



MEMORANDUM

Date: May 1st, 2024
To: City of Madison Heights City Council
From: Matt Lonnerstater, AICP – City Planner
Subject: Special Approval Request PSP 24-01– 30901 Dequindre Road – Sheetz Gas Station and Convenience Store

TEMPLATE MOTION AND FINDINGS INCLUDED ON PAGE 8

Introduction

The applicant, MC Development Holdings, on behalf of Sheetz (proposed tenant) and Albert Santia (property owner), requests Special Approval from City Council under **Section 10.319(2)** of the Madison Heights Zoning Ordinance, “*gasoline service stations*.” The applicant requests approval for a gasoline service station featuring a convenience store and quick-service restaurant at the subject property, located at 30901 Dequindre Road (southwest corner of Dequindre and E. 13 Mile), PIN 44-25-12-226-008. The property is zoned B-1, Local Business District.

Planning Commission – Pre-Application Review

At the guidance of staff, the applicant voluntarily presented the development concept to the Planning Commission at their November 21st, 2023 meeting for preliminary feedback prior to submittal. Full draft meeting minutes are attached to this report. The Planning Commission’s informal concerns and comments are summarized, below:

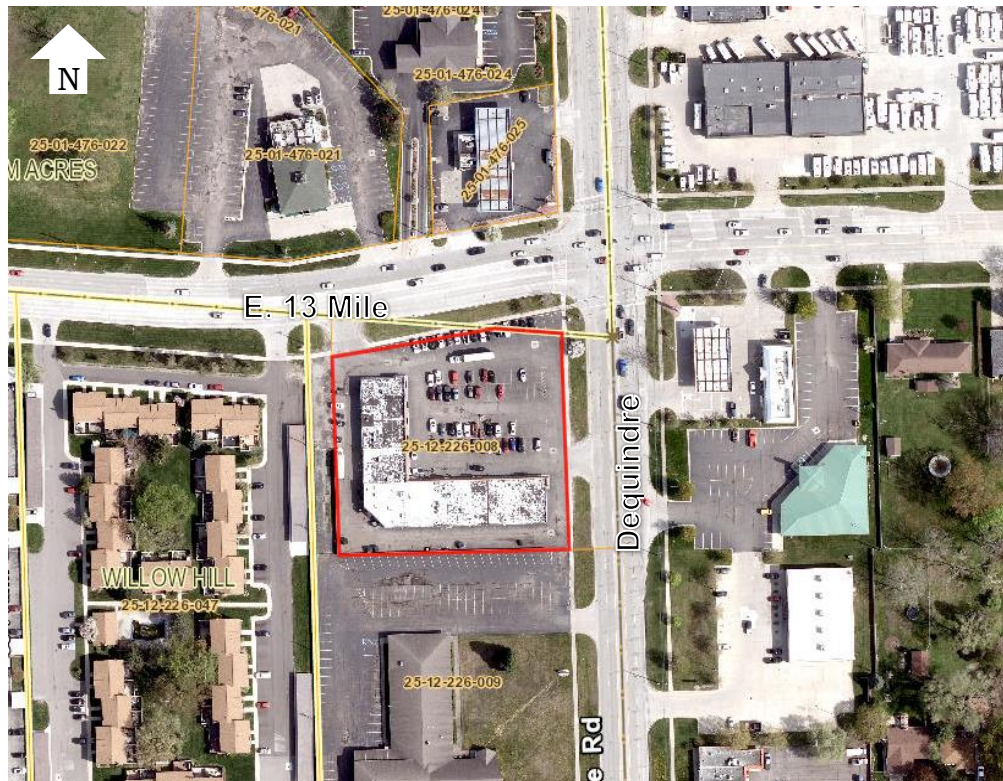
- Concerns about 24-hour operation relating to impacts on the adjacent residential properties (impacts such as noise, light, and increased traffic), including the proximity of the gas pump canopy to the west property line.
- Discussion on whether the proposed use meets the goals and objectives of the City’s Master Plan.
- Concerns about adding another gas station/vehicular-oriented business at the intersection.
- Questions pertaining to the length of the land lease.
- Questions pertaining to accommodating electric vehicle charging.
- Concerns about potential pollution.

The applicant has attempted to respond to several of these concerns in their formal submittal. For example, the applicant has rotated the locations of the convenience store and fuel pumps so that the convenience store acts as a screen between the fuel pumps/canopy and the adjacent residential condominiums. The locations of parking spaces and the dumpster enclosure have been shifted away from the condominiums to the west. Additionally, the applicant has provided a traffic study, noise study, and air emissions study.

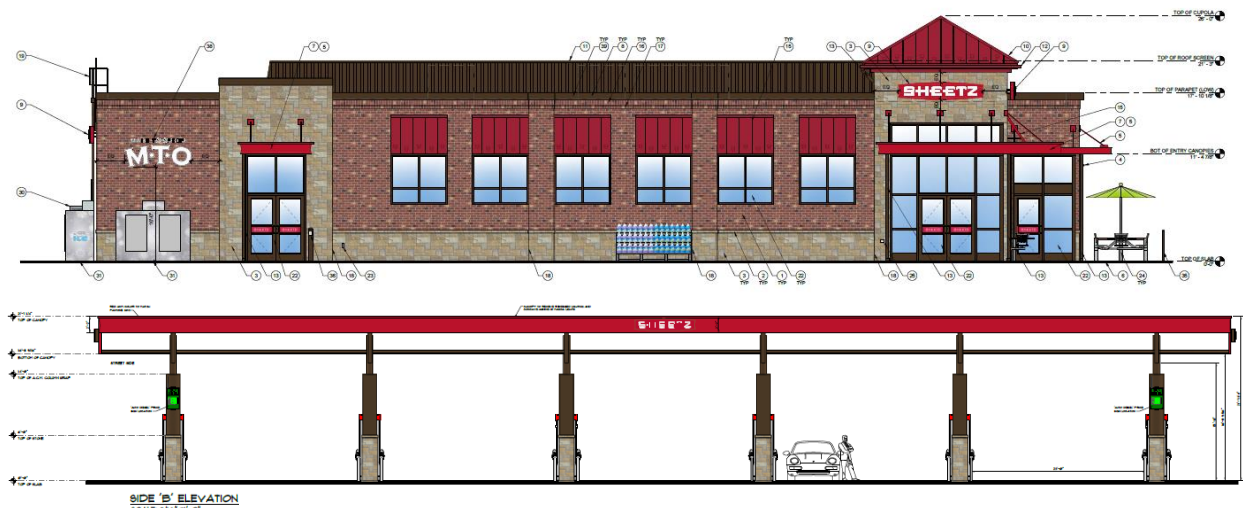
Project Details

The subject property is 1.55 acres in size and is currently improved with a strip retail center and associated parking lot, shown in the aerial image below. The applicant proposes to lease the property from the property owner, demolish the strip center, and construct a 6,132 sq. ft. convenience store and a fuel pump canopy with 8 fueling stations (16 total pumps). Per the project narrative, the convenience store will feature a quick-service restaurant with made-to-order and grab-and-go offerings. Proposed elevations are also provided below.

30901 Dequindre Road – Aerial Image – Existing Conditions



Proposed Elevations of Convenience Store and Fuel Pump Canopy



The submittal letter, dated March 21st, 2024, states that, as with the Sheetz business model, the proposed gas station and convenience store will operate 24 hours-per-day. This is corroborated by Sheetz' website, which includes a graphic stating "your food made to order 24/7/365" (24 hours a day, 7 days a week, 365 days per year), shown to the right.

Screen Shot from Sheetz' Website (accessed 1/30/24)



While convenience stores and restaurants are permitted by right in the B-1 district as general retail, *gasoline service stations* require Special Approval through City Council. Gasoline service stations are also subject to use-specific standards, discussed later in this report.

Landscape Buffer adjacent to Residential

Where a B-1 zoning district abuts a one-family residential district, Section 10.510(C) of the Zoning Ordinance requires a screen wall greenbelt. A screen wall greenbelt is a combination of a masonry screen wall and landscape area intended to form a complete visual barrier. Per the conceptual landscape plan, the applicant intends to utilize the existing screen wall along the western and southern property lines and plant additional landscaping within the buffer consisting of deciduous and evergreen trees and shrubs. Additional greenbelt landscaping is proposed along 13 Mile and Dequindre Roads, per ordinance requirements.

Special Approval Criteria

Requests for Special Approval are subject to criteria and review standards contained in Section **10.201(4)**. The primary review standards are outlined below. The applicant has responded to these standards in their project narrative.

[...]

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

[...]

(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.*

[...]

(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 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.

These approval criteria should be incorporated into any motion acting upon the Special Approval request. Additional criteria for reviewing Special Approval uses are contained at the end of this report.

Site Analysis

Existing Zoning and Land Use

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

	Existing Land Use	Existing Zoning
Site	Retail Strip Center	B-1, Local Business
North (across 13 Mile)	Gas Station (closes 11 PM); Restaurant	B-1, Local Business
South	Religious Institution	R-2, One-Family Residential
East (across Dequindre; City of Warren)	Gas Station (24 hours); Retail	C-1, Local Business; C-2, General Business
West	Residential Condominiums	R-2, One-Family Residential; R-C, Residential Condominium

The subject site is currently improved with an occupied strip retail center and associated parking lot, constructed around 1980. Three of the four corners at the intersection of E. 13 Mile Road and Dequindre Road are currently developed with auto-related uses, including two gas stations and an RV sales center. The proposed development, if approved, would become the third gas station at the intersection.

The site directly abuts a residentially-zoned parcel (R-2) to the south and west, currently owned and operated by the Arabic Evangelical Alliance Church. A small sliver of the church parcel, approximately 30-feet wide, separates the subject site from the Willow Hill residential condominium which contains approximately fifty (50) condominium units. The image below depicts a street view of the existing retail center with the Willow Hill condominiums visible to the rear.

Street View of Subject Site (from E. 13 Mile Road)



The site is zoned B-1, Local Business, which per the Zoning Ordinance is intended to, “*meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas.*” Based upon the district description and permitted uses, the B-1, Local Business zoning district is the least intense of the city’s three business zoning districts and is not primarily intended for regional or passer-by traffic.

Uses explicitly permitted by-right in the B-1 district include, but are not limited to:

- General recognized retail for persons residing in adjacent residential areas (groceries, meats, dairy products, baked goods, drugs, dry goods, and hardware).
- Personal service establishments that perform services for persons residing in adjacent residential areas (shoe repair, tailors, beauty parlors or barbershops).
- Professional office uses, including offices of doctors, lawyers, dentists, accountants, etc.
- Restaurants.

The full list of uses permitted in the B-1 district is attached to this report.

Future Land Use, Master Plan and Transportation

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

	Future Land Use
Site	Commercial
North (across 13 Mile)	Commercial
South	Commercial
East (across Dequindre; City of Warren)	Mixed Use Node
West	Multiple Family Residential

The future land use designation of the subject site is ‘*Commercial.*’ Per the Master Plan, the Commercial designation is intended to cover a broad range of goods and services. The Commercial designation calls for development regulations aimed at incremental improvements for existing development and redevelopment. The Master Plan/Future Land Use Plan does not break down the Commercial designation into different levels or intensities of commercial uses.

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

Community Character

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

Commercial & Industrial Development

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

Transportation

- *Improve community health by encouraging non-motorized travel.*
- *Require transportation infrastructure decisions that support the land use recommendations of the Master Plan.*
- *Explore opportunities for alternative transportation methods for those who don't have access to a car.*

The applicant has provided a Traffic Impact Study performed by Stonefied Engineering, dated September 11th, 2023. The study speculates that the proposed development will not have significant impacts on traffic operations of the adjacent roadways, as most trips would consist of “pass-by” trips (those drivers already on the street heading to another destination.)

Use-Specific Standards and Site Plan Requirements

Section 10.319(2) of the Zoning Ordinance contains use-specific standards for gasoline fuel stations in the B-1 district, listed in full at the end of this report. While the proposed development satisfies a majority of the use-specific standards, the project fails to meet the following:

- (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.*

Staff interprets this standard to mean that a proposed fuel station in the B-1 zoning district shall not be located immediately adjacent to a residential use or a residential zoning district. The subject property abuts R-2 residential zoning to the south and west and is located 30 feet from the Willow Hill residential condominiums, zoned R-C, Residential Condominium. As such, the project fails to meet this use-specific standard. The applicant has acknowledged the need to apply for a non-use variance from this standard, which would be heard and acted upon by the Zoning Board of Appeals (ZBA).

Staff Analysis

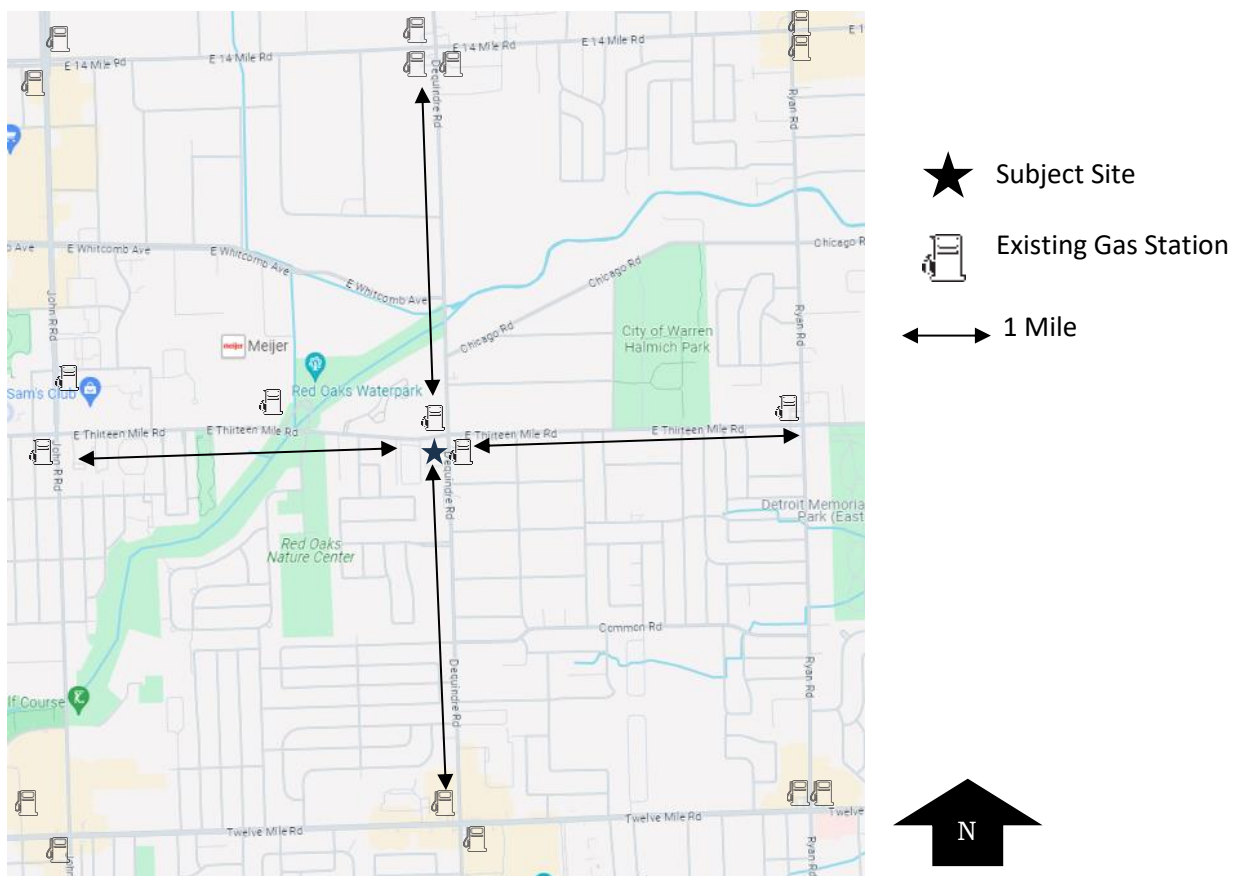
While the required screen wall greenbelt will offset some visual impacts, staff echoes the Planning Commission's concerns regarding the proximity of a 24-hour fuel station/convenience store immediately adjacent to residential land uses and residential zoning. This is especially concerning given that the proposed development directly goes against the use-specific standard of Section 10.319(2)(c) which prohibits gas service stations adjacent to residential. Staff also questions whether a 24-hour fuel station and convenience store meets the intent of the B-1, Local Business district, which is to “*meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas.*” Commercial

uses permitted by-right within the B-1 district are primarily neighborhood-oriented, including groceries, bakeries, hardware stores, beauty salons, restaurants, and professional offices.

Staff has previously expressed concerns about the proliferation of new auto-oriented uses and businesses within the city; these are uses that primarily focus on, or are explicitly designed to provide, services for customers in vehicles. Auto-oriented uses conflict with the Master Plan's goals for walkable corridors and transportation networks. While the convenience store component is not by itself auto-oriented (and is a use permitted by-right), its placement and orientation on the property in combination with the fuel pumps presents a site design that is not particularly friendly, comfortable, nor safe for customers outside of a vehicle.

The map below depicts existing gas stations in proximity to the subject site. Staff notes that there are six (6) existing gas stations along the two-mile stretch of 13 Mile Road between John R and Ryan Roads, two of which are located at the intersection of 13 Mile and Dequindre. Including the two gas stations at the intersection, there are seven (7) existing gas stations along the two-mile stretch of Dequindre Road between 12 and 14 Mile; this amounts to eleven (11) existing gas stations within one linear mile of the subject site. Within the four (4) square miles shown on the map below, there are nineteen (19) existing gas stations (4.75 gas stations per square mile).

Existing Gas Stations in proximity to Subject Site



A Note on the Proposed Zoning Ordinance:

The draft of the new Zoning Ordinance and Zoning Map, scheduled for a final public hearing at the May 13th City Council meeting, has the subject property zoned as B-1, Neighborhood Business district. Within the new Zoning Ordinance, gasoline stations are no longer listed as a permitted or special land use in the B-1 district. Therefore, if both the proposed application and new Zoning Ordinance/Map are approved as presented, the gas station, once developed, would become a legally non-conforming use.

Conditions

Per Section 10.201(4)(k), City Council may impose conditions in granting Special Approval that it deems necessary to fulfill the spirit and purpose of the Zoning Ordinance. If City Council moves to approve the Special Approval application, staff recommends the following conditions to meet the intent and purpose of the B-1 zoning district and the spirit of the Zoning Ordinance:

1. Seek and obtain a non-use variance from the Zoning Board of Appeals from Section 10.319(2)(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.”*
2. Provide an additional direct pedestrian connection from the convenience store front door to the public sidewalk along Dequindre Road, as reviewed and approved by planning staff during Site Plan review. This may require the re-location of certain site elements such as the loading area and air pumps.
3. Provide additional greenbelt landscaping in the form of deciduous trees and ornamental trees within the greenbelt adjacent to Dequindre Road, as reviewed and approved by planning staff during Site Plan review; alter location of the underground storage tank, if necessary, to allow for tree root growth.

Template Motion, Findings and Conditions

Staff offers the following motions and findings as a suggested template and guide for City Council’s motion on this case, either for approval or denial. Staff urges City Council to provide additional detailed findings, as needed, to substantiate any motion for approval or denial.

MOVE TO **(APPROVE/DENY)** SPECIAL APPROVAL REQUEST NUMBER PSP 24-02 BASED UPON THE FOLLOWING FINDINGS PERTAINING TO THE SPECIAL APPROVAL CRITERIA OF SECTION 10.201(4):

1. The applicant requests Special Approval for a gasoline service station at 30901 Dequindre Road under Section 10.319(2) of the Zoning Ordinance, *uses permissible on special approval in the B-1 district.*
2. The subject site is zoned B-1, Local Business, which is intended to *“meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas.”* The proposed gas station **(IS/IS NOT)** consistent with the intent of the B-1 zoning district and **(IS/IS NOT)** compatible with and **(IS/IS NOT)** no more objectionable than principal uses permitted by-right in the B-1 zoning district.
3. The subject site is immediately adjacent to properties improved with, and zoned for, residential and religious uses, and is located across the street from auto-oriented uses and commercial zoning. The proposed gas station **(IS/IS NOT)** compatible with adjacent land uses.

4. The proposed use **(IS/IS NOT)** consistent with the site's "Commercial" future land use designation and **(IS/IS NOT)** aligned with the goals and objectives stated in the 2021 Madison Heights Master Plan relating to community character, commercial & industrial development, and transportation networks.
5. The applicant **(HAS/HAS NOT)** demonstrated a need for the proposed use in the specified area of the city.
6. The proposed use **(DOES/DOES NOT)** satisfy the use-specific requirements for gasoline service stations listed in Section 10.319(2). The applicant acknowledges the need to apply to the ZBA for a non-use variance from the specific-use standards of Section 10.319(2)(c).
7. The use **(DOES/DOES NOT)** have an adverse effect on the environment beyond the normal effects of permitted principal uses in the same zoning district and **(DOES/DOES NOT)** result in an impairment, pollution, and/or destruction of the air, water, and natural resources.
8. The proposed use **(IS/IS NOT)** 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 nearby properties. The use **(DOES/DOES 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.
9. Based on the above findings, the proposed use **(DOES/DOES NOT)** generally satisfy/satisfies the Special Approval review standards and criteria listed in Section 10.201(4).

If City Council moves to approve the requested Special Approval use, staff recommends including the following conditions of approval relating directly to the site layout and operation of the proposed use, in accordance with Section 10.201(4)(k), to fulfill the spirit and purpose of the Zoning Ordinance and the intent of the B-1 zoning district:

1. Seek and obtain a non-use variance from the Zoning Board of Appeals from Section 10.319(2)(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."*
2. Provide an additional direct pedestrian connection from the convenience store front door to the public sidewalk along Dequindre Road, as reviewed and approved by planning staff during Site Plan review. This may require the re-location of certain site elements such as the loading area and air pumps.
3. Provide additional greenbelt landscaping in the form of deciduous trees and ornamental trees within the greenbelt adjacent to Dequindre Road, as reviewed and approved by planning staff during Site Plan review; alter location of the underground storage tank, if necessary, to allow for tree root growth.

Next Step

After the public hearing and discussion, City Council may take action on the requested Special Approval use. **Any motion shall include concise findings based upon the Special Approval review standards and criteria, Section 10.201(4). Per Section 10.201(3), City Council may postpone action on a Special Approval request to allow verification, compilation, or submission of additional or supplemental information or to address other concerns or issues.**

Pertinent Zoning Ordinance Sections

Section 10.201 – *Special Approval Use Review Procedures and Requirements*

- (4) *Review standards and criteria.* The city council shall consider the following standards and criteria in their review of all special approval use requests:
- (a) Site plans submitted for special approval uses shall be prepared in conformance with and contain all information as outlined in Section 10.514. Site Plan Review.
 - (b) All design standards or criteria imposed on specific special approval uses elsewhere in this Ordinance shall be met.
 - (c) The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:
 - 1. Location of use(s) on site;
 - 2. Height of all improvements and structures;
 - 3. Adjacent conforming land uses;
 - 4. Need for proposed use in specified areas of the city;
 - 5. Conformance with future land use plans for the area as adopted by the planning commission; and
 - 6. Compatibility with the permitted principal uses allowed in the zoning district where the special approval use is requested.
 - (d) Ingress/egress to the use shall be controlled to assure maximum vehicular and pedestrian safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:
 - 1. Reduction in the number of ingress/egress points through elimination, minimization and/or consolidation of drives and/or curb cuts;
 - 2. Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);
 - 3. Reduction/elimination of pedestrian/vehicular traffic conflicts;
 - 4. Adequacy of sight distances;
 - 5. Location and access of off-street parking;
 - 6. Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.
 - (e) Screening shall be provided along all property lines, where council determines such screening is necessary to minimize impact of the use on adjacent properties or uses.
 - (f) The use shall be properly served by utilities.
 - (g) The use shall not have an adverse effect on the environment beyond the normal affects of permitted principal uses in the same zoning district and shall not result in an impairment, pollution, and/or destruction of the air, water, and natural resources.
 - (h) The use shall be specifically scrutinized for conformance with the performance standards outlined in section 10.509 of this Ordinance.
 - (i) The proposed use shall be designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any other nearby properties. The use shall not involve uses, activities, processes, materials, equipment and conditions of

operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odors, and adverse environmental impacts.

- (j) The proposed use does not impose an unreasonable burden upon public services and utilities in relation to the burden imposed by permitted principal uses in the same zoning district.
- (k) The city council may impose conditions in granting special approval that it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall:
 - 1. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.
 - 3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration (if applicable); and be necessary to ensure compliance with those standards.
 - 4. Provide adequate safeguards as deemed necessary for the protection of the general welfare and individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement, and the failure to correct such breach within 30 days after an order to correct is issued by the city shall be reason for immediate revocation of the special approval. Conditions and requirements stated as a part of special use permit authorizations shall be continuing obligations of the holders of such permits and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such special use permit is in effect.
- (l) The discontinuance of a special use after a specified time may be a condition to the issuance of the permit. Renewal of a special use permit may be granted after a review and determination by the city council that continuing private need and public benefit will be served by such renewal. Renewal applications shall be in accord with standards and requirements in effect at the time that the renewal is requested.

ARTICLE V. B-1 LOCAL BUSINESS DISTRICTS [CONSOLIDATED]

PREAMBLE: The B-1 Business Districts are designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas.

Sec. 10.318. Principal uses permitted.

- (1) Any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas, such as: Groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, notions and hardware.
- (2) Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: Shoe repair, tailor shops, beauty parlors or barbershops.
- (3) Office uses included in section 10.314, subsections (1) and (4).
- (4) Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths and similar or allied professions.
- (5) Restaurants, which may include take out, drive-through lanes and/or alcoholic beverages, subject to the standards listed below. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol, subject to the requirements listed below. Special approval is required for outdoor seating at any restaurant that serves alcohol.
- (6) Other uses similar to the above uses.
- (7) All uses shall be subject to the following restrictions:
 - (a) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on premises where produced.
 - (b) All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.
- (8) Accessory structures and uses customarily incident to the above permitted uses.
- (9) Accessory dwellings in accordance with the following criteria.
 - a. Dwelling units shall have a minimum area of 800 square feet.
 - b. Dwelling units shall be permitted only where the existing or proposed commercial building and use is in conformance with the provisions of this Ordinance.
 - c. Dwelling units shall be located only on the second story or, where proposed on the first floor, in the rear of the building.
 - d. Parking shall provide for a minimum of one space per dwelling unit in addition to any parking requirements for the principal use(s).
 - e. Pedestrian entrance doors typically shall be located on the side or rear of the structure. When located on the front of the structure, each pedestrian access door shall serve not less than two units. Where permitted, exterior stairways shall be architecturally compatible with the principal structure. Architectural or design modifications may be required to insure compatibility of the proposed design with the building and adjacent properties. Building elevations of all sides shall be included with the application.
 - f. Where accessory dwelling units are proposed for the second floor of a structure, a maximum building height of 30 feet and a third story to permit two story dwelling units is permitted. The third story shall be part of the dwelling unit located directly underneath.

Sec. 10.319. Uses permissible on special approval.

Under such conditions as the city council, after hearing, finds the use as not being injurious to the B-1 District and environs and not contrary to the spirit and purpose of this Ordinance, the following uses may be permitted:

- (1) Publicly owned buildings; public utility buildings; telephone exchange buildings; electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping 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.
 - (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 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.
 - (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.

- (3) Rental of equipment and/or storage of equipment, trucks, camping trailers, and similar items at gasoline service stations subject to the following.
 - (a) Such use shall only take place on a site which is paved and drained to the specifications of the city engineer in areas in excess of the amount required for building, required setback, parking, loading and unloading space.
 - (b) Such use area shall be screened from view from all adjacent residential districts by a six-foot masonry wall with appropriate openings and gates to control egress and ingress.
- (4) Establishments that primarily serve alcoholic beverages for consumption on the premises. Any facility that serves alcoholic beverages with outdoor seating, subject to the conditions listed in section 10.318(5) for outdoor restaurants in general.
- (5) Video arcade businesses and indoor and/or outdoor recreational businesses.
- (6) Restaurants with drive-through lanes located within the boundaries of the Southend Downtown Development Authority (DDA), subject to the use-specific standards of section 10.318(5)b.
- (7) The construction of high-rise buildings up to three stories and 40 feet in height is permitted upon special approval subject to the following conditions:
 - a. Where additions to existing structures are proposed, existing setbacks may be used for second and third floor additions, provided there are no further expansion(s) of non-conformity.
 - b. Uses shall be limited to permitted principal or special approval uses in the B-1 District.
 - c. Residential uses shall not be permitted on the first floor.
 - d. Parking shall be provided for all uses in accordance with the provisions of sections 10.505, 10.506 and 10.507.