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City of Detroit

CITY PLANNING COMMISSION
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July 12, 2019

HONORABLE CITY COUNCIL

RE: Request from Pogoda Companies to rezone 15999 Joy Road and a portion of 15801 Joy Road from an R5 (Medium Density Residential) and an M4 (Intensive Industrial) zoning classification to a B4 (General Business District) zoning classification to develop a self-storage facility/public storage house (RECOMMEND DENIAL)

Pogoda Companies is requesting to rezone 15999 Joy Road and a portion of 15801 Joy Road, generally located on the south side of Joy Road west of Greenfield Avenue, from an R5 (Medium Density Residential) and an M4 (Intensive Industrial) zoning classification to a B4 (General Business District) zoning classification on Zoning Map No. 40. The change in zoning is being requested to allow for the development of a self-storage facility/public storage house. Please see the attached rezoning application and public hearing notice which includes a map of the subject location.

BACKGROUND AND REQUEST

The subject property, which is located more specifically at the southeast corner of Joy Road and St. Marys Avenue, is presently zoned R5 with the smaller M4 section at the northeast corner of the property. The site, which is currently owned by the Episcopal Diocese of Michigan, contains 4 acres and is presently vacant with grass and trees.

Zoning Map No. 40 from 1940 shows the subject area south of Joy Road and west of Greenfield zoned as heavy manufacturing, most likely due to the proximity to the rail corridor to the south. The 1968 zoning map shows the subject area zoned M4. In the past, the Episcopal Diocese of Michigan owned overall about 22 acres in this area, which included St. Martha's Church built in 1954, St. Peter Home for Boys, and a small cemetery. In 2007, due to dwindling membership, St. Martha's ceased holding regular Sunday services and sold the building to Triumph Church. In 2010, St. Peter Home for Boys closed and later demolished.

In 2007, Presbyterian Villages of Michigan and Saint Luke's Health Ministries petitioned the City to rezone the aforementioned 22 acres to R5 (except for two small M4 areas). This request was approved by City Council (Ordinance No 25-07) in order to allow for the development of the Presbyterian Villages of Michigan facility west of the church, as well as a senior continuum of care retirement community on the south and east edges of the campus including 11 apartment buildings adjacent to the church and home for boys. In 2008, Presbyterian Villages constructed

the Village of St. Martha's, a 3-story senior independent living facility on 2.8 acres. Saint Luke's Health Ministries project was never built.

Pogoda Companies is proposing to purchase the subject 4 acres and construct a self-storage development with free-standing units including climate controlled and standard units in a drive up configuration. Pogoda Companies, founded in 1987 and based out of Farmington Hills, MI, is one of Michigan's largest self-storage operators and brokers in 35 locations. A preliminary site plan, which is attached for reference, for the proposal shows 7 rectangular shaped buildings. The Zoning Ordinance first allows public storage houses as conditional in B4 and B5 and by-right in M1 through M5.

PUBLIC HEARING RESULTS

On May 16, 2019, the City Planning Commission held a public hearing on the rezoning request. At the hearing, the petitioner provided an overview of the development, including:

- The petitioner explained how the facility would operate;
- The company's research showed the area is underserved for storage facilities; and
- The project is proposing simulated wrought iron along Joy Road and to save any many mature trees as possible.

At the hearing, an administrator of St. Martha's spoke in opposition and 4 residents of St. Martha's spoke in opposition. Some of the concerns included:

- The proposed commercial use would be incompatible with the adjacent residential senior building;
- There are concerns about traffic, noise, lighting, visual impacts, neighborhood security, etc.; and
- The facility should be built in a non-residential area.

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

- One Commissioner noted at recent community meetings held on the proposal, it appeared the majority of residents who attended were not interested in the proposed facility;
- One Commissioner stated the proposed use can be very helpful to have in a community, especially if a house has flooding problems, etc., and
- One Commissioner raised concerns about the loss of the natural green area and asked what types of businesses are allowed in B4.

ANALYSIS

Surrounding Zoning and Land Use

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

North: B4; developed with a church, party store, vacant land, and apartments
East: R5; developed with a senior independent living facility
South: M4; vacant land
West: B4 and R3; vacant with residential beyond

Community Input

The subject site is located within the larger community area referred to as the Cody Rouge Community Action Alliance, which is generally bounded by I-96 on the north, Greenfield Road

on the east, Ford Road on the south, and Rouge Park on the west. Prior to the public hearing, the developer met with representatives of the community in order to present the project.

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's analysis of the criteria is as follows:

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

The proposed amendment would not correct an error on the zoning map. Regarding changing trends, in 2007, the subject area was rezoned from M4 to R5 to encourage medium density residential development west of the existing church.

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 Brooks area of Neighborhood Cluster 7 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows Institutional for the subject area. It is assumed this area was designated Institutional, because over the last 60 plus years, the area has included the church, boys home, and 2 former high schools to the south.

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

It is CPC's determination, the proposed zoning map amendment would not serve to protect the general welfare of the public. The B4 district provides for business and commercial uses of a thoroughfare-oriented nature. In the 2008, Presbyterian Villages of Michigan constructed the 3-story senior building with 46 apartments. The proposed zoning map amendment would adversely affect the general welfare, because it could result in the establishment of commercial uses of a thoroughfare-oriented nature that would negatively impact the existing residential character of the area.

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;*

The existing site is developed with a number of mature trees. The developer indicated a willingness to save as many mature trees as possible. The nature of most commercial uses is to have high visibility from the adjacent commercial corridor. There is a higher probability that developing the site with medium density residential uses would result in the need to remove less existing vegetation. Furthermore, the proposed development would have a significant number of buildings and paved area to access the buildings, which would leave little remaining permeable surface area on the entire 4 acre site.

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

The proposed rezoning has the potential to have significant adverse impact on the property that is in the vicinity of the subject tract. The subject site contains 4 acres with a depth of 587 feet along St. Marys Avenue. The proposed commercial use would bring additional lighting, traffic, noise, and activity in close proximity to the adjacent 3-story senior building adjacent to the site.

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

While there presently is some B4 zoned land (vacant) on the south side of Joy Road just west of St. Mary's Avenue. The larger tract of land to the west is zoned R3 (Low Density Residential) which is presently vacant and to the east which is zoned R5 which is developed with senior housing and vacant space owned by the nearby church. As a result, the proposed B4 commercial land would be located primarily between two residentially zoned areas. The subject request might be more appropriately at the intersection of two major thoroughfares.

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

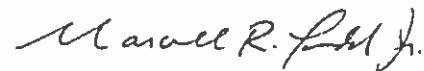
Not applicable.

RECOMMENDATION

Based on the analysis presented in the above report and the results of the public hearing, at its meeting on June 20, 2019, the City Planning Commission voted to recommend DENIAL of proposed rezoning request. Attached is a resolution for Your consideration.

Respectfully submitted,

Alton James, CHAIRPERSON



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

Attachments

cc: Maurice Cox, Director, P&DD
Karen Gage, P&DD
Dave Walker, P&DD

Resolution By _____

WHEREAS, The Detroit City Planning Commission (CPC) has concluded its deliberations regarding the request of Pogoda Companies to amend Article XVII, District Map No. 40 of the 1984 Detroit City Code Chapter 61, 'Zoning' to show a B4 (General Business District) zoning classification where an R5 (Medium Density Residential) and an M4 (Intensive Industrial) zoning classification currently exists at 15999 Joy Road and a portion of 15801 Joy Road, located at the southeast corner of Joy Road and St. Marys Avenue, to allow for the development of a self-storage facility/public storage house which is permitted as a conditional use in the B4 zoning district classification; and

WHEREAS, The CPC has held the statutorily required public hearing on this request on Thursday, May 16, 2019 and has submitted to Council its report and recommendation for denial of the aforementioned rezoning request dated July 12, 2019, stating in part that the Commission is of the opinion that a B4 (General Business District) zoning classification has the potential to have a significant adverse impact on other property that is in the vicinity of the subject tract.

NOW THEREFORE BE IT

RESOLVED, That the Detroit City Council hereby denies the request of Pogoda Companies to amend Article XVII, District Map 40 of the 1984 Detroit City Code Chapter 61, 'Zoning' to show a B4 (General Business District) zoning classification where an R5 (Medium Density Residential) and an M4 (Intensive Industrial) zoning classification currently exists at 15999 Joy Road and a portion of 15801 Joy Road, located at the southeast corner of Joy Road and St. Marys Avenue.

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

CPC File #. _____

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.

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:  (AGENT OF THE APPLICANT)

Date: 04/29/2019

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: POGODA COMPANIES

Address of Applicant: 30500 NORTHWESTERN HWY #525

City, State & Zip Code: FARMINGTON, MI 48334

Telephone Number: (248) 855-9676

2. Name of Property Owner: EPISCOPAL DIOCESE OF MICHIGAN

(If same as above, write "SAME")

Address of Property Owner: 4800 WOODWARD AVENUE

City, State & Zip Code: DETROIT, MI 48201

Telephone Number: (313) 832-4400

3. Present Zoning of Subject Parcel: M4 & R5

4. Proposed Zoning of Subject Parcel: B4

5. Address of Subject Parcel: 15999 JOY ROAD

between SOUTHFIELD FWY and GREENFIELD ROAD

(Street)

(Street)

6. General Location of Subject Property: _____

SOUTH SIDE OF JOY ROAD FOR PRIMARY FRONTAGE; SECONDARY

FRONTAGE ON ST. MARY'S STREET

7. Legal Description of Subject Parcel: *(May be attached)*

SEE ATTACHED SURVEY AND LEGAL DESCRIPTION

8. Size of Subject Parcel (Dimensions): 286x589x305x587
(Acreage): 4.0A

9 Description of anticipated development.

SELF-STORAGE DEVELOPMENT WITH FREE-STANDING UNITS INCLUDING CLIMATE CONTROLLED AND STANDARD, BOTH IN A DRIVE UP CONFIGURATION. THE LAYOUT WILL ALSO ACCOMMODATE CUSTOMER PARKING, MANAGEMENT OFFICES AND A SMALL PROPERTY MANAGER DWELLING UNIT.

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

THE SITE HAS TWO CURRENT UNDERLYING ZONING DISTRICTS, M4 AND R5. IN ORDER TO ACCOMMODATE THE PROPOSED USE, REZONING TO A USE CONSISTENT WITH THE USE AND ADJOINING PROPERTIES AND USES IS NECESSARY. B4 WILL ACCOMMODATE RETAIL SELF-STORAGE AS A CONDITIONAL USE.

11. Zoning of Adjacent Properties:

To the North - B4 (ACROSS JOY ROAD)

To the South - M4

To the East - R5

To the West - R3

12 Development of Adjacent Properties.

To the North - MIXED-COMMERCIAL BUSINESS, RELIGIOUS, RESIDENTIAL

To the South - EMPTY - SPECIFIED AS EDUCATIONAL/SCIENCE

To the East - SENIOR HOUSING, RELIGIOUS

To the West - IMMEDIATE IS EMPTY - BEYOND IS MULTI-FAMILY

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

Group Name/Address	Contact Person/Phone Number
WARREN AVENUE COMMUNITY ORGANIZATION (WACO) 17567 HUBBEL	CARRIE LIVINGSTON-3135909344 VICTORIA ESCHEN-3135909550 CHARLES STAPLES-3136430481
JOY COMMUNITY ASSOCIATION 15875 JOY ROAD	
GARDENVIEW ESTATES	
FISKHORN 13530 LESURE	YOLAND SHARP-3135730377

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

Name	Indicate: Owner Business Resident	Address	Address of Adjacent Property	Phone
EPISCOPAL DIOCESE OF MICHIGAN	OWNER	4800 WOODWARD AVE DETROIT, MI 48201	15875/15801 JOY RD	(313) 832-4400

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Chairperson
Lauren Hood, MCD
Vice Chair Secretary

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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, MAY 16, 2019 AT 6:15 PM

to consider the request of Pogoda Companies to amend Article XVII, District Map No. 40 of the 1984 Detroit City Code, Chapter 61, Zoning, by showing a B4 (General Business District) zoning classification where an M4 (Intensive Industrial District) zoning classification and an R5 (Major Business District) zoning classification currently exists on property at 15999 Joy Road and a portion of 15801 Joy Road, generally located on the south side of Joy Road east of St. Mary's Street containing 3.34 acres. The location of the proposed rezoning is indicated as the highlighted area on the accompanying map.

The proposed map amendment is being requested to develop the presently vacant land into a self-storage facility public storage house.

The pertinent zoning district classifications are described as follows:

R5 MEDIUM DENSITY RESIDENTIAL DISTRICT

This district is designed to provide for a range of residential development from the single-family detached dwelling to medium-density multiple-family dwellings. The primary use in this district will be the rental apartment structure. In addition to permitted residential uses, certain specified non-residential uses which can be properly blended into this district may be permitted.

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.

M4 INTENSIVE INDUSTRIAL DISTRICT

This district will permit uses which are usually objectionable and, therefore, the district is rarely, if ever, located adjacent to residential districts. A broad range of uses is permitted in this district. New residences are prohibited with the exception of loft conversions of existing buildings and of residential uses combined in structures with permitted

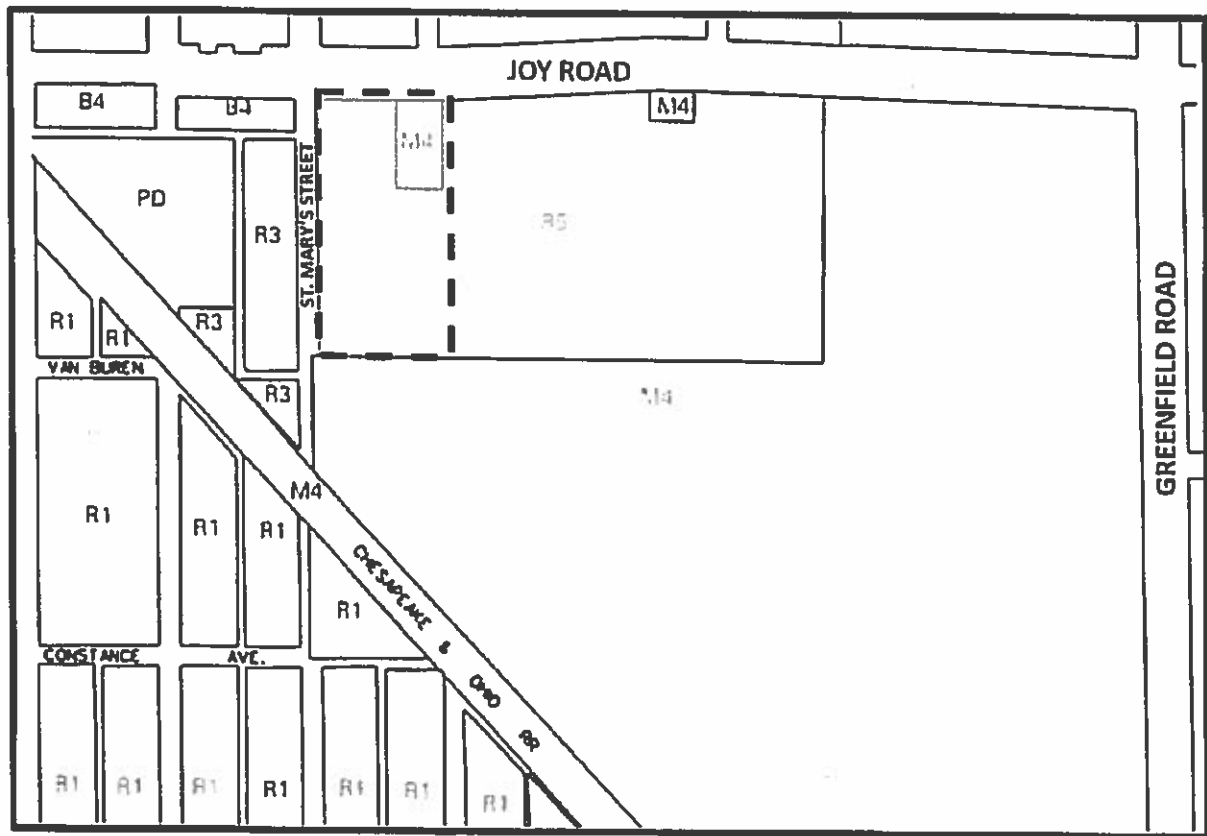
commercial uses. These requirements are to protect residences from an undesirable environment and to ensure reservation of adequate areas for industrial development.

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.

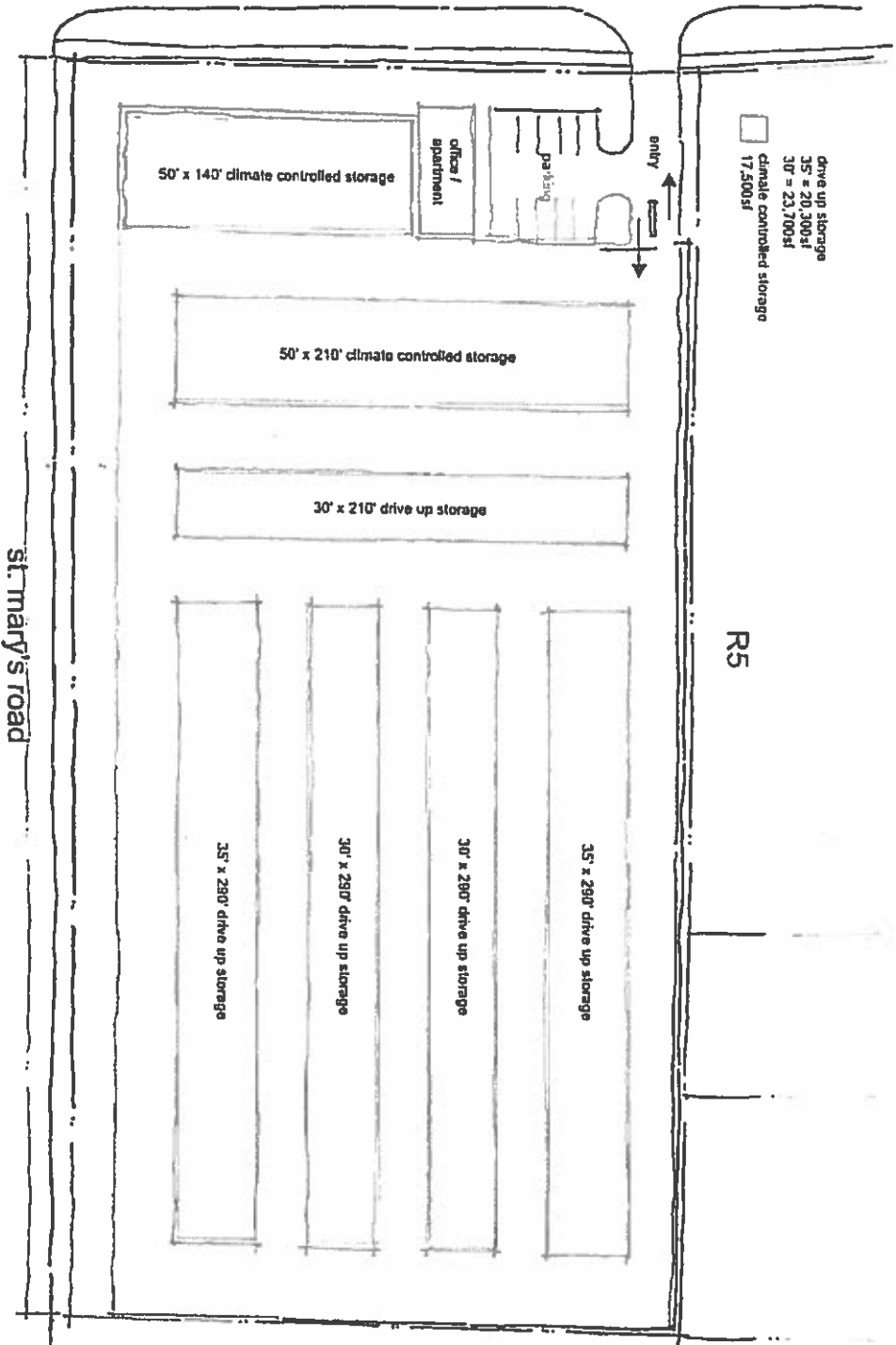
With advance notice of seven calendar days, the City of Detroit will provide interpreter services at public meetings, including language translation and reasonable ADA accommodations. Please contact the Civil Rights, Inclusion and Opportunity Department at (313) 224-4950, through the TTY number 711, or email crio@detroitmi.gov to schedule these services.

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



Proposed Rezoning from M4 & R5 to B4

joy road



st. mary's road

R3

R5

M4



conceptual site layout plan - opt. 1

02/28/2019

Pogoda Companies
O/X Studio project #JSS19

