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**TO:** City Planning Commission

**FROM:** Kimani Jeffrey, staff

**RE:** Request of Taco Bell America, LLC to amend Article XVII, Section 50-17 41, DistrictMap No. 39 of the 2019 Detroit City Code, Chapter 50, Zoning, to show a B4 (General Business District) zoning classification where a B2 (Local Business and Residential District) zoning classification is currently shown at the property commonly referred to as 18550 E. Warren Avenue.

**DATE:** October 1, 2021

**BACKGROUND**

The CPC has received the request of Taco Bell America, LLC to amend Article XVII, Section 50 17-41, District Map No. 39 of the 2019 Detroit City Code, Chapter 50, Zoning, to show a B4 (General Business District) zoning classification where a B2 (Local Business and Residential District) zoning classification is currently shown at the property commonly referred to as 18550 E. Warren Avenue.

This map amendment is being requested in order to accommodate a proposed Taco Bell fast-food restaurant. Under the current zoning ordinance, the proposed use is classified as “Restaurant, fast- food, with drive-up or drive-through facilities”. The subject site is 0.33 acres and currently hosts a vacant bank building.

The site is partially zoned B4 and the remainder of the site is zoned B2 which does not permit drive- through restaurants. The rezoning that is being requested plans to unify the entire site under the B4 zoning district which will allow for the fast-food restaurant with drive-up as a conditional use. A conditional use requires that a special land use hearing be held at the Buildings and Safety Engineering, and Environmental Department (BSEED) to evaluate the impact of the use on neighboring uses. During this hearing, terms and conditions may be attached as a prerequisite to approval of the use, as a result of staff review or public comment.

**PUBLIC HEARING RESULTS**

On September 23, 2021 a public hearing was held for this rezoning request. Many questions were asked regarding the location, operation, traffic and other aspects of the proposal. There was also concern from at least one Commissioner regarding the nature of the proposed drive-through traffic generated by the proposed Taco Bell. Traffic concerns were addressed by the development team as they stated the results of their traffic study that was conducted by consultant, GPD

Group. The traffic study (attached) summarizes that:

1. The proposed project will be a Taco Bell restaurant consisting of a total of 1,699 square feet of gross floor area.
2. According to the preliminary site plan, the site will provide three (3) full movement driveways to serve the site. One (1) access point will be provided along Anatole Street on the north side of the site. A second access point will be provided along Mack Avenue on the east side of the site. The third access point will be provided along Opal Street on the south side of the site. Additionally, the project plans to eliminate the existing access point located along Warren Avenue on the west side of the site.
3. The proposed development is expected to generate 69 trip ends during the AM peak hour (35 entering and 34 exiting) and 56 trip ends during the PM peak hour (30 entering and 26 exiting). Approximately half of the traffic generated by the proposed Taco Bell restaurant will consist of passer-by traffic which already exists on the surrounding roadways.
4. A comparison of the trip generation calculations of the existing and proposed land uses found that the proposed Taco Bell would be expected to generate approximately the same amount of trip ends during the typical weekday AM peak hour while generating slightly more trip ends during the typical weekday PM peak hour than the previous bank.
5. It is expected that a majority of the trips generated by the proposed Taco Bell would most likely enter/exit the site via the Mack Avenue / Touraine Road / Site Drive #2 intersection. The remainder of the generated trips would be distributed between the Anatole Street / Site Drive #1 and Opal Street / Site Drive #3 intersections, with the Opal Street / Site Drive #3 intersection assumed to be the most underutilized access point. In fact, it is estimated that only approximately 20% of the trips generated during the AM peak hour (14 total vehicles) and 21% of the trips generated during the PM peak hour (12 total vehicles) will enter/exit from Opal Street
6. The capacity analysis found that all movements and approaches of the study intersections are expected to operate at an acceptable LOS B or better during the AM and PM peak hours under both the Opening Year 2021 'No-Build' and 'Build' traffic conditions. No movements or approaches throughout the study area would be expected to experience any Level-of-Service degradation with the additional Taco Bell traffic. The capacity analysis results indicate that the study intersections are anticipated to provide sufficient vehicular capacity to accommodate the projected future traffic demand following the construction of the proposed Taco Bell restaurant.

Based on the information and analyses of their study, the GPD Group recommended that “the proposed development should be constructed as planned utilizing the three (3) full movement driveways to serve the site as depicted in the preliminary site plan as this study has verified that the project will not have an adverse traffic impact on the surrounding roadway network.”

To this Commissioner’s requested for the Traffic and Engineering Division (TED) of the Department of Public Works to appear before the Commission to speak to this. TED has confirmed attendance for October 7<sup>th</sup>. The Commission also requested that the Taco Bell team go

back and do further traffic analysis that not only analyzes peak traffic times, but total traffic generation for full hours of operation for the restaurant.

Lastly, the Commission inquired about surrounding bars that have late night hours that may contribute to late night traffic to the proposed Taco Bell restaurant. Staff has found that there are approximately six bars within two miles of the subject site. There are an additional six bars within three miles of the subject site.

#### *Public Comment*

As it relates to public testimony, there were 3 members of the public that spoke at the public hearing. The president of the Cornerstone Village organization spoke in support of the proposal. Another nearby resident also spoke in support of the project. A nearby business owner spoke in opposition to the proposed restaurant.

## **PLANNING CONSIDERATIONS**

### ***Surrounding Zoning and Land Use***

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

North: Warren Avenue  
East: Mack Avenue  
South: B4; T Mobile store  
West: R1 & R3; Rabaut's Café; residential homes

### ***Zoning Ordinance Approval Criteria***

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:

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

There has been a trend towards sites along this stretch of Mack Avenue being desired for establishments that utilize drive-through facilities. In recent years, this neighborhood has undergone rezoning's to allow for the recent McDonald's restaurant, Starbucks Coffee shop, the Chipotle restaurant, and now the proposed Taco Bell restaurant. All of these establishments have drive-through facilities. The rezonings to allow these developments were supported by a large portion of community members who were engaged during the processes for these projects. For this reason, CPC staff has recently had discussions with the Eastside Community Network (ECN) regarding the future of the corridor and what the vision of the corridor will be. ECN is planning to do further community engagement on this issue and to continue to work with the city to address this trend.

Post the COVID-19 pandemic, it can be argued that restaurants with drive-through facilities or pick-up-and-go capacity have gained new life as municipalities work to respond to ways to approach restaurants in the case of future public health related shutdowns.

*(2) Whether the proposed amendment is consistent with the Master Plan and the stated purposes of this chapter.*

The Planning and Development Department has submitted a letter regarding the Master Plan consistency for the project and has provided the following: *The Future General Land Use of the site is "Neighborhood Commercial" in the Master Plan. While this is not consistent with the proposed B4 zoning, as the Master Plan states, "In general, the Future Land Use map does*

*not address small-scale situations less than 10 acres, or the specific types of commercial and other nonresidential uses.” and is not anticipated to change the overall character of the area. Therefore, the rezoning is generally **consistent** with the Master Plan.”*

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

The developer has responded to requests of City departments as well as the surrounding residents and produced several iterations of the proposed site plan and elevations for the project which were changed to respond to safety and building design issues.

While the rezoning is proposed to change to B4, the portion of the site nearest to residential homes is not requested to be rezoned as it is proposed to remain R1 to act as a buffer to the residential homes. The R1 portion of the site that is in the plan would be maintained as a parking lot, which it exists as today.

It is assumed that a high-traffic generating establishment will have an impact on the surrounding area, due to the amount of expected traffic. Given this, the developer has worked with the city and community to reduce the impact to the degree possible.

- (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;*

A Buildings and Safety Engineering, Environmental Department Pre-Plan meeting was held for this proposal, which includes all departments that deal with public utilities and infrastructure, such as DTE Energy and the Department of Public Works. No feedback was given that suggests service will not be sustainable for this project.

- (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 proposal is not expected to have significant adverse impacts on the natural environment. While the proposal will continue to attract motorists, the developer is planning to maintain the buffer wall and vegetation that currently exists, buffering from the surrounding area. The developer also plans to add vegetation to the site and remove some of the hardscape that currently exists on the site.

Automobile noise pollution can be a reasonable concern for the site given the hours of operation currently proposed that go into the night. The developer has stated at a community meeting, that hours are able to be tailored based on conditions of this specific restaurant if it becomes an issue for surrounding neighbors.

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

There are no significant adverse impacts expected to the adjacent properties based on studies put forth. The development team has engaged the community. Based on comments from the public meeting and public hearing, it seems that majority of neighbors are of the opinion that

this proposal will be a benefit to the community.

Additionally, the developer has done a brief study on similar Taco Bell restaurants in nearby communities and found that Taco Bell restaurants have seemingly not harmed property values. Instead, according to their research, property values have trended upwards over the years for homes in proximity to Taco Bell restaurants. This is not to say that values have increased because of the Taco Bell, but their research seems to demonstrate that the subject restaurants at least did not stifle values in these scenarios.

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

It can be said that the proposed zoning classification is suitable for the subject properties as it will unify the zoning on the site as a portion of the site is currently zoned B4. As stated before, there has been a trend of rezoning's to allow for similar restaurants in the recent past.

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

The proposed rezoning will not create an illegal spot zone.

## **CONCLUSION**

This proposal seeks to change the current zoning in order to allow for a Taco Bell fast-food restaurant. It is recognized that through this process, some have raised that the site might be more suitable for more pedestrian friendly development such as a restaurant with no drive-through facilities. In the planning profession, staff agrees that the general principles of New Urbanism and Smart Growth, would push for a more walkable development. The other side of the argument is that this type of development is trending along this thoroughfare and that the market forces are producing this result.

Staff believes that regardless of the outcome of this petition, there should be further discussion on this issue. This conversation has already begun with ECN. If there is a proactive zoning update to the corridor that incorporates community input, there can be more confidence placed on the zoning when new development is being proposed. This would allow developer's to know whether they should invest time and effort into a project or not pursue it at all before investment is made.

Ultimately, city departments and the community have warmed to this proposal after several iterations were presented and changes made to respond to requests. The majority of the community members have supported the proposal, while there are some that have opposed. City staff will present a recommendation for this proposal after the continued discussion from the developer and Traffic and Engineering Department with Commission on October 7<sup>th</sup>.

## Attachment

cc: Antoine Bryant, Director PDD  
Katy Trudeau, Deputy Director PDD  
Karen Gage, PDD  
Greg Moots, PDD  
David Bell, Director, BSEED  
Lawrence Garcia, Corp. Counsel  
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