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City of Detroit

CITY PLANNING COMMISSION
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Brenda Goss Andrews
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Angy Webb

April 24, 2019

HONORABLE CITY COUNCIL

RE: Request from Antar Alkadi of A K Real Estate Investments LLC (petition #362) to rezone 12901 Joseph Campau Avenue from an R2 (Two-Family Residential District) zoning classification to a B4 (General Business District) zoning classification to reflect the historical use of the land for business/auto related uses and to request additional auto related uses in the future (RECOMMEND APPROVAL)

A K Real Estate Investments LLC is requesting to rezone 12901 Joseph Campau Avenue, generally located on the west side of Joseph Campau Avenue between Cody and Meade Avenues from an R2 zoning classification to a B4 zoning classification on Zoning Map No. 16. The change in zoning is being requested in order to allow the zoning to reflect the historical use of the land as commercial and to request additional auto related use in the future. Please see attached rezoning application and public hearing notice.

Background and Proposal

The subject property, 12901 Joseph Campau Avenue, is located on the west side of Joseph Campau Avenue between Cody Avenue to the north and Meade Avenue to the south. Since 2009, Antar Alkadi of A K Real Estate Investments LLC has owned the subject property and operated AKA Used Auto Sales. The subject property is presently developed with an approximately 3,000 square foot one-story commercial building for vehicle prep, a parking area to display used cars, and surface parking lot.

In the 1940's, 1950's, and early to mid-1960's, the subject block, as well as the remainder of Joseph Campau Avenue, was zoned as commercial. City records show a permit was issued in 1950 for part of the subject property to be used as a "used car sales office". In 1968, there was a major update to all of the City's zoning maps, and the subject block was changed to a residential zoning classification; it is unclear whether or not this change was in error or planned. City records show a permit was granted in 1969 to erect the current building as an "auto dealer write-up facility" associated with KraJenke Buick sales located on the block to the south. City records also show a permit was granted in 1972 to expand the subject building for an auto prep center and used car sales associated with KraJenke Buick. It is assumed these changes were allowed, because it was the continuation of a non-conforming use.

The proposed map amendment is being requested by Mr. Alkadi to continue use of the block as a used motor vehicle sales lot and to make the zoning consistent with the current use. In the recent past, Mr. Alkadi added motor vehicle repair to the building, but was told by the City's Buildings, Safety Engineering, and Environmental Department (BSEED) this was not allowed under the R2 zoning. If the B4 zoning were approved, Mr. Alkadi would have to file an application for a conditional land use grant to properly add the vehicle repair use to the used car operation.

Public Hearing Results

On October 18, 2018, the City Planning Commission held a public hearing on the rezoning request. At the hearing, no one from the public spoke.

A staff member from the Planning & Development Department (P&DD) attended the hearing and submitted a letter raising concerns about the rezoning request. P&DD is currently developing a Neighborhood Framework Plan for the Campau/Davison/Banglatown area which includes the subject property. This planning process began in the Spring of 2018 and is proposed to be completed in Spring 2019. Part of this study proposes developing a new pedestrian path along Meade Avenue between I-75 to the west and Joseph Campau Avenue to the east called the Meade Street Connector. One goal of the Meade Street Connector is to provide an east/west linkage to the proposed Joe Louis Greenway, part of which would be located on Joseph Campau Avenue. P&DD was concerned that the proposed B4 classification and auto repair business, would not support the goal of improving walkability and bikeability in the neighborhood. One concern is the garage doors of the existing building at 12901 Joseph Campau Ave. currently open directly onto Meade Avenue.

During the hearing, the City Planning Commissioners also discussed the following issues:

- The Commission requested information about who owned the vacant land west of the subject used car lot; the Commission discussed the possibility of the used car lot expanding its parking area onto the vacant land behind the building;
- CPC staff offered to attend an upcoming planning meeting for the Campau/Davison/Banglatown study and to provide additional information on plans for the Joe Louis Greenway and Meade Street Connector; and
- CPC staff offered to provide additional information on the number of auto related uses on Joseph Campau Avenue near the subject rezoning site.

Public Hearing Follow-up

The neighborhood west of the subject block is developed with housing and numerous vacant lots. The lots immediately west of the subject used car lot are vacant, zoned R2, and owned by the Detroit Land Bank Authority. The petitioner, at this time, indicates he is not overly interested in expanding his property onto the vacant land behind his building, in part because of the added expense of purchasing and developing the land.

The Joe Louis Greenway is a proposed 30+ mile non-motorized trail that would connect many neighborhoods and communities in the City, from the East Riverfront up through Hamtramck, over to the University District, Ferndale, Highland Park, and back down to Southwest Detroit. The subject section of Joseph Campau Avenue would be part of the Greenway, with bike lanes being added to the street. To date, P&DD has hosted 4 public meetings to develop a Neighborhood Framework Plan for the Campau/Davison/Banglatown area. CPC staff

understands this Neighborhood Framework Plan is wrapping up, and P&DD has decided not to include the Meade Connector at this time.

It appears the subject section of Joseph Campau Avenue in the mid-20th Century was the location of several auto lots for new and used cars, including the aforementioned KraJenke Buick. Of the 18 existing buildings on Joseph Campau Avenue between the Davison Freeway to the north and Carpenter Avenue to the south, 8 are used for auto-related uses, 7 are used for other commercial uses, and 3 are vacant.

Analysis

Surrounding Zoning and Land Use

The zoning classification and land uses surrounding the subject block are as follows:

North: B4; developed with motor vehicle service
East: B4; developed with a restaurant/bar and funeral home
South: B4; vacant block developed with a soccer field
West: R2; vacant with residential houses beyond

Zoning Ordinance Criteria

Section 61-3-80 of the Detroit Zoning Ordinance lists eight approval criteria on which zoning map amendments must be based. The CPC found that the present request meets the criteria for the following reasons:

1. *Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend or fact;*
From researching past zoning maps, the CPC was unable to determine why the subject block was changed from a commercially zoned block in the 1940's through the mid-1960's to a residentially zoned block in the 1968 Zoning Ordinance update. It appears this may be an error that needs to be corrected.
2. *Whether the proposed amendment is consistent with the Master Plan and the stated purposes of this Zoning Ordinance;*
The subject site is located within the Davison area of Neighborhood Cluster 1 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows Neighborhood Commercial for the subject block.
3. *Whether the proposed amendment will protect the health, safety, and general welfare of the public;*
The proposed amendment will protect the health, safety, and general welfare of the public by rezoning to commercial, land that is already being used for commercial development.
4. *Whether the City and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development;*
Not applicable.

5. *Whether the proposed rezoning will have significant adverse impacts on the natural environment, including air, water, soil, wildlife, and vegetation and with respect to anticipated changes in noise and regarding stormwater management;*

It is not anticipated the proposed rezoning will have significant adverse impacts on the natural environment.

6. *Whether the proposed amendment will have significant adverse impacts on other property that is in the vicinity of the subject tract;*

The proposed amendment will not have significant adverse impacts on property in the vicinity of the subject tract. The subject property, dating back to the 1950's, has been used for commercial uses, used auto sales and other auto related uses. There is presently an Islamic Community Center on the east side of Joseph Campau southeast of the subject rezoning. This Center has indicated its support for the proposed rezoning. The Islamic Center, it appears, in the recent past installed a soccer field on the vacant block south of the subject rezoning. Unfortunately, this field presently has no fence around it to prevent soccer balls from leaving the site.

7. *The suitability of the subject property for the existing zoning classification and proposed zoning classification; and*

The subject property is not suitable for the existing zoning classification, because for the last several decades the property has been used for commercial auto related uses. Changing the block from commercial to residential in 1968 resulted in the creation of a non-conforming use on the site. Used motor vehicle sales lots and auto repair are both conditional uses in B4.

8. *Whether the proposed rezoning will create an illegal "spot zone."*

The proposed rezoning will not create an illegal spot zone, because the proposed commercial zoning will be adjacent to existing commercial zoning to the north, east and south.

Additional Zoning Analysis

The subject site is located on the west side of Joseph Campau Avenue between Carpenter St. (City of Hamtramck) to the south the East Davison Expressway to the north. The east and west sides of this ½ mile section of Joseph Campau Avenue are zoned B4, except for the subject block which is zoned R2. It is unclear from past City records why the subject block was designated as residential in 1968. Therefore, it could be argued that the subject rezoning is correcting an error in the zoning map.

If the subject site were rezoned to B4 and the petitioner wanted to add minor or major vehicle repair in the future, the petitioner would need to apply for a conditional land use grant approval from BSEED. Conditional land use proposals require a public hearing, at which representatives of P&DD are authorized to make a recommendations. Also, P&DD's approval of a final site plan is required before BSEED can issue any zoning grant for a conditional use.

Recommendation

The City Planning Commission recommends **APPROVAL** of the request of the A K Real Estate Investments LLC to amend Article XVII, District Map No. 16 of the 1984 Detroit City Code, Chapter 61, Zoning, by showing a B4 zoning classification where a R2 zoning classification

currently exists on property at 12901 Joseph Campau Avenue. The ordinance approved as to form, is attached for Your consideration.

Respectfully submitted,

Alton James, CHAIRPERSON



Marcell R. Todd, Jr., Director
Christopher J. Gulock, AICP, Staff

Attachments: public hearing notice, application for zoning change, and ordinance

cc: Maurice Cox, Director, P&DD
Karen Gage, P&DD
Greg Moots, P&DD
Dave Bell, Director, BSEED
Daniel Arking, Law Department

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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, OCTOBER 18, 2018 AT 5:15 PM

to consider the request of Antar Alkadi to amend Article XVII, District Map No. 16 of the 1984 Detroit City Code, Chapter 61, Zoning, by showing a B4 (General Business District) zoning classification where a R2 (Two-Family Residential District) zoning classification currently exists on property at 12901 Joseph Campau Avenue, generally located on the west side of Joseph Campau Avenue between Cody and Meade Avenues. The location of the proposed rezoning is indicated as the highlighted area on the accompanying map.

The proposed map amendment is being requested by Antar Alkadi to continue use of the block as a used motor vehicle sales lot and to potentially add minor motor vehicle service.

The pertinent zoning district classifications are described as follows:

R2 Two-Family Residential District

The district is designed to protect and enhance those areas developed or likely to develop with single- or two-family dwellings. The district regulations are designed to promote a suitable environment for homes and for activities connected with family life. The only principal uses permitted by right are single- and two-family dwellings. Additional uses are conditional.

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.

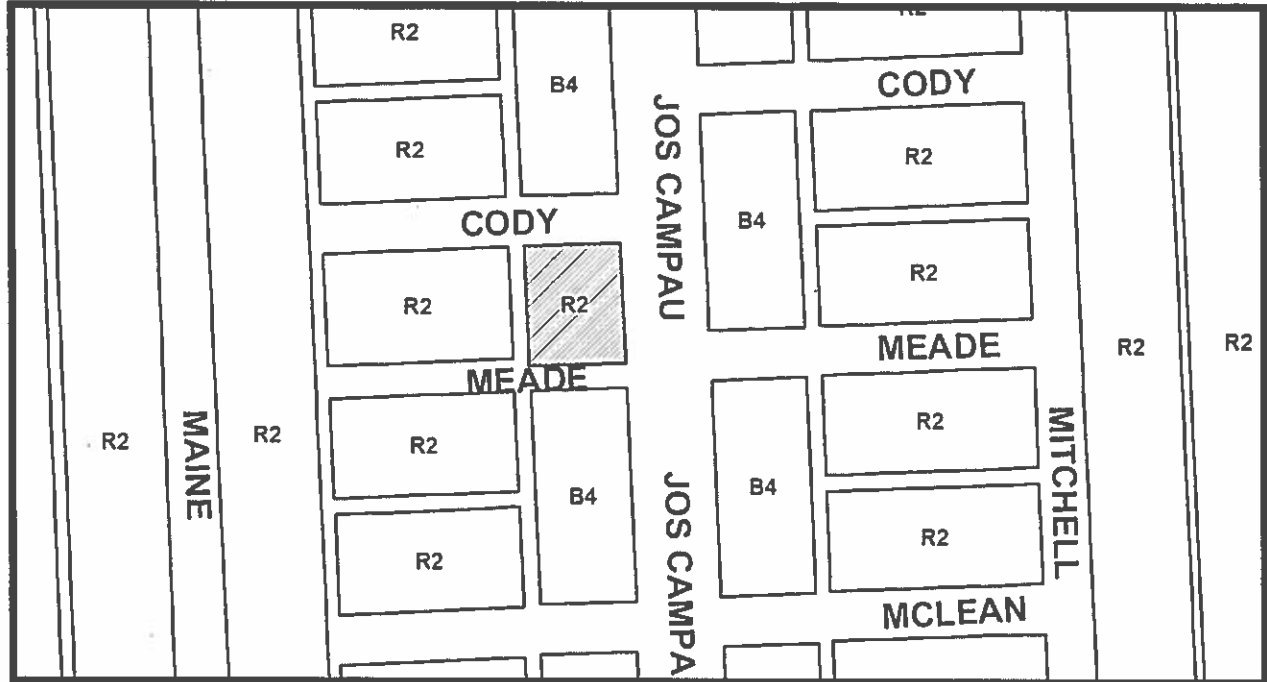
A Zoning Ordinance map amendment requires approval of the City Council after a public hearing and after receipt of a report and recommendation by the City Planning Commission. This Zoning Ordinance map amendment request is being considered consistent with the provisions of Article III, Division 3 of 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 will be present at the meeting if requested at least 48 hours in advance. If interpretation or translation services are needed please call this office at (313) 224-6225.

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



Proposed Rezoning from R2 to B4

City Planning Commission
202 Coleman A. Young Municipal Center
Detroit, Michigan 48226
(313) 224-6225 (phone)
(313) 224-4336 (fax)

CPC File #: MAY 24 2018

Date of Filing: _____

RE: _____

APPLICATION FOR A ZONING CHANGE

The City Council of the City of Detroit requires a report and recommendation from the City Planning Commission on all rezoning proposals before it takes final action. Please provide the following information regarding the proposal, so that the Commission may proceed in its review and processing of this request.

Section 61-3-3 of the Detroit Zoning Ordinance states that application for rezoning may be initiated by petition from:

1. all owners of the property that is the subject of the application;
2. the owners' authorized agents;
3. any review or decision-making body; or
4. other persons with a legal interest in the subject property, such as a purchaser under contract.

Petitions of the City Council are to be made through the City Clerk via separate written request prepared by the applicant or the completion of form available from the City Planning Commission. ①

The applicant will be notified at least seven (7) days prior to the meeting at which the proposal will appear on the Commission's agenda.

The applicant (or a representative of the applicant) is expected to be in attendance at the required public hearings to present the proposal and to answer any questions regarding the matter.

The City Planning Commission may request all necessary information pertaining to proposed ordinances for the regulation of development in carrying out its duties as set forth in Section 4-402 and 6-204 of the City Charter.

Failure to answer all pertinent questions and to supply all of the requested information will delay processing of this proposal.

NOTE: Applicants proposing a rezoning or modification to the PD (Planned Development), PC (Public Center), PCA (Restricted Central Business District) and the SD5 (Special Development District, Casinos) zoning district classifications must complete a different application which may be obtained from our office.

Signature of Applicant: *Anto*

← Date: 1-18-18

ZONING FEE:

Effective January 11, 1995, the applicant will be charged a fee for the processing of a rezoning application. The fee schedule is as follows:

Size of Property	Fee
One acre or less	\$350.00
Over one acre	\$350.00 for the first acre plus \$25.00 for each additional acre to a maximum of \$1,000.00

Payment of the fee must be in the form of a check or money order payable to the "City of Detroit - Treasurer". When the City Planning Commission has accepted payment, the applicant should formally submit the petition to the office of the City Clerk.

ZONING CHANGE PROCEDURES:

A change in the zoning classification on property located within the City of Detroit requires action by the City Planning Commission (after the holding of a State-required public hearing) and approval by the City Council (after the holding of a Charter-required public hearing).

A change in zoning usually takes from three to four months to accomplish (from the date of submittal of the application to the effective date of the zoning change).

At each of the required public hearings, all owners of property, residents, businesses and known community organizations within 300 feet of the property in question are notified of the proposal and of the time, date and place of the hearing. The applicant will be responsible for posting public notice of the public hearing on the property in question in a manner acceptable to the Planning Commission. The persons so notified are invited to attend the hearing, hear presentations on what is being proposed, and express their opinions on the proposal if they so desire.

It is mandatory that the applicant, or the applicant's officially designated representative, attend both of the public hearings and justify to the satisfaction of the members of the City Planning Commission and the members of the City Council that the current zoning classification is inappropriate, and that the proposed change and resultant development can take place and be accomplished without adversely affecting the surrounding properties.

1. Name of Applicant: AK REAL Estate Investments LLC
Address of Applicant: 12901 Joseph Campau
City, State & Zip Code: Detroit MI 48212
Telephone Number: (313) 365-8885

2. Name of Property Owner: Antar AIKADI
(If same as above, write "SAME")
Address of Property Owner: 23229 Edward
City, State & Zip Code: Dearborn, MI 48128
Telephone Number: (313) 365-8885

3. Present Zoning of Subject Parcel: R2

4. Proposed Zoning of Subject Parcel: B4

5. Address of Subject Parcel: 12901 Joseph Campau
between DAVISON Avenue and Carpenter
(Street) (Street)

6. General Location of Subject Property: South of DAVISON Avenue, north
of Hamtramick city.

7. Legal Description of Subject Parcel: (May be attached)
lots 74, 75, 76, 77, except part taken for road, John B
SOSNOWSKI'S SUBDIVISION, as recorded in Liber 32,
Page 74 of Plats, Wayne County Records.

8. Size of Subject Parcel

(Dimensions): 120' x 96.5 or 11,580 s.f.

(Acreage): 0.27

9. Description of anticipated development:

Used Auto & Complete Auto Repair / Used and New
tires

10. Reason why the present zoning classification is not appropriate and why the proposed zoning classification is more appropriate:

Since 1950's this particular property has been
used as auto sales/major repair auto/commercial
property in a demirite B4 zoning area.

11. Zoning of Adjacent Properties:

To the North - B4

To the South - B4

To the East - B4

To the West - R2

12. Development of Adjacent Properties:

To the North - Collision/Repair Shop

To the South - Vacant land

To the East - Restaurant/BAR

To the West - Vacant residential lots.

13. Community Organizations and/or Block Clubs contacted by applicant: N/A N/A

Group Name/Address	Contact Person/Phone Number

14. Adjacent Property Owners, Businesses or Residents contacted by Applicant:

Name	Indicate: Owner Business Resident	Address	Address of Adjacent Property	Phone
Dickens Park STALEY ZACHY	OWNER	12900 Jos Company Detroit MI 48212	12900 Jos Company DETROIT MI 48212	313 268 4848
CTL Motor Sales Ray Dawson	MOTOR SALES	13001 Jos Company DET. MI 48212	12901 Jos Company DETROIT MI 48212	313 573 9075

SUMMARY

An ordinance to amend Chapter 61 of the 1984 Detroit City Code, 'Zoning,' commonly known as the Detroit Zoning Ordinance, by amending Article XVII, District Map No. 16 to show a B4 (General Business District) zoning classification where an R2 (Two-Family Residential District) zoning classification is currently shown at 12901 Joseph Campau Avenue, generally bounded by Cody Avenue on the north, Joseph Campau Avenue on the east, Meade Avenue on the south, and the north-south alley first west of Joseph Campau Avenue on 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. 16 to show a B4 (General Business District) zoning classification where an R2 (Two-Family
5 Residential District) zoning classification is currently shown at 12901 Joseph Campau Avenue,
6 generally bounded by Cody Avenue on the north, Joseph Campau Avenue on the east, Meade
7 Avenue on the south, and the north-south alley first west of Joseph Campau Avenue on the west.

8 **IT IS HEREBY ORDAINED BY 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. 16 is amended to show a B4 (General Commercial District) zoning
12 classification where an R2 (Two-Family Residential District) zoning classification currently
13 exists at 12901 Joseph Campau Avenue, generally bounded by Cody Avenue on the north,
14 Joseph Campau Avenue on the east, Meade Avenue on the south, and the north-south alley first
15 west of Joseph Campau Avenue on the west, identified more specifically as:

16 Land situated in the City of Detroit, Wayne County, Michigan being: W. Jos Campau,
17 Lots 74 thru 77, except Jos Campau as WD, John B. Sosnowski Sub, as recorded in Liber
18 32 Page 74 of Plats, Wayne County Records 9/150.

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

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

1 **Section 4.** This ordinance shall become effective on the eighth (8th) day after publication
2 in accordance with Section 401(6) of Public Act 110 of 2006, as amended, M.C.L. 125.3401(6)
3 and Section 4-118, paragraph 3 of the 2012 Detroit City Charter.

Approved as to Form:

Lawrence T. Garcia

Lawrence T. Garcia
Corporation Council