Lauren Hood, MCD Chairperson Donovan Smith Vice Chair/Secretary

Marcell R. Todd, Jr. Director

# City of Detroit

CITY PLANNING COMMISSION 208 Coleman A. Young Municipal Center Detroit, Michigan 48226 Phone: (313) 224-6225 Fax: (313) 224-4336 e-mail: cpc@detroitmi.gov Kenneth R. Daniels David Esparza, AIA, LEED Ritchie Harrison Gwen Lewis Melanie Markowicz Frederick E. Russell, Jr. Rachel M. Udabe

August 8, 2023

# HONORABLE CITY COUNCIL

**RE**: Request of Rose and Jacqueline Cuevas to amend Article XVII, Section 50-17-45, District Map No. 43 of the 2019 Detroit City Code, Chapter 50, Zoning, to show an SD1 (Special Development District, Small-Scale, Mixed-Use) zoning classification where an R2 (Two-Family Residential District) zoning classification is currently shown on the property commonly known as 3260, 3266, & 3274 Junction. (**RECOMMEND APPROVAL**)

# RECOMMENDATION

Before this Honorable Body is the request to show an SD1 zoning classification where an R2 zoning classification currently exists on property commonly known as 3260, 3266, & 3274 Junction. At its regularly scheduled meeting on June 15, 2023, the City Planning Commission voted to recommend **APPROVAL** of the subject rezoning.



Subject Property as viewed from Junction Ave.

# BACKGROUND

The petitioners, Rose and Jacqueline Cuevas entered an agreement with the previous operator of Junction Party Store in 2019 to purchase the properties known as 3260 and 3266 Junction. There is approximately one year and a half left to complete the land contract for the property. The

property known as 3274 is owned by the Detroit Land Bank Authority and the purchase of this property by the Cuevas' is expected to close soon. Both landowners have given written permission for the petitioner to pursue this rezoning, which gives them legal interest to proceed.

According to the Buildings, Safety Engineering, and Environmental Department (BSEED), the current legal nonconforming land use of 3260 and 3266 Junction is a 'Residential Single Dwelling combined in structures with permitted commercial uses' and 'Retail with Specially Designated Merchant's, SDM, Establishment'. SDM specifically allows for the sale of beer and wine (not liquor) for consumption off the premises.

A retail space with SDM (2,460 square feet) is located on the ground floor of the existing twostory building and includes a 500 square-foot detached accessory storage structure. The dwelling (1,526 square feet) is located on the second floor of the existing building. The property known as 3274 Junction is currently legally classified as vacant land but is used for parking.

# PROPOSAL

The petitioner plans to construct an accessory off-street parking area of approximately nine spaces and to include 3274 Junction in the subject zoning lot. Additionally, the petitioner plans to add a ground-floor dwelling unit within the existing footprint of the building and reduce the floor area of the Retail Store with SDM.

The proposal to expand the zoning lot of a nonconforming use requires a Board of Zoning Appeals (BZA) hearing and approval. This hearing was held in May 2023, and the BZA granted approval of the request outlined above.

The petitioner is now before the CPC with a proposal to add a Specially Designated Distributor's establishment (SDD) (sale of alcoholic liquor for consumption off the premises) to the current permitted uses. The SD1 district would allow for the SDD use conditionally, as well as the mixed-use components of the project, although the BZA grant already allows for everything except for the SDD use.

# **Current Zoning**

# **R2 - TWO-FAMILY RESIDENTIAL DISTRICT**

The R2 Two-Family Residential 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.

# Proposed Zoning

# SD1 - SPECIAL DEVELOPMENT DISTRICT, SMALL-SCALE, MIXED-USE

The SD1 Special Development District is designed to encourage a complementary mixture of small-scale pedestrian and transit-oriented uses that are compatible in a neighborhood setting. It is intended to ensure a neighborhood character and place a proper balance of activities within walking distance of one another while serving the day-to-day needs of residents. Parking requirements are reduced in certain circumstances to promote use of transit and non-motorized transportation; shared parking and a district approach to parking are encouraged to lessen demand for off-street parking spaces. Certain establishments that serve alcohol for consumption on the premises are permitted without a spacing requirement in order to attract increased pedestrian traffic to the area.

# PLANNING CONSIDERATIONS

# Surrounding Zoning and Land Use

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

North: R2; Congress of Communities' community garden
East: R2; Single Family Residential
South: R2; Residential, parking lot
West: R5 (Medium Density Residential); St. Hedwig Catholic Church

# Master Plan Consistency

The subject site is located within the Condon area of Neighborhood Cluster 5 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows Low/Medium Density Residential (RLM). The Planning & Development Department (P&DD) has reported that the proposal is generally consistent with the Master Plan.

# **COMMUNITY INPUT & PUBLIC HEARING RESULTS**

# Community Meeting

The petitioner held a community meeting in conjunction with CPC staff on May 15, 2023. At this meeting the petitioner displayed drawings of their proposed expansion and discussed the proposed SDD use alongside CPC staff. Staff presented on the proposed rezoning and also shared printed handouts of the SD1 district in English and Spanish languages. No opposition was expressed at the meeting. The project was seemingly supported by the majority and some attendees expressed support directly to staff after the presentation. Lastly, the petitioner has submitted numerous letters of support that are attached.

# Public Hearing

A representative of the Congress of Communities of Southwest Detroit Neighborhoods nonprofit spoke in support of the project during the public hearing.

Letters of support were received from St. Hedwig Parish, Congress of Communities, Southwest Detroit Business Association, Detroit Police Department Sgt. Manny Gutierrez and over 20 other residents of the community.

# ANALYSIS

According to Sec. 50-3-70, Approval criteria, recommendations and decisions on an amendment of a zoning map in Article XVII shall be based on consideration of all of the following criteria which is accompanied by CPC staff's analysis:

- (1) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend or fact;
   The proposed amendment corrects an error by taking an established use that *is* currently non-conforming. Amending the map to the proposed zoning classification will make the current and proposed uses consistent with zoning.
- (2) Whether the proposed amendment is consistent with the Master Plan and the stated purposes of this chapter;

The Planning & Development Department (P&DD) has reported that the proposal is generally consistent with the Master Plan.

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

The establishment that the proposed amendment is being requested for has been a part of the fabric of the community for many years. The community has strongly supported this petition, confirming that the proposed amendment will not negatively affect the welfare of the public.

(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;

Since the building already exists, there should be no issues related to adequate city services being provided.

- (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; No adverse impacts are expected as a result of this proposal.
- (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 since it will operate the same as it has for years.
- (7) The suitability of the subject property for the existing zoning classification and proposed zoning classification; and

The subject property has been proven to be suitable for the proposed zoning classification as it is currently operating as a mixed-use development which SD1 permits. Changing from the current R3 zoning classification will bring the existing use into conformity.

(8) Whether the proposed rezoning will create an illegal "spot zone." The proposed rezoning is not expected to create an illegal spot zone and this has been substantiated by the Planning and Development Department in their Master Plan Interpretation letter.

# **CONCLUSION & RECOMMENDATION**

On June 15, 2023, the City Planning Commission voted to recommend approval of the rezoning request to amend Article XVII, District Map 43 of Chapter 50 of the 2019 Detroit City Code, *Zoning*, to show an SD1 (Special Development, Small-Scale, Mixed-Use) zoning district classification where an R2 (Two-Family Residential) zoning district classification is currently shown on property commonly known as 3260, 3266, & 3274 Junction.

Respectfully submitted,

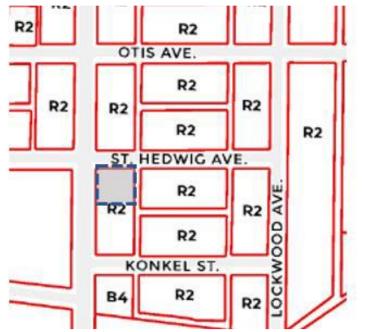
LAUREN HOOD, CHAIRPERSON

Marvel R. f.M.J.

Marcell R. Todd, Jr., Director Kimani Jeffrey, City Planner

Attachments: Ordinance Support letters Updated Zoning Map 43

cc: Antoine Bryant, Director, PDD Greg Moots, PDD David Bell, Director, BSEED Conrad Mallett, Corporation Counsel Daniel Arking, Law



Proposed parcels to be rezoned are outlined above

#### SUMMARY

This ordinance amends Chapter 50 of the 2019 Detroit City Code, *Zoning*, by amending Article XVII, *Zoning District Maps*, Section 50-17-45, *District Map No. 43*, to revise the existing R2 (Two-Family Residential District) zoning classification to the SD1 (Special Development District\_Small-Scale, Mixed-Use) zoning classification for the properties commonly referred to as 3260, 3266, & 3274 Junction Avenue.

1 BY COUNCIL MEMBER	:
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2	AN ORDINANCE to amend Chapter 50 of the 2019 Detroit City Code, Zoning, by amending
3	Article XVII, Zoning District Maps, Section 50-17-45, District Map No. 43 to revise the existing R2 (Two-
4	family Residential District) zoning classification to the SD1 (Special Development District-Small-Scale,
5	Mixed-Use) zoning classification for the properties commonly referred to as 3260, 3266, & 3274 Junction
6	Avenue.
7	IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:
8	Section 1. Chapter 50 of the 2019 Detroit City Code, Zoning, is amended by amending Article
9	XVII, Zoning District Maps, Section 50-17-45 District Map No. 43, of the Detroit Zoning Ordinance as
10	follows:
11	CHAPTER 50. ZONING
12	ARTICLE XVII. ZONING DISTRICT MAPS
13	Section 50-17-45, District Map No. 43
14	For the properties commonly identified as 3260, 3266, and 3274 Junction Avenue, generally
15	bounded by St. Hedwig to the north, Junction Avenue to the west, and identified more specifically as:
16	E JUNCTION 119 MC MILLAN & WHITING SUB L14 P98 PLATS, W C R 16/72 30 X 120
17	E JUNCTION 118 MC MILLAN & WHITING SUB L14 P98 PLATS, W C R 16/72 30 X 120
18	E JUNCTION 117 MC MILLAN & WHITING SUB L14 P98 PLATS, W C R 16/72 30 X 120
19	the existing R2 (Two-Family Residential District) zoning classification is revised to the SD1
20	(Special Development District-Small-Scale, Mixed-Use) zoning classification.
21	Section 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed.
22	Section 3. This ordinance is declared necessary for the preservation of the public peace, health,
23	safety and welfare of the people of the City of Detroit.
24	Section 4. This ordinance shall become effective on the eighth (8th) day after publication in
25	accordance with Section 401 (6) of Public Act 110 of 2006, as amended, M.C.L. 125.3401 (6), and Section
26	4-118, paragraph 3 of the 2012 Detroit City Charter.

Approved as to Form:

511 Ĉ a NU  $\overline{\mathbf{A}}$ Conrad II. Mallett Corporation Counsel .





#### **CITY OF DETROIT**

**BOARD OF ZONING APPEALS** 

**DECISION AND ORDER** 

IN RE APPEAL BY BZA PETITIONER:

11-23 **BZA CASE NO.:** 

2023165044 L: 58284 P: 1310 06/06/2023 11:11 AM ZA Total Pages: 7 

Wayne County Register of Deeds

Bernard J. Youngblood

3274 JUNCTION, between St. Hedwig and Knonkel in a R2 (Two LOCATION: Family Residential District) Council District #6

E JUNCTION 119 MC MILLAN & WHITING SUB L14 P98 PLATS, LEGAL DESCRIPTION: WCR 16/72 30 X 120

Petitioner: Address: City:

**Owner:** Address: City:

**REE LAND, LLC** 3407 GOLDNER **DETROIT, MI. 48210** 

**R.J. CUEVAS, LLC** 

**DETROIT, MI. 48210** 

**3620 JUNCTION** 

**PETITION:** 

R.J. Cuevas, LLC., is proposing to expand an existing nonconforming use by constructing an accessory off street parking lot and include 3274 Junction in the subject zoning lot. Also to expand the nonconforming residential use with permitted commercial uses Retail with SDM on first floor and residential on 2<sup>nd</sup> floor in a R2 district.

HISTORY OF SUBJECT PROPERTY BEFORE THE BZA:

This property has no previous history before the Board.

FACTS AND PROCEDURAL POSTURE OF APPEAL:

A public hearing at the Board of Zoning Appeals shall be required in any instance that involves the expansion or intensification of a nonconforming use, subject to 50-15-27 of the Ordinance.

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#### PETITIONER'S REQUESTED ACTIONS:

R.J. Cuevas, LLC., is proposing to expand an existing nonconforming use by constructing an accessory off street parking lot and include 3274 Junction in the subject zoning lot. Also to expand the nonconforming residential use with permitted commercial uses Retail with SDM on first floor and residential on 2<sup>nd</sup> floor in a R2 district.

#### PETITIONER'S STANDING TO BRING APPEAL:

The Law Department had determined that the petitioner has standing to bring this case before the Board.

## BZA'S AUTHORITY TO CONSIDER PETITIONER'S APPEAL:

Sec. 50-15-26. - Expansion or intensification of nonconforming uses and 50-15-27 Required Findings.

#### PUBLIC NOTICE AND HEARING:

On March 15, 2023, 57 notices of the Board's public hearing were distributed via certified mail to (1) all persons whose names and mailing addresses appeared in the current assessment roll as owners of property located within 300 feet of the exterior boundaries of the Subject Property, (2) the occupants of all single and two-family dwellings located within 300 feet of the exterior boundaries of the Subject Property, and (3) all neighborhood improvement associations whose subject areas are known to be located within at least 300 feet of the exterior boundaries of the Subject Property.

On May 1, 2023 the Board held a public hearing to consider the Petitioner's appeal. In advance of and during the public hearing, the BZA was presented with testimony, documents, and other information pertinent to the Petitioner's appeal:

#### Information from BZA Staff:

- BZA Appeal Petition filed February 10, 2023.
- BZA Staff Report prepared by Inspector April Purofoy
- Photo Presentation of BZA Staff Field Inspection, conducted on May 1, 2023.

#### Information from Petitioner:

- Testimony of the Petitioner.
  - 1. Petitioner testified that the plan is have the nonconforming retail on the first floor and residential on the 2<sup>nd</sup> floor and to establish a parking lot adjacent to the building in a R2 Zone (Two-Family Residential District).
  - 2. Petitioner further testified that the request would improve the site and the overall area with the new landscaped and screened parking lot.
  - 3. Petitioner further testified that the expansion of nonconforming use would do great justice to not only the applicant but also the surrounding community.

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- 4. Petitioner further testified that the expansion of the nonconforming use would allow the petitioner to increase the size of the retail on the first floor improve the services provided to the community.
- 5. Petitioner further testified that all other applicable regulations will be observed from the ordinance if the expansion is granted.
- 6. Petitioner further testified that they don't anticipate any adverse impacts from the result of this expansion.
- 7. Petitioner further testified that adequate utilities, access roads, drainage and other necessary facilities have been provided.

Information from the Public in Support of Petitioner's Appeal:

1. No support was present for this hearing.

Information from the Public in Opposition to Petitioner's Appeal:

1. No opposition was present for this hearing.

#### **BZA DECISION:**

WHEREAS, the BZA has authority under the Detroit Zoning Ordinance to consider this appeal and the Petitioner has standing to bring this appeal before the BZA; and

WHEREAS, the BZA has provided public notice of this appeal in accordance with the Michigan Zoning Enabling Act and the Detroit Zoning Ordinance; and

WHEREAS, the BZA staff has reviewed this appeal, conducted field inspections of the Subject Property, and reported its findings to the BZA; and

WHEREAS, the BZA has held a public hearing on this appeal, during with the Petitioner, relevant City Departments, and all members of the public who desired to be heard were provided opportunity to provide testimony, documentation, and other information relevant to this appeal; and

WHEREAS, the Petitioner has been given the opportunity to present this appeal before the BZA; and

WHEREAS, all testimony, documentation, and other information submitted to the BZA prior to or during the public hearing has been provided to the BZA for consideration;

#### NOW THEREFORE:

After careful consideration and based on the following findings, Board Member Weed offered a motion to **APPROVE** the Petitioner's request, subject to the conditions set forth below. This motion was seconded by Board Member Sherman.

1. The Board found that all approval criteria can be made under Sections 50-15-26 and 50-15-27 to allow the expansion of the nonconforming use at this location.

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- 2. The Board also found that based on the testimony and site plan provided the expansion of the nonconforming use is proper, as the petitioner has testified that they have designed the property to fit in with the neighborhood and also improve the overall area.
- 3. The Board further found that the new parking lot would not be a nuisance to the community but would help with traffic in the area.
- 4. The Board further found that the requested expansion would not be detrimental to or endanger the social, physical or economic wellbeing of the surrounding neighborhood.
- 5. The Board further found that there are special circumstances that account for the need for this expansion and approval would not compromise this community.

# THEREFORE: The Petitioner's appeal is hereby APPROVED SUBJECT TO THE CONDITIONS SET FORTH HEREIN.

#### NOTE TO BSEED: <u>THE BOARD GRANTED EXPANSION OF</u> <u>NONCONFORMING USE.</u>

- (a) That the appellant agrees to abide by and comply with all of the ordinances of the City of Detroit and the regulations of every lawful agency or public authority now or hereafter in force, it being understood that this grant only authorizes a variance or exception of the regulations of the Zoning Ordinance and is not intended to waive the provisions of any other existing statute, ordinance rule or regulation.
- (b) Any decision of the Board will remain valid only as long as the information or data relating thereto are found to be correct and the conditions upon which the resolution was based are maintained.
- (c) That a Building Permit covering this grant MUST be secured from the Department of Buildings and Safety Engineering, 4<sup>th</sup> Floor, City-County Building. This grant shall automatically become null and void if this permit is not secured by **DECEMBER 30, 2023.**
- (d) Acceptance of these conditions, in writing by the owner or the petitioner shall be binding on the petitioner, or operator, and shall be incorporated into any existing or future lease or purchase agreement for this site.
- (e) That the construction, additions, alterations or use shall be in accordance with the conditions accompanying this grant.
- (f) That before the Director of Buildings and Safety Engineering Department shall issue a Building Permit for this use, the appellants **R.J. CUEVAS, LLC** <u>shall</u> <u>record this grant with the Wayne County Register of Deeds Office</u>.</u>

\*

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- (g) This Grant is only to expand an existing nonconforming use (Retail with SDM) on first floor and residential on 2<sup>nd</sup> floor and accessory parking lot adjacent in a R2 Zone (Two-Family Residential District). Accessory uses not specified in this grant are neither implied nor permitted, under this Grant this use cannot be expanded, enlarged, or altered in any manner, nor can any conditions be modified in any manner unless written permission is given by the Board of Zoning Appeals.
- (h) The appellant MUST comply with all other Zoning Codes and Regulations and obtain the required permit within SIX (6) MONTHS of the date of approval for this use or this grant shall become null and void pursuant to SECTION 50-4-48 AND SECTION 50-5-74 of the Detroit Zoning Ordinance.

50-4-48 Revocation of land use permits renders zoning grant null and void. Where the conditions that are prescribed by the Buildings and Safety Engineering Department or Board of Zoning Appeals in making any zoning grant or finding are not complied with within six (6) months from the issuance of a land use permit and maintained at all times thereafter, the Buildings and Safety Engineering Department shall hold a hearing, pursuant to Sec. 50-5-73 of this Code, for the permit-holder to show cause why the land use permit should not be revoked. Immediately upon revocation of the land use permit, the zoning grant by the Buildings and Safety Engineering Department or Board of Zoning Appeals becomes null and void, and the department shall notify any applicable licensing departments or agencies of the revocation.

#### Sec. 50-5-74. Revocation; required findings.

The Buildings, Safety Engineering and Environmental Department may revoke land use rights upon making one (1) or more of the following findings:

- i. That the land use grant, variance or permit was approved on the basis of erroneous or misleading information or misrepresentation;
- ii. That the terms or conditions of approval of the permit have been violated, the use has become a nuisance and/or is injurious to the adjacent and surrounding property owners or the applicant has failed to comply with all applicable local, state and federal codes and ordinances; or
- iii. That there has been a discontinuance of the exercise of the entitlement granted by the permit for a continuous period of at least six (6) months.
- Operation of the facility shall at all times be operated in a manner not detrimental to surrounding properties or residents. Site activities shall not produce or be reasonably anticipated to produce any of the following:
  - (1) Damage or nuisance from noise, smoke, odor, dust or vibration.
  - (2) Hazard from explosion, contamination or fire;
  - (3) Hazard occasioned by the unusual volume or character of traffic, or the congregation of a large number of people or vehicles.

(i)

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- (j) This use is permitted as long as no nuisance is created by this operation and <u>ALL</u> <u>CONDITIONS ARE COMPLIED WITH.</u>
- (k) It is ordered that all conditions pertaining to this Grant shall be binding on the petitioner, assignees, purchasers, partnership, firm, corporation, tenant or any other similar entity.
- (I) The appellant shall comply with all applicable provisions of the Ordinance and shall maintain the exterior of the building in a subdued color that is aesthetically compatible with the surrounding development and in a good state of repair and appearance at all time.
- (m) The entire parcel shall be kept free of rubbish, debris and weeds, including the adjoining public areas between the sidewalk and the curb. The entire parcel shall be maintained in a neat and orderly manner at all times.
- (n) The appellant shall comply with all applicable provisions of the Fire Prevention Ordinance and submit a fully dimensioned set of final plans to the Detroit Fire Department, Office of the Fire Marshal for proper review and approval.
- (0) This use is permitted as long as no nuisance is created by this operation and <u>ALL</u> <u>CONDITIONS ARE COMPLIED WITH.</u>
- (p) It is ordered that all conditions pertaining to this Grant shall be binding on the petitioner, assignees, purchasers, partnership, firm, corporation. tenant or any other similar entity.
- (o) Solid Waste Management:

In accordance with in accordance with all of the following standards:

- (1) That there be no open storage of any kind, including any rubbish or debris generated by this operation.
- (p) SCREENING/FENCING:
  - (1) The appellant shall keep all fences and walls surrounding the property clean and free of all posters, banners signage and graffiti.
  - (2) The appellant shall comply with all applicable provisions of Article XIV, Division 2 of the Zoning Ordinance relative to landscaping.
- (q) Sign Regulations:

In accordance with in accordance with all of the following standards:

- (1) There shall be no outside storage or display of merchandise or portable sings on any public sidewalk, or any adjacent berm area.
- (r) The appellant shall maintain the entire site in a state of good repair and appearance at all times.

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- That final plans are in accord with the preliminary plans submitted to and (s) approved by the Board at the BZA hearing, and shall meet all conditions of the grant. Three (3) complete sets of final plans incorporating all conditions of this grant shall be submitted to the Buildings and Safety Engineering Department to secure Buildings and Occupancy Permits.
- That a "Certificate of Maintenance of Grant Conditions" be obtained annually by (t) the owner/operator of the subject premises/use; and further, that the proper application for such Certificate be filed with the Buildings and Safety Engineering Department no later than each annual anniversary of the effective date of this arant.
- The appellant is prohibited from expanding the scope and area of the site or (u) increasing the type of activities beyond the scope and nature of the operation without prior approval of the Board of Zoning Appeals.
- That this Grant from the Board of Zoning Appeals is valid pursuant to the (v) petitioner complying with all of the above stated conditions at all times.

#### CAUTION

The granting of an appeal by the Zoning Board of Appeals pertains only Zoning regulations. The grant does not abrogate or release the grantee from complying with all laws relating to safety, stability, health, etc., as required by the Building, Housing, Electrical, Plumbing and other Municipal Codes

#### FINAL DECISION

Any decision of the Board of Zoning Appeals may be appealed to Circuit Court as specified in 125.585 (MSA 5.2935) of the Zoning Enabling Act of Michigan, Act 207 of the Public Acts of 1921, as amended.

The minutes of the Board of Zoning Appeals decision in this case were approved by the Board during its public meeting held on May 8, 2023.

CERFITIFIED COPY FROM THE BOARD OF ZONING APPEALS, CITY OF DETROIT FOR THE WAYNE COUNTY REGISTER OF DEEDS.

Mrc

May 9, 2023

James W. Ribbron, Director – Board of Zoning Appeals

PREPARED BY APRIL T. PUROFOY

To the City Planning Commission,

This letter is in support of Junction Party Store, Rose and Jacqueline Cuevas. They are residents of our community and have been able to understand and meet the needs of the people in our neighborhood. Since they purchased the business, they have implemented significant changes putting the well-being of its patrons and neighbors as priority. They have installed outdoor lighting, security cameras and have partnered with Project Greenlight to provide a safe and community friendly establishment. This has made the Cuevas' valuable members and an asset to our community. We support them and their request for a map amendment to allow SDD usage. We know that by obtaining the permission to sell liquor, the integrity and safety of our community will not be compromised. We are certain that as the expand their usage, they will continue to be a key part of the community and always act in the best interest of its residents.

Name Rafael Romo Business Name Romo's Service Address 3070 Junchian Dotroit Signature Date 3-

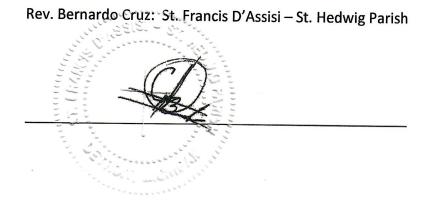


To the City Planning Commission,

February 23, 2023

This letter is in support of Junction Party Store, Rose and Jacqueline Cuevas. They are residents of our community and have been able to understand and meet the needs of the people in our neighborhood. Since they purchased the business, they have implemented significant changes putting the well-being of its patrons and neighbors as priority. They have installed outdoor lighting, security cameras and have partnered with Project Greenlight to provide a safe and community friendly establishment. This has made the Cuevas' valuable members and an asset to our community. We support them and their request for a map amendment to allow SDD usage. We know that by obtaining the permission to sell liquor, the integrity and safety of our community will not be compromised. We are certain that as the expand their usage, they will continue to be a key part of the community and always act in the best interest of its residents, our parish and our parishioners.

Sincerely,





# **Congress of Communities of Southwest Detroit Neighborhoods**

To the City Planning Commission,

This letter is in support of Junction Party Store, Rose and Jacqueline Cuevas. They are residents of our community and have been able to understand and meet the needs of the people in our neighborhood. Since they purchased the business, they have implemented significant changes putting the well-being of its patrons and neighbors as priority. They have installed outdoor lighting, security cameras and have partnered with Project Greenlight to provide a safe and community friendly establishment. This has made the Cuevas' valuable members and an asset to our community. We support them and their request for a map amendment to allow SDD usage. We know that by obtaining the permission to sell liquor, the integrity and safety of our community will not be compromised. We are certain that as they expand their usage, they will continue to be a key part of the community and always act in the best interest of its residents.

In Unity,

Maria Salinas Executive Director Congress of Communities 4870 Saint Hedwig St Detroit, MI 48210 (313)914-5315 <u>maria@cocswdetroit.com</u> <u>www.congressofcommunities.com</u>



# **Community Support Materials**

**Project Name:** Junction Party Store

3260-3274 Junction Ave Detroit, MI 48216

Attn: Inspector David Bell Building Safety Engineering & Environmental Division. Detroit, MI Cc: Rose Cuevas (business owner), Joseph Grenn (owner's attorney)

#### Re: 3260-3274 Junction Ave

Dear Mr. David Bell,

My client has gathered the following documents to demonstrate three points:

- That the business, a party store selling beer and wine, is a pre-existing non-conforming use which has been in continuous and uninterrupted existence selling beer and wine since at least the 1950's, and
- That there is broad community support for the continued existence of the store, and for adding off-street parking

For your convenience, the documents are listed below with links to view them:

- 1. Affidavits which all attest to the sale of beer and alcohol on the premises:
  - a. Julian Franko since earliest recollection 1950's
  - b. Rafael Romo since earliest recollection 1980's
  - c. Susan Woloszyn since moving there in 1987
  - d. Alberto Pejuan (previous owner of the store) since moving there in 1987
  - e. Jesus Galvin since moving there in 1981
- 2. Letters of support
  - a. Petition of support for the parking lot expansion signed by 33 local residents
  - b. Letter of Support from St. Hedwig Parish (neighbor)
  - c. Letter of Support from Congress of Communities (neighbor)
  - d. Letter of Support from Sgt. Manny Gutierrez, Detroit Police Department

Thank you very much for your attention in this matter, Sincerely,

Nathan WEF

Nathan Wight, Architect Principal, Unfolding Architecture, PLLC

# JUNCTION PARTY STORE 3260 JUNCTION DETROIT, MICHIGAN

#### AFFIDAVIT OF JULIAN M. FRANKO

#### STATE OF MICHIGAN) COUNTY OF WAYNE )

JULIAN M. FRANKO, being first duly sworn, deposes and says:

- 1. I make this affidavit from my personal knowledge growing up as a youth and residing as an adult in Southwest Detroit.
- 2. I was born on August 27, 1935 and grew up at 6874 St. John in Detroit, Michigan.
- 3. I attended and graduated from Holy Redeemer High School in Southwest Detroit.
- 4. I am familiar with the convenience store at 3260 Junction in Detroit, Michigan now known as Junction Party Store.
- In the 1940's 50's and 60's however the convenience store was not known as Junction Party Store.
- 6. I do not recall the store's name, however, I believe the store was owned by the Matea family.
- 7. In the 1950's I played softball and baseball at the park belonging to St. Hedwig Church located across the street from the convenience store. In addition, I bowled in the bowling alley located in the top floor of St. Hedwig school.

- 8. I was a frequent customer of the convenience store in the 1950's. The store sold and I purchased alcohol as well as many other products from it.
- 9. I currently reside at 3751 Pardee, Dearborn, Michigan 48124.
- I am currently a retired Dentist who practiced for many years on the West side of Detroit 10. and its surrounding suburbs.

Julian M. Franko

Subscribed and sworn to before me This 2% day of June, 2022

H

Joseph E. Grenn, Notary Public My/Commission expires:1-15-2029 Wayne County, Michigan Acting in Wayne County, Michigan

# JUNCTION PARTY STORE 3260 JUNCTION DETROIT, MICHIGAN

#### **AFFIDAVIT OF RAFAEL ROMO**

#### STATE OF MICHIGAN) COUNTY OF WAYNE )

RAFAEL ROMO, being first duly sworn, deposes and says:

- I make this affidavit from my personal knowledge as a business owner of Southwest Detroit and a person who frequents the neighborhood.
- 2. Romos Car and Towing Service started operations in Southwest Detroit at 3070 Junction in 2000.
- I am familiar with the convenience store at 3260 Junction in Detroit, Michigan now known as Junction Party Store.
- 4. The store existed in the 1980's and went by the name of Kids and Us with Alberto being its owner.
- 5. I have been purchasing groceries, chips and alcohol at this store for over 30 years.

SIGNATURE PAGE TO FOLLOW

# JUNCTION PARTY STORE 3260 JUNCTION DETROIT, MICHIGAN

# AFFIDAVIT OF RAFAEL ROMO PAGE 2

# Rafael Romo

Miguel Sanchez

Subscribed and sworn to before me This  $\frac{29t}{2}$  day of July, 2022

Joseph E. Grenn, Notary Public My Commission expires: 1-15-2029 Wayne County, Michigan Acting in Wayne County, Michigan

# JUNCTION PARTY STORE 3260 JUNCTION DETROIT, MICHIGAN

aan fiire vir soore eestaan aan fiire Store aan fiire ah ah ah

#### AFFIDAVIT OF SUSAN WOLOSZYN

#### STATE OF MICHIGAN) COUNTY OF WAYNE )

SUSAN WOLOSZYN, being first duly sworn, deposes and says:

- 1. I make this affidavit from my personal knowledge as a resident of Southwest Detroit.
- 2. I have resided at 3208 Wesson, Detroit, Michigan since 1987 at the time I married my husband or for approximately 35 years.
- I am familiar with the convenience store at 3260 Junction in Detroit, Michigan now known as Junction Party Store.
- 4. The store existed in the 1987 at the time I moved in and has sold alcoholic beverages the entire time.
- 5. I patronize the store daily to purchase lottery tickets and snacks.

### SIGNATURE PAGE TO FOLLOW

# JUNCTION PARTY STORE 3260 JUNCTION DETROIT, MICHIGAN

# AFFIDAVIT OF SUSAN WOLOSZYN PAGE 2

Jan)

Susan Woloszyn

Subscribed and sworn to before me This  $\frac{291}{2}$  day of July, 2022

Į. DIA

Joseph/E. Grenn, Notary Public My Commission expires:1-15-2029 Wayne County, Michigan Acting in Wayne County, Michigan

# JUNCTION PARTY STORE 3260 JUNCTION DETROIT, MICHIGAN

#### **AFFIDAVIT OF ALBERTO PEJUAN**

### STATE OF MICHIGAN) COUNTY OF WAYNE )

ALBERTO PEJUAN, being first duly sworn, deposes and says:

- 1. I make this affidavit from my personal knowledge as a resident and former owner of the business at 3260 Junction, Detroit Michigan.
- 2. I purchase the business in 1987 and then resided above the store.
- 3. I purchased the business from a Polish couple who at that time possessed an SDM Liquor License which they transferred to me with Liquor Control Commission approval.
- 4. I sold the business and SDM Liquor License to John and Suha Miri in 2005.
- 5. Currently, and for many years, I have been distributing and selling tortillas for the Mexicantown Bakery on a route which I purchased prior to 1987.

#### SIGNATURE PAGE TO FOLLOW

# JUNCTION PARTY STORE 3260 JUNCTION DETROIT, MICHIGAN

# AFFIDAVIT OF ALBERTO PEJUAN PAGE 2

epun Alberto Pejuan

Subscribed and sworn to before me This 29 C day of July, 2022

Joseph E Grenn, Notary Public My Commission expires:1-15-2029 Wayne County, Michigan Acting in Wayne County, Michigan

### JUNCTION PARTY STORE 3260 JUNCTION DETROIT, MICHIGAN

#### AFFIDAVIT OF JESUS S. GALVIN

### STATE OF MICHIGAN) COUNTY OF WAYNE )

JESUS S. GALVIN, being first duly sworn, deposes and says:

- 1. I make this affidavit from my personal knowledge as a resident of Southwest Detroit for many years.
- 2. I have resided in the neighborhood in the vicinity of 3260 Junction, Detroit, Michigan since 1981 and have lived in my current residence at 3408 Junction, Detroit, Michigan since 1988.
- 3. I have been a licensed electrician for over 40 years.
- 4. I am familiar with the convenience store at 3260 Junction in Detroit, Michigan now known as Junction Party Store.
- 5. The store existed at the time I moved into the neighborhood in 1981 and sold alcohol at that time in 1981 to date. A time period of over 40 years.
- 6. I personally know the prior owners of the party store being John and Suha Miri.

# SIGNATURE PAGE TO FOLLOW

# JUNCTION PARTY STORE 3260 JUNCTION DETROIT, MICHIGAN

# AFFIDAVIT OF JESUS S. GALVIN PAGE 2

1/ ) 1<u>111</u> /

Jesus S. Galvin

Subscribed and sworn to before me This 29t day of July, 2022

Joseph E. Grenn, Notary Public My Commission expires:1-15-2029 Wayne County, Michigan Acting in Wayne County, Michigan

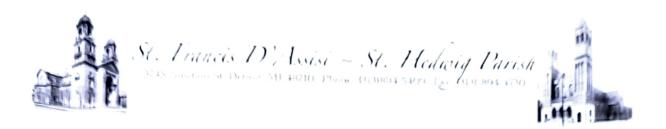
alleviate street parking that residents would want for their own cars. Junction Party Store is a place where all residents go knowing they can find Board of Zoning Appeals that I support Rose Cuevas, REE LAND LLC, Junction Party Store in purchasing, rezoning, and renovating 3274-3266 what they need in a welcoming and safe environment. By Signing this petition, I am telling the Detroit Land Bank Authority and the Detroit parking lot. Junction Party store having a private parking lot is good for our neighborhood. It will enhance the look of our neighborhood and Junction, Detroit MI 48210. I am a neighbor of Junction Party Store and I support them in the process purchasing, rezoning, and renovating 3274-3266 Junction for their

nuestro vecindario y aliviará el estacionamiento en la calle que los residentes querrían para sus propios automóviles. Junction Party Store es un estacionamiento. La tienda Junction Party que tiene un estacionamiento privado es buena para nuestro vecindario. Mejorará el aspecto de le digo a la Autoridad del Banco de Tierras de Detroit y a la Junta de Apelaciones de Zonificación de Detroit que apoyo a Rose Cuevas, REE Soy vecino de Junction Party Store y los apoyo en el proceso de compra, rezonificación y renovación de 3274-3266 Junction para su Land LLC y Junction Party Store en la compra, rezonificación y renovación de 3274-3266 Junction, Detroit MI 48210. lugar donde todos los residentes van sabiendo que pueden encontrar lo que necesitan en un ambiente acogedor y seguro. Al firmar esta petición,

Name – Nombre Elbin LVAN Gryngu, SCA 0 بحرثهم 3 Ĥ Nesto Concurrential Nerralla 22 ena r J Signature - Firma Pezz Xax Ę Z covarrubias C 18 4 2 3316 Crochnew С С 4972 Address - Dirreccion 4095 5 2 12 12 L 0 2 8326 CRCV St. Detroit N. CAMBEN 1 ULD CAN COS A N cumbbe () Ç 40 St. Detrot 0 8 06 Date Signed 5 S Fecha 22 | 22 1512022 3 24 57 3 60 50

estacionamiento. La tienda Junction Party que tiene un estacionamiento privado es buena para nuestro vecindario. Mejorará el aspecto de Soy vecino de Junction Party Store y los apoyo en el proceso de compra, rezonificación y renovación de 3274-3266 Junction para su Land LLC y Junction Party Store en la compra, rezonificación y renovación de 3274-3266 Junction, Detroit MI 48210. le digo a la Autoridad del Banco de Tierras de Detroit y a la Junta de Apelaciones de Zonificación de Detroit que apoyo a Rose Cuevas, REE lugar donde todos los residentes van sabiendo que pueden encontrar lo que necesitan en un ambiente acogedor y seguro. Al firmar esta petición, nuestro vecindario y aliviará el estacionamiento en la calle que los residentes querrían para sus propios automóviles. Junction Party Store es un what they need in a welcoming and safe environment. By Signing this petition, I am telling the Detroit Land Bank Authority and the Detroit alleviate street parking that residents would want for their own cars. Junction Party Store is a place where all residents go knowing they can find Junction, Detroit MI 48210. Board of Zoning Appeals that I support Rose Cuevas, REE LAND LLC, Junction Party Store in purchasing, rezoning, and renovating 3274-3266 parking lot. Junction Party store having a private parking lot is good for our neighborhood. It will enhance the look of our neighborhood and I am a neighbor of Junction Party Store and I support them in the process purchasing, rezoning, and renovating 3274-3266 Junction for their Marco Name – Nombre NORAR Hildrig ç Dov. train munic ernarda Nadri <del>م</del> ting Harry Yez c. To delatore Mundgano Kernon de Z Yon to no latienez Amb facio barcic Koms Hilario Signature - Firma 102 butierre Z 4 MUAN J' W DI ig an Q Address - Dirreccion 5887 Vivian Taylor MJ 1098 G 4 (d -11-5 8665 5 3331 W 0550 1070 Frech X / WANA tendinad 211220 Salernick st 100 m 1) 1) イシ  $\sim$  $\neq$ 1106 -2  $\mathcal{C}$ 06-14 2 A106/ Date Signed 16-14-2001 06-14-202  $\overline{\mathcal{I}}$ Fecha I 7 19-767 て、 T 271 22 22 22 1022 2

Land LLC y Junction Party Store en la compra, rezonificación y renovación de 3274-3266 Junction, Detroit MI 48210. le digo a la Autoridad del Banco de Tierras de Detroit y a la Junta de Apelaciones de Zonificación de Detroit que apoyo a Rose Cuevas, REE nuestro vecindario y aliviará el estacionamiento en la calle que los residentes querrían para sus propios automóviles. Junction Party Store es un estacionamiento. La tienda Junction Party que tiene un estacionamiento privado es buena para nuestro vecindario. Mejorará el aspecto de Soy vecino de Junction Party Store y los apoyo en el proceso de compra, rezonificación y renovación de 3274-3266 Junction para su what they need in a welcoming and safe environment. By Signing this petition, I am telling the Detroit Land Bank Authority and the Detroit alleviate street parking that residents would want for their own cars. Junction Party Store is a place where all residents go knowing they can find lugar donde todos los residentes van sabiendo que pueden encontrar lo que necesitan en un ambiente acogedor y seguro. Al firmar esta petición, Board of Zoning Appeals that I support Rose Cuevas, REE LAND LLC, Junction Party Store in purchasing, rezoning, and renovating 3274-3266 parking lot. Junction Party store having a private parking lot is good for our neighborhood. It will enhance the look of our neighborhood and Junction, Detroit MI 48210. I am a neighbor of Junction Party Store and I support them in the process purchasing, rezoning, and renovating 3274-3266 Junction for their ARTURO Name – Nombre SUSTOVO 240( Ramo S icpez TEU2 82 Sanchel 01000 ZAJIO Signature - Firma Gustava ARTORO 22 2 Sanches 19 3158 ふらんち 313758 1542 484 BKONKEL Address - Dirreccion SQ45 NTIS ST Detwort N SHI militar 2666 WRWLORN 1000 へつつへんつのの Konker  $\widehat{}$ - Fecha 6115122 6 Date Signed N 3 てて 22 ٢



To the Board of Zoning Appeals,

June 24, 2022

This letter is in support of Rose Cuevas and REE Land LLC. Rose Cuevas is a resident of our community and has been able to understand and meet the needs of the people in our neighborhood. Since he purchased the business, he has implemented significant changes, putting the wellbeing of its patrons and neighbors as priority. He has installed security cameras, great outdoor lighting and taken personal action to prevent loitering, solicitation and drug use on the property. His actions have made Junction Party Store a community friendly establishment. Junction Party Store is a place where all residents go knowing they can find what they need in a welcoming and safe environment. This has made him a valuable member to us and an asset to our community.

I value the important role Junction Party Store has in our community. Junction Party store having a private parking lot is good for our neighborhood. It will enhance the look of our neighborhood and alleviate street parking that residents would want for their own cars. Junction Party Store is a place where all residents go knowing they can find what they need in a welcoming and safe environment. We are certain that as they expand, they will continue to be a key part of our community and always act in the best interest of its residents. With this letter I express my full support to the **Detroit Land Bank Authority and the Detroit Board of Zoning Appeals that I support Rose Cuevas and Ree Land LLC in purchasing, rezoning, and renovating 3274, 3260 and 3266 Junction, Detroit MI 48210.** 

Sincerely, Rev. Bernardo Cruz Paston St. Francis D'Assisi ~ edwig Parish Phone: (313) 894-54

To whom it may concern, I am currently employed as a Detroit Police Sergeant working out of the Fourth Precinct in Southwest Detroit. I have been patronizing the store located at 3260 Junction for at least (15) years. Currently it is owned and being operated by Mr. Rose and Jacqueline Cuevas. I have been going to this store prior to the Cuevas's running the party store because it is conveniently located across from St Hedwig Church and adjacent to St Hedwig Park which has multiple baseball diamonds. My sons also attended Academy of Americas Middle School which is also adjacent to the store. Since attending baseball games in the summer with my sons, and picking them up from school we have enjoyed the close proximity of the store and have purchased food and beverages from there numerous times. It is located in a residential area across the street from beautiful St Hedwig Church. Working as a Detroit Police Sergeant in this community, I have never observed any illegal activity or loitering in or around 3260 Junction and have never known for that store to be non-compliant in any form. Lastly, I believe the Cuevas family is operating and managing their store in best regards for the citizens and their customers.

Sincerely, Sgt. Manny Gutierrez

Detroit Police Department Fourth Precinct 313-596-5405 313-220-0068



February 23, 2023

City Planning Commission 2 Woodward Avenue, Suite 208 Detroit, MI 48226

Dear City Planning Commission,

The Southwest Detroit Business Association (SDBA) is writing this letter in support for the Junction Party Store and its owners, Rose and Jacqueline Cuevas. The owners of this establishment are residents of our community and have been able to understand and meet the needs of the people in our neighborhood. Since they purchased the business, they have implemented significant changes putting the well-being of its patrons and neighbors as priority. They have installed outdoor lighting, security cameras and have partnered with Project Greenlight to provide a safe and community friendly establishment. This has made the Cuevas' valuable members and an asset to our community. We support them and their request for a map amendment to allow SDD usage. We know that by obtaining the permission to sell liquor, the integrity and safety of our community will not be compromised. We are certain that as the expand their usage, they will continue to be a key part of the community and always act in the best interest of its residents.

Greg Mangan

Greg Mangan Real Estate Advocate Southwest Detroit Business Association gregm@southwestdetroit.com

To the City Planning Commission,

This letter is in support of Junction Party Store, Rose and Jacqueline Cuevas. They are residents of my community and have been able to understand and meet the needs of the people in our neighborhood. Since they purchased the business, they have implemented significant changes, putting the well-being of its patrons and neighbors as priority. They have installed outdoor lighting, security cameras and have partnered with Project Greenlight to provide a safe and community friendly establishment. This has made the Cuevas' valuable members and an asset to our community. I support them and their request for a map amendment to allow SDD usage. I know that by obtaining the permission to sell liquor, the integrity and safety of our community will not be compromised. As a resident, I am certain that as they expand their usage, they will continue to be a key part of the community and always act in the best interest of its residents.

Name Address Signature

Name Address Signature

Name Tony Brisborc Address 3419 Greusel De Troit MI 48210 - Routher Signature Land Brin D.

Andrade unction st Name Manuel Address 3244 Jun off MI Signature

Address Signature

Name Address Signature

Name Delia Lowa Address 5696 St. Hedwig DETROIT MI 48710 Signature Delia Dowe

Name Jesus S. Galvan Address 3408 Junction Detroit MI 48210 ignature feary & Advan Signature

Name (Ilenn Friest Address De TROIT 48210 Signature

Name Cristian Hernandez

Address 3376 Goldner st

Signature

Name Address 44 Signatu

Name ANNABELLE Juges	
Address 4478 Saint Healwing	
Det. Mich. 48210	
Signature	_
	-

Name<u>James Collins</u> Address<u>484704is</u> Address ( DeTROIT Mi 48210 Signature <u>Cames</u>

Name\_ Address ABSID Signature

Name Gustavo Hurtado Muñoz Address 4846 Konkel ST DeTnoit Mi 48210 Signature Gustavo HUNTUdoM 2123123

Name Address De TRUIT Signature

Name Alejandro martinzz Address 3427 Hammond St De Thoit Mi 48210 Signature 🛀

Name_	Jose Adulto	Arcineula
Address	5764 Saint	HEDWIG
	ST F! 2	
Signature_	Jose Addrew	normula

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Name JONATHAN BRAYAN Address 4858 Saint Hebwiest DATROIT MI 48210 Signature JONATHAN BARYAN

Name\_ Address Signature

Name Jonath	nan M	Silva	
Address Home	8909	MANDALE ST	DET M1 48209
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Signature	M	)	218210
Date 2-2	3-2023	3	

Name Address Home: 2649 Spring wells Work: 30,70 Signature 123123 Date 2

Name Rudolfo Tellez
Address Home: 6850 Edward Detroit 48210
Work: 3070 Junction St
Signature had alf 2 TC//CZ
Date 2/23/23

Name estip Velas Address 📈 🗞 lincoin Signature

Name<u>Gwadalupe E. Anila</u> Address<u>Work<sup>\*</sup>, 4870 saint Hedwig Detroit, MI 4824</u> <u>Home<sup>\*</sup>a 1048 18th street</u> Detroit MI 4824 Signature <u>Huadalpe E Win</u> Date\_\_\_\_\_\_23/23\_\_\_\_\_

Name Slaipe Strice cater Business Name Address 5 10 DAC M Signature Date

Name Address Signature

Name TIR 20 Address<u>4846</u> St. Hedwig MI 48210 etroit Signature

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Name Address\_ 12011 MT 4371 Signature 2/23/22

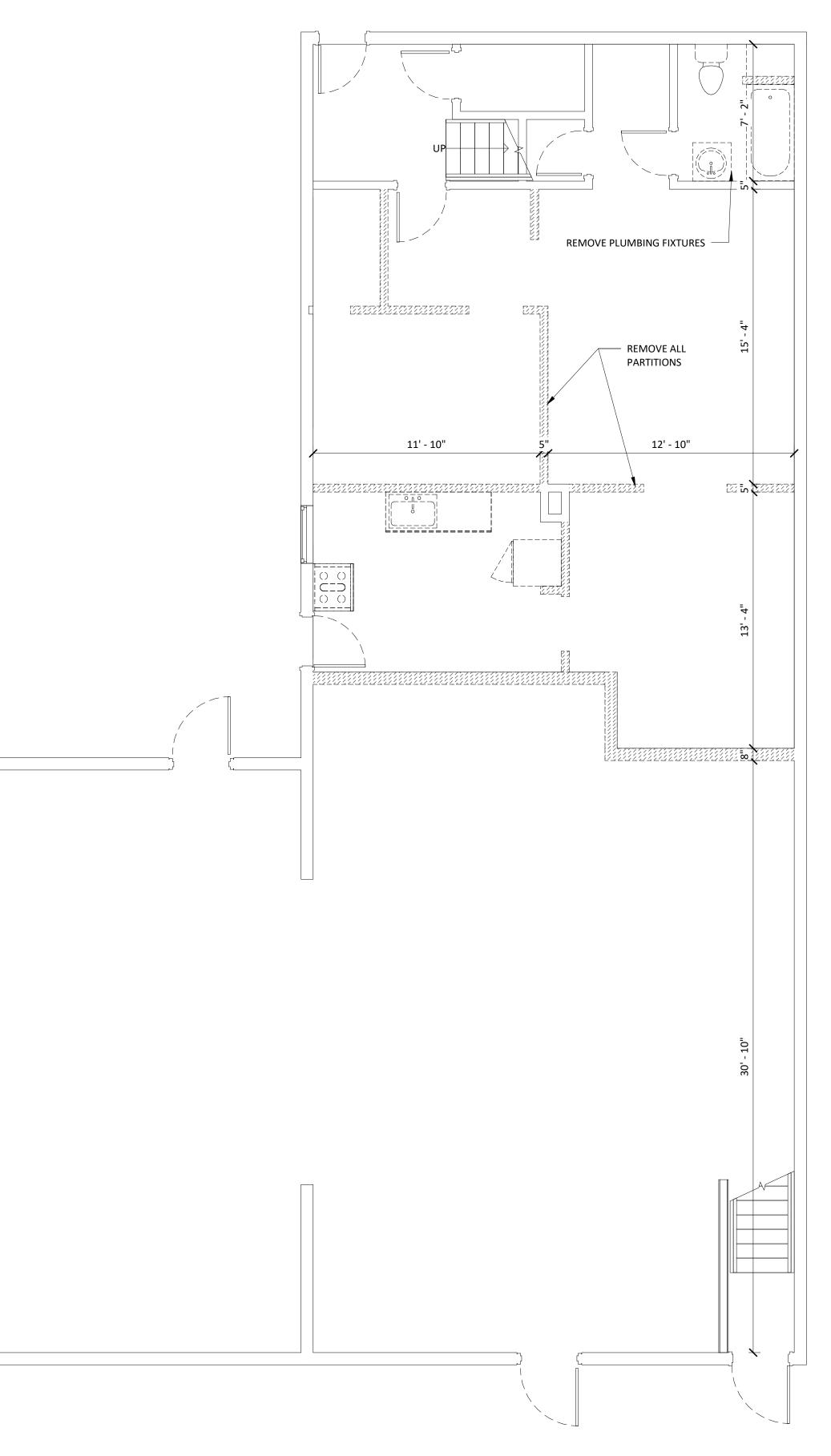
Name Jose Address f th Detroit MI 48210 Signature ale

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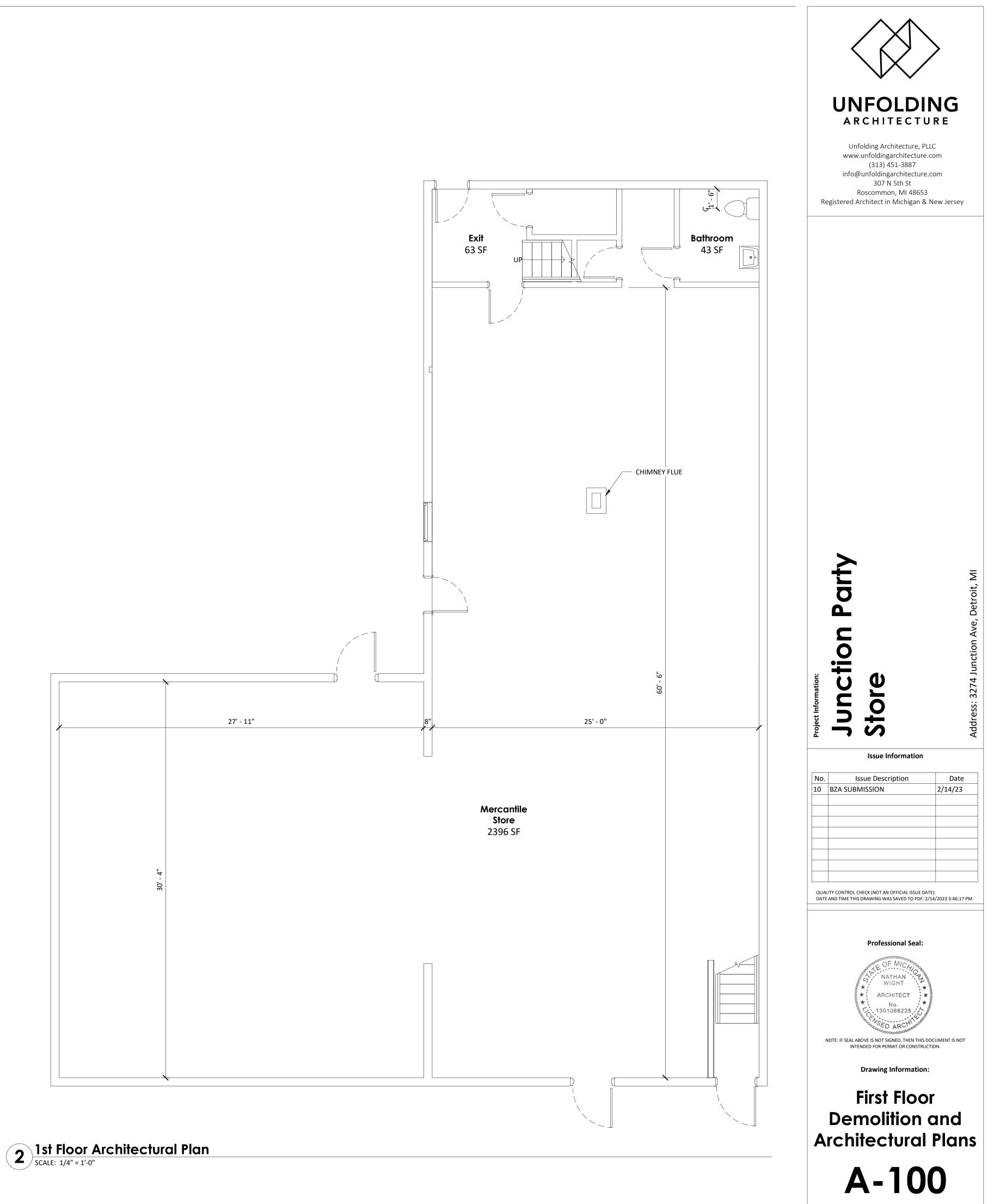
Sincerely, Sgt. Manny Gutierrez

Detroit Police Department Fourth Precinct 313-596-5405 313-220-0068

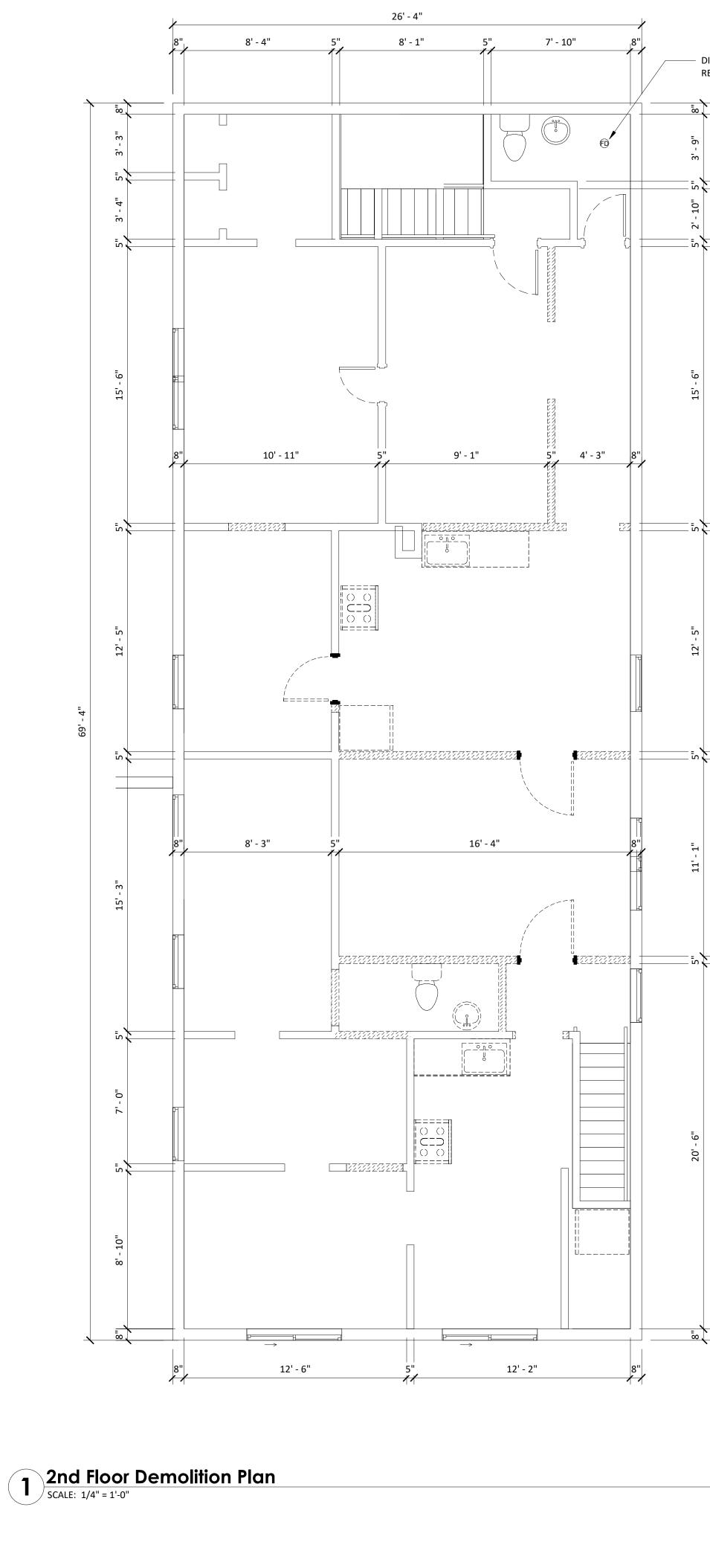




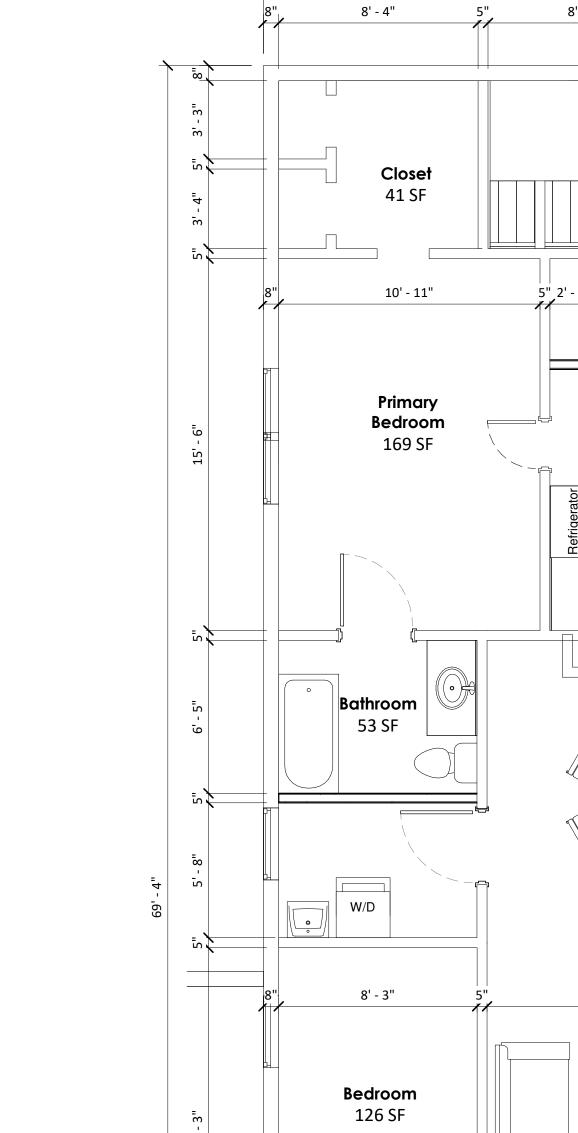


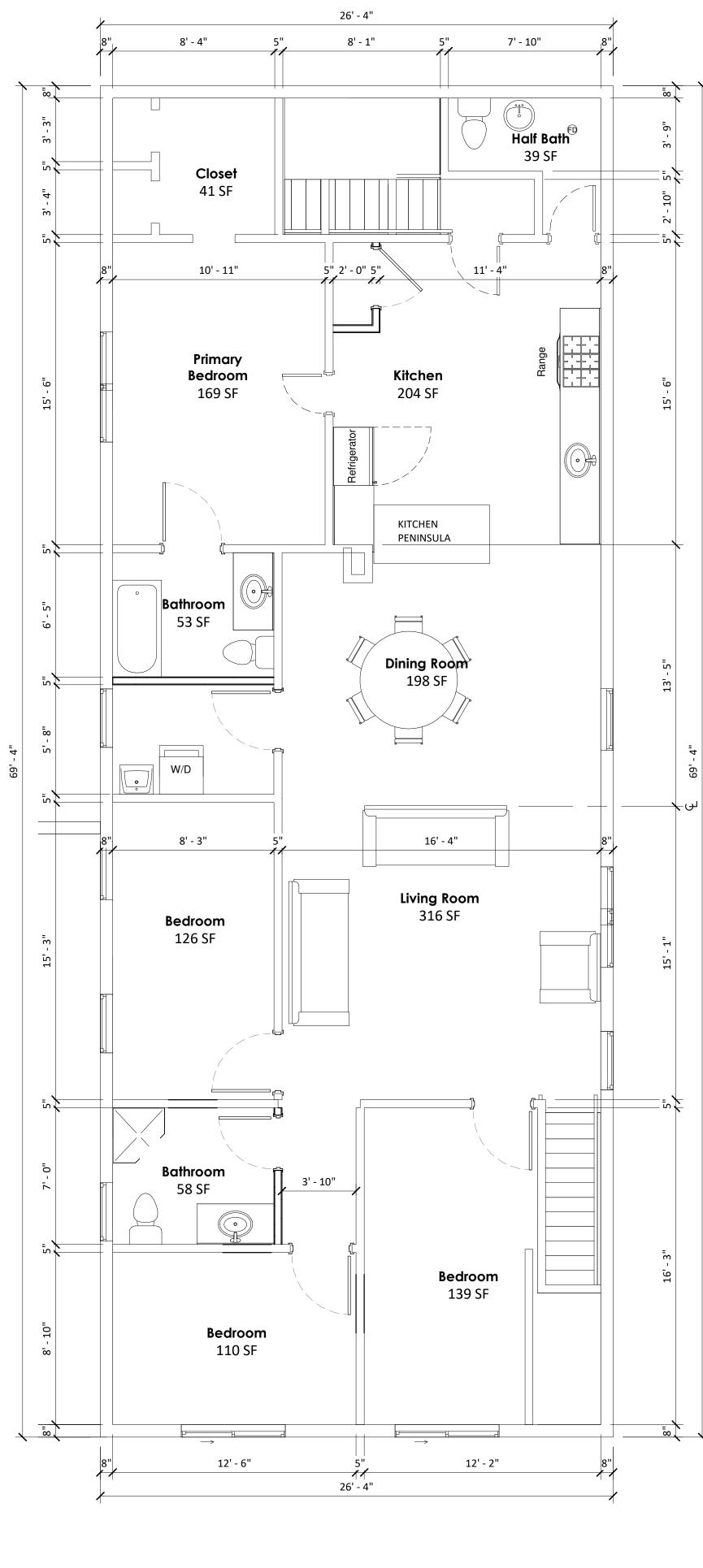






DISCONNECT AND REMOVE FLOOR DRAIN





2 2nd Floor Architectural Plan SCALE: 1/4" = 1'-0"

