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City of Detroit

CITY PLANNING COMMISSION
208 Coleman A. Young Municipal Center
Detroit, Michigan 48226
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Frederick E. Russell, Jr.
Angy Webb

January 17, 2019

HONORABLE CITY COUNCIL

RE: Request of Mr. Matt Ward, owner of Lasher Tire Inc., (now Detroit Tire & Wheels) to amend Article XVII, District Map No. 73 of the 1984 Detroit City Code, Chapter 61, Zoning, by rezoning properties generally bounded by W. Grand River Avenue, Cooley Avenue and Redford Avenue from the current B3 (Shopping District) zoning classification to a B4 (General Business District) zoning classification. **(RECOMMEND APPROVAL)**

NATURE OF REQUEST AND PROJECT PROPOSAL

The City Planning Commission (CPC) has completed its review and deliberations on the request of Mr. Matt Ward, owner of Lasher Tire Inc., (now Detroit Tire & Wheels). This report and recommendation is submitted in response to the request to show a B4 (General Business District) zoning classification where a B3 (Shopping District) zoning classification, currently exists on seven (7) parcels commonly identified as 22100, 22116, 22120, 22124, 22132, 22200, and 22250 W. Grand River Avenue, generally bounded by the southeast-northwest alley first north of W. Grand River Avenue to the north, Lasher Road to the southeast, W. Grand River Avenue to the south and Cooley Avenue to the northwest.

BACKGROUND

The subject properties are located in City Council District 1 and include a number of parcels and structures under varied ownership. The tire sales and service facility is located at the corner of W. Grand River and Redford at 2100 W. Grand River Avenue and occupies a former Comerica Bank building. Abutting the tire sales and service facility is a former dentist office (Family Dentistry, now located at W. Grand River and Telegraph Road). The next storefront to the west is maintained and appears to be functioning in some capacity, but there is nothing indicating what that function may be. The next storefront to the west is boarded up, but appears to be open to trespass. The remaining two thirds of that segment of the frontage of W. Grand River Avenue contains a two story brick building with a storefront and a vacant bowling alley to the rear of the lot.

The rest of the B3 zoning parcel runs northwesterly one lot short of the corner of W. Grand River Avenue and Cooley Avenue, where the corner is zoned B4. It includes two separate structures, a Family Dollar and a Wendy's fast-food restaurant, both setback from W. Grand River Avenue by parking lots. The Wendy's parcel consists of split-zoning one half of the lot falling within the western end of the subject B3 district and the other half, which contains the restaurant structure, falling in the B4 district at Cooley.

Proposed Development

Prior to operating out of the current site the petitioner ran a smaller tire retail operation across the street at the northeast corner of Redford and Lahser on B4 zoned land.

The CPC previously considered and recommended approval of this rezoning request in 2013. Since that time the petitioner and subsequently staff tried, unsuccessfully, to develop a proper legal description of the property to be rezoned separating the Grand River frontage from the parking lot to the rear. The matter fell through the cracks until the Planning and Development Department began its neighborhood planning study and shortly thereafter enforcement again became a concern. CPC staff thought a unifying zoning scheme would be quickly forthcoming from the planning study. While it has brought forward some of the property owners who did not respond to CPC's previous outreach efforts in 2013, it has yet to produce a final rezoning scheme for the entire area. Of those property owners that came forward, one was the owner of the parking lot to the north. They provided a survey that was used to develop the legal description for the rezoning.

SURROUNDING LAND USE AND ZONING

The zoning classifications and land uses surrounding the subject area are as follows:

North: R1 and R2 - Single-family residential, B4 - vacant commercial, parking, office
South: R1- institutional (school and church), B3, B4, commercial retail and auto service
East: B3 and B4 - commercial retail, entertainment; and R1 - residential beyond
West: B4 - commercial retail, R1 - single-family residential, vacant land

PUBLIC HEARING RESULTS

On June 21, 2018, the CPC held a public hearing on this request. There were no members of the public in attendance to address the rezoning request.

The original public hearing was held in December of 2013. No public testimony was rendered at that time either.

MASTER PLAN CONFORMANCE

The subject property is located within the Redford Neighborhood of Sector 8 of the Detroit Master Plan of Policies. The Future Land Use map designation is "Mixed Town Center" for the subject area in the Master Plan. The Planning and Development Department previously indicated the request was consistent with the Master Plan of Policies.

ANALYSIS

The existing B3 zoning district classification was established to support the development of a shopping node in this area as a part of the commercial corridor improvement program sponsored by the city. Sadly, the pattern of development never really followed that direction. The character of development on the subject site as well as the Grand River frontage on the opposing side of the street and further west is of a general commercial nature.

CPC's review of the approval criteria in Section 61-3-80 finds the rezoning request to be compliant. Of them the primary criterion invoked by this request is #1, which deals the correction of an error or the challenge of a changing condition, trend or fact. The petitioner's property served this community as a bank for many years. When it was no longer viable to continue that use the branch was closed and the property placed on the market for purchase. The petitioner purchased the property and was able to open and operate the automotive retail and service facilities for many years before being cited by BSEED. The rezoning to B4 will allow the petitioner to become compliant.

The past and present uses of the balance of the subject property to the west would also be allowed under the B4 classification. The rezoning will also provide continuity with adjacent and nearby zoning across and to the west along Grand River.

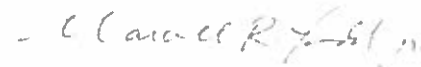
RECOMMENDATION

The CPC having completed its review of this request recommends rezoning of the Grand River Avenue frontage from B3 to B4. By doing so the entire block from Redford Avenue to Cooley Avenue will be under the same zoning classification. The marketability and viability of the vacant properties will increase with expanding land use options available under the B4. The petitioner will be in a position to pursue legal operation as a conditional under the B4.

On June 21, 2018 the City Planning Commission voted to recommend approval of the request of Mr. Matt Ward. Consistent with the analysis and findings provided above, the CPC recommends approval of the request to show a B4 (General Business District) zoning classification where a B3 (Shopping District) zoning classification, currently exists on seven (7) parcels commonly identified as 22100, 22116, 22120, 22124, 22132, 22200, and 22250 W. Grand River Avenue, generally bounded by the southeast-northwest alley first north of W. Grand River Avenue to the north, Lasher Road to the southeast, W. Grand River Avenue to the south and Cooley Avenue to the northwest.

Respectfully submitted,

ALTON JAMES,
CHAIRPERSON



Marcell R. Todd, Jr, Director
George A. Etheridge, Staff

Attachments:
Public Hearing Notice
CPC staff report
Zoning Map No. 73
Ordinance

Alton James
Chairperson
Lesley Carr Fairrow, Esq.
Vice Chair/Secretary

City of Detroit

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NOTICE OF PUBLIC HEARING

A public hearing will be held by the Detroit City Planning Commission in the Committee of the Whole Room, 13th Floor, Coleman A. Young Municipal Center, 2 Woodward Avenue, Detroit, Michigan 48226, on

THURSDAY, JUNE 21, 2018 AT 6:00 PM

to reaffirm the Commission's 2013 recommendation for approval of the request of Matt Ward owner of Lahser Tire Inc., to amend Article XVII, District Map` 73 of the Detroit Zoning Ordinance, Chapter 61 of the 1984 Detroit City Code, by rezoning properties Generally bounded by Grand River Ave., Cooley, Willmarth, Lahser and Redford from the current B3 (Shopping District) zoning classification to a B4 (General Business District) zoning classification. The subject properties are more specifically known as 22100, 22116, 22120, 22124, 22132, 22200, and 22250 W. Grand River Avenue.

The location of the proposed rezoning is specifically indicated as the shaded area on the accompanying map.

The proposed map amendment is being requested to allow an existing automobile service facility to operate legally within the subject area at 22100 Grand River. The proposed use would be permitted on a by-right basis in the proposed B4 zoning classification.

The pertinent zoning district classifications are described as follows:

B3- Shopping District

The district provides for a range of convenience and comparison shopping goods stores, which are generally grouped into neighborhood and community shopping centers, depending on the size of the area so mapped. Uses permitted are inclusive enough to allow for the provisions of a broad range of goods and services for the consumer, and to allow for as much freedom and healthy competition in the commercial real estate market and commercial activities as is commensurate with other community values.

B4 – General Business District

The B4 General Business District provides for business and commercial uses of a thoroughfare-oriented nature. In addition to these uses, other businesses, which may benefit by drawing part of their clientele from passing traffic are permitted. Additional uses, which may be successfully blended with permitted by-right uses, are conditional.

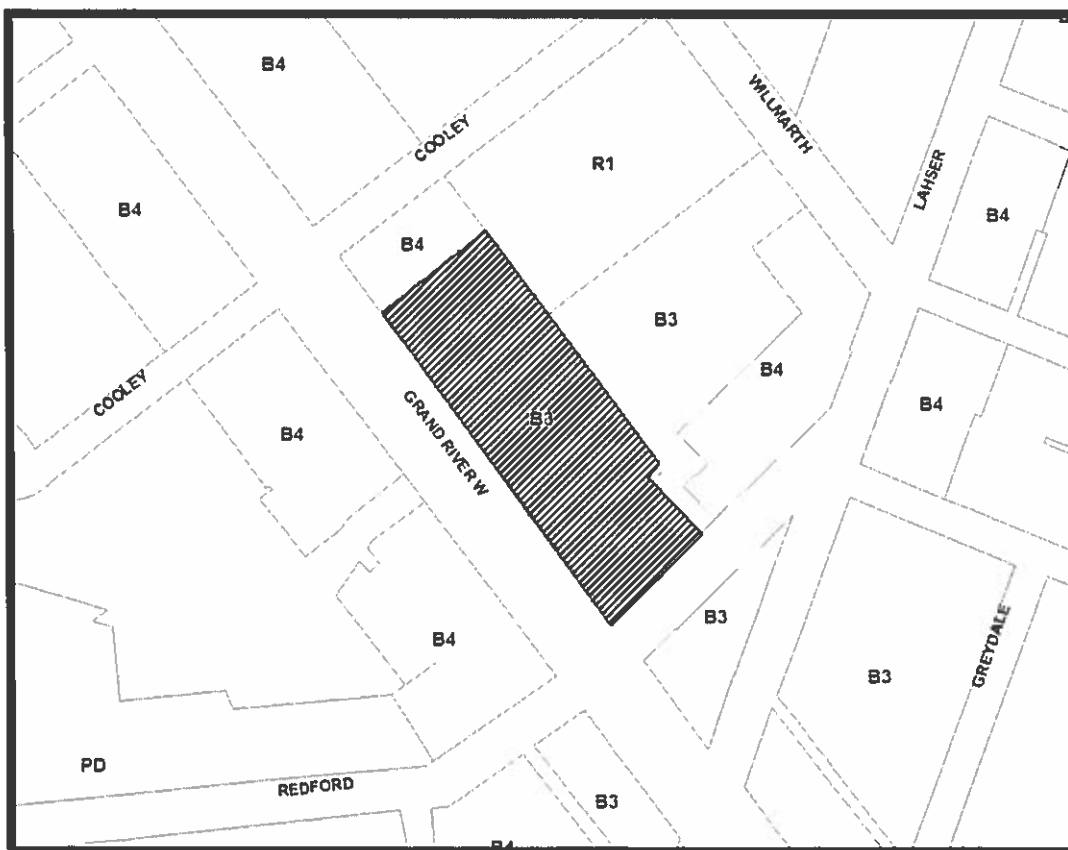
A Zoning Ordinance map amendment requires approval of the City Council after a public hearing and after receipt of a report and recommendation by the City Planning Commission. This Zoning

Ordinance map amendment request is being considered consistent with the provisions of Article III, Division 3 of Chapter 61 of the 1984 Detroit City Code, the Detroit Zoning Ordinance.

You may present your views on this proposal by attending this hearing, by authorizing others to represent you, or by writing to this office prior to the hearing; 2 Woodward Avenue, Room 208, Detroit, Michigan 48226 (FAX: 313-224-4336). Because it is possible that some who are affected by this proposal may not have been notified, it is suggested that you kindly inform your neighbors so that they too may express their positions if they so desire.

An interpreter for the hearing impaired or non-English speaking persons may be present at the meeting if requested at least 48 hours in advance, excluding weekends and holidays. To request that an interpreter be present at the meeting, please call the Department of Civil Rights, Inclusion & Opportunity 313-224-4950.

For further information on this proposal or the public hearing, please call (313) 224-6225.



Proposed Rezoning from B3 to B4

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Lesley Carr Fairrow, Esq.
Vice Chair/Secretary

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TO: City Planning Commission

FROM: Marcell R. Todd, Jr., Director
George A. Etheridge, Staff

RE: **Reaffirmation of recommendation for approval for the request of Matt Ward owner of Lahser Tire Inc., to amend Article XVII, District Map No. 73 of the Detroit Zoning Ordinance, Chapter 61 of the 1984 Detroit City Code, by rezoning properties Generally bounded by W. Grand River Avenue, Cooley Avenue and Redford Avenue from the current B3 (Shopping District) zoning classification to a B4 (General Business District) zoning classification.**

DATE: June 19, 2018

In December of 2013 Your Honorable Body recommended approval of the request of Matt Ward owner of Lahser Tire Inc., (now Detroit Tire & Wheels) to amend Article XVII, District Map No. 73 of the Detroit Zoning Ordinance, Chapter 61 of the 1984 Detroit City Code, by rezoning properties generally bounded by W. Grand River Avenue, Cooley Avenue and Redford Avenue from the current B3 (Shopping District) zoning classification to a B4 (General Business District) zoning classification. The subject properties are more specifically known as 22100, 22116, 22120, 22124, 22132, 22200, and 22250 W. Grand River Avenue.

BACKGROUND AND PROPOSAL

The subject properties includes a number of parcels and structures under varied ownership. The tire sales and service facility is located at the corner of W. Grand River and Redford and occupies a former Comerica Bank building. Abutting the tire sales and service facility is a former dentist office (Family Dentistry, now located at W. Grand River and Telegraph Road). The next storefront to the west is maintained and appears to be functioning in some capacity, but there is nothing indicating what that function may be. The next storefront to the west is boarded up, but appears to be open to trespass. The remaining two thirds of that segment of the frontage is occupied by a two story brick building with a storefront along W. Grand River Avenue with a vacant bowling alley to the rear of the lot.

The rest of the B3 zoning parcel runs northwesterly one lot short of the corner of W. Grand River Avenue and Cooley Avenue, where the corner is zoned B4. It includes two separate structures, a Family Dollar and a Wendy's fast-food restaurant, both setback from W. Grand River Avenue by parking lots. The Wendy's parcel consists of split-zoning one half of the lot falling within the

western end of the subject B3 district with the other half, which contains the restaurant structure, falling in the B4 district at Cooley.

Prior to operating out of the current site the petitioner ran a smaller tire retail operation across the street at the northeast corner of Redford and Lahser on B4 zoned land

Your Honorable Body previously considered and recommended approval of this rezoning request in 2013. Since that time the petitioner and subsequently staff tried, unsuccessfully, to develop a proper legal description of the property to be rezoned separating the Grand River frontage from the parking lot to the rear. The matter fell through the cracks until the Planning and Development Department began its neighborhood planning project and shortly thereafter enforcement again became a concern. CPC staff thought a unifying zoning scheme may have been quickly forthcoming from the planning project. While it has brought forward some of the property owners who did not respond to CPC's previous outreach effort in 2013, it has yet to produce a final rezoning scheme for the entire area, which staff hoped could be combined with your original rezoning request. Rather than delay any further staff and due to the amount of time that has lapsed, staff is returning the matter before you for a second public hearing in order to hear from the community and reaffirm your recommendation. This will allow the petitioner's property and the related Grand River frontage to advance to the City Council. We anticipate a larger rezoning for the land to the north and east beyond Lahser will come before the Commission in the next six months to a year once the neighborhood planning project and/or the property owners/community produces such a scheme.

PLANNING CONSIDERATIONS

Surrounding Zoning and Land Use

The zoning classifications and land uses surrounding the subject area are as follows:

North: R1 and R2 - Single-family residential, B4 - vacant commercial, parking, office
South: R1- institutional (school and church), B3, B4, commercial retail and auto service
East: B3 and B4 - commercial retail, entertainment; and R1 - residential beyond
West: B4 – commercial retail, R1 – single-family residential, vacant land

Master Plan

The subject property is located within the Redford Neighborhood of Sector 8 of the Detroit Master Plan of Policies. The Future Land Use map designated "Mixed Town Center" for the subject area in the Master Plan. The Planning and Development Department previously indicated the request was consistent with the Master Plan.

Review

The existing B3 zoning district classification was established to support the development of a shopping node in this area. Sadly, the pattern of development never really followed that direction. The character of development on the subject site as well as the Grand River frontage on the opposing side of the street and further west is of a general commercial nature.

Staff review of the approval criteria in Section 61-3-80 finds the rezoning request to be compliant. Of them the primary criterion invoked by this request is #1, which deals the correction of an error or the challenge of a changing condition, trend or fact. The petitioner's property served this community as a bank for many years. When it was no longer viable to continue that use the branch was closed and the property placed on the market for purchase. The

petitioner purchased the property and was able to open and operate the automotive retail and service facilities for many years before being cited by BSEED. The rezoning to B4 will allow the petitioner to become compliant.

The past and present uses of the balance of the subject property to the west would also be allowed under the B4 classification. The rezoning will also provide continuity with adjacent and nearby zoning across and the west along Grand River.

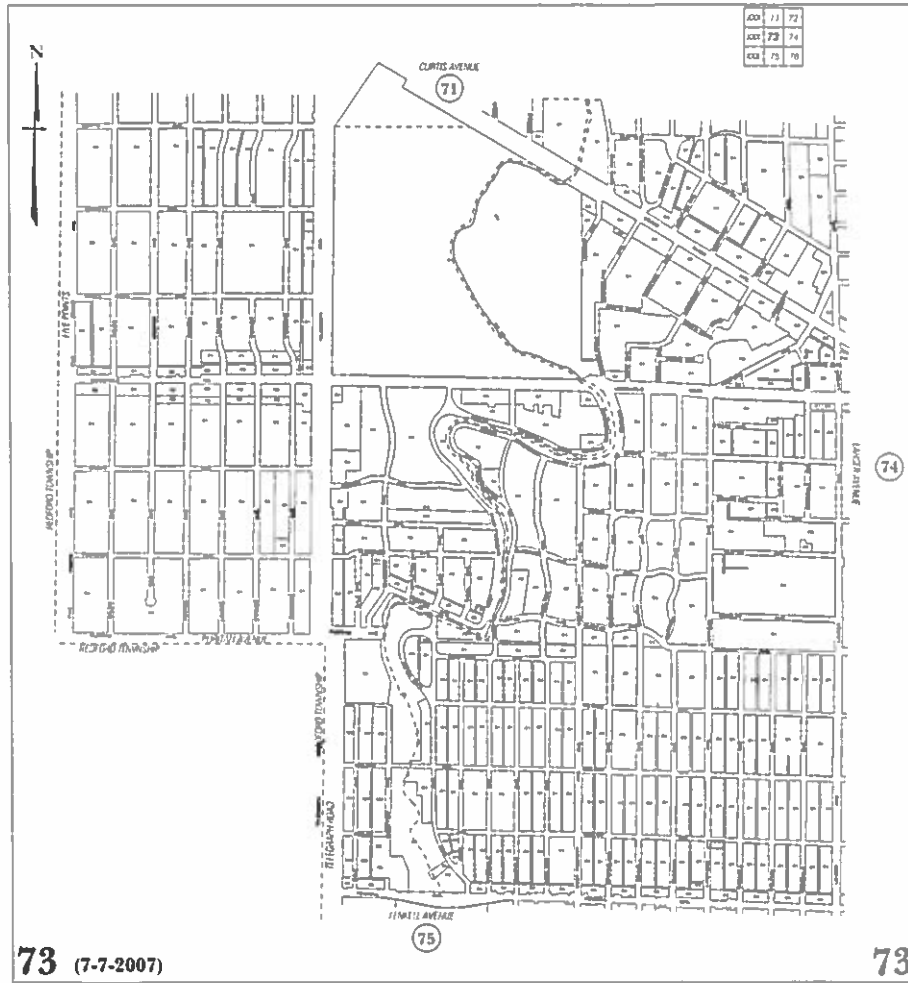
CONCLUSION AND RECOMENDATION

Staff having completed its review of this request recommends rezoning of the Grand River Avenue frontage from B3 to B4. By doing so the entire block from Redford Avenue to Cooley Avenue will be under the same zoning classification. The marketability and viability of the vacant properties will increase with expanding land use options available under the B4. The petitioner will be in a position to pursue legal operation as a conditional under the B4.

Rezoning of the parking lot to B4 would likely have a detrimental impact on the adjacent residential both in terms of the potential use of the land and related factor such as noise and traffic. A rezoning to P1 or SD1 may be more appropriate. Staff believes the remaining B3 zoned property should be reviewed within the larger context of the neighborhood planning study and a rezoning scheme be develop for the greater including and surrounding the intersection of Lahser and Grand River. Some text amendment may also be required.

Attachment

cc: Maurice Cox, Director, PDD
David Walker, Western District Design Director, PDD
John Baran, PDD
David Bell, Director, BSEED
Lawrence Garcia, Corp. Counsel



SUMMARY

This ordinance amends Chapter 61 of the 1984 Detroit City Code, '*Zoning*,' commonly known as the Detroit Zoning Ordinance, by amending Article XVII, District Map No. 73 to show a B4 (General Business District) zoning classification where a B3 (Shopping District) zoning classification currently exists on 7 parcels, generally bounded by the east-west alley first north of W. Grand River Avenue to the north, Redford Avenue to the east, W. Grand River Avenue to the south and Cooley Avenue to the west.

1 BY COUNCIL MEMBER _____:

2 AN ORDINANCE to amend Chapter 61 of the 1984 Detroit City Code, 'Zoning,'
3 commonly known as the Detroit Zoning Ordinance, by amending Article XVII, District Map
4 No. 73 to show a B4 (General Business District) zoning classification where a B3 (Shopping
5 District) zoning classification currently exists on 7 parcels, generally bounded by the east-west
6 alley first north of W. Grand River Avenue to the north, Redford Avenue to the east, W. Grand
7 River Avenue to the south and Cooley Avenue to the west. IT IS HEREBY ORDAINED BY
8 THE PEOPLE OF THE CITY OF DETROIT THAT:

9 Section 1. Article XVII, Chapter 61 of the 1984 Detroit City Code, 'Zoning,' commonly
10 known as the Detroit Zoning Ordinance, is amended as follows:

11 District Map No. 73 is amended to show a B4 (General Business District) zoning
12 classification where a B3 (Shopping District) zoning classification currently exists on 7 parcels,
13 generally bounded by the east-west alley first north of W. Grand River Avenue to the north,
14 Redford Avenue to the east, W. Grand River Avenue to the south and Cooley Avenue to the
15 west, identified more specifically as:

16 Land situated in the City of Detroit, County of Wayne, State of Michigan, as
17 follows:

18 N GRAND RIVER ALL THAT PART OF S E 1/4 OF SEC 9 T 1 S R 10 E
19 DESC AS FOLS BEG AT A PTE IN N LINE OF GRAND RIVER AVE 120 FT
20 WD BG ALSO IN W LINE OF REDFORD AVE 66 FT WD TH N 61D W 50.15
21 FT ALG SD N LINE TH N 28D 56M 40S E 74 FT TH N 61D W 78.84 FT TH N
22 28D 56M 30S E 109.18 FT TH S 61D E 106.36 FT TH S 22D 04M 20S W

1 184.56 FT ALG W LINE OF REDFORD AVE TO P O B 22/--- 50.15 IRREG

2 inclusive of

3 N GRAND RIVER E 26 FT OF W 78.76 FT ON S LINE BG E 26.08 FT OF W

4 78.84 FT ON N LINE OF S 74 FT OF S E 1/4 SEC 9 T 1 S R 10 E LYG N &

5 ADJ GRAND RIVER AVE 120 FT WD E & ADJ LOT 1 OF HART BROS SUB

6 22/--- 26 IRREG inclusive of

7 N GRAND RIVER E 27.76 FT OF W 52.76 FT OF S 74 FT OF S E 1/4 SEC 9 T

8 1 S R 10 E LYG N & ADJ GRAND RIVER AVE 120 FT WIDE E & ADJ LOT

9 1 OF HART BROS SUB 22/--- 27.76 X 74 inclusive of

10 N GRAND RIVER W 25 FT OF S 74 FT OF S E 1/4 SEC 9 T 1 S R 10 E LYG N

11 & ADJ GRAND RIVER AVE 120 FT WD E & ADJ LOT 1 OF HART BROS

12 SUB 22/--- 25 X 74 inclusive of

13 N GRAND RIVER 2&1 EXC GRAND RIVER AS WD HART BROS SUB L22

14 P56 PLATS. W C R 22/383 ALSO THAT PT OF S E 1/4 OF SEC 9 T 1 S R 10 E

15 DESC AS FOLS BEG AT N E COR OF HART BROS SUB TH N 29D 21M 29S

16 W 96.38 FT TH N 57D 39M 40S W 39.05 FT TH N 28D 56M 30S E 63.94 FT

17 TH S 61D E 120.88 FT TH S 28D 56M 30S W 116.71 FT TO P O B 22/---

18 137.60 IRREG inclusive of

19 N GRAND RIVER 6 THRU 3 AND PT N & ADJ SD LOTS 3 THRU 5 BG S 69

20 FT ON E LINE & S 60 FT ON W LINE HART BROS SUB L22 P56 PLATS, W

21 C R 22/383 201 X 196.50

22 **Section 2.** All ordinances or parts of ordinances in conflict with this ordinance
23 are repealed.

1 **Section 3.** This ordinance is declared necessary for the preservation of the public peace,
2 health, safety, and general welfare of the people of the City of Detroit.

3 **Section 4.** This ordinance shall become effective on the eighth (8th) day after publication
4 in accordance with MCL 125.3401(6) and Section 4-118, paragraph 3, of the 2012 Detroit City
5 Charter.

Approved as to Form:



Lawrence Garcia
Corporation Counsel