



**MEMORANDUM**

DATE: January 31, 2025

TO: Planning Commission

FROM: Planning Division

**SUBJECT: Conditional Rezoning from General Industrial to General Business and Site Plan (SP 25-02-03) at 3200 W. 14 Mile Rd. (parcel no. 20-32-351-001).**

Construction of: (1) automobile filling station including convenience store with sales of packaged alcoholic beverages and outdoor displays and sales, and standard restaurant with drive-through facility and outdoor café (Sheetz); (2) automatic automobile wash (El Carwash); and (3) addition to existing maintenance building with outdoor storage for cemetery (Clover Hill Park Cemetery); all on site of former metal fabrication facility (MacLean-Fogg Components).

Petitioner & Owner: Broder Sachse Real Estate / Engineers: Seiber Keast Lehner Engineering & Surveying; PEA Group / Landscape Architects: PEA Group; Allen Design / Architects: Convenience Architecture & Design; Krieger Klatt Architects; DS Architects.

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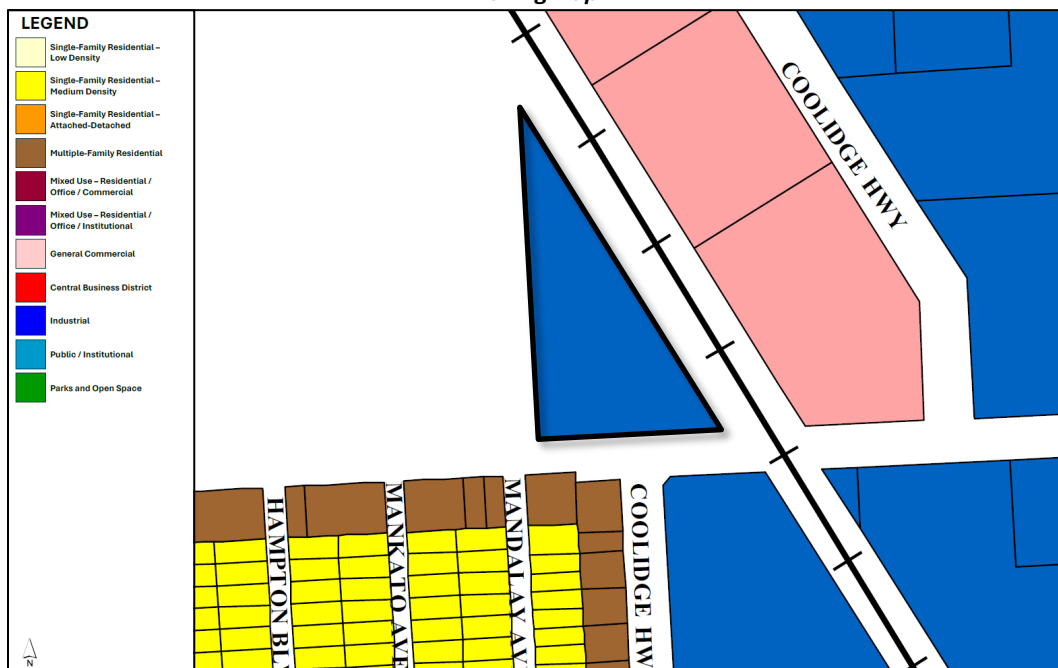
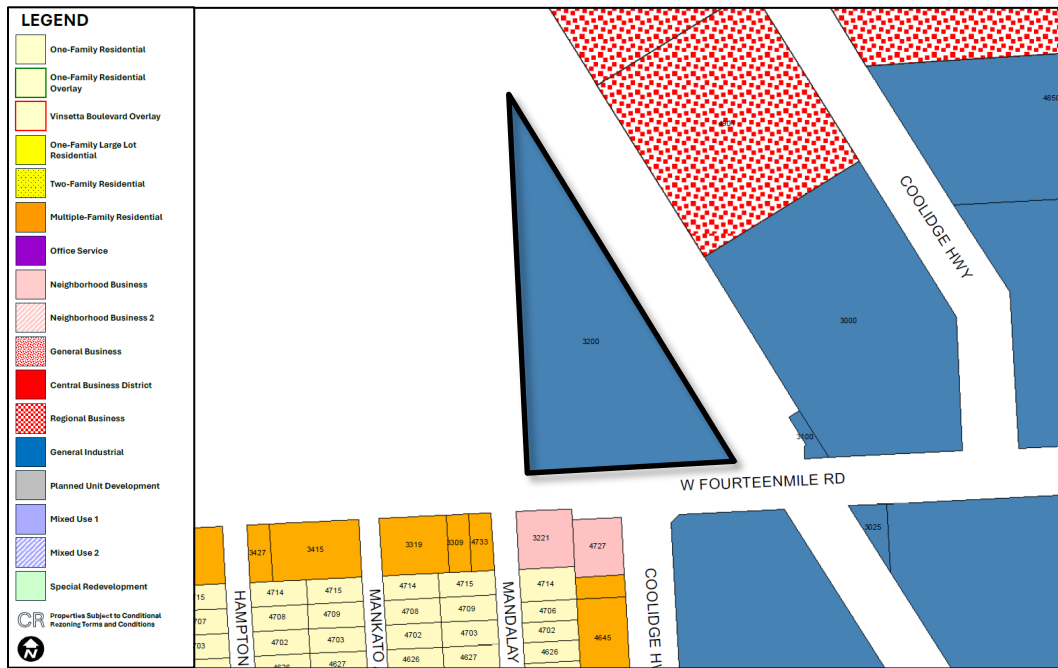
**1. Location & Existing Conditions**

The site is located on the north side of West 14 Mile Road at the intersection of Coolidge Highway west of the CN Railroad right-of-way. The triangular parcel has a width of 524.13 feet, a depth of 933.78 feet, and an area of 245,562 square feet or 5.64 acres. The property is developed with two one-story buildings most recently occupied by a metal fabrication facility (MacLean-Fogg Components).



## 2. Zoning & Future Land Use

According to the [Zoning Map](#) (below), the site is zoned General Industrial as are properties to the east across the CN Railroad right-of-way and to the southeast across West 14 Mile Road. Properties to the north across the CN Railroad right-of-way are zoned General Business. Other properties south of West 14 Mile Road are zoned Neighborhood Business and Multiple-Family Residential. Property to the west is in the City of Birmingham (Clover Hill Park Cemetery).



The property is designated as “Industrial” on the [future land use map](#) of the [Master Plan](#) (previous page). This designation is intended for manufacturing, warehousing, research, and design. Such uses are intended to be within an enclosed building with external effects not extending beyond the property boundaries.

### **3. Road Classification**

The functional road classification system from the [Master Plan](#) identifies West 14 Mile Road as a “principal arterial” and Coolidge Highway as a “minor arterial.” Arterials are at the top of the classification hierarchy and their primary function is to carry vehicles long distances and provide through-travel movements. Minor arterials connect intra-urban land uses and carry shorter trips than principal arterials.

### **4. Conditional Rezoning**

The petitioner is proposing to divide the property into three separate parcels – A, B, and C – and then change the zoning of parcels A and B from General Industrial to General Business as a conditional rezoning under [Section 405 of the Michigan Zoning Enabling Act \[Act 110 of 2006\]](#). Parcel C would remain zoned General Industrial. A site plan is also proposed as part of the conditional rezoning to develop the following:

- An automobile filling station including a convenience store with sales of packaged alcoholic beverages and outdoor sales and displays, and a standard restaurant including a drive-through facility and an outdoor café, all on parcel A;
- An automatic car wash on parcel B; and
- An addition to the existing maintenance building with outdoor storage on parcel C for use by the adjacent Clover Hill Park Cemetery.

Under Section 405 of the Zoning Enabling Act, a petitioner may voluntarily offer in writing and the city may approve certain uses and development of property as a condition to rezoning land. Such conditions must be offered voluntarily by a petitioner; the City may not require a petitioner to offer conditions as a prerequisite for rezoning property. The conditions proposed by a petitioner as part of a conditional rezoning are supposed to result in recognizable and material benefits to the City that would unlikely be achieved otherwise under the site’s existing zoning.

As part of a conditional rezoning request, the petitioner must specify what conditions are offered, what recognizable and material benefits these conditions will achieve that cannot be realized under the site’s existing zoning, and how these benefits justify the rezoning and outweigh having certain aspects of their proposed site plan not meet required Zoning Ordinance standards.

In approving conditions to a rezoning, the City may establish a time period during which the conditions apply. If the conditions are not satisfied within the time specified, then the land reverts to its former zoning classification. During the approved time period, the City can neither add to nor alter the conditions. The time period can be extended by mutual agreement between the City and petitioner.

As part of a conditional rezoning, the City may waive required standards of the Zoning Ordinance if they feel the conditions proposed by the petitioner and the benefits that would result from them



outweigh the need to meet such standards. Conversely, compliance with some or all Zoning Ordinance standards may be required.



## 5. Proposed Use & Site Plan

- A. Proposed Uses & Zoning. Parcels A and B would need to be rezoned to General Business to allow all of the uses proposed by the petitioner. Although standard restaurants are a special land use in General Industrial zoning under [§ 770-44 C \(13\)](#), drive-through facilities are not allowed except for banks and credit unions under [§ 770-44 C \(22\)](#). A drive-through restaurant and the other proposed uses for parcels A and B – an automobile fillings station, automatic car wash, convenience store with sales of packaged alcoholic beverages, outdoor sales and displays, and an outdoor café – are not allowed in General Industrial zoning.

Automobile filling stations and automatic car washes are special land uses in General Business zoning under [§ 770-41 C \(4\)](#) and (7), respectively. Standard or carry-out restaurants and convenience stores are permitted uses in General Business zoning under [§ 770-41 B \(1\)](#). Drive-through facilities, sales of packaged alcoholic beverages, outdoor sales and displays, and outdoor cafés are all special land uses in General Business zoning under [§ 770-41 C \(11\)](#), (23), (25), and (26), respectively.

The existing maintenance building is a permitted use in General Industrial zoning under [§ 770-44 B \(1\)](#). An outdoor storage area or a contractor's yard is a special land use in General Industrial zoning under [§ 770-44 C \(1\)](#). Since neither of these uses are allowed in General

Business zoning, parcel C would need to remain zoned General Industrial in order to allow these uses for the adjacent cemetery.

- B. Vehicular Access. A new driveway is proposed to the property that would align with the Coolidge Highway intersection. Inbound and outbound lanes would be separated by a boulevard. An easement is proposed that would ensure permanent access to all three proposed parcels. A copy of this easement should be included as an exhibit to any conditional zoning agreement for the property.

A second driveway is proposed for parcel A with inbound and outbound lanes separated by a boulevard. This driveway would only allow right turns into and out of the site. Left turns to and from West 14 Mile Road would be prevented by the boulevard.

Attached is a traffic study prepared by Fleis & Vandenbrink dated December 31, 2024. The study concludes that if the property is developed as proposed on the site plan that the intersection of Coolidge Highway and West 14 Mile Road would continue to operate at an acceptable level of service during peak travel times. It recommends that a right-turn lane be installed on the north side of West 14 Mile Road at the proposed east driveway, and that a right-turn taper be installed at the west driveway.

The engineering division is concerned about the crash history at the intersection of Coolidge Highway and West 14 Mile Road and how the recommended traffic signal timings in the study may affect the progression of east-west traffic on 14 Mile Road. They are concerned that changing these timings may have a negative impact somewhere else along the 14 Mile Road corridor.

Based on the engineering division's comments, the Planning Commission may want to consider having the city's traffic consultant perform a peer review of the traffic study and its traffic model prior to making a recommendation on this application to the City Commission. Any costs related to a peer review of the traffic study should be the responsibility of the petitioner.

- C. Off-Street Parking. The usable floor area and required off-street parking for all proposed buildings and uses are as follows:

	<u>Gross</u> <u>Floor Area</u>	<u>Useable</u> <u>Floor Area</u>	<u>Number Per</u>	<u>Spaces</u> <u>Required</u>
<b><u>Parcel A</u></b>				
Convenience Store	3,818 sq. ft.	2,143 sq. ft.	200	11
Restaurant	2,321 sq. ft.	1,741 sq. ft.	65	27
Outdoor Café	-0-	380 sq. ft.	65	6
TOTAL	6,139 sq. ft.	4,452 sq. ft.		44
Parking Spaces Provided				44
<b><u>Parcel B</u></b>				
Automatic Car Wash	4,476 sq. ft.	4,386 sq. ft.	800	6
Parking Spaces Provided				28
<b><u>Parcel C</u></b>				
Maintenance Building	7,950 sq. ft.	7,950 sq. ft.	800	10
Addition	960 sq. ft.	378 sq. ft.	800	1
TOTAL	8,910 sq. ft.	8,328 sq. ft.		11
Parking Spaces Provided				27

- D. Off-Street Loading. Underground fuel tanks would be placed between the fuel pump canopy and the south front lot line on parcel A with a dedicated loading space for fuel delivery trucks. There is also a dedicated loading space on parcel B between the car wash building and the street. Loading spaces are prohibited within front yards under [§ 770-110 B \(1\)](#).
- E. Building Design. All three buildings would exceed the maximum height-to-width of one-to-three permitted under [§ 770-30 B \(4\)\(a\)](#). The west side elevation of the Sheetz building would have a ratio of 1-to-3.85 and the east side 1-to-3.69. The front and rear elevations of the car wash would have ratios of 1-to-7.89. The front and rear elevations of the expanded maintenance building would have ratios of 1-to-6.38, while the side elevations would be 1-to-4.75.
- F. Exterior Lighting. A maximum illumination level of 10 foot-candles is permitted at any point on the site under [§ 770-96 B \(3\)\(c\)](#). However, levels under the fuel pump canopy on parcel A are specified from 13 to 35 foot-candles. Although a deviation from this standard could be considered as part of a conditional zoning agreement, the planning division recommends that the lighting for the fuel pump canopy be modified to comply with maximum permitted illumination levels.
- G. Landscaping & Screening. No foundation landscaping required under [§ 770-90 G](#) is provided for parcel A, and the petitioner is requesting that this standard be waived. All other landscaping and screening would either comply with or exceed standards required under [§ 770-90](#).
- H. Signage. Wall signs are shown on the restaurant / convenience store building with 16.52 square feet of sign area. Wall signs on the car wash are approximately 52 square feet. All of these wall signs are under the maximum 100-square foot wall sign area permitted under [§ 607-6 A \(1\) and \(2\)](#) of the Sign Ordinance. However, they appear to be placed above the roof line of each building which is prohibited under [§ 607-10 F](#).

Signs are proposed on the front and side panels of the fuel pump canopy, each with a sign area of 13 square feet. A maximum sign area of eight square feet is permitted for such signs under [§ 607-9 A \(1\)](#).

One drive-through menu board with a maximum height of six feet and a maximum sign area of 20 square feet is permitted under [§ 607-9 B \(1\) and \(2\)](#). Three signs are proposed for the restaurant's drive-through facility on parcel A – a height clearance sign at the entrance to the north loop of the drive-through lane, an ordering box at the exit of the loop, and a separate menu board next to the ordering box. The height clearance sign would have a height of 13 feet and the order box 14 feet. The menu board would have a height of 6.19 feet and an area of 32.25 square feet.

Height clearance signs and pay stations are identified on the site plan for the car wash on parcel B but specifications for these features are not provided. Since no specifications are provided no waivers would be granted for these features as part of this conditional zoning application. If they do not comply with required standards, then the petitioner would need to file a separate variance applications or modify these features to comply.

- I. Deviations from Required Standards. The following is a list of deviations or waivers from required Zoning Ordinance standards identified by staff that would be necessary as part of the petitioner's site plan. All of these are items that the Planning Commission could typically waive or modify as part of a regular site plan review. They would not require separate variance applications to the Zoning Board of Appeals if approved as part of a typical site plan by the Planning Commission.

Section	Standard	Minimum Required / Maximum Permitted	Proposed
<b>Parcel A - Sheetz</b>			
<a href="#">§ 770-30</a> B (4)(a)	Maximum Height-to-Width Ratio	1-to-3	1-to-3.85 (west side) 1-to-3.69 (east side)
<a href="#">§ 770-90</a> G	Foundation Landscaping	Landscaping at base of buildings along front and sides	-
<a href="#">§ 770-96</a> B (3)(c)	Maximum Permitted Illumination Level	10 foot-candles	35 foot-candles
<a href="#">§ 770-110</a> B (1)	Loading Space Location	Prohibited within front yard – must be within side or rear yard only	Underground fuel tanks placed between fuel pump canopy and street
<b>Parcel B – El Car Wash</b>			
<a href="#">§ 770-30</a> B (4)(a)	Maximum Height-to-Width Ratio	1-to-3	1-to-7.89 (front & rear)
<a href="#">§ 770-110</a> B (1)	Loading Space Location	Prohibited within front yard – must be within side or rear yard only	Loading space placed between car wash and street
<b>Parcel C – Maintenance Building for Clover Hill Park Cemetery</b>			
<a href="#">§ 770-30</a> B (4)(a)	Maximum Height-to-Width Ratio	1-to-3	1-to-6.38 (front & rear) 1-to-4.75 (sides)

Below is a list of waivers from required Sign Ordinance standards identified by staff that would be necessary as part of the petitioner's site plan. Separate sign variance applications to the Planning Commission would not be required if these waivers are approved as part of the conditional rezoning application.

Section	Standard	Minimum Required / Maximum Permitted	Proposed
<b>Parcel A - Sheetz</b>			
<a href="#">§ 607-9</a> A (1)	Maximum Fuel Pump Canopy Sign Area	8 sq. ft.	13 sq. ft.
<a href="#">§ 607-9</a> B (1)(a)	Maximum Number of Drive-Through Menu Boards	1	3
<a href="#">§ 607-9</a> B (1)(b)	Maximum Menu Board Height	6 ft.	14 ft.

Section	Standard	Minimum Required / Maximum Permitted	Proposed
<a href="#">§ 607-9 B (1)(b)</a>	Maximum Menu Board Sign Area	20 sq. ft.	32 sq. ft.
<a href="#">§ 607-10 F</a>	Roof Signs	Signs prohibited on roof or above roof line	Wall signs partially placed above roof line
<b>Parcel B – El Car Wash</b>			
<a href="#">§ 607-10 F</a>	Roof Signs	Signs prohibited on roof or above roof line	Wall signs partially placed above roof line

## 6. Results of Approval

Following a public hearing, the Planning Commission may recommend approval or denial of a conditional rezoning request to the City Commission including the conditions voluntarily offered by the petitioner. The Planning Commission may also request additional information from the petitioner and postpone making recommendation. A recommendation for approval or denial is forwarded to the City Commission with two readings being required in order to change the zoning of any property.

## 7. Recommendations

In reviewing an application for an amendment to the Zoning Map, the Planning Commission shall consider the following criteria as contained in [§ 770-129](#) of the Zoning Ordinance, among other factors they may deem appropriate, in making their findings, recommendation, and decision:

- A. The requested zone should be consistent with the goals, policies and future land use map of the Master Plan, including any location-specific or corridor studies. If conditions have changed since the Master Plan was adopted, as determined by the Planning Commission or City Commission, the consistency with recent development trends in the site's area shall be considered.
- B. The site's physical, geological, hydrological and other environmental features should be compatible with the host of principal permitted and special land uses in the proposed zone.
- C. Evidence should document the applicant cannot receive a reasonable return on investment through developing the property with one or more of the principal permitted and special land uses under the current zoning.
- D. The potential uses allowed in the proposed zone should be compatible with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic volumes, aesthetics, infrastructure, and potential influence on property values.
- E. The street system should be capable of safely and efficiently accommodating expected traffic volumes generated by potential uses in the requested zone.
- F. The capacity of public utilities and services should be sufficient to accommodate the potential uses in the requested zone without compromising the City's health, safety and welfare.
- G. There should be an apparent demand in the City for the types of potential uses in the requested zone in relation to the amount of land in the City currently zoned and available to accommodate the demand.
- H. The requested zone shall not create an isolated and unplanned spot zone.
- I. Other criteria as determined by the Planning Commission or City Commission which would protect the public health, safety and welfare, protect public and private investment in the City, promote implementation of the goals, objectives and policies of the Master Plan and any amendments thereto, and enhance the overall quality of life in the City.

Any resolution offering a recommendation to the City Commission on the requested conditional rezoning should reference the applicable subparagraphs from [§ 770-129](#). Should the Planning Commission recommend approval of the conditional rezoning and its associated site plan by the City Commission, the planning division recommends the following contingencies:



- A. A conditional zoning agreement between the petitioner and the city shall be submitted for review by the city attorney prior to approval by the City Commission, specifying all conditions voluntarily offered by the petitioner and including all required easements as exhibits.
- B. Prior to review of the conditional zoning agreement by the City Commission, the petitioner shall submit a revised site plan containing all revisions required by the Planning Commission as well as the following:
  - 1) Lighting underneath the fuel pump canopy shall be modified to reduce illumination to maximum levels permitted under [§ 770-96 B \(3\)\(c\)](#) of the Zoning Ordinance.
  - 2) Access between parcel C and the adjacent cemetery shall be added to all appropriate plan sheets for trucks and equipment.
  - 3) A joint access agreement shall be provided to maintain continued vehicular access to all three parcels.
- C. Prior to review of the conditional zoning agreement by the City Commission, the engineering division shall submit the petitioner's traffic study to the City's traffic consultant for peer review, with all associated costs to be the responsibility of the petitioner.
- D. The site plan shall comply with the Zoning Ordinance ([Chapter 770](#)), as well as all other applicable codes and ordinances, except for the following:
  - 1) Height-to-width ratios for all buildings shall be as depicted on the site plan.
  - 2) Foundation landscaping shall not be required.
  - 3) Loading spaces shall be placed as depicted on the site plan.
  - 4) Exterior lighting shall be as depicted on the site plan, provided lighting underneath the fuel pump canopy is modified to reduce illumination to maximum levels permitted under [§ 770-96 B \(3\)\(c\)](#) of the Zoning Ordinance.
  - 5) Wall signs, drive-through menu boards, and fuel pump canopy signs shall be as depicted on the site plan.
- E. All paving, utilities, and work within public rights-of-way shall be in accordance with the specifications and standards of the city engineer.
- F. Any additional exterior lighting fixtures shall comply with [§ 770-96 B](#) of the Zoning Ordinance and other City codes and ordinances, including being directed downward and shielded so as not to shine on adjacent property, and within maximum permitted fixture heights and illumination levels.
- G. Any additional signage shall comply with the Sign Ordinance ([Chapter 607](#)) or receive necessary sign variances from the Planning Commission.
- H. A performance bond shall be posted in an amount to be determined by the building official.

- I. The site plan shall meet all other code and ordinance requirements, as determined by the building official, fire marshal, and city engineer, including, but not limited to, the Michigan Building Code, the City's Fire Prevention Ordinance ([Chapter 340](#)), and the City's Stormwater Detention Ordinance ([Chapter 644](#)), prior to the issuance of any building or right-of-way permits.

Attachments

cc: Steve Robinson, Broder Sachse Real Estate  
Jacob Soyka, Broder Sachse Real Estate  
Ryan Schultz, Broder Sachse Real Estate

***It is recommended that the petitioner or a representative attend the Planning Commission meeting on February 11, 2025. The meeting starts at 7:00 p.m. in the City Commission chambers on the first floor of City Hall.***