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May 10, 2019

HONORABLE CITY COUNCIL

RE: Request of Mr. JaJuan Thomas to amend Article XVII, District Map No. 77 of the 1984 Detroit City Code, Chapter 61, Zoning, by showing a B4 (General Business District) zoning classification where an R1 (Single-family Residential District) zoning classification currently exists on one (1) parcel commonly identified as 11620 Westwood Avenue, generally bounded by Wadsworth Avenue to the north, Chesapeake and Ohio Railway to the east, Plymouth Rd. to the south and Westwood Avenue to the west.
(RECOMMEND APPROVAL)

NATURE OF REQUEST AND PROJECT PROPOSAL

The City Planning Commission (CPC) has completed its review and deliberations on the request of Mr. JaJuan Thomas to show a B4 (General Business District) zoning classification where an R1 (Single-family Residential District) zoning classification currently exists on one (1) parcel commonly identified as 11620 Westwood Avenue, generally bounded by Wadsworth Avenue to the north, Chesapeake and Ohio Railway to the east, Plymouth Rd. to the south and Westwood Avenue to the west.

The proposed map amendment is being requested to allow for the establishment of a "Store of a generally recognized retail nature whose primary business is the sale of new merchandise" at 11620, 11610 and 11600 Westwood Avenue. The proposed retail use would be permitted on a by-right basis in the proposed B4 zoning classification per Sec. 61-9-76(38) as a by-right retail use.

BACKGROUND

The City Planning Commission (CPC) has received a request from Mr. JaJuan Thomas requesting the City of Detroit to amend Article XVII, District Map No. 77 of Chapter 61 of the 1984 Detroit City Code, 'Zoning,' to show a B4 (General Business District) zoning classification where an R1 (Single-family Residential District) zoning classification currently exists on one (1) parcel commonly identified as 11620 Westwood Avenue, generally bounded by Wadsworth Avenue to the north, Chesapeake and Ohio Railway to the east, Plymouth Road to the south and Westwood Avenue to the west.

The subject property is located in Council District 7 and measures less than half an acre in area. The parcel commonly identified as 11620 Westwood Avenue is currently under a lease to own

agreement between Mr. Thomas and the Harvey Goldberg Trust, which gives the applicant legal standing to pursue the requested rezoning.

The subject property is located in Census Tract 5468. Based on the most recent census data, the total population for the area is 3,171. There are approximately 1,173 occupied residential units and 480 vacant residential structures which results in a vacancy rate of 29%.

Proposed Development

The proposed map amendment is being requested to allow for the establishment of a “Store of a generally recognized retail nature whose primary business is the sale of new merchandise” at 11620, 11610 and 11600 Westwood Avenue. The proposed retail use would be permitted on a by-right basis in the proposed B4 zoning classification per Sec. 61-9-76(38) as a by-right retail use.

SURROUNDING LAND USE AND ZONING

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

North: R1; Single-family Residential along Westwood Avenue.

East: M4; Vacant Industrial Site.

South: B4; Vacant Land.

West: R1 & B4; Single-family Residential / Vinny’s Beer and Wine.

CITY PLANNING COMMISSION PUBLIC HEARING & OTHER COMMUNITY MEETINGS

Prior to the submittal of the petitioner’s application CPC staff, along with the petitioner’s representative, Mr. Mike Semma reached out to several adjacent property owners and residents in an effort to inform them of the pending rezoning request. Residents of the subject block of Westwood Avenue conducted a community meeting, at which the rezoning request was discussed. As a result of the meeting approximately seven residents have voiced their support for the proposed rezoning, citing that they are excited about additional retail offerings along Plymouth Road, and that they would rather see general retail on the three subject parcels slated for development, rather than the illegal dumping which currently occurs.

PUBLIC HEARING RESULTS

On January 31, 2019, the City Planning Commission held a public hearing on this request. There were no members of the public in attendance to address the rezoning request.

The Commission requested that staff reach out to the established neighborhood association to inform them of the requested rezoning and pending development and to solicit feedback. With the assistance of Commissioner Webb, contact was made with the Weathersby neighborhood association in this regard.

MASTER PLAN CONFORMANCE

The subject site is located within the Cody area of Neighborhood Cluster 7 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows “Light Industrial” for the subject property. The Planning and Development Department (P&DD) has submitted a report dated January 28, 2019 which states in part:

“While the project use is not industrial in nature, it does sit within a region bound by similar uses also operating under B4 zoning classifications. The proposed district rezoning conforms to the City’s Master Plan of Policies.”

ANALYSIS

The proposed zoning classification of B4 would permit the requested uses of general retail or standard or carry-out restaurants on a by-right basis. The proposed B4 zoning classification would permit 74 by-right public, civic, institutional, retail, service, commercial, manufacturing, industrial and other uses, compared to the 5 permitted by right uses in the existing R1 zoning classification. The most intensive uses in the B4 zoning classification includes “Motor vehicle services” inclusive of repair and steam cleaning. However, staff will note that many automotive related uses would not be able to achieve licensure, given the Mayor’s moratorium which is scheduled to go into effect on April 1, 2019.

The following analysis details how the proposed rezoning either meets or fails to meet the eight approval criteria of Section 61-3-80 of the Zoning Ordinance, which must be considered in making recommendations and decisions on standard rezoning requests.

(1) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend or fact;

The petitioner is currently under a land contact which includes two parcels presently zoned B4. The intent of the rezoning is to increase the depth of the commercial frontage and to allow for the aforementioned commercial uses. There are similarly situated commercial offerings along Plymouth Road.

(2) Whether the proposed amendment is consistent with the Master Plan and the stated purposes of this Zoning Ordinance;

While the subject rezoning is not a one-for-one match to the Master Plan of Policies land use designation, the Planning and Development Department finds the request generally consistent with the Master Plan as detailed later in this report.

(3) Whether the proposed amendment will protect the health, safety, and general welfare of the public;

The intensification of zoning adjacent to residential property is always of concern, particularly when that new zoning classification allows more abrasive uses. 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. Given the spacing and screening requirements which are specified for many of the uses permitted in the B4 zoning classification, staff is of the opinion that this proposed amendment may protect the health, safety, and general welfare of the public. Staff also cites the community’s desire to see development, which would eliminate the current illegal dumping which occurs on the site at present.

(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;

The physical characteristics of the subject property will change significantly as a result of the proposed rezoning. Site plans have been presented which show the landscaping and layout of the proposed development. Given that the subject property is within a traditional street grid, disruption to city services is not anticipated.

(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 storm water management;

There are no concerns regarding any of these aspects.

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

The vast majority of the uses in the immediate area are either residential or commercial in nature. However, there is a densely populated residential neighborhood to the north of the subject property. Given the spacing, setback, landscaping and screening requirements for the proposed use, staff is of the opinion that no significant adverse impacts will occur as a direct result of the proposed rezoning. Typically, there is at least an alley separating the commercial frontage from a residential structure and one point of concern is the introduction of a restaurant-type business in such close proximity to residences.

(7) The suitability of the subject property for the existing zoning classification and proposed zoning classification; and

As noted previously, the existing R1 zoning classification is not conducive for the proposed uses which are commercial in nature. Before making the recommendation to pursue a B4 zoning classification, CPC staff evaluated all zoning classifications and determined that the B4 zoning classification would allow for the proposed use and maintain the character of the neighborhood along the Plymouth Road frontage.

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

Given the commercial nature of the corridor in which this rezoning has been requested along with the proposed rezoning's consistency with the Master Plan of Policies, CPC is of the opinion that the proposed rezoning would not constitute an illegal "spot zone."

Suitability of the Property

One of the aforementioned criteria for rezoning states, "The suitability of the subject property for the existing zoning classification and proposed zoning classification." Zoning Map No. 77 generally shows a mix of R1 and B4 zoning to the north, south, east and west of the subject property. This section of the Cody subsector is primarily developed with residential and commercial uses. The existing residential properties along Westwood Avenue were primarily built in 1942. As previously stated the B4 zoning classification allows for a variety of commercial offerings and supportive services for traditional residential neighborhoods.

In general, the CPC looks favorably on the rezoning of the subject parcel to accommodate the expansion of commercial and retail services.

Land Use

CPC is of the opinion that a B4 zoning classification is an appropriate designation consistent with the characteristics of the adjacent properties, which will allow for the establishment of commercial and retail related uses.

Significant Impact on Other Property

CPC is of the opinion that the rezoning of this property from a commercial stand-point might add to the sustainability of the surrounding community by allowing the establishment of an economically viable, tax revenue generating development.

RECOMMENDATION

On February 7, 2019 the City Planning Commission voted to recommend approval of the request of Mr. JaJuan Thomas to amend Article XVII, District Map No. 77 of the 1984 Detroit City Code, Chapter 61, Zoning, by showing a B4 (General Business District) zoning classification where an R1 (Single-family Residential District) zoning classification currently exists on one (1) parcel commonly identified as 11620 Westwood Avenue, generally bounded by Wadsworth Avenue to the north, Chesapeake and Ohio Railway to the east, Plymouth Avenue to the south and Westwood Avenue to the west.

Respectfully submitted,

ALTON JAMES,
CHAIRPERSON



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

Attachments:
Zoning Map No. 77
Ordinance

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. 77 to show a B4 (General Business District) zoning classification where an R1 (Single-family Residential District) zoning classification is currently shown on one parcel located at 11620 Westwood Avenue, generally bounded by Wadsworth Avenue to the north, Chesapeake and Ohio Railway to the east, Plymouth Road to the south, and Westwood 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 No.
4 77 to show a B4 (General Business District) zoning classification where an R1 (Single-family
5 Residential District) zoning classification is currently shown on one parcel located at 11620
6 Westwood Avenue, generally bounded by Wadsworth Avenue to the north, Chesapeake and
7 Ohio Railway to the east, Plymouth Road to the south, and Westwood Avenue to the west.

8 IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT
9 THAT:

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

12 District Map No. 77 is amended to show a B4 (General Business District) zoning
13 classification where an R1 (Single-family Residential District) zoning classification is currently
14 shown on one parcel, generally bounded by Wadsworth Avenue to the north, Chesapeake and
15 Ohio Railway to the east, Plymouth Road to the south, and Westwood Avenue to the west,
16 identified more specifically as:

17 Land situated in the City of Detroit, County of Wayne, State of Michigan, as
18 follows: E WESTWOOD 467 FOGLES PLYMOUTH EVERGREEN PARK
19 SUB NO 1 L67 P92 PLATS, W C R 22/702 42 X 134.

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

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

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

Approved as to Form:

A handwritten signature in blue ink that reads "Lawrence J. Garcia". The signature is written in a cursive style and is positioned above a horizontal line.

Lawrence Garcia
Corporation Counsel