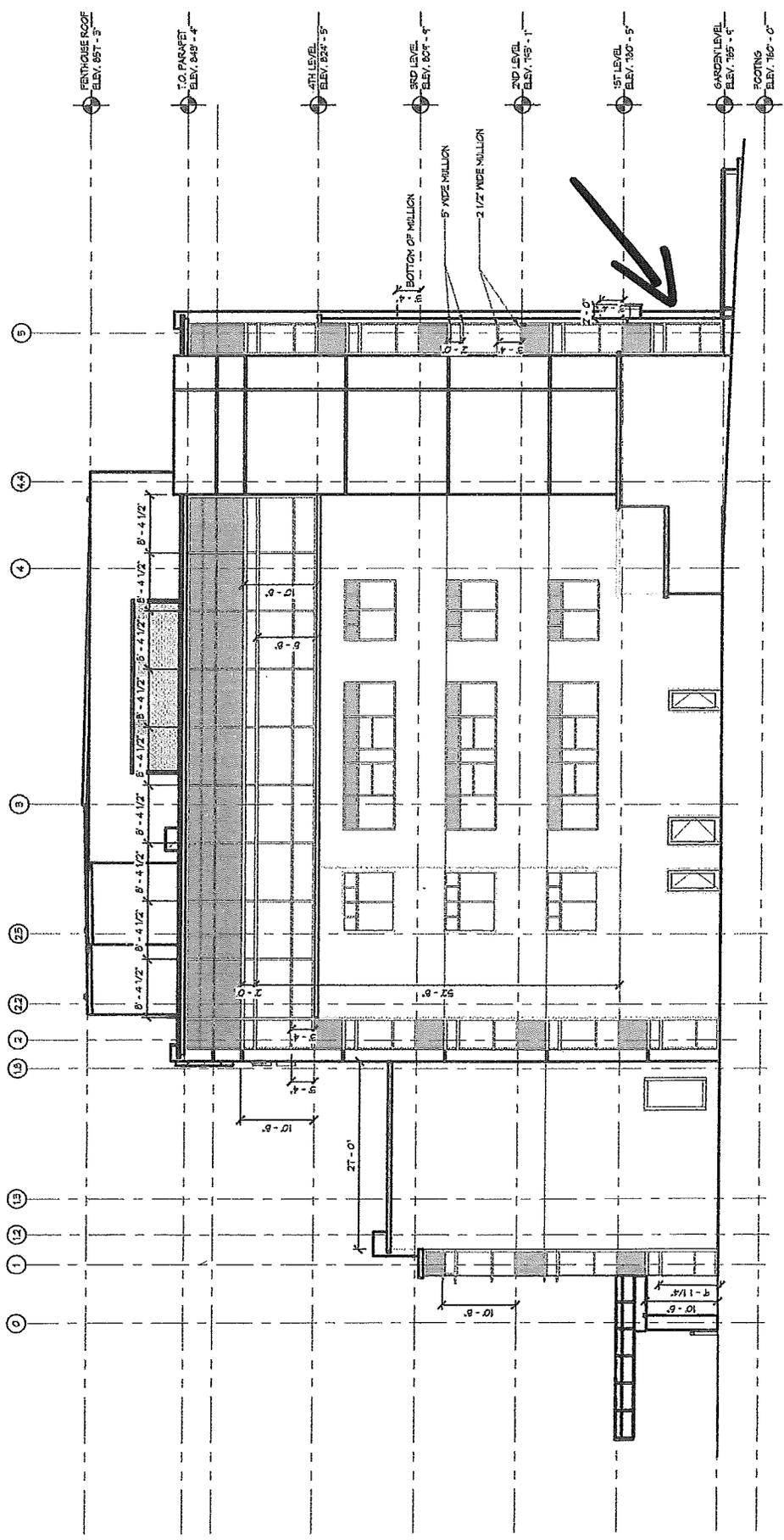
MECHANICAL  
 ENCLOSURE  
 ENLARGED PLAN

SCALE: 1/8" = 1'-0"

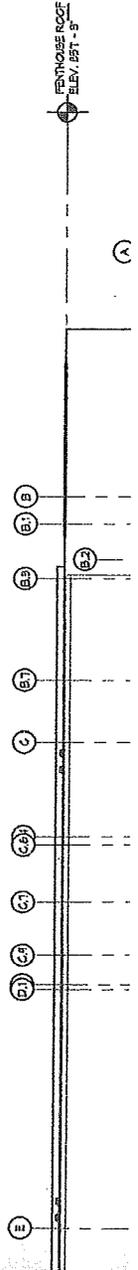


KAI 612  
Kala  
GRU 1514  
Grat

PREF



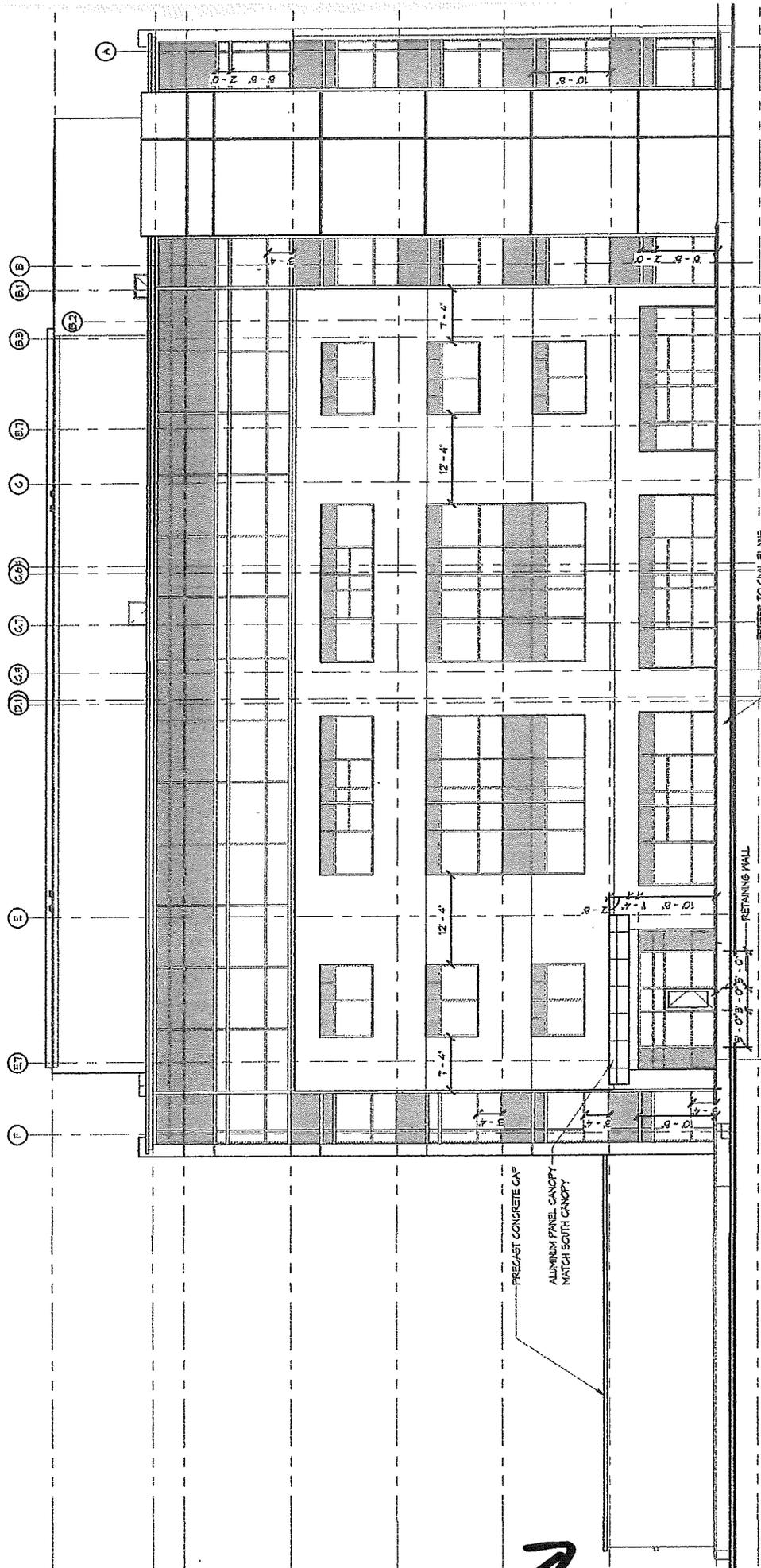
2 EAST ELEVATION  
AS 5 SCALE: 3/32" = 1'-0"



2 EAST ELEVATION

AS 6 SCALE: 3/32" = 1'-0"

AS 6



PRECAST CONCRETE CAP

ALUMINUM PANEL CANOPY MATCH SOUTH CANOPY

RETAINING WALL

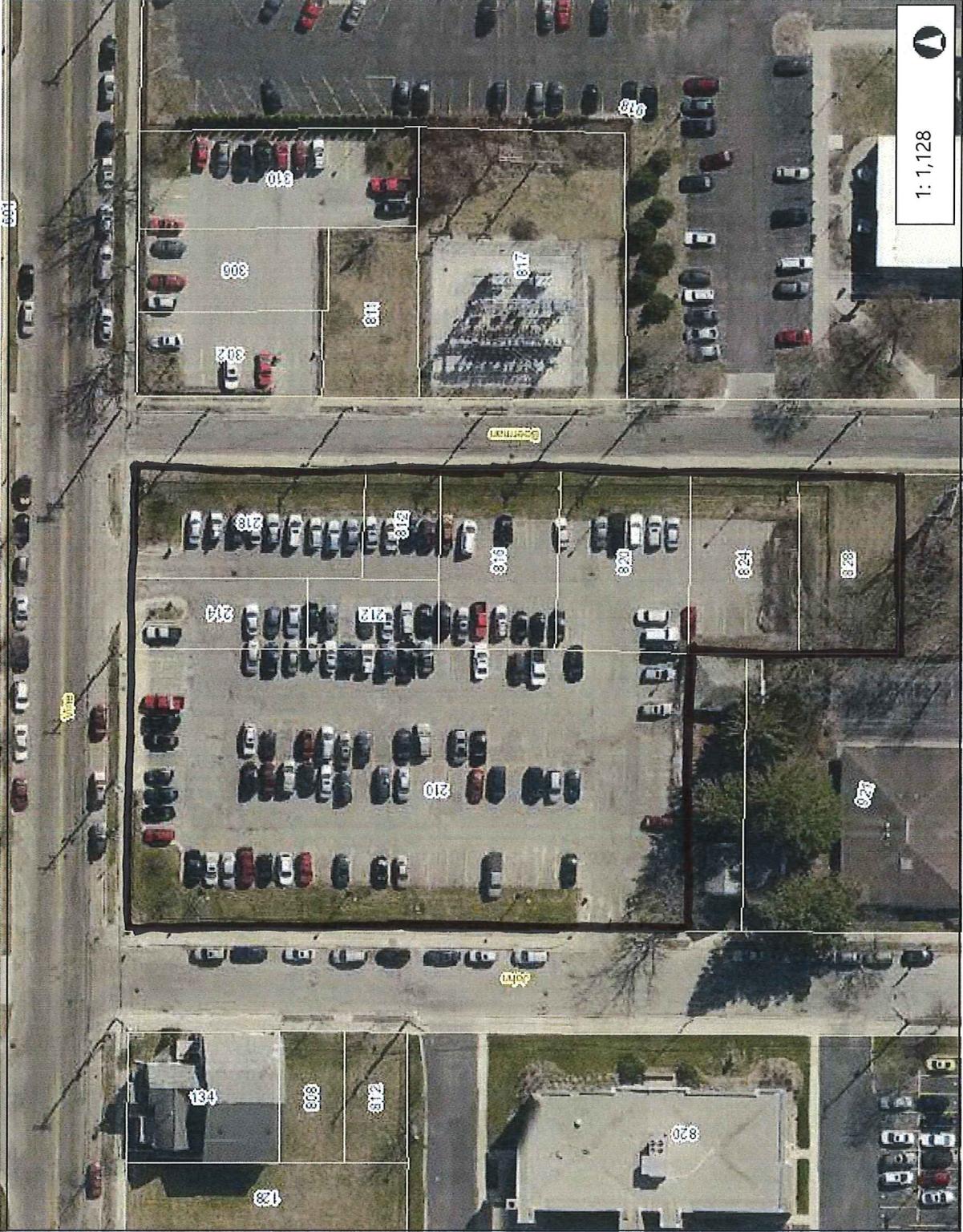
REFER TO CIVIL PLANS FOR RETAINING WALL AND GRADE

1 NORTH ELEVATION

AS 6 SCALE: 3/32" = 1'-0"

AS 6

# Bronson - Proposed Medical Office Pavilion



1:1,128

0.0 Miles

0.02

0

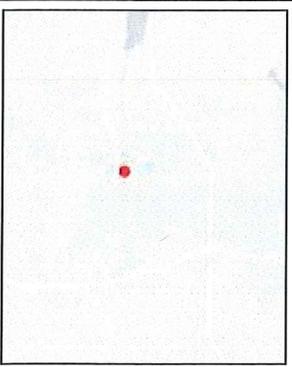
0.0

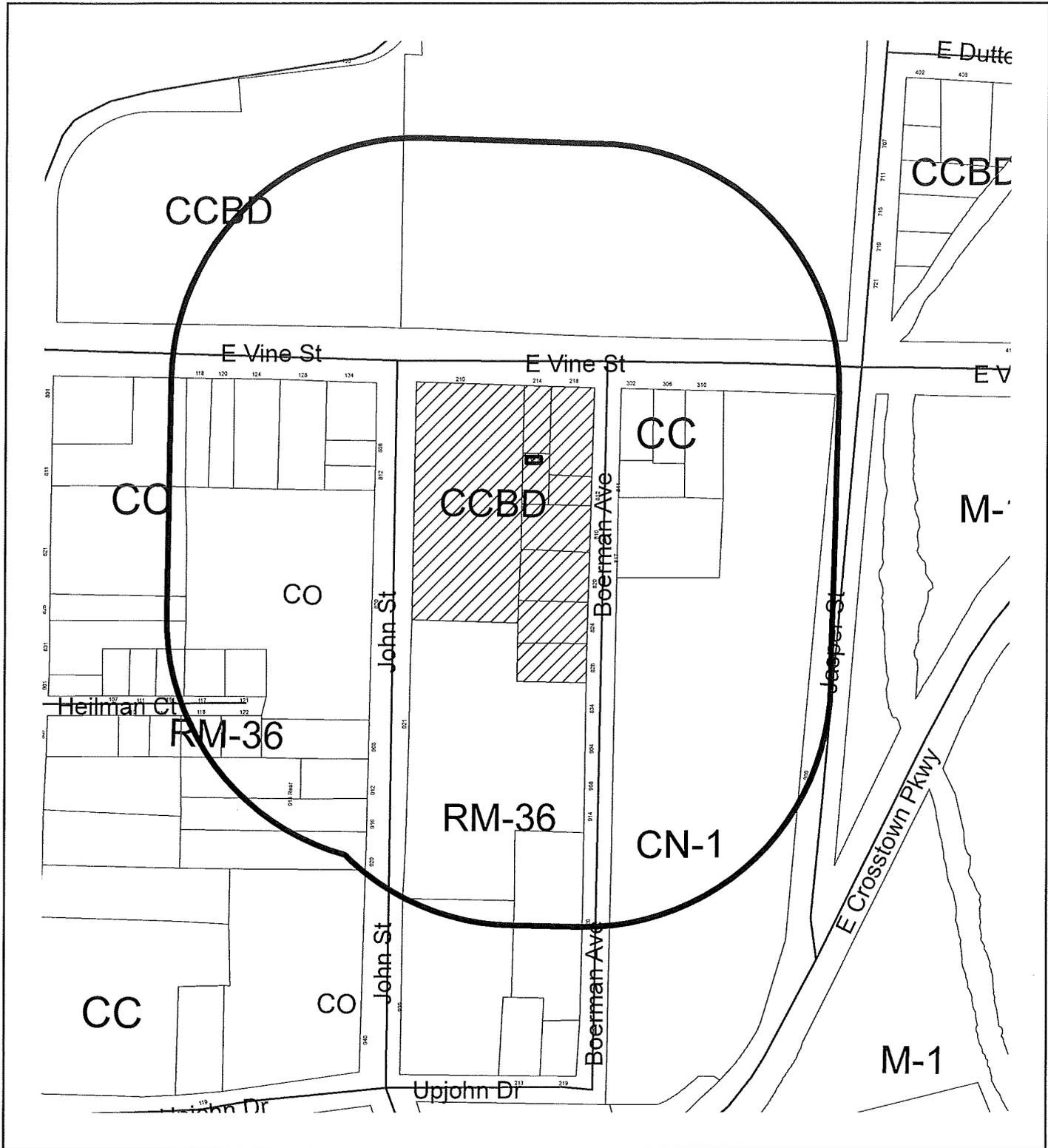
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

## Legend

- Street Names - City
- Parcels





300' Mailing Boundary

210, 212, 214, 218 E.Vine St  
 812, 816, 820, 824, 828 Boerman Ave.



0 20 40 80 Feet



**Community Planning and Economic Development**

415 Stockbridge Avenue  
Kalamazoo, MI 49001  
PH: (269) 337-8044  
FAX (269) 337-8429  
www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

February 26, 2019

**RE: ZBA #19-03-11**  
**504, 518 and 604 N. Drake Road**  
**Parcel #06-18-170-001, #06-18-165-001, #06-18-165-002**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Progressive AE on behalf of Chick-fil-A, Inc. The request concerns the properties at 504, 518 and 604 N. Drake Road, which are situated in Zone CC, Commercial – Community District and Zone RS-5, Residential – Single Dwelling District.

The applicant is requesting a dimensional variance from Chapter 50-72-1, to authorize 17 parking spaces above allowed maximum number of off-street parking spaces of 43 for a total of 60 off-street parking spaces for the proposed restaurant with drive thru service.

Please note that this request will not change the zoning classification of the properties. This is a request for variance only regarding the item described above.

A public hearing will be held on **Thursday, March 14, 2019 at 7:00 p.m.** in the City Commission Chambers in City Hall (241 W. South Street), at which time you may submit your views on this matter in person, by writing, or by representative. If you should know of any interested person who has not received a copy of this letter, please inform them of the time and place of the hearing.

Further information, including property diagrams and drawings are available at the Community Planning and Economic Development Department at 415 Stockbridge Avenue. Meeting agenda packets will also be available to view on-line 10 days prior to the meeting at:  
[www.kalamazoocity.org/boards](http://www.kalamazoocity.org/boards)

If you have any questions, please call (269) 337-8026 or submit by email at [eldridgep@kalamazoocity.org](mailto:eldridgep@kalamazoocity.org).

Sincerely,  
ZONING BOARD OF APPEALS

Peter C. Eldridge, AICP  
Zoning Administrator

c: Property File



# Zoning Board of Appeals (ZBA) Application Form

Community Planning & Development Department

415 Stockbridge

Kalamazoo, MI 49001

Phone: 269-337-8026

www.kalamazoocity.org

Your fully completed application, fee, and all related documents must be submitted to the Community Planning & Development Department **at least four (4) weeks prior** to the Zoning Board of Appeals meeting.

**Applicant:** Name Chick-fil-A, Inc. Jenn Santelli  
Address: 5200 Buffington Road  
City, State, Zip Atlanta, GA 30349  
Phone \_\_\_\_\_ Cell 770 324 5282  
Fax \_\_\_\_\_ Email jenn.santelli@cfacorp.com

**Owner:** Name Westwood Plaza, LLC Terry Patterson  
Address 161 E. Michigan Ave., Suite 400  
City, State, Zip Kalamazoo, MI 49007  
Phone 269-329-1808 Cell 269-217-1684  
Fax \_\_\_\_\_ Email tpatterson@treystar.org

*(If the applicant is not the property owner, a letter signed by the owner agreeing to the variance must be included with the application.)*

### Property Information

Street or Street Address 514 N. Drake (504, 518 and 604 N. Drake Rd)

This property is located between West Main street and Sunnydale street, on the  
north  south  east  west side of the street.

CCN# \_\_\_\_\_ Zone: CC Community / RS-5 Residential

### Type of Request

**Interpretation** of Chapter(s) \_\_\_\_\_ Sections(s) \_\_\_\_\_  
Paragraph(s) \_\_\_\_\_ of the City of Kalamazoo Zoning Ordinance.

**Use Variance:** Applicant must demonstrate that if the Zoning Ordinance is applied strictly, unnecessary hardship to the applicant will result. All Use Variance Requirements must be met. (See *Requirements List*.)

**Dimensional Variance:** Applicant must demonstrate that if the Zoning Ordinance is applied strictly, practical difficulties to the applicant will result. All Dimensional Variance Requirements must be met. (See *Requirements List*.)

**Appeal of an Administrative Decision**

**Description** See attached memo

### Attachments

- \$ 275 Fee (Dimensional Variance \$275 according to 2017 Fee Schedule)
- Brief narrative (less than one type-written page) describing the nature of the request (2 copies)
- Sketch plan of the property in questions (2 copies)
- Additional attachments as needed e.g. (pictures, architectural drawings, petitions, etc. (2 copies)

\_\_\_\_\_  
Signature of Applicant Date

\_\_\_\_\_  
Signature of Owner (if different than applicant) Date

---

**To:** City of Kalamazoo Zoning Board of Appeals

---

**From:** Cheryl C. Scales, PE, Progressive AE

---

**Date:** February 21, 2019

---

**Re:** Chick-fil-A new Restaurant FSU 04369  
504 N. Drake, Kalamazoo, MI

---

**File No:** 77020020

---

**Copy:** CFA: Jenn Santelli

---

**Project Information**

Chick-fil-A would like to remove the former Sleep Doctor Mattress store and replace it with a new drive thru restaurant. The site meets the zoning requirements for site plan, but we would like to request a variance for an extra 17 parking spaces above the maximum 43 allowed.

Providing less than the proposed 60 parking spaces will be inadequate for the seating capacity and space available for the Chick-Fil-A restaurant. Less than this amount would result in parking overflow into adjacent lots not owned or shared by Chick-Fil-A. Attached is a recent parking and queuing analysis conducted in the Grand Rapids, MI area with data from three existing stores that will give an example of actual chick-fil-a parking and drive-through counts during peak times.

1) There are special circumstances or conditions (like exceptional topographic conditions, narrowness, shallowness, or the shape of property) that are peculiar to the land or structure for which the variance is sought, that is not applicable to other land or structures in the same zone district.

*Based on typical Chick-fil-A restaurants, parking requirements are in the range of 60-75 parking spaces are required to provide adequate parking.*

2) The special circumstances are not the result of the actions of the applicant or titleholder of the land.

*Chick-fil-A is requesting additional parking spaces based on existing restaurant requirements*

3) The literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zone district, and would cause practical difficulty.

*Chick-fil-A restaurants are unique quick serve restaurants that require additional parking and queuing loads for service of their customers.*

4) The granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.

*If the variance is granted, it will allow Chick-fil-A to operate at an efficient capacity within their property without impacting adjacent parcels.*

5) The granting of the variance will not adversely affect adjacent land in a material way.

*The Adjacent Land owner, Treystar, has voiced concern about cross-parking and are in support of this variance request.*

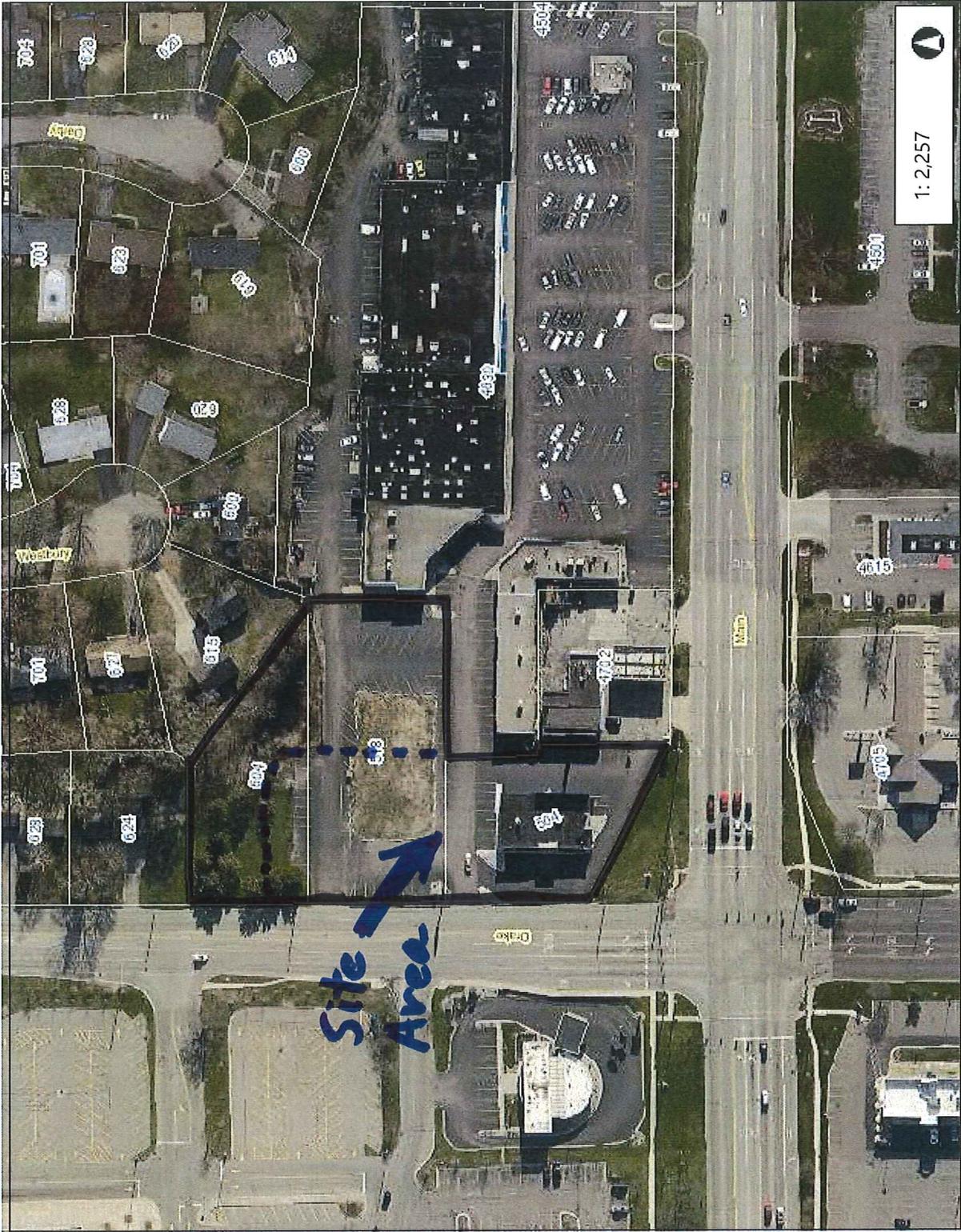
6) The granting of the variance will be generally consistent with the purposes and intent of this Ordinance.

*The additional parking spaces requested will not impact the purpose and intent of the ordinance.*

LEV

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Site Area for: Chick-Fil-A



0.1 Miles

0.04

0

0.1

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

1:2,257



Legend

Street Names - City

Parcels



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**



February 20, 2019

City of Kalamazoo

CFA parking study prepared for a proposed new Restaurant in Novi, Mi. Study indicates, based on the the three restaurants studied, parking spaces required ranges from 60 to 75

Re: Parking and Drive-Thru Queuing Analysis – Chick-fil-A

Progressive AE has completed data collection at three existing Chick-fil-A sites located within the Grand Rapids, Michigan area. The data collection effort consisted of parking occupancy counts and drive-thru queuing observations. The following pages summarize our analysis regarding the existing parking demand and drive-thru queuing at the existing sites.

**INTRODUCTION**

Chick-fil-A is proposing a new quick serve restaurant within the City of Novi, Michigan. As part of the site approval process, the City of Novi has requested parking and drive-thru queuing data from similar sites within Michigan. Chick-fil-A identified three sites located within the metro Grand Rapids, Michigan area that are similar to the proposed site in Novi. Table 1 shows a summary of the general site information. Figures 1–3 show aerial maps of each site and are included in the appendix.

**Table 1. Existing Chick-fil-A Site Data**

Location	Building Size (sft)	Total Available Parking Spaces	Available Drive-Through Stacking <sup>2</sup>
28th Street and East Beltline Grand Rapids, MI	4,850	59 <sup>1</sup>	10
M-6 and Kalamazoo Avenue Gaines Township, MI	4,877	80	8
US-131 and 54th Street Wyoming, MI	4,971	64 <sup>1</sup>	12

<sup>1</sup> Additional shared parking spaces available with adjacent retail sites

<sup>2</sup> Total number of vehicles able to queue in the drive-thru lanes prior to order kiosk without spilling back into the adjacent drive aisle  
Source: Progressive AE, February 2019

**DATA COLLECTION**

Progressive AE collected parking occupancy counts and drive-through vehicle queueing data on Saturday, January 26, 2019, from 12:00 p.m. to 2:00 p.m. Data was also collected on Tuesday, February 5, 2019, from 11:00 a.m. to 1:00 p.m. and 4:00 p.m. to 6:00 p.m. These times were selected based on the peak periods of site activity. The weekday midday and evening time periods were not collected at the 54th Street site as poor weather conditions (winter snow storms) would have affected the results of the analysis.

**Parking Demand**

The peak period parking occupancy counts were conducted at the sites during the Saturday midday, weekday midday, and weekday evening time periods. The number of vehicles parked within Chick-fil-A's

parking lot, including shared parking spaces, were counted at 15-minute intervals throughout the analysis period. Table 2 shows the 95th percentile and average number of parked vehicles within the parking lot for each time period at the sites. Detailed parking occupancy counts are included in the appendix.

The 28th Street site had the highest parking demand of the three sites, with a 95th percentile demand of 77 vehicles during the Saturday midday time period. The average 95th percentile parking demand of the three sites was 66 vehicles during the Saturday midday time period. The parking demand was slightly lower during the weekday midday and evening time periods.

### Drive-Thru Queue Analysis

The peak period drive thru queue analysis was conducted at the sites during Saturday midday, weekday midday, and weekday evening time periods. The number of vehicles in the drive-thru lane queue, beginning after the order kiosk, were counted at 5-minute intervals throughout the analysis period. The counts did not include the vehicle at the order kiosk, but the number of vehicles queued behind the vehicle ordering at the kiosk. Table 2 shows the 95th percentile and average queues for each time period at the sites. Detailed drive-thru counts are included in the appendix.

The 28th Street site had the highest drive-thru queue of the three sites, with a 95th percentile queue of 20 vehicles during the weekday midday time period and 16 vehicles during the Saturday midday time period. These queues were significantly greater than the queues observed at the Gaines Township and 54th Street sites, where the 95th percentile queues were observed to be less than 10 vehicles during all time periods.

**Table 2. Chick-fil-A Parking Occupancy and Drive-thru Queuing Summary**

Location	Weekday Midday (11 AM–1 PM)		Weekday PM (4–6 PM)		Saturday Midday (12 Noon–2 PM)	
	Parking Occupancy <sup>1</sup>	Drive-thru Queuing <sup>2</sup>	Parking Occupancy <sup>1</sup>	Drive-thru Queuing <sup>2</sup>	Parking Occupancy <sup>1</sup>	Drive-thru Queuing <sup>2</sup>
<b>28<sup>th</sup> Street &amp; East Beltline Avenue, Grand Rapids, MI</b>						
<i>95th Percentile</i>	64	20	50	8	77	16
<i>Average</i>	50	9	38	4	71	12
<b>M-6 &amp; Kalamazoo Avenue, Gaines Township, MI</b>						
<i>95th Percentile</i>	54	5	55	10	62	5
<i>Average</i>	41	2	38	3	52	1
<b>US-131 &amp; 54th Street, Wyoming, MI3</b>						
<i>95th Percentile</i>	-	-	-	-	58	9
<i>Average</i>	-	-	-	-	46	4
<b>Average (All Sites)</b>						
<i>95th Percentile</i>	59	13	53	9	66	10
<i>Average</i>	46	6	38	4	56	6

<sup>1</sup> Total number of vehicles parked within Chick-fil-A and shared parking spaces.

<sup>2</sup> Total number of vehicles queued after the order kiosk, not including the vehicle at the kiosk.

<sup>3</sup> Weekday data for the 54th Street site pending.

Source: Progressive AE, February 2019

Sincerely,



Nick LaCroix, PE, PTOE  
Senior Transportation Engineer

NDL:smg

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**Technical Appendix**  
**Chick-fil-A Parking and Queuing Analysis**

- **Site Figures**
- **Parking and Queuing Data**

# Site Figures

Figure 1. 28<sup>th</sup> STREET & EAST BELTLINE, GRAND RAPIDS, MI



**FIGURE 2. M-6 & KALAMAZOO AVE, GAINES TOWNSHIP, MI**



**FIGURE 3. US-131 & 54<sup>th</sup> STREET, WYOMING, MI**



# Parking and Queuing Data

**Location:** 28th Street & East Beltline, Grand Rapids, MI

**Date:** February 5, 2019 (Tuesday)

**Time Period:** Weekday Midday (11 AM - 1 PM)

<b>Drive-Thru Queue<sup>1</sup></b>	
<b>Time</b>	<b>Total Queued Vehicles</b>
11:00	0
11:05	1
11:10	0
11:15	2
11:20	1
11:25	1
11:30	3
11:35	5
11:40	10
11:45	6
11:50	9
11:55	12
12:00	16
12:05	18
12:10	17
12:15	20
12:20	20
12:25	20
12:30	13
12:35	13
12:40	11
12:45	8
12:50	7
12:55	7
1:00	7
<b>95<sup>th</sup> Percentile</b>	<b>20</b>
<b>Average</b>	<b>9</b>

<b>Parking Occupancy</b>	
<b>Time</b>	<b>Total Parked Vehicles</b>
11:00	22
11:15	36
11:30	41
11:45	49
12:00	52
12:15	60
12:30	60
12:45	66
1:00	60
<b>95<sup>th</sup> Percentile</b>	<b>64</b>
<b>Average</b>	<b>50</b>

<sup>1</sup>Number of vehicles after the order kiosk, not including the vehicle at the kiosk

**Location:** 28th Street & East Beltline, Grand Rapids, MI

**Date:** February 5, 2019 (Tuesday)

**Time Period:** Weekday PM (4 - 6 PM)

<b>Drive-Thru Queue<sup>1</sup></b>	
<b>Time</b>	<b>Total Queued Vehicles</b>
4:00	1
4:05	0
4:10	0
4:15	2
4:20	2
4:25	7
4:30	5
4:35	6
4:40	5
4:45	5
4:50	10
4:55	5
5:00	4
5:05	1
5:10	0
5:15	0
5:20	5
5:25	1
5:30	1
5:35	1
5:40	3
5:45	7
5:50	4
5:55	6
6:00	8
<b>95<sup>th</sup> Percentile</b>	<b>8</b>
<b>Average</b>	<b>4</b>

<b>Parking Occupancy</b>	
<b>Time</b>	<b>Total Parked Vehicles</b>
4:00	32
4:15	23
4:30	30
4:45	32
5:00	38
5:15	50
5:30	48
5:45	39
6:00	50
<b>95<sup>th</sup> Percentile</b>	<b>50</b>
<b>Average</b>	<b>38</b>

<sup>1</sup>Number of vehicles after the order kiosk, not including the vehicle at the kiosk

**Location:** 28th Street & East Beltline, Grand Rapids, MI

**Date:** January 26, 2019 (Saturday)

**Time Period:** Saturday 12 Noon - 2 PM

<b>Drive-Thru Queue<sup>1</sup></b>	
<b>Time</b>	<b>Total Queued Vehicles</b>
Noon	18
12:05	12
12:10	13
12:15	10
12:20	6
12:25	5
12:30	11
12:35	12
12:40	11
12:45	12
12:50	13
12:55	10
1:00	11
1:05	15
1:10	12
1:15	11
1:20	10
1:25	12
1:30	10
1:35	10
1:40	16
1:45	16
1:50	15
1:55	13
2:00	13
<b>95<sup>th</sup> Percentile</b>	<b>16</b>
<b>Average</b>	<b>12</b>

<b>Parking Occupancy</b>	
<b>Time</b>	<b>Total Parked Vehicles</b>
Noon	63
12:15	67
12:30	69
12:45	73
1:00	79
1:15	74
1:30	73
1:45	73
2:00	70
<b>95<sup>th</sup> Percentile</b>	<b>77</b>
<b>Average</b>	<b>71</b>

<sup>1</sup>Number of vehicles after the order kiosk, not including the vehicle at the kiosk

**Location:** M-6 & Kalamazoo Avenue, Gaines Township, MI

**Date:** February 5, 2019 (Tuesday)

**Time Period:** Weekday Midday (11 AM - 1 PM)

<b>Drive-Thru Queue<sup>1</sup></b>	
<b>Time</b>	<b>Total Queued Vehicles</b>
11:00	0
11:05	0
11:10	0
11:15	1
11:20	0
11:25	3
11:30	2
11:35	7
11:40	5
11:45	5
11:50	3
11:55	0
12:00	4
12:05	3
12:10	1
12:15	5
12:20	0
12:25	4
12:30	1
12:35	2
12:40	2
12:45	3
12:50	3
12:55	3
1:00	0
<b>95<sup>th</sup> Percentile</b>	<b>5</b>
<b>Average</b>	<b>2</b>

<b>Parking Occupancy</b>	
<b>Time</b>	<b>Total Parked Vehicles</b>
11:00	26
11:15	28
11:30	34
11:45	47
12:00	54
12:15	53
12:30	51
12:45	42
1:00	37
<b>95<sup>th</sup> Percentile</b>	<b>54</b>
<b>Average</b>	<b>41</b>

<sup>1</sup>Number of vehicles after the order kiosk, not including the vehicle at the kiosk

**Location:** M-6 & Kalamazoo Avenue, Gaines Township, MI

**Date:** February 5, 2019 (Tuesday)

**Time Period:** Weekday PM (4 - 6 PM)

<b>Drive-Thru Queue<sup>1</sup></b>	
<b>Time</b>	<b>Total Queued Vehicles</b>
4:00	1
4:05	0
4:10	0
4:15	0
4:20	0
4:25	0
4:30	0
4:35	0
4:40	0
4:45	0
4:50	4
4:55	8
5:00	4
5:05	2
5:10	11
5:15	1
5:20	11
5:25	4
5:30	3
5:35	4
5:40	7
5:45	4
5:50	5
5:55	5
6:00	0
<b>95<sup>th</sup> Percentile</b>	<b>10</b>
<b>Average</b>	<b>3</b>

<b>Parking Occupancy</b>	
<b>Time</b>	<b>Total Parked Vehicles</b>
4:00	30
4:15	22
4:30	22
4:45	30
5:00	35
5:15	43
5:30	55
5:45	54
6:00	55
<b>95<sup>th</sup> Percentile</b>	<b>55</b>
<b>Average</b>	<b>38</b>

<sup>1</sup>Number of vehicles after the order kiosk, not including the vehicle at the kiosk

**Location:** M-6 & Kalamazoo Avenue, Gaines Township, MI

**Date:** January 26, 2019 (Saturday)

**Time Period:** Saturday 12 Noon - 2 PM

<b>Drive-Thru Queue<sup>1</sup></b>	
<b>Time</b>	<b>Total Queued Vehicles</b>
Noon	0
12:05	0
12:10	1
12:15	0
12:20	1
12:25	2
12:30	4
12:35	0
12:40	0
12:45	1
12:50	2
12:55	5
1:00	7
1:05	3
1:10	0
1:15	0
1:20	1
1:25	0
1:30	0
1:35	1
1:40	2
1:45	2
1:50	0
1:55	0
2:00	0
<b>95<sup>th</sup> Percentile</b>	<b>5</b>
<b>Average</b>	<b>1</b>

<b>Parking Occupancy</b>	
<b>Time</b>	<b>Total Parked Vehicles</b>
Noon	40
12:15	42
12:30	45
12:45	58
1:00	61
1:15	52
1:30	51
1:45	54
2:00	62
<b>95<sup>th</sup> Percentile</b>	<b>62</b>
<b>Average</b>	<b>52</b>

<sup>1</sup>Number of vehicles after the order kiosk, not including the vehicle at the kiosk

**Location:** US-131 & 54th Street, Wyoming, MI

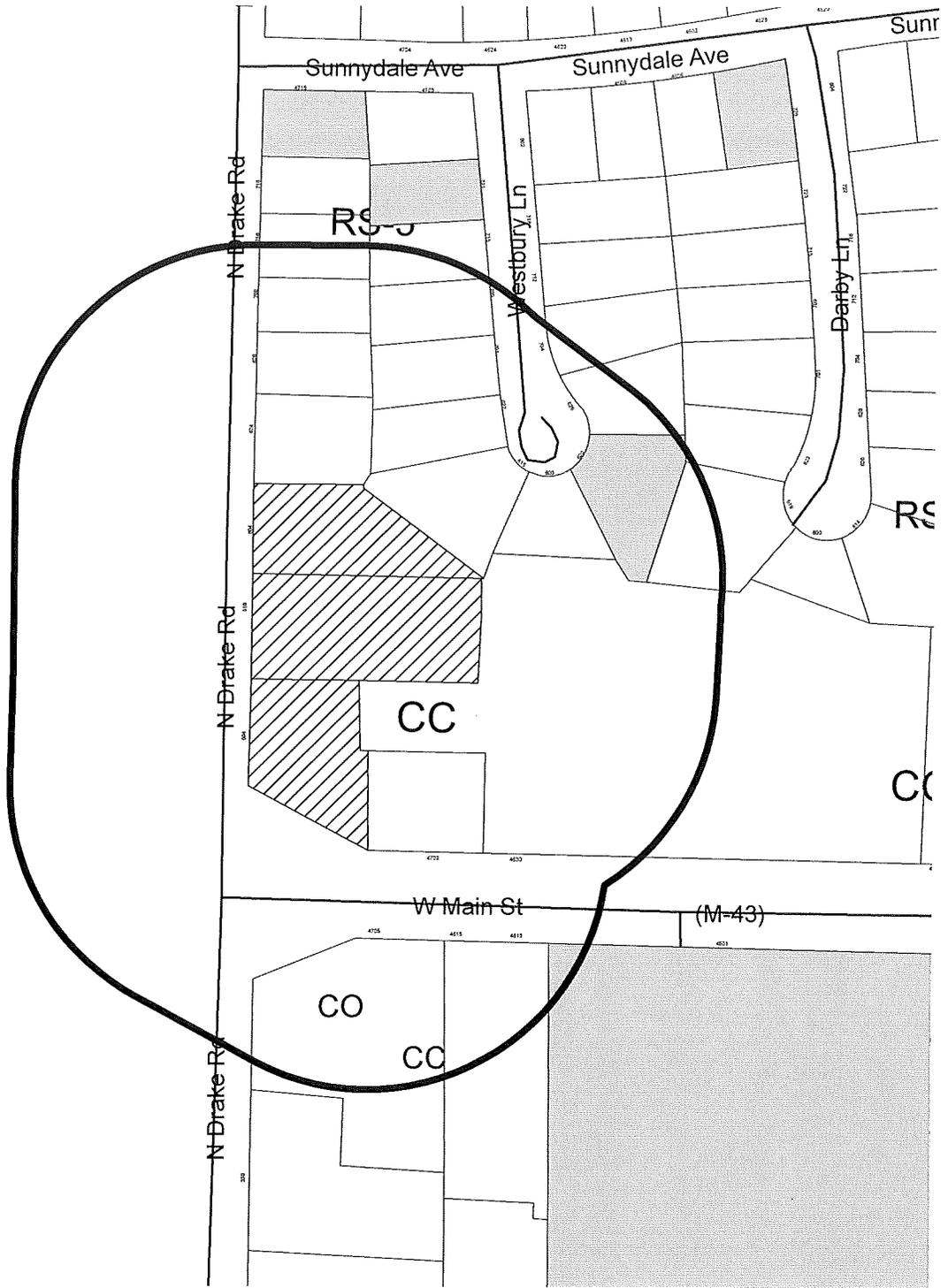
**Date:** January 26, 2019 (Saturday)

**Time Period:** Saturday 12 Noon - 2 PM

<b>Drive-Thru Queue<sup>1</sup></b>	
<b>Time</b>	<b>Total Queued Vehicles</b>
Noon	0
12:05	1
12:10	5
12:15	2
12:20	0
12:25	1
12:30	3
12:35	0
12:40	0
12:45	1
12:50	3
12:55	0
1:00	4
1:05	4
1:10	8
1:15	5
1:20	5
1:25	9
1:30	11
1:35	9
1:40	5
1:45	4
1:50	6
1:55	8
2:00	3
<b>95<sup>th</sup> Percentile</b>	<b>9</b>
<b>Average</b>	<b>4</b>

<b>Parking Occupancy</b>	
<b>Time</b>	<b>Total Parked Vehicles</b>
Noon	30
12:15	43
12:30	39
12:45	47
1:00	43
1:15	48
1:30	58
1:45	57
2:00	53
<b>95<sup>th</sup> Percentile</b>	<b>58</b>
<b>Average</b>	<b>46</b>

<sup>1</sup>Number of vehicles after the order kiosk, not including the vehicle at the kiosk



300' Mailing Boundary  
 504, 518, 604 N. Drake Rd.



0 2550 100 Feet