



RICHLAND TOWNSHIP

Kalamazoo County

Richland Township Zoning Board of Appeals Minutes of the September 27, 2023 Meeting

A work session meeting of the Richland Township Zoning Board of Appeals was conducted on September 27, 2023, commencing at 5:30 p.m. at the Township Hall.

Present were:

Robert Burr, Chairman

Ron Vorholt

Daniel Agauas

Bill Witters (alternate)

Absent were:

Trudy Luedeking

Corey Burton

Also present were Township Zoning Administrator/Clerk Bear Priest, Township Attorney Roxanne Seeber, and 3 additional members of the audience.

CALL TO ORDER AND ROLL CALL

Witters moved, supported by Vorholt, to approve the agenda as submitted. The motion passed unanimously.

APPROVAL OF AGENDA

Vorholt moved, supported by Agauas, to approve the minutes of the March 22, 2023 meeting as submitted. The motion passed unanimously.

PUBLIC COMMENT

None.

CORRESPONDENCE

Priest noted receipt of correspondence related to the agenda item received from David Martin.

PUBLIC HEARING

- **Midwest V., LLC / Carl M Waldorf Trust**

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1 The next item on the agenda was the request from Midwest V, LLC regarding vacant
2 property at the northeast corner of 34th Street and M-89 Highway (Parcel No. 3903-
3 24-101-021). The parcel is approximately 2.08 acres in area and is located in the
4 "D" Regional Commercial District. The applicant has proposed a 12,480-square-foot
5 retail building. The variances requested are a 40-space variance from the required
6 86 parking spaces, in order to permit 46 parking spaces for a proposed Dollar General
7 Store; and a 100% variance from the required interior parking space trees required
8 by the ordinance.

9
10 Jason Raleigh, the project engineer presented the application for a new Dollar General
11 Store on the vacant site. The Dollar General Store in the strip mall nearby would be
12 abandoned. In this store model, he said, they intend to offer fresh groceries such as
13 produce. The Dollar General model establishes that they would only need 36 parking
14 spaces for the type of store and they were proposing 46 spaces.

15
16 In response to an inquiry from Burr, Raleigh stated the plan was to move out of the
17 smaller space in the nearby plaza. This store was a particular design that included
18 coolers and fresh vegetables. Witters inquired about parking and how old the models
19 that they were using were. Chad Leighy from Midwest V stated that the parking
20 numbers are based on a new model. There are 10-15 spaces in the strip mall; but
21 there were no calculations on the expected increase in parking needs verses the
22 needs at the existing store. Witters inquired as to whether there were more
23 transactions per hour in the new model. Leighy stated that there are no other DG
24 market stores like this one in the area. They don't want to have too few parking
25 spaces either, he stated. The model they used was a national one and based on
26 historical data, he said.

27
28 Burr inquired about the location of the building's entrance. Raleigh indicated that it
29 would be in the southwestern corner. Burr inquired about moving the dumpsters to
30 gain more parking spaces. Witters inquired about the location for the storm basin
31 and whether it could be pushed back a little further. Raleigh stated that they had no
32 storm water calculations at this time. Raleigh stated they had inquired of the Road
33 Commission as to whether there was an access location available and they had
34 received a letter establishing that there could be an access drive. In response to an
35 inquiry from Burr, Raleigh stated that Midwest V would construct the building and
36 then lease it to the Dollar General Store.

37
38 Witters commented that the northeast corner of the parcel seemed to be the higher
39 spot. Raleigh stated that they would need to do some grading. Burr inquired about
40 the long-term use of the property. He wondered about the layout if the Dollar Store
41 went out of business. He indicated that it may cause a parking problem for any new
42 occupancy.

43
44 In response to Burr's inquiry about the request for tree variance, Priest indicated that
45 the Planning Commission had recently considered perimeter trees as a replacement
46 for required interior trees in parking areas. Priest referred the group to his staff
47 report in which he stated that the biggest need for vegetative screening is on the

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1 north side. He described that most everything nearby is in the D District Zoning
2 classification; that there was R and Open Space Districts across the road and that
3 there were A-1 zoned properties on the northeast. He stated that the screening
4 requirement should be where there are competing zoning districts. Furthermore, he
5 suggested that limiting plantings along the state highway would be a good idea.
6 Raleigh pointed out that there is a tree line bordering some of the neighboring
7 properties. They had no problems adding perimeter trees.

8
9 Agauas inquired about how the building footprint was determined. If there was not
10 enough room for adding a stand-alone grocery store, he said, wouldn't an option be
11 to reduce the size of the building? Raleigh stated that there are certain pre-planned
12 building sizes; which were used to determine the parking needs and which basically
13 were immutable. Agauas indicated that there appeared to be unique aspects to the
14 property. He voiced concern that there were not enough parking spaces for the use.
15 Thus, he indicated an alternative would be to reduce the building size and eliminate
16 the grocery aspect of the store. He stated that it was too big of a building on too
17 small of a lot.

18
19 Leighy of Midwest V Realty Group indicated that it is very common to get parking
20 variances. He stated that several area municipalities had granted enormous parking
21 variances. Priest had done some research and indicated that some of the variances
22 were as high as 94 spaces, with a building on D Avenue being granted 30 parking
23 spaces where 126 were required. Priest stated that the general calculation seems
24 to be that Dollar Stores are getting one parking space for every 312 to 250 square
25 feet of retail space. If the 46-parking spaces requested were granted, Richland
26 would be the lowest at 311 square feet of retail space per parking space. Raleigh
27 stated that there were about 2 or 3 employees per shift. They had 27 spaces at the
28 Dollar General across the street in the strip mall and they never needed that many.
29 He drew the members' attention to the 2,000-square-foot of non-retail area and
30 wondered whether this would be taken into consideration to reduce the size of the
31 variance being requested. Customer-occupied areas are under 10,00-square-feet,
32 which is a cut-off point in the ordinance.

33
34 Raleigh stated that if there was a new owner or use, they would need to go to the
35 Planning Commission for site plan review.

36
37 The Chairman opened a public hearing on the request. Raphael Rittenhouse,
38 Superintendent of Gull Lake Community Schools, indicated that there is a school
39 across the street. He thought that turning left off of the parcel onto M-89 would be
40 impossible. Burr inquired as to the concrete pad shown in front of the dumpsters.
41 Raleigh stated that the pad was for parking a semi-truck trailer for while awaiting
42 unloading. That space would not be available for parking. Raleigh stated that the
43 semi-truck trailers are there once or twice a week for one-two hours at a time.
44 Witters and Burr tried to squeeze a couple more parking spaces onto the site,
45 however, Raleigh had reasons that the suggested locations did not work.

46

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1 Witters indicated that if the building were ever turned into office suites, the owners
2 would need a new site plan and there may be enough parking spaces available. He
3 stated that reducing the size of the storm basin may result in an increase of 15-20
4 additional parking spaces.

5
6 Rittenhouse's primary reason for attending the meeting was to ensure that the
7 driveways came off of 34th Street and not M-89. He did not want a left-hand turn
8 allowed out of the driveway because it would be in the way of the schools and their
9 traffic patterns. He pointed out that there was bussing and school transportation
10 across the street. Priest pointed out that the easement was in the M-89 right-of-
11 way. Leighy stated that they were willing to work with the school.

12
13 The Chairman recognized receipt of a letter from David Martin opposing the Dollar
14 General. It is retained in the records of the meeting.

15
16 The group discussed the traffic pattern and potential pitfalls. Priest redirected the
17 group back to the variance requests at hand, indicating that the other matters would
18 be for the Planning Commission to decide. Witters and Burr agreed.

19
20 Witters indicated that the required 85-parking spaces would require 8 new interior
21 trees. Seeber suggested that calling the 8-trees "island trees" may be helpful in
22 forming a motion. Witters and Burr considered the removal of island trees and
23 allowing the addition of 8 trees onto the perimeter of the property. Burr inquired
24 about secondary access on the school side. Raleigh stated that they could not have
25 secondary access. Priest indicated that the fire code would require a secondary
26 access for emergency vehicles. Rittenhouse suggested a one-way traffic pattern
27 around the building with signs. Raleigh stated that he would consider it.

28
29 Leighy stated that the Dollar General study establishes that they have adequate
30 parking for employees and customers. Agauas inquired about needing to meet each
31 of the standards before a variance could be granted. Witters read from the prior
32 meeting's minutes in which Seeber explained the potential pitfalls of not meeting
33 each standard. Seeber and Priest had already agreed to add consideration of changes
34 to the variance standards to a future ordinance amendment.

35
36 Burr walked the group through the standards. The use is permitted in the zoning
37 district. Witters stated that the property is usable without the variance, but not for
38 this applicant. The group also determined that conformity with the ordinance is not
39 possible; and that the grant of a variance would be fair to owners but probably not
40 to the neighboring property owners. Agauas suggested that the variance need was
41 self-created. He stated that reducing the size of the building would result in a
42 reduction in the needed number of parking spaces and more space in which to provide
43 parking. Witters outlined the cookie cutter prototypes used by Dollar General,
44 indicating that the number of parking spaces was not reasonable for this applicant.
45 In response to an inquiry from Burr, Raleigh stated that the customers are usually
46 only in the building for seven to nine minutes.

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1 **Witters moved, supported by Vorholt, to grant a 40-space variance from the**
2 **minimum 86-required parking spaces in order to permit the construction of**
3 **the new stand-alone Dollar General with 46 parking spaces; and to allow an**
4 **8-tree variance from the required 8 “island tree” requirement in the zoning**
5 **ordinance conditioned upon the implementation of at least 8 additional**
6 **perimeter trees. The reasons for the variance were the three front yards,**
7 **and the topography of the parcel. As to the interior tree requirement, the**
8 **addition of trees with islands would further reduce the amount of land**
9 **available for parking spaces and a conforming alternative was available. The**
10 **motion passed unanimously.**

11
12 The variance decision form was signed by Burr, handed to the applicant, and retained
13 in the township’s files.

14
15 **ADJOURNMENT**

16
17 **Vorholt moved, supported by Agauas, to adjourn the meeting at 6:50 p.m.**
18 **The motion passed unanimously.**

19
20
21 Respectfully Submitted,

22
23 *Roxanne C Seeber*

24
25 Roxanne C. Seeber,
26 Recording Secretary
27

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SYNOPSIS OF ACTIONS

The Richland Township Zoning Board of Appeals took the following actions at its meeting of September 27, 2023.

- Granted a 40-space variance from the required 86-parking-space requirement in order to permit the construction of a stand-alone Dollar General Store with 46 parking spaces vacant parcel #3903-24-101-021; and
- Granted an 8 "island tree" variance from the required 8 island tree requirements for the same property, conditioned upon the implementation of at least 8 additional perimeter trees on the property.

Date minutes available: October 6, 2023

Date minutes approved: