



AGENDA ITEM SUMMARY FORM

MEETING DATE: 12/12/22

PREPARED BY: Matt Lonnerstater, AICP

AGENDA ITEM CONTENT: Special Approval Request PSP 22-10 'Concord Drive Gasoline Station' - 32751 Concord Drive

AGENDA ITEM SECTION: Public Hearings

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

The applicant, Antoun Property Group, requests Special Approval from City Council under Section 10.326 (7) of the Madison Heights Zoning Ordinance for a 'gasoline service station' at 32751 Concord Drive, PIN 44-25-02-201-026. The property is zoned B-3, General Business.

RECOMMENDATION:

Staff recommends that City Council approve PSP 22-10 with conditions based on the findings listed within the staff report after the required public hearing.



MEMORANDUM

Date: December 2nd, 2022
CC Meeting: December 12th, 2022
To: City of Madison Heights City Council
From: Matt Lonnerstater, AICP – City Planner
Subject: Special Approval Request PSP 22-10 – 32751 Concord Dr. – ‘Gas Station’
Recommendation: **Approval, with Conditions**

Request

The applicant, Antoun Property Group, requests Special Approval from City Council under Section 10.326(7) of the Madison Heights Zoning Ordinance for a ‘gasoline service station’ at 32751 Concord Drive, PIN 44-25-02-201-026. The property is zoned B-3, General Business.

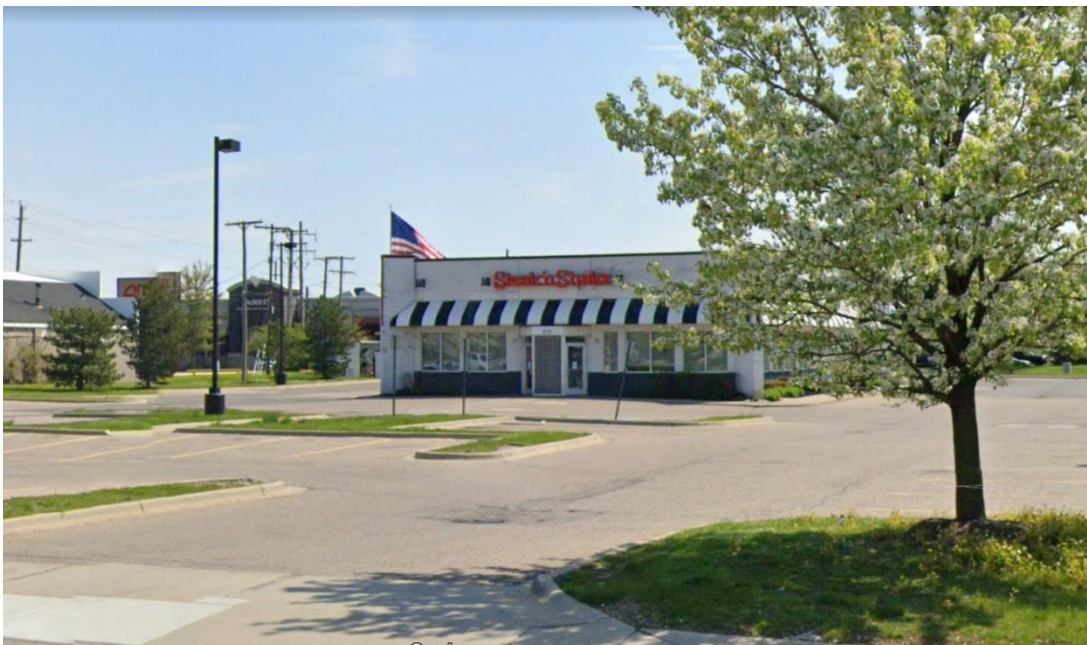
Background and Application

The applicant proposes to convert an existing vacant commercial building (most recently occupied by Steak n’ Shake) into a gasoline service station, convenience store, and drive-through restaurant. The property is located on the east side of Concord Drive, south of W. 14 Mile Road; the property also has frontage along, and access from, Barrington Street.

The subject property is zoned B-3, General Business. While the convenience store and drive-through restaurant are permitted by right within the B-3 zoning district, gasoline service stations require special approval through City Council per **Section 10.201(4)**. Gas stations are also subject to the use-specific standards of **Section 10.319(2)**. The special approval criteria and use-specific standards are contained at the end of this report.

The image below depicts the existing conditions of the commercial building:

Existing Commercial Building (vacant)



The applicant has submitted a conceptual site plan, conceptual color renderings, and a project narrative. The applicant proposes to repurpose the existing 4,000 sq. ft. commercial building into a convenience store and drive-through restaurant and construct a new canopy to the west of the building with 4-6 fuel pumps (8-12 pumping stations). The conceptual site plan depicts two (2) underground fuel storage tanks (approximately 21,000-gallon & 8,000-gallon tanks). To bring the site into conformance with Zoning Ordinance standards, the applicant proposes to remove excess parking/impervious surface throughout the site and replace it with interior and greenbelt landscaping, install pedestrian connections to Concord Drive and Barrington Street, and introduce one-way vehicular circulation. The applicant proposes to install Electric Vehicle (EV) charging stations on site, six (6) of which are depicted on the concept site plan. No modifications are proposed to existing site access or cross-access points.

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

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

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

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

Existing Zoning and Land Use

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

	Existing Land Use	Existing Zoning
Site	Commercial (vacant building)	B-3, General Business
North	Commercial (retail)	B-3, General Business
South	Commercial (restaurant)	B-3, General Business
East (across Barrington St.)	Commercial/Vacant	B-3, General Business
West (across Concord Dr.)	Commercial (retail)	B-3, General Business

The subject site is zoned B-3, *General Business*, which is, “*designed to provide sites for more diversified business types and are often located so as to serve the passer-by-traffic.*”

The subject site has primary frontage along Concord Drive (with double frontage along Barrington Street), just south of W. 14 Mile Road. Concord Drive is classified as a *collector road*, which is intended to provide a connection between local streets/neighborhoods and arterial roads.

Future Land Use and Master Plan

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

	Future Land Use
Site	Commercial
North	Commercial
South	Commercial
East (across Barrington St.)	Commercial
West (across Concord Dr.)	Commercial

The future land use designation of the subject site and adjacent properties is listed as ‘*Commercial*.’ Per the Master Plan, the Commercial designation is intended to, “*cover a broad range of goods and services.*” Further, the Master Plan states, “*it is envisioned that development regulations for commercial areas will be aimed at incremental improvements for existing development/redevelopment and support the kind of flexibility needed to encourage private investment.*”

Use-Specific Standards

Gasoline stations are subject to the use-specific standards of **Section 10.319(2), listed in full at the end of this report**. The applicant has responded to these standards within their project narrative. Staff finds that the project satisfies the use-specific standards.

Staff Analysis

While staff has concerns regarding the proliferation of auto-oriented uses (such as gas stations) in Madison Heights, staff acknowledges that the site’s proximity to the I-75/14 Mile Road interchange makes it conducive for such uses. The proposed project would allow for the redevelopment and re-use of a vacant commercial building and bring the site into conformance with Zoning Ordinance standards. Further, the project, as proposed, introduces modern best practices such as reduced impervious surface, increased greenbelt and interior landscaping, and Electric Vehicle (EV) charging stations.

To ensure that the site is developed in substantial compliance with the provided conceptual plan, and to ensure that the use does not operate in a manner that negatively-impacts adjacent properties, staff recommends the following conditions of approval, to be satisfied upon submittal of the site plan application:

- 1) To reduce excess impervious surface on the site, a minimum of twenty-five (25) out of the existing eighty-three (83) parking spaces shall be removed and replaced with greenbelt and interior landscaping.
- 2) A minimum of four (4) Electric Vehicle (EV) charging stations (Level 2 or Level 3) shall be provided, the final location of which shall be determined during final site plan review.
- 3) A maximum of six (6) fueling pumps (12 fueling stations) shall be permitted.
- 4) The pedestrian connections to Concord Drive and Barrington Street shall be improved with an alternate paving material (e.g. stamped concrete/asphalt) where they cross vehicular drive aisles. The material shall be different from the remainder of the drive aisle and shall not simply consist of a painted surface.

- 5) Building elevations submitted for final site plan review shall be substantially consistent with the renderings provided; the applicant shall have the ability to work with the Community & Economic Development Department to develop alternative elevations that meet the spirit of the renderings.
- 6) The gas station, convenience store, and restaurant shall not operate past 12 am midnight.
- 7) The use shall comply with all of the use-specific requirements of Section 10.319(2), exclusive of item (c).
- 8) Any future modification of the gas station site that results in an increase in the number of fuel pumps or pumping stations shall require special approval in accordance with the Zoning Ordinance.

Findings and Recommendation

Staff offers the following findings for City Council consideration:

1. The applicant requests special use approval for a gasoline service station at 32751 Concord Drive, zoned B-3, General Business
2. The proposed gas station is compatible with existing adjacent uses, which primarily includes commercial retail and restaurant uses.
3. The proposed gas station is compatible with the Future Land Use Map's 'Commercial' designation for the subject site, as contained within the 2021 Master Plan.
4. The proposed fuel station expansion is consistent with the special use criteria of Section 10.201(4) and satisfies the use-specific criteria of Section 10.319(2).
5. The Site Plan Review Committee (SPRC) reviewed the proposed special approval request at their November 16th, 2022 meeting. The SPRC provided minor comments regarding the site plan, which have been addressed by the applicant. Further SPRC review will be required upon submittal of the site plan.

Based on these findings, staff recommends that City Council **approve special use request PSP 22-09, with the following conditions:**

- 1) To reduce excess impervious surface on the site, a minimum of twenty-five (25) out of the existing eighty-three (83) parking spaces shall be removed and replaced with greenbelt and interior landscaping.
- 2) A minimum of four (4) Electric Vehicle (EV) charging stations (Level 2 or Level 3) shall be provided, the final location of which shall be determined during final site plan review.
- 3) A maximum of six (6) fueling pumps (12 fueling stations) shall be permitted.
- 4) The pedestrian connections to Concord Drive and Barrington Street shall be improved with an alternate paving material (e.g. stamped concrete/asphalt) where they cross vehicular drive aisles. The material shall be different from the remainder of the drive aisle and shall not simply consist of a painted surface.
- 5) Building elevations submitted for final site plan review shall be substantially consistent with the renderings provided; the applicant shall have the ability to work with the Community &

Economic Development Department to develop alternative elevations that meet the spirit of the renderings.

- 6) The gas station, convenience store, and restaurant shall not operate past 12 am midnight.
- 7) The use shall comply with all use-specific requirements of Section 10.319(2), exclusive of item (c).
- 8) Any future modification of the gas station site that results in an increase in the number of fuel pumps or pumping stations shall require special approval in accordance with the Zoning Ordinance.

Next Step

After the public hearing and discussion, City Council may take action on the requested special use. **Any motion shall include concise findings based upon the special approval review standards and criteria, Section 10.201(4).**

Pertinent Zoning Ordinance Sections

Section 10.319(2) – Uses Permissible Upon Special Approval (B-1/B-2/B-3 Districts) – Gasoline Service Stations

- (2) Gasoline service stations and/or motor vehicle light repair facilities and/or motor vehicle maintenance service facilities, subject to the following:**
 - (a) One hundred forty feet of street frontage on the lot proposed for the gasoline filling station shall be provided on the principal street serving the station.
 - (b) The lot shall contain not less than 14,000 square feet of lot area.
 - (c) The lot must be located on the edge of the district (where the abutting zoning district on the frontage is nonresidential) so as not to disrupt pedestrian movement within the district. (Note: Not applicable in B-3 district).
 - (d) All buildings shall be set back not less than 40 feet from all street right-of-way lines.
 - (e) Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than 15 feet from all street right-of-way lines.
 - (f) Driveway widths entering the filling station shall have a maximum width of 35 feet. Curb openings for each driveway shall not exceed 50 feet in length.
 - (g) Curb cuts shall be no closer than ten feet to any adjoining property and shall be no closer than 35 feet to any corner of the intersecting street right-of-way lines. Any two driveways shall be separated by an island at least 20 feet long.
 - (h) The angle of intersection of any driveway shall not be less than 60 degrees unless acceleration or deceleration lanes are provided.
 - (i) Curbs in accord with standard city specifications shall be constructed on all streets adjacent to the gasoline filling station site.

- (j) Sale of alcoholic beverages from a structure wherein gasoline service stations are operated is strictly prohibited except in such structures where there is a masonry firewall between the location selling alcoholic beverages and the gasoline service station and there is a distance of 500 feet between the entrance of each establishment.
- (k) The owner and/or operator of a gasoline service station and/or motor vehicle maintenance service facility shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than 72 hours on the premises. Further, such disabled vehicles or vehicles waiting for repair or service shall be parked within an enclosed building. All repair work of any nature shall be done within an enclosed building only.
- (l) Motor vehicle light repair facilities established and/or uses expanded to include motor vehicle light repairs shall completely screen all motor vehicles waiting for repairs and/or maintenance from view from any direction by an eight-foot poured concrete screen wall. All parcels which contain a corner lot shall contain screened walls which comply with side yard setbacks as well as front yard setbacks. Screen gates must be installed to continue to enclosure of the screened area. Disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced shall not be parked for longer than 72 hours on the premises. Further, all vehicles waiting for repair shall be screened from view. All repair work of any nature shall be done in an enclosed building only.
- (m) All owners and/or operators of gasoline service stations and/or light repair facilities and/or motor vehicle maintenance service facilities that are in existence on the effective date of this Ordinance, shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than 72 hours on the premises. All repair work of any nature shall be done within an enclosed building only.

Section 10.201 – Special Approval Use Review Procedures and Requirements

- (4) *Review standards and criteria.* The city council shall consider the following standards and criteria in their review of all special approval use requests:
 - (a) Site plans submitted for special approval uses shall be prepared in conformance with and contain all information as outlined in Section 10.514. Site Plan Review.
 - (b) All design standards or criteria imposed on specific special approval uses elsewhere in this Ordinance shall be met.
 - (c) The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:
 - 1. Location of use(s) on site;
 - 2. Height of all improvements and structures;
 - 3. Adjacent conforming land uses;
 - 4. Need for proposed use in specified areas of the city;
 - 5. Conformance with future land use plans for the area as adopted by the planning commission; and
 - 6. Compatibility with the permitted principal uses allowed in the zoning district where the special approval use is requested.
 - (d) Ingress/egress to the use shall be controlled to assure maximum vehicular and pedestrian safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:
 - 1. Reduction in the number of ingress/egress points through elimination, minimization and/or consolidation of drives and/or curb cuts;

2. Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);
 3. Reduction/elimination of pedestrian/vehicular traffic conflicts;
 4. Adequacy of sight distances;
 5. Location and access of off-street parking;
 6. Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.
- (e) Screening shall be provided along all property lines, where council determines such screening is necessary to minimize impact of the use on adjacent properties or uses.
- (f) The use shall be properly served by utilities.
- (g) The use shall not have an adverse effect on the environment beyond the normal effects of permitted principal uses in the same zoning district and shall not result in an impairment, pollution, and/or destruction of the air, water, and natural resources.
- (h) The use shall be specifically scrutinized for conformance with the performance standards outlined in section 10.509 of this Ordinance.
- (i) The proposed use shall be designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any other nearby properties. The use shall not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odors, and adverse environmental impacts.
- (j) The proposed use does not impose an unreasonable burden upon public services and utilities in relation to the burden imposed by permitted principal uses in the same zoning district.
- (k) The city council may impose conditions in granting special approval that it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall:
1. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 2. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration (if applicable); and be necessary to ensure compliance with those standards.
 4. Provide adequate safeguards as deemed necessary for the protection of the general welfare and individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement, and the failure to correct such breach within 30 days after an order to correct is issued by the city shall be reason for immediate revocation of the special approval. Conditions and requirements stated as a part of special use permit authorizations shall be continuing obligations of the holders of such permits and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such special use permit is in effect.

- (I) The discontinuance of a special use after a specified time may be a condition to the issuance of the permit. Renewal of a special use permit may be granted after a review and determination by the city council that continuing private need and public benefit will be served by such renewal. Renewal applications shall be in accord with standards and requirements in effect at the time that the renewal is requested.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council for the City of Madison Heights will hold a public hearing on **Monday, December 12th, 2022 at 7:30 p.m. in the Training Room at Fire Station #1 located at 31313 Brush Street, Madison Heights, Michigan 48071** to consider the following special approval request:

Case # PSP 22-10

The applicant, Antoun Property Group, requests Special Approval from City Council under Section 10.326(7) of the Madison Heights Zoning Ordinance for a 'gasoline service station' at 32751 Concord Drive, PIN 44-25-02-201-026. The property is zoned B-3, General Business.

The application and any supporting documents can be viewed during regular business hours at the Community and Economic Development Department. In addition, the agenda item can be viewed online after 4:00 p.m. on the Friday prior to the meeting at www.madison-heights.org in the Agenda Center.

For further information, please contact the Community and Economic Development Department at (248) 583-0831.

Cheryl Rottmann, CMC
City Clerk
(248) 583-0826



**CITY OF MADISON HEIGHTS
COMMUNITY DEVELOPMENT DEPARTMENT
PETITION FOR USE PERMITTED BY
SPECIAL APPROVAL**

FOR OFFICE USE ONLY

Request PSP22-010 No: _____
Date 11/10/22 Filed: _____
Approved by _____ CDD: _____
Approved for Hearing: _____

I (we) the under signed, do hereby apply and petition the City of Madison Heights for a Special Approval Use Permit and provide the following information.

(Application must be typed)

Building Address: 32751 Concord Drive, Madison Heights, MI 48071 Tax ID No.: 44 - 25 - 02 - 201 - 026

APPLICANT INFORMATION

Name: Avis Antoun, Antoun Property Group

EMAIL: avis.antoun@gmail.com

Phone No.: 586-864-8516

Fax No.: n/a

Mailing Address: 32680 Concord Dr

City, State, Zip: Madison Hts, MI 48071

(Notices will be mailed to this address)

Driver's License No.: A 535 075 009 280

Date of Birth: April 10, 1985

Interest in Property: Tenant

BUILDING & BUSINESS INFORMATION

Zoning District: B-3 Use Requested Pursuant to Section 10.319 of the Zoning Ordinance

Explain Requested Use in Detail: Proposed Gasoline Service Station and Canopy to be constructed

directly in front of the former Steak 'n Shake restaurant. The Tenant currently operates the

Concord Party Shoppe in the Concord Tower Apartments and is planning to relocate to this vacant
building to operate a similar use, with the addition of a gas service station.

The above referenced parcel is known as: (Lots(s) Acreage Parcel (s)) Parcel I & II of Plaza

Subdivision (if platted lot(s)) and is located on the N S E W (Circle One) side of _____ Street/Road between
_____ Street/Road and _____ Street / Road.

Hours of Operation: Mon.-Thurs. 8:00 am to 11:00 pm Fri-Sun 8:00 am to 12:00 am

Property Frontage: 151' Width/Depth: 329' No. of Parking Spaces: 39 Private Lot _____ Shared Lot _____

No. of Floors: 1 Max. No. of Employees: 6 Male 3 Female 3 No. on Largest Single Shift: 3

No. of Seats for Restaurant or Assembly Uses: no seating to be provi Capacity of Waiting Area: n/a

Building: New _____ or Existing xx Will Additions or Alterations to the Building be Required? _____

Explain: Interior alterations for new C-Store, as well as construction of Gas Station/Canopy.

Describe Any Other Site Improvements to be Made: Reduce amount of parking, provide new EV Charging
Stations, new green space and landscaping.

Building Owner Name: Antoun Property Group Phone No.: 586-864-8516 Fax No.: _____

Mailing Address: 32680 Concord Dr. City: Madison Heights Zip: 48071

(Notices will be mailed to this address)

**Note: All blanks and boxes above must be completed. Use N/A where appropriate.
CONTINUED ON REVERSE SIDE**



**PETITION FOR USE PERMITTED BY
SPECIAL APPROVAL (Continued)**

Include one (1) copies of a site plan, no larger than 11 x 17 inches, which meets the requirements of Section 10.514 of the Zoning Ordinance of Madison Heights and the required seven hundred and fifty dollar fee (\$750.00) plus a site plan application.

This petition / application must be signed by both the Owner in Fee of the property and the Applicant prior to submittal. Applicant(s) and property owner(s) hereby consent to city staff, board and commission members, and contractors to access the property for purposes of evaluating the site for the requested action(s).

FOR THE OWNER:

Signature *Avis Antoun*
Printed AVIS ANTOUN Name
Date 11/10/22

FOR THE APPLICANT IF NOT THE OWNER:

Signature _____
Printed _____ Name
Date _____

NOTARY:

On this 10 day of November, 2022

Before me personally appeared

AVIS ANTOUN to me known to be the
person who executed the forgoing instrument, and
acknowledged that he executed the same as his free act
and deed.

Notary's
Signature *[Signature]*

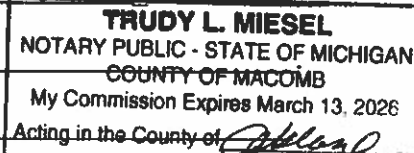
Notary's
Printed Name TRUDY L. MIESEL

Notary public, State of Michigan.

County of Macomb

My commission expires _____

Acting in the County of _____



NOTARY:

On this _____ day of _____

Before me personally appeared

_____ to me known to be the
person who executed the forgoing instrument, and
acknowledged that he executed the same as his free act
and deed.

Notary's
Signature _____

Notary's
Printed Name _____

Notary public, State of Michigan.

County of _____

My commission expires _____

Acting in the County of _____

OFFICE USE ONLY

\$750.00 Fee Paid ☒ Receipt Number _____ By _____ Date: _____

One Site Plan Attached no larger than 11 x 17 inches ☒ Yes ☐ No

Site Plan Application: _____ Date: _____

Copies to C.D.D. _____

Notices Mailed to Properties Within 500 Feet _____

Council Action _____

Meeting Date _____

November 10, 2022

City of Madison Heights
City Council
300 W Thirteen Mile Road
Madison Heights, MI 48071

Dear City Council Members,

Earlier this year the Antoun Property Group secured a long-term lease to relocate their existing Convenience Store located at 32680 Concord Drive, to the former Steak 'n Shake building, located at 32751 Concord Drive, approximately 1/10th of a mile north of the current location.

The Antoun's have operated the Concord Party Shoppe out of the ground floor of the Concord Towers Apartments for the past 14 years. Their store has benefited the residents of that building and the surrounding area for that time. The opportunity came up with the closure of the former Steak 'n Shake restaurant in 2020 to relocate to a larger location with great visibility and expanded options for their store.

Plans were designed to reconfigure the existing restaurant space into a new Convenience Store. Those plans were submitted to Madison Heights and a building permit was issued for the improvements. During the plan review process, the Owners discussed a potential change to the use and the need for a Gas Station in the area that would be closer to I-75. We are requesting a Special Use Approval for the proposed Gas Station at the property.

The Gas Station would include 4-6 gas pumps directly west of the current building. There is more parking at the site than what is required per the ordinance for retail applications. We plan on reducing the amount of parking and impervious surface with the proposed Gas Pump/Canopy area. Removing parking in various areas improves the ability for fuel truck access around the site.

We are proposing (6) Electric Vehicle Charging Stations for the site as well. With the proximity to I-75 and the growing need for EV stations, this is an excellent opportunity to install these on the property.

The plan would also keep the existing drive-thru lane from the former restaurant use. A fast-food franchise, Krispy Krunchy Chicken, has been consulted with for utilizing their brand in this location.

After review of the Master Plan and Annotated Changes to Future Land Use Map, this project falls within the Designate Madison Place shopping areas immediately south as "Mixed Use Innovation" to allow flexibility of uses and encourage reinvestment. The proposed use does just that by offering multiple options for retail service that not only benefit the existing adjacent residents, also the future Madison Place Redevelopment site south on Barrington Street, those that travel into and out of Madison Heights, and creates a long-term consistent need for the community that will encourage desired reinvestment in the immediate/adjacent area.

We have reviewed SEMCOG's Traffic Volume information for the surrounding streets. Information on Concord Drive shows an AADT (average annual daily traffic) count of 10,700, and the section of 14 Mile Road adjacent to the project notes an AADT count of 25,100.

We have also reviewed the Special Approval Use checklist as well as the Site Plan Review application and have no issues or concerns with meeting the requirements of each. The Antoun's have been an exemplary business owner in the City of Madison Heights for the last 14 years and plan to continue their family business in this location for many years to come. We have provided additional commentary on section 4. of the Special Approval Use checklist below for your review.

We look forward to meeting with you in person at the next City Council meeting to discuss the project further and answer any questions you may have.

Thank you,

A handwritten signature in black ink, appearing to read 'T. Brodoski', is written over a light blue rectangular background.

Timothy A Brodoski

Owner

Construction by Design, LLC

4. Review Standards and Criteria

- A. Site plans will be prepared in conformance with and contain all information outlined in Section 10.514—Site Plan Review.
- B. All design standards will be met on this specific Special Approval use request.
- C. The use is being designed so that it is compatible with the surrounding properties.

1. Location of the use on the site is that the vacant/former Steak 'n Shake restaurant is being converted to a new convenience/retail store with a walk-in fast food option, that will utilize the existing drive-thru window/lane. That work has been designed and permitted already with the City of Madison Heights (Building Permit No. PB22-0554, dated 10/04/2022). However, the long-term goal for the site and the need for this Special Use Application is to construct 4-6 gas pumps in the existing parking area west of the building.

2. The existing building height of 19'-9" will not change. The proposed gas station canopy will require vehicle clearance of 13'-6" to the underside of the canopy, with a maximum height of 16'-0" to the top of the proposed canopy.

3. The adjacent land uses are as follows:

The two adjacent properties to the north are both cellular phone retail stores. Verizon Retailer that is adjacent to Barrington Street, and a T-Mobile Retailer that is adjacent to Concord Drive. The property to the south is a Bob Evans Restaurant. The properties to the east include a Jared Jewelry Store and a Travelodge by Wyndham Hotel. The area to the east of the property is a large parking area that supports the Micro Center Computer Store. Each of the properties noted are all zoned B-3, General Business.

4. The need for this proposed use is to offer a closer fueling option to I-75 as well as the residential areas to the south. Vehicles traveling on I-75 would be able to stop, refuel and return back to I-75 with ease, through (2) traffic lights. Currently vehicles that exit I-75 for fuel could travel west to the Exxon Mobil at the SW corner of 14 Mile Road & Stephenson, and back to I-75 through (5) traffic lights, or if they were to continue east on 14 Mile, they would need to travel through (8) traffic lights to go from the off-ramp to either the Amoco Station at the SW corner of 14 Mile Road & John R, or the Exxon Mobil at the NE corner of 14 Mile Road & John R, and then back to I-75.

The proposed use will also offer (6) EV Charging Stations. These strategically located stations offer increased availability to those requiring electric vehicle charging. The other options nearest to the I-75 off ramp are as follows:

- Semaconnect Charging Station located at 31601 Research Park Drive, Madison Heights, MI 48071 (1.2 miles from proposed use)
- Electric Vehicle Charging Stations located at 1600 Rochester Road, Troy, MI 48083 (2.2 miles from proposed use)
- EVgo Charging Station located at 5111 Meijer Drive, Royal Oak, MI 48073 (3.8 miles from proposed use)

5. Based on an initial meeting with Giles Tucker, Community & Economic Development Director, and Matt Lonnerstater, City Planner, we are in conformance with future land use plans for the area as adopted by the Planning Commission.

6. The proposed special land use is compatible with the permitted principal uses allowed in the B-3, General Business, zoning district where this Special Approval use is being requested.

D. Ingress/Egress use shall be controlled to assure maximum vehicular and pedestrian safety, convenience, and minimum traffic impact on adjacent roads, drives and uses, as we are not planning on changing the current ingress/egress points at the property.

1. There is currently one ingress/egress point along Concord Drive. There are two ingress/egress points along Barrington Street. There are also two access points to the T-Mobile property to the north via an existing Cross Access Agreement.
2. The distance from the intersection of Concord Drive & 14 Mile Road on the west side of the property is 358'. The distance from the north ingress/egress point on the east side of the property to the intersection at Barrington Street & 14 Mile Road is 224'. The distance from the south ingress/egress point on the east side of the property to the intersection at Barrington Street & 14 Mile Road is 350'. Again, all of these exist and there is no plan to change these.
3. Reduction/elimination of pedestrian/vehicular traffic conflicts would be provided with the removal of several of the parking areas noted in item 5. below. There is an excessive amount of parking on the site as it currently exists. The proposed Gas Station will require (2) underground storage tanks (UST) for fuel. These are being contemplated in the areas of the existing (12) parking spaces along Concord Drive and the (7) parking spaces at the northwest section of the property. With the elimination of those parking areas, the fuel truck would be able to park and provide fuel to the UST away from pedestrian and other vehicular traffic.
4. There are no existing or proposed elements that would impact sight distances. There are clear lines of sight from each of the (3) ingress/egress points, and there are no plans to change that.
5. There are currently (83) parking spaces at the property. (19) would be removed for the proposed Gas Station pumps and canopy, however (5) would be relocated to the building leaving (69) spaces. Madison Heights ordinance for retail stores are to have 1 space per 250 square feet of usable retail area. The existing building is 4,000 square feet, resulting in only requiring (16) parking spaces. We are evaluating increasing the green space and reducing impervious areas by also eliminating the (12) parking spaces along Concord Drive, the (7) spaces at the northwest area of the property, and a portion of the spaces (approximately 13 spaces) along the south property line. This would result in (32) less spaces, for a total of (39) total spaces.
The reduced parking along Concord Drive and the northwest area of the property as mentioned would allow for the installation of underground storage tanks for fuel in these areas and avoid any conflicts with refueling trucks.

6. There are currently (2) access points to the parcels to the north (T-Mobile Retailer), that will remain, and there are no plans to change those access points or add/create any additional access points to other adjacent parcels.

E. Additional landscaping screening will be provided to meet the ordinance requirements. Also, the new EV Charging Stations and their associated equipment will be properly screened. The expanded greenbelt areas will be created by the removal of the parking areas noted in D.5 above, will allow for additional green space on the property.

F. The use is currently served by the necessary utilities, and there is no need to change the existing infrastructure.

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

The property Owner has initiated contact with local fuel providers and will involve them in the design and construction of the proposed use in order to comply with all requirements.

H. The use will meet and conform with the performance standard outlined in Section 10.509 of this ordinance.

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

The proposed store anticipates that its hours of operation will be as follows:

Monday through Thursday – 8:00 am to 11:00 pm

Friday through Sunday – 8:00 am to 12:00 pm

J. The proposed use will not impose an unreasonable burden upon public services and utilities to the burden imposed by permitted principal uses in the same zoning district.

K. We understand that City Council may impose conditions when granting the Special Approval that it deems necessary to fulfill the spirit and purpose of this Ordinance.

L. We understand that the discontinuance of a special use after a specified time may be a condition to the issuance of the permit. The Owner has already provided construction plans to the City of Madison Heights that yielded a building permit for the proposed reuse of the former vacant space. The Owner has also owned and operated a similar use at the ground floor of the Concord Tower Apartments since 2008.

Section 10.319. – Uses Permissible on Special Approval:

Gasoline service stations and/or motor vehicle light repair facilities and/or motor vehicle maintenance service facilities, subject to the following:

(a). One hundred forty feet of street frontage on the lot proposed for the gasoline filling station shall be provided on the principal street serving the station.

Concord Drive frontage has 151' of frontage, while the Barrington Street side of the property has 166' of frontage.

(b.) The lot shall contain not less than 14,000 square feet of lot area.

The lot contains approximately 54,327 square feet of area.

(c.) The lot must be located on the edge of the district (where the abutting zoning district on the frontage is nonresidential) so as not to disrupt pedestrian movement within the district.

The lot is located within a Commercial zoning district, and there are no abutting residential zoning districts to the property.

(d.) All buildings shall be set back not less than 40 feet from all street right-of-way lines.

The building is approximately 189' from Concord Drive right of way and 88' from Barrington Street right of way.

(e.) Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than 15 feet from all street right-of-way lines.

The gasoline pumps are approximately 102' from Concord Drive right of way.

(f.) Driveway widths entering the filling station shall have a maximum width of 35 feet. Curb openings for each driveway shall not exceed 50 feet in length.

The existing drive off of Concord Drive is 26'-0". The north drive off of Barrington Street is 24'-0" wide as is the south entry drive off of Barrington Street.

(g.) Curb cuts shall be no closer than ten feet to any adjoining property and shall be no closer than 35 feet to any corner of the intersecting street right-of-way lines. Any two driveways shall be separated by an island at least 20 feet long.

The existing curb cut on Concord Drive is approximately 18'-6" from the southern property line. The existing northern curb cut on Barrington Street is 19'-7" from the norther property line. The existing southern curb cut on Barrington Street is 18'-6" from the southern property line. The entrances off of Barrington are separated by 97'-0".

(h.) The angle of intersection of any driveway shall not be less than 60 degrees unless acceleration or deceleration lanes are provided.

The angle of intersection of all driveways is approximately 90 degrees.

(i.) Curbs in accord with standard city specifications shall be constructed on all streets adjacent to the gasoline filling station site.

There is no intention to create any new curb cuts or modify the existing curb cuts. All appear to meet with local standards and ordinances for this use.

(j)

(j.) Sale of alcoholic beverages from a structure wherein gasoline service stations are operated is strictly prohibited except in such structures where there is a masonry firewall between the location selling alcoholic beverages and the gasoline service station and there is a distance of 500 feet between the entrance of each establishment.

The store would sell alcoholic beverages, however, there is absolutely no intention for on-site consumption in any manner.

(k.) The owner and/or operator of a gasoline service station and/or motor vehicle maintenance service facility shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than 72 hours on the premises. Further, such disabled vehicles or vehicles waiting for repair or service shall be parked within an enclosed building. All repair work of any nature shall be done within an enclosed building only.

There is no intention to have vehicle repair at the proposed Gas Station. The owner/operator will comply with this requirement.

(l.) Motor vehicle light repair facilities established and/or uses expanded to include motor vehicle light repairs shall completely screen all motor vehicles waiting for repairs and/or maintenance from view from any direction by an eight-foot poured concrete screen wall. All parcels which do not contain corner lots must maintain the required front yard setback per ordinance. All parcels which contain a corner lot shall contain screened walls which comply with side yard setbacks as well as front yard setbacks. Screen gates must be installed to continue the enclosure of the screened area. Disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced shall not be parked for longer than 72 hours on the premises. Further, all vehicles waiting for repair shall be screened from view. All repair work of any nature shall be done in an enclosed building only.

There is no intention to have vehicle repair at the proposed Gas Station. The owner/operator will comply with this requirement.

(m.) All owners and/or operators of gasoline service stations and/or light repair facilities and/or motor vehicle maintenance service facilities that are in existence on the effective date of this Ordinance, shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than 72 hours on the premises. All repair work of any nature shall be done within an enclosed building only.

There is no intention to have vehicle repair at the proposed Gas Station. The owner/operator will comply with this requirement.





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