



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

FOR OFFICE USE ONLY

Request	No:
Date	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: 30901 Dequindre Road, Madison Heights, MI Tax ID No.: 44 - 25 - 12 - 226 - 008

APPLICANT INFORMATION

Name: MC Development Holdings
Phone No.: 248-752-3331 Fax No.: _____
Mailing Address: 4270 Morse Rd City, State, Zip: Columbus OH 43230
(Notices will be mailed to this address)
Driver's License No.: N/A Date of Birth: N/A
Interest in Property: Developer

BUILDING & BUSINESS INFORMATION

Zoning District: B-1 Use Requested Pursuant to Section 10.319(2) of the Zoning Ordinance
Explain Requested Use in Detail: Proposed Gasoline Service Station with a 24-hr Convenience Store and Fast Food Restaurant.

The above referenced parcel is known as: (Lots(s) Acreage Parcel (s)) _____ of _____
Subdivision (if platted lot(s)) and is located on the N ☒ S ☐ E ☐ W (Circle One) side of 13 Mile Street/Road between
Dequindre Street/Road and Elmhurst Street / Road.

Hours of Operation: 24/7

Property Frontage: 250.3 FT Width/Depth: 250 x 272 No. of Parking Spaces: 62 Private Lot ☒ Shared Lot ☐

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

No. of Seats for Restaurant or Assembly Uses: _____ Capacity of Waiting Area: _____

Building: New ☒ or Existing ☐ Will Additions or Alterations to the Building be Required? No

Explain: New building

Describe Any Other Site Improvements to be Made: N/A

Building Owner Name: Santia Realty - Dequindre Plaza - LLC Phone No.: 586-634-6854 Fax No.: N/A

Mailing Address: PO Box 380470 City: Clinton Twp MI Zip: 48038
(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 [Signature]
Printed _____ Name
Date 03/20/24

FOR THE APPLICANT IF NOT THE OWNER:

Signature [Signature]
Printed Ashley Nathan Name
Date 3/20/24

NOTARY:

On this 20th day of March 2024.

Before me personally appeared Albert U. Janic 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 Lisett Murch

Notary public, State of Michigan, Florida.
County of Broward

My commission expires _____

Acting in the County of Broward



LISETT JOSEFINA MURCH
Notary Public - State of Florida
Commission # HH 147927
My Comm. Expires Jul 1, 2025
Bonded through National Notary Assn.

NOTARY:

On this 20th day of March

Before me personally appeared Ashley Nathan 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 Stephanie Beer

Notary public, State of Michigan,

County of _____

My commission expires _____

Acting in the County of _____

STEPHANIE BEER
Notary Public - State of Michigan
County of Oakland
My Commission Expires Sep 23, 2029
Acting in the County of Oakland

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 _____



Williams Williams Rattner & Plunkett, P.C.
Attorneys and Counselors

380 North Old Woodward Avenue
Suite 300
Birmingham, Michigan 48009

Tel: (248) 642-0333

Fax: (248) 642-0856

www.wwrplaw.com

John D. Gaber
jdg@wwrplaw.com

March 21, 2024

Matt Lonnerstater, Planner
City of Madison Heights
300 West Thirteen Mile Road
Madison Heights, MI 48071

**Re: Resubmittal for Special Approval Use
Sheetz Fuel Station - Convenience Store – Restaurant
Parcel ID No: 25-12-226-008
30901 Dequindre Road**

Dear Mr. Lonnerstater:

Please accept this letter and the accompanying materials as MC Development Holdings' ("Applicant") resubmittal of its Petition for Use Permitted by Special Approval for the development of a 24-hour Sheetz fuel station/convenience store/restaurant located at 30901 Dequindre Road, Madison Heights. As you recall, this matter was previously scheduled for a public hearing before the City Council on February 12, 2024. The Applicant withdrew the Petition so that it could compile and provide additional information regarding the development in response to issues raised by the Planning Commission and City officials. The following resubmittal materials are enclosed for processing with the Petition:

1. Petition for Use Permitted by Special Approval;
2. Application Fee Check in the amount of \$750.00;
3. Statement in Support of Petition;
4. Preliminary Site Plans, prepared by Stonefield Engineering, dated 1/9/24;
5. Architectural Plans, prepared by Convenience Architecture and Design P.C.;
6. Lighting Plan, prepared by Red Leonard Associates, dated 2/8/24;
7. Traffic Impact Study, prepared by Stonefield Engineering, dated 9/11/23;
8. Air Quality Memorandum, prepared by Spirit Environmental, dated 3/6/24;
9. Sheetz Environmental Controls Statement;
10. Noise Study, prepared by K&S Engineers, LLC, dated 2/29/24;
11. Development Renderings;
12. Photos of Existing Conditions at the property;
13. Photos of Comparable Sheetz locations; and
14. Sheetz Informational Packet.

As a preferred developer for Sheetz, the Applicant is excited to present the City of Madison Heights with the opportunity for a Sheetz location. With Sheetz being new to Michigan most people do not realize that a "Sheetz" is a mixed-use retail establishment which has developed many loyal customers at each of its 700+ locations. While Sheetz provides fuel, its customers also enjoy its offerings of quick service, made-to-order food selections at its indoor restaurant

area and its outdoor seating. Its convenience store provides many fresh grab-and-go prepared foods, as well as an array of house specialty beverages and other products unique to a Sheetz. Sheetz presents a clean, friendly, safe environment for the nearby residential neighbors in the area to walk to the store, a benefit not currently available in the City at this high quality level.

The Applicant has held 2 open houses, for which it invited neighboring property owners and residents. Many of the questions and concerns raised by such neighbors, the City Planning Commission and the City Staff Review Memorandum are addressed in the attached Statement in Support, which highlights how the proposed development complies with the City's Special Approval Use Criteria. Some of the questions/concerns raised are briefly addressed as follows. Representatives will provide further detail at the City Council meeting.

24 Hour Operation – All Sheetz locations are open 24 hours to be able to service all customers, including many public safety workers, first responders and shift workers. As shown in the plans, the site is well screened from the neighbors to the west to minimize any adverse impacts, and Sheetz has several interior and exterior monitored security cameras and other safety protocols.

Master Plan Compliance – The Master Plan designation for this area is “commercial”, which permits a Sheetz mixed-use, commercial development. Sheetz is a walkable location for neighboring residents, with sidewalks and crosswalks, consistent with the Master Plan. Its restaurant and convenience store service pedestrians, unlike the typical gas station. Further, Sheetz is appropriate in the B-1 zoning district, to service area residents. There are other gas stations in the City in B-1 zones without the restaurant and shopping uses provided by Sheetz: (i) Mobil station across the street at NW corner of Dequindre and 13 Mile; (ii) BP station at the SW corner of John R and 13 Mile; and (iii) Marathon station at the NW corner of Stephenson and 13 Mile.

Length of Land Lease – Sheetz is investing several millions of dollars in capital investment in this site, with a 6,100sf building, restaurant and best-in-class UST and pump system. Sheetz very rarely closes locations, and to do so would require extraordinary reasons other than performance. Sheetz stores develop a loyal customer base that supports the operation on a long-term basis. Sheetz has been opening new stores since 1952 and will continue its growth model. The ground lease is long-term, and Sheetz bears contractual responsibility to ensure the property remains free from any environmental contamination.

Environmental Concerns – The attached Air Quality Memorandum provided by Spirit Environmental explains how the Sheetz operation does not create air pollution or produce harmful Benzene levels. The attached Environmental Controls Statement of Sheetz explains the extreme measures Sheetz takes to design the best UST pump system to prevent any contamination, its response protocol, and its monitoring and maintenance program. Sheetz prides itself in providing best-in-class environmental protection.

EV Charging – The development will include the infrastructure required to facilitate EV charging stations in the future, which will be dictated by market conditions.

Pedestrian Connection to Dequindre – The plans reflect a pedestrian sidewalk from the 13 Mile Road sidewalk, where we expect most of the pedestrian customers. A similar sidewalk could be installed at the south end of the property to Dequindre, but to do so would require the development to forego many of the trees and shrubs planted in this area for screening purposes, which is why such a sidewalk was not added. Pedestrians can still walk from Dequindre to the building in this location, and a crosswalk can be striped on the pavement if desired.

Adding Trees Along Dequindre – The Applicant thought it would be better to add a shrub row and lawn along Dequindre instead of additional trees, for the reason that there is a 90" county storm water drain and easement located in this area. The Applicant has compensated by increasing the number of trees planted elsewhere on the site, meeting the City's tree planting requirements.

We look forward to further discussing these issues and the other benefits a Sheetz will offer to Madison Heights. Please place this matter on the May 13, 2024 City Council meeting agenda, as you advised this was the next meeting available for public hearing. Please advise if you need any further information.

Very truly yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.



John D. Gaber

Encl.

cc: David Bruckelmeyer, Sheetz (via email dbruckel@sheetz.com)
Ashley Nathan, Skilken Gold (via email anathan@skilkengold.com)
Eric Williams, Stonefield Engineering (via email ewilliams@stonefieldeng.com)

SHEETZ MIXED-USE DEVELOPMENT

STATEMENT IN SUPPORT OF PETITION FOR USE PERMITTED BY SPECIAL APPROVAL CITY OF MADISON HEIGHTS, MICHIGAN

**Applicant: Skilken Gold LLC
Parcel ID No.: 25-12-226-008
Date: January 11, 2024**

The Applicant proposes to construct a modern mixed-use quick service restaurant, convenience store and fuel station on the Property, which is a Use Permissible on Special Approval in the B-1 Local Business district (§10.319(2)). The Applicant submits this Addendum in Support of Petition for Use Permitted by Special Approval for approval to use the above property for such purpose. Section 10.201(4) of the City's Zoning Ordinance sets forth the review standards and criteria for City Council to consider in reviewing Special Approval Petitions. Section 10.319(2) sets forth the requirements for gasoline service stations. The Applicant believes it meets these review standards and criteria as follows:

Section 10.201(4) Special Approval Use Criteria

- 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.

Response – Applicant believes its site plans submitted meet the above requirements.

- B. All design standards or criteria imposed on specific special approval uses elsewhere in this Ordinance shall be met.

Response – Section 10.319(2) provides specific requirements for gasoline service stations, all of which the Applicant meets, except for the following, for which the Applicant will seek variances from the City's Zoning Board of Appeals:

- i. **Section 10.319(2)(c) provides that 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.**
- 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;

Response – The site design locates the building on the west side of the site, closest to the condominiums so as to act as screening from the fuel pumps. Additionally, the existing masonry screen wall, buffer trees and shrubs, the 19’ wide driveway west of the wall and the condominium carports also insulate the condominiums from much of the site activity. The fuel pumps are located on the east side of the site, as far away from the condominiums as is possible to further shield the condominiums. The Sheetz building is approximately 100’ from the nearest condominium buildings.

With respect to the church to the south, the existing masonry wall on-site will remain and be improved. Additional landscaping will also be added next to the wall to further screen the church.

2. Height of all improvements and structures;

Response – The building is 26’ in height, and the canopy is 21.6’ in height. The building height is standard, with architectural features and high-quality finishes, which will be more than compatible with the adjacent 2-story condominiums as well as the church to the south.

3. Adjacent conforming land uses;

Response - The proposed use replaces the shopping center use presently on the property. It is consistent with the existing gas station and other commercial uses north and east of the site. Considering the screening elements discussed above, it is compatible with the condominiums and the church. It should be noted that the Future Land Use Map of the City designates the church parcel for “Commercial” use, and not residential use.

4. Need for proposed use in specified areas of the city;

Response – The proposed mixed use, comprised of a restaurant, convenience store and fuel pumps is a unique use in this area. It will replace restaurants that have expiring leases and vacant spaces, within an existing outdated shopping center that will be redeveloped. The proposed restaurant provides made-to-order quick service food to be consumed at indoor or outdoor tables on-site, or to-go. The store also provides several grab-and-go prepared food options for customers. Consumers will have a one-stop location to enjoy a meal, refuel and purchase convenience items. The property owner has advised the Applicant that he intends to redevelop the property, with or without Sheetz, so the shopping center will be demolished and replaced, regardless of whether the Sheetz store is approved. It is also

worth noting that those spaces which are occupied within the existing shopping center are owner operated and have very few employees. Sheetz will hire around 35 full time employees from the local community, for this location alone.

5. Conformance with future land use plans for the area as adopted by the planning commission; and

Response – The Future Land Use Map of the City designates the property as “Commercial”, which is the proper use designation for the proposed Sheetz commercial mixed uses. The church property to the south is also designated as “Commercial.”

6. Compatibility with the permitted principal uses allowed in the zoning district where the special approval use is requested.

Response – The proposed mixed uses will service the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas, which is the intent of the B-1 zoning district. The B-1 permitted principal uses include retail businesses supplying food products, as well as take-out and dine-in restaurants, which are compatible with the proposed uses.

- 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;

Response – The proposed two (2) curb cuts replace the existing two (2) curb cuts, in a safer location.

2. Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);

Response – The curb cut on Dequindre Road has been moved 66’ further away from the intersection, to the south edge of the property, thereby enhancing vehicular safety for ingress and egress.

3. Reduction/elimination of pedestrian vehicular traffic conflicts;

Response – There will be sidewalks around the perimeter of the site for pedestrian use, with clear, visible sight lines to reduce the possibility of any conflicts.

4. Adequacy of sight distances;

Response – Sight distances are clear and visible, without obstruction, in accordance with ordinance requirements.

5. Location and access of off-street parking;

Response – Off-street parking will be located in three (3) areas on the property (adjacent to building; along north property line; along east property line). However, most customers will park in the spaces adjacent to the building to minimize walking distances and eliminate any conflict with vehicles. The three (3) areas where parking is located have ample drive aisle widths to reduce the potential for any vehicular conflicts with other vehicles on the site.

6. Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.

Response – The only opportunity to utilize any service drive would be to combine curb cuts with the church to the south. The Applicant has approached the church, which has declined to work with the Applicant in any capacity.

- 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.

Response – On the west side of the site, the existing masonry wall will be improved to screen the western side of the property. Additionally, the building will screen much of the site activity, and there will be trees planted along the screening wall. There is also a 19' wide driveway west of the screening wall, owned by the church that will provide an additional buffering effect. The condominium even has its own masonry buffer wall with adjacent carports for further screening.

On the south side, the existing masonry wall will be renovated, with trees and shrubs planted adjacent to the wall, in addition to three (3) rows of parking on the church property to screen the church building from the site.

- F. The use shall be properly served by utilities.

Response – The property is currently serviced by all required 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.

Response – Sheetz is leasing this property, and is contractually obligated in its lease to remediate any contamination that would be released by the fuel station. Sheetz installs the highest quality of fuel tanks, pipe systems, fuel pumps and nozzles designed to prevent any fuel release. For example, the tanks are double-wall insulated, so that if there is a breach of the inner tank wall, any release is captured by the outer tank wall. There are also shut-off safety systems for further protection in the event of a release. Further, the fuel nozzles have vapor shields to restrict vapors from the vehicle fueling process. The Applicant intends to provide additional information from Sheetz before the meeting to address such environmental issues.

- H. The use shall be specifically scrutinized for conformance with the performance standards outlined in Section 10.509 of this ordinance.

Response – These standards pertain to open storage, glare from manufacturing processes, radioactive materials, fire and explosive hazards, noise and waste created by industrial uses in the M-1 and M-2 Districts. These standards are not applicable to the uses in the B-1 District, which does not permit industrial uses. Please see the preceding response to how Sheetz will protect against waste and contamination.

- 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.

Response – The Applicant does not believe that the proposed mixed uses will create any nuisances to neighboring properties. As discussed above, the site layout is designed to screen the neighboring properties to the west and south from the uses on the property. Restaurant equipment is vented from the top of the building to eliminate odors. The fuel nozzles capture any gas fumes from the fueling process. The screening discussed above will protect the neighbors against light and glare. Site lighting will be LED lights directed downward, so as not to impact the neighboring properties. Noise is limited by having all activity facing the intersection, away from the neighboring properties.

- 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.

Response – All public utilities are currently available on site, and are servicing the existing restaurants, retail and service businesses operating on the Property. The proposed uses are not anticipated to have any impact on public transportation or emergency medical services. Traffic is also managed by the two (2) driveways, with the Dequindre driveway relocated to a safer location at the south end of the site, 66' further away from the intersection.

Section 10.319(2) Gasoline Service Station Criteria

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.

Response – Satisfied, see site plan.

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

Response – Satisfied, see site plan.

- (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.

Response – While the church use to the south is not residential, and is master planned as “Commercial”, it is zoned Residential. The condominiums to the west of the subject site are also zoned Residential. As such, the Applicant must obtain a variance from this requirement.

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

Response – Satisfied, see site plan.

- (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.

Response – Satisfied, see site plan.

- (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.

Response – Satisfied, see site plan.

- (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.

Response – Satisfied, see site plan.

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

Response – Satisfied, see site plan.

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

Response – Satisfied, see site plan.

- (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.

Response – It is the Applicant's understanding that this requirement applies only to the on-site consumption of alcohol, as there are gas stations in Madison Heights that sell alcohol for off-premises consumption without meeting such requirements. These requirements are satisfied, as there will be no on-site consumption of alcohol.

- (k) Not Applicable.
- (l) Not Applicable.
- (m) Not Applicable.