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CITY of NOVI CITY COUNCIL

Agenda Item 1
March 9, 2015

SUBJECT: Consideration of Zoning Ordinance Text Amendment 18.272 to amend the City of Novi Zoning Ordinance at Article 4, Use Standards, Section 4.29, Fueling Stations and Minor Automobile Service Establishments in order to permit fueling stations with accessory minor automobile services that pre-date the ordinance to terminate fueling operations and continue minor automobile repair services. **FIRST READING**

SUBMITTING DEPARTMENT: Community Development Department - Planning Division *Bans*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The applicant, Sovel's Service Centers, Inc., is proposing modifications to Article 15, B-3, General Business District, in order to permit automobile service establishments for minor repair services as a principal permitted use. The applicant is proposing the ordinance change at this time because Sovel's Service Center, located at the southwest corner of Ten Mile Road and Meadowbrook Road intends to remove the gas pumps and canopy and focus entirely on minor vehicle repair and service.

Staff Review

Planning staff recommends approval of the proposed text amendment (with the suggested modifications proposed by staff and the city attorney's office, as attached). The proposed modifications would allow an existing fuel station with an accessory minor automobile service repair facility to cease operation of their fuel station and continue operation of the repair service business provided the following conditions are met:

- All structures related to the fueling use and not needed for the repair use are removed
- The existing building is not enlarged
- One or more of the suggested improvements is made to the site:
 - Installation of additional landscaping
 - Elimination of a driveway curb cut or other safety-related improvements are done
 - Installation of pedestrian safety paths

The B-3 General Business District is intended to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Local Business District or the Community Business District. The District currently permits mini-lube or oil change establishments as a Special Land Use. The operation of and impacts from an automobile service establishment for minor repair services would be similar to those of the oil change use already permitted and would not interfere with the operation of other more-typical B-3 commercial uses.

The applicant's attorney has reviewed the proposed modifications to the ordinance and generally indicated support for those changes.

Planning Commission Consideration

The Planning Commission considered the proposed text amendment at the February 25, 2015 meeting. At the time, the Planning Commission held the public hearing and recommended **approval** of the proposed amendment. Relevant Planning Commission meeting minutes are attached.

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.272 to amend the City of Novi Zoning Ordinance at Article 4, Use Standards, Section 4.29, Fueling Stations and Minor Automobile Service Establishments in order to permit fueling stations with accessory minor automobile services that pre-date the ordinance to terminate fueling operations and continue minor automobile repair services. **FIRST READING**

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Markham				

	1	2	Y	N
Council Member Mutch				
Council Member Poupard				
Council Member Wrobel				

**Staff Version
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STAFF VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 15- 18 – 272

AN ORDINANCE TO AMEND THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 4, USE STANDARDS, SECTION 4.29, FUELING STATIONS AND MINOR AUTOMOBILE SERVICE ESTABLISHMENTS; IN ORDER TO PERMIT FUELING STATIONS WITH ACCESSORY MINOR AUTOMOBILE SERVICES THAT PRE-DATE THE ORDINANCE TO TERMINATE FUELING OPERATIONS AND CONTINUE MINOR AUTOMOBILE REPAIR SERVICES.

THE CITY OF NOVI ORDAINS:

Part I. That the City of Novi Zoning Ordinance, as amended, Article 4, Use Standards, Section 4.29, Fueling Stations and Minor Automobile Service Establishments, is hereby amended to read as follows:

4.29 FUELING STATIONS AND
MINOR AUTOMOBILE
SERVICE ESTABLISHMENTS

1. Fueling station for the sale of gasoline and alternate fuels, oil and minor accessories only, and minor automobile repair services as defined in Article 2 are permitted as a special land use in the B-2 district and as a permitted use in the B-3 and FS districts subject to conditions A-G as listed below:
~~Fueling stations for the sale of gasoline and alternate fuels, oil and minor accessories only, and where no major repair work is done, other than accessory minor repair and incidental services, but not including major services such as steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstery, auto glass work, and such other activities whose external effects could adversely extend beyond the property line are permitted as a special land use in the B-2 district and as a permitted use in the FS district, subject to the following:~~
 - A. ~~The curb cuts for access to a fueling station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than one-hundred (100) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.~~
 - B. ~~The minimum lot area for any fueling station shall be one (1) acre.~~
 - C. ~~Fueling stations shall be located on the site so as to minimize its impact on any adjacent residential district, OS-1, OSC or B-1 district. Ample space shall be provided for motor vehicles waiting for service, or which are parked to be mechanically serviced or to be picked up following mechanical service. Sufficient vehicle stacking space shall provide at the pump islands so that vehicles awaiting service will not interfere with vehicles entering the site.~~
 - D. ~~Canopies, when constructed as an integral part of the main building, shall comply with the minimum setback requirements of the district. Detached freestanding canopies shall comply with the requirements of Section 4.19 of this Ordinance.~~
 - E. ~~The storage of vehicles overnight shall be prohibited except for working vehicles (wreckers and similar vehicles) and vehicles or trailers for general rental and those awaiting mechanical repair. These vehicles shall be parked in accordance with Section 5.2 and Section 5.3. Wrecked vehicles may be stored for a period not to exceed twenty-four (24) hours.~~
 - F. ~~A noise impact statement is required subject to the standards of Section 5.14.10.B.~~
 - G. In the B-3 district only, a fueling station with a lawful accessory minor automobile service use that pre-dates the adoption of this Ordinance may terminate its fueling operations and continue its minor automobile repair services within the existing building, subject to the following:
 - i. All improvements and structures related to the fueling station use and not needed for the automobile repair use (e.g., canopies, fuel pumps, and fuel tanks) are lawfully removed.
 - ii. The existing building within which use is conducted is not enlarged.
 - iii. The applicant makes one or more of the following improvements:

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- a) Installation of additional landscaping beyond that existing at the time of the change in use.
 - b) Mitigation of adverse traffic impacts for vehicles entering or leaving the site on adjacent public roads by eliminating a driveway curb cut or other safety-related improvements (e.g., installation of acceleration or deceleration lane).
 - c) Installation of pedestrian safety paths in accordance with the requirements of Chapter 11 of the Code of Ordinances.
- iv. A proposed site plan under this subsection G may be reviewed and approved administratively pursuant to Section 6.1.1.C and/or 6.1.1.D.
2. [Unchanged.]

Part II

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

Repealer. All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V.

Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2015.

STAFF VERSION

ROBERT J. GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:

Nays:

Abstentions:

Absent:

**Staff Version
Clean**

STAFF VERSION

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 15- 18 – 272

AN ORDINANCE TO AMEND THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 4, USE STANDARDS, SECTION 4.29, FUELING STATIONS AND MINOR AUTOMOBILE SERVICE ESTABLISHMENTS; IN ORDER TO PERMIT FUELING STATIONS WITH ACCESSORY MINOR AUTOMOBILE SERVICES THAT PRE-DATE THE ORDINANCE TO TERMINATE FUELING OPERATIONS AND CONTINUE MINOR AUTOMOBILE REPAIR SERVICES.

THE CITY OF NOVI ORDAINS:

Part 1. That the City of Novi Zoning Ordinance, as amended, Article 4, Use Standards, Section 4.29, Fueling Stations and Minor Automobile Service Establishments, is hereby amended to read as follows:

**4.29 FUELING STATIONS AND
MINOR AUTOMOBILE
SERVICE ESTABLISHMENTS**

1. Fueling station for the sale of gasoline and alternate fuels, oil and minor accessories only, and minor automobile repair services as defined in Article 2 are permitted as a special land use in the B-2 district and as a permitted use in the B-3 and FS districts subject to conditions A-G as listed below:
 - A. The curb cuts for access to a fueling station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than one-hundred (100) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
 - B. The minimum lot area for any fueling station shall be one (1) acre.
 - C. Fueling stations shall be located on the site so as to minimize its impact on any adjacent residential district, OS-1, OSC or B-1 district. Ample space shall be provided for motor vehicles waiting for service, or which are parked to be mechanically serviced or to be picked up following mechanical service. Sufficient vehicle stacking space shall provide at the pump islands so that vehicles awaiting service will not interfere with vehicles entering the site.
 - D. Canopies, when constructed as an integral part of the main building, shall comply with the minimum setback requirements of the district. Detached freestanding canopies shall comply with the requirements of Section 4.19 of this Ordinance.
 - E. The storage of vehicles overnight shall be prohibited except for working vehicles (wreckers and similar vehicles) and vehicles or trailers for general rental and those awaiting mechanical repair. These vehicles shall be parked in accordance with Section 5.2 and Section 5.3. Wrecked vehicles may be stored for a period not to exceed twenty-four (24) hours.
 - F. A noise impact statement is required subject to the standards of Section 5.14.10.B.
 - G. In the B-3 district only, a fueling station with a lawful accessory minor automobile service use that pre-dates the adoption of this Ordinance may terminate its fueling operations and continue its minor automobile repair services within the existing building, subject to the following:
 - i. All improvements and structures related to the fueling station use and not needed for the automobile repair use (e.g., canopies, fuel pumps, and fuel tanks) are lawfully removed.
 - ii. The existing building within which use is conducted is not enlarged.
 - iii. The applicant makes one or more of the following improvements:
 - a) Installation of additional landscaping beyond that existing at the time of the change in use.
 - b) Mitigation of adverse traffic impacts for vehicles entering or leaving the site on adjacent public roads by eliminating a driveway curb cut or other safety-related improvements (e.g., installation of acceleration or deceleration lane).
 - c) Installation of pedestrian safety paths in accordance with the requirements of Chapter 11 of the Code of Ordinances.

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- iv. A proposed site plan under this subsection G may be reviewed and approved administratively pursuant to Section 6.1.1.C and/or 6.1.1.D.
2. [Unchanged.]

Part II

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

Repealer. All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V.

Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2015.

ROBERT J. GATT, MAYOR

STAFF VERSION

MARYANNE CORNELIUS, CITY CLERK

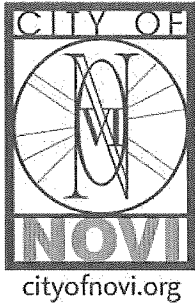
Ayes:

Nays:

Abstentions:

Absent:

**Planning Commission Meeting Minutes
Excerpt – February 25, 2015**



PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

FEBRUARY 25, 2015 7:00 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

CALL TO ORDER

The meeting was called to order at or about 7:00 PM.

ROLL CALL

Present: Member Baratta, Member Giacometti, Member Greco, Chair Pehrson, Member Zuchlewski

Absent: Member Anthony (excused), Member Lynch (excused)

Also Present: Barbara McBeth, Community Development Deputy Director; Kristen Kapelanski, Planner; Jeremy Miller, Engineer; Brian Coburn, Engineering Manager; Rick Meader, Landscape Architect; Gary Dovre, City Attorney.

PLEDGE OF ALLEGIANCE

Member Baratta led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Giacometti and seconded by Member Greco:

VOICE VOTE TO THE AMEND AGENDA APPROVAL MOTION MADE BY MEMBER GIACOPETTI AND SECONDED BY MEMBER GRECO:

Motion to amend the February 25, 2015 Planning Commission agenda to include item #2 and #3 (Neptune Center JSP14-10 and Text Amendment 18.274) under Matters for Consideration on the Consent Agenda and approval of the Amended Agenda. Motion carried 5-0.

PUBLIC HEARINGS

1. ZONING ORDINANCE TEXT AMENDMENT 18.272 FOR MINOR AUTOMOBILE REPAIR SERVICES.

Public Hearing for Planning Commission's recommendation to the City Council for an ordinance to amend the city of Novi Zoning Ordinance at Article 4, use Standards, Section 4.29, Fueling Stations and Minor automobile Service Establishments; in order to permit fueling stations with accessory minor automobile services that pre-date the Ordinance to terminate fueling operations and continue minor automobile repair services.

City Planner, Kristen Kapelanski, stated that this is an applicant proposed amendment from Sovel Service Center which will permit minor automobile service stations in the B-3 District. Staff is generally in support of the proposed amendment but has made some revisions including the following: In the B-3 District an accessory minor automobile repair shop that predates the ordinance may terminate its fueling operations provided are structures related to the fueling use and not needed by the repair use are removed and the applicant either installs additional landscaping, eliminates a curb cut or installs pedestrian paths. A revised version of the

ordinance from our City Attorney's office has been provided this evening slightly altering the proposed text. The Planning Commission is asked to hold the public hearing this evening and make a recommendation to the City Council.

Chair Pehrson asked the applicant to come forward and address the board.

Kevin Kohls, 41200 Coventry, stated that he is representing Sovel Service Company for the text amendment. The four Sovel Brothers are present for the hearing along with the architect for the site, Lee Mamola. They want to move forward with the site without selling gas. The business model has changed and Sovel's would like to continue what they view their primary use of the site is, which is repair automobiles. Both uses have been conducted on this site since the mid 1950's. They bought the property in 1983 and continued the use and expanded the use to the four bays that currently exist. They would like approval of the ordinance amendment so they can continue the use and continue to serve their customers.

Chair Pehrson opened the case to public hearing and asked anyone wishing to speak to address the board.

Walter Sobczak, 24248 Hampton Hill, stated that he moved to the city in 1970 and the only thing on the southwest corner of Novi Road and Meadowbrook Road was a gas station. It remained empty until the Sovel Brothers purchased it. Since then, they have turned it into a model business that is an asset to the community. He believes that many people in the city rely on this company because of their outstanding service. Mr. Sobczak stated that he is highly in favor of this text amendment so the Sovel Brothers can continue to provide excellent service to the community.

Alex Robertson, 44645 Kerri Court, stated that in the 20 years he has resided in Novi, he has only gone to Sovel to have his car serviced. They give great service and prices and they bend over backwards to accommodate their customers. He enjoys having their business in the community.

Robert Golota, 22013 Heatherbrae Way, is in full support of the proposed text amendment. Fuel can be dispersed at many different locations, although you cannot always find the quality service that they provide. It is a great business; they maintain the corner, have fixed up the building and he believes that it would be acceptable for them not to sell gas there anymore.

Chair Pehrson asked if there was any correspondence. There was none so he closed the public hearing and turned the discussion over to the board.

Moved by Member Baratta and seconded by Member Greco:

In the matter of the Text Amendment 18.272 for Minor Automobile Repair Services, motion to recommend approval to the City Council for an ordinance to amend the City of Novi Zoning Ordinance at Article 4, use Standards, Section 4.29, Fueling Stations and Minor automobile Service Establishments; in order to permit fueling stations with accessory minor automobile services that pre-date the Ordinance to terminate fueling operations and continue minor automobile repair services; as revised by the City Attorney's Office, and as provided at the table this evening.

Member Zuchlewski asked for clarification as to whether the tanks and canopy would be removed.

The applicant stated that the tanks and canopy will both be removed. It is part of the ordinance as the City Attorney's office has revised it that all of the gasoline sale related components must be removed to move forward with the automotive repair use. There will be other improvements to the site including landscaping, closing a curb cut and a light.

Chair Pehrson asked Planner Kapelanski if any vehicle sales are allowed on the property.

Planner Kapelanski stated that the use would not allow for any vehicle sales.

Chair Pehrson asked about an addition to the number of bays and whether they would have to go before the Planning Commission again.

Planner Kapelanski stated that they would go through the regular site plan approval process.

Chair Pehrson asked about the storage of the repaired cars and whether they would be considered a parked car if they were repaired and sitting in the lot.

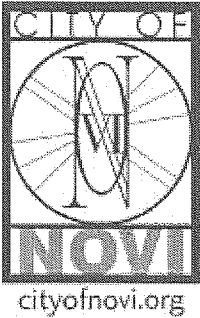
Planner Kapelanski responded that it would be considered a parked car.

ROLL CALL VOTE ON THE MOTION TO RECOMMEND APPROVAL OF TEXT AMENDMENT 18.272 MADE BY MEMBER BARATTA AND SECONDED BY MEMBER GRECO:

In the matter of the Text Amendment 18.272 for Minor Automobile Repair Services, motion to recommend approval to the City Council for an ordinance to amend the City of Novi Zoning Ordinance at Article 4, use Standards, Section 4.29, Fueling Stations and Minor automobile Service Establishments; in order to permit fueling stations with accessory minor automobile services that pre-date the Ordinance to terminate fueling operations and continue minor automobile repair services; as revised by the City Attorney's Office, and as provided at the table this evening.. *Motion carried 5-0.*

Staff Review Memo

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: KRISTEN KAPELANSKI, AICP, PLANNER *Kristen*
THROUGH: BARBARA MCBETH, AICP, COMMUNITY DEVELOPMENT
DEPUTY DIRECTOR
SUBJECT: REVIEW OF PROPOSED TEXT AMENDMENT 18.272
DATE: AUGUST 19, 2014 [UPDATED JANUARY 21, 2015]

The applicant, Sovel's Service Centers, Inc., is proposing modifications to Article 15, B-3, General Business District, in order to permit automobile service establishments for minor repair services as a principal permitted use. The applicant is proposing the ordinance change at this time because Sovel's Service Center, located at the southwest corner of Ten Mile Road and Meadowbrook Road intends to remove the gas pumps and canopy and focus entirely on minor vehicle repair and service.

Staff Review

Planning staff recommends approval of the proposed text amendment (with the suggested staff modifications as attached). The staff modifications would allow an existing fuel station with an accessory minor automobile service repair facility to cease operation of their fuel station and continue operation of the repair service business provided the existing building is not enlarged and one of the suggested improvements is made to the site.

The B-3 General Business District is intended to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Local Business District or the Community Business District. The District currently permits mini-lube or oil change establishments as a Special Land Use. The operation of and impacts from an automobile service establishment for minor repair services would be similar to those of the oil change use already permitted and would not interfere with the operation of other more-typical B-3 commercial uses.

Staff has attached a revised amendment with suggested conditions for the proposed use. The applicant is asked to review this memo along with the attached language and contact the Planning Division to indicate whether they would like to make any additional revisions to their proposed amendment in accordance with staff's recommendations or if they would like to proceed to the Planning Commission with their original draft language. The Planning Commission will hold the public hearing for the proposed text amendment and make a recommendation to the City Council, who will ultimately approve or deny the amendment and may propose alterations as well. The attached staff version of the proposed amendment is subject to review and changes by City staff and/or the City Attorney's Office. Please contact Kristen Kapelanski (248) 347-0586 or kkapelanski@cityofnovi.org) with any questions or concerns.

Information from the Applicant

**ATTACHMENT
TO
APPLICATION FOR TEXT AMENDMENT**

Description of Zoning Ordinance Change Proposed

The proposed text amendment will allow Sovel's Service Center, Inc. at the southwest corner of 10 Mile and Meadowbrook Roads (41425 Ten Mile Road, Zoned B-3, General Business) to continue the existing minor automotive repair use after the sale of fuels is discontinued. Sovel's currently sells gasoline and diesel fuel and performs minor automotive repairs, and has done so at this location since 1983. Under the City's Zoning Ordinance the minor automotive repair work is deemed accessory to the sale of fuels.

By way of background, from the mid-1950s to the early 1980s Gulf Oil owned the Sovel's site and also sold motor fuel and performed minor automotive repairs. After Sovel's acquired the property in 1983, it continued to sell fuel and perform minor automotive repairs (as defined in the Zoning Ordinance). In 1984, the City approved Sovel's request to rezone the property to the B-3 zoning district, which had setback requirements that would allow additional service bays to be built. In 1990, the City approved the construction of two additional service bays which resulted in the current configuration of the property with four automotive service bays.

The four Sovel bothers, who operate this business today, are all trained mechanics and repair cars at this site. As a result, the accessory use under the Zoning Ordinance – minor automotive repairs – has been the primary business operated by Sovel's at the property.

The underground tanks at the site, which have never leaked, have reached their useful life and must be removed. Sovel's is removing, but not replacing, the tanks and intends to permanently discontinue selling fuel. Sovel's has already contracted to remove the canopy, tanks and fuel pumps from the site.

Sovel's intends to continue, however, the minor automotive repair business that has been conducted by them since 1983 and by others since the mid-1950s. They respectfully propose the attached text amendment as a means to allow the continuation of this valuable, community-supported use. The attached text amendment, if enacted, would allow an ongoing, thirty-plus year City of Novi business to continue.

As you review this request, note that tire sales and installation are allowed in the B-3 District, and are not subject to special conditions. An example of this use is Belle Tire on Grand River west of Marty Feldman. In addition to tire sales and installation, Belle Tire also performs minor auto repair services such as oil change, brakes, mufflers, etc. as an accessory use. Another example of current minor automotive repair in the B-3 district is VIP Tire and Automotive at 48705 Grand River Avenue. We also understand that Dan's Auto Repair (43151 Grand River Avenue) and Firestone Tommy's Tire and Services Center (43111 Grand River Avenue) were each zoned in the B-3 classification prior to their current town center classification.