1	(c) Hearing,
2	At the public hearing, the Buildings and Safety Engineering Department shall hear testimony
3	of City staff, the owner of the use or structure for which the permit was granted, if present,
4	and any other interested persons.
5	(d) Required Findings.
6	The decision making body shall revoke the permit upon making one (1) or more of the
7	following findings:
8	(1) That the permit was issued on the basis of erroneous or misleading information or
9	misrepresentation;
10	(2) That the terms or conditions of approval of the permit have been violated or that
11	other laws or regulations have been violated; or
12	(3) That there has been a discontinuance of the exercise of the entitlement granted by
13	the permit for one hundred eighty (180) consecutive days.
14	Sec. 61-5-56. Revocation; effective date Evidence of Abandonment;
15	Overcoming Abandonment.
16	The effective date of the revocation of a permit shall be specified in the notice of
17	revocation. (See Sec. 61-4-38.)
18	(1) Presumption of Abandonment. A land use shall be presumed abandoned and its land use
19	rights extinguished where any one (1) of the following has occurred:
20	(a) the owner has indicated, in writing or by public statement, an intent to abandon the
21	use; or
22	(b) A less less-intensive use has replaced the current presumed abandoned use; or
23	(c) The building or structure that houses the use has been removed; or
24	Evidence of Abandonment. The building official shall schedule a show-cause hearing if there
25	is evidence that any one (1) of the following has occurred:
26	(a) The owner of the property has indicated, in writing or by public statement, an intent
27	to abandon the use; or

1	(b)	The building or structure that houses the use has been removed; or
2	(c)	The owner has physically changed the building or structure, or its permanent
3		equipment, in a manner that clearly indicates a change in use or activity to something
4		other than the existing use; or
5	(d)	The use has been discontinued, vacant, or inactive for a continuous period of at least
6		six (6) months; or
7	(e)	Public utility service has been shut off; or.
8	(f)	Any license required by law for the operation of the use has expired, or has been
9		revoked
10		oming Presumption of Abandonment. A presumption of abandonment based on the
11		nce of abandonment, as provided for in Subsection (1) of this section, may be
12	rebu	ted upon a showing of all of the following, to the satisfaction of the Buildings, Safety
13	Engi	neering and Environmental Department, that the owner:
14		s been maintaining the land and structure in accordance with all applicable regulations,
15	ine	cluding the Michigan Building Code, and did not intend to discontinue the use;
16	(b) H	as been maintaining all applicable licenses; and
17	(c) Ha	s filed all applicable tax documents; and
18	2011	addition, the owner of the use shall be required to demonstrate, to the satisfaction of
19	th	e Buildings, Safety Engineering and Environmental Department, that during the
20	pe	riod of inactivity or discontinuance the owner:
21	Ø	) Has been actively and continuously marketing the land or structure for sale or lease
22		for the existing use/purpose; or
23	.0	i) Has been engaged in other activities that would affirmatively prove there was no
24		intent to abandon.
25	Sectio	n 2. All ordinances or parts of ordinances in conflict with this ordinance are

- 1 repealed.
- 2 Section 3. This ordinance is declared necessary for the preservation of the public peace,
- 3 health, safety, and welfare of the people of the City of Detroit.
- Section 4. This ordinance shall become effective on the eighth (8<sup>th</sup>) day after publication
- 5 in accordance with MCL 125.3401(6) and Section 4-118, paragraph 3-, of the 2012 Detroit City
- 6 Charter.

Approved as to Form Only:

Edward V. Keelean Portia Roberson
Deputy Corporation Counsel
Acting as Corporation Counsel

7

### Summary of Zoning Ordinance Amendment CPC hearing 10/3/13 6:00 p.m.

1) Sec. 61-3-25 and Sec. 61-3-27-the process for the termination and extension of permits

-Permit shall be terminated after 6 months if no C of O issued. Building official may grant extensions for periods of not more 180 days each. Extensions must be in writing and for just cause. Prior to the expiration of any zoning grant, BSEED may extend the term of the grant to no more than 12 months past what would be the end of the original 6 month period.

2) Sec. 61-4-38; Sec. 61-5-34; and Sec. 61-5-52 the process for the termination and revocation of land use rights

-If grant holder fails to comply with BSEED or BZA conditions and such failure prevents the issuance of a C of O, the land use rights shall be revoked and zoning grant null and void. BSEED may initiate a revocation process of land use rights for failure to obtain a C of O in the proper time frame, or failure to comply with conditions, or after a 6 month period of non-use by a "grandfathered" business-deeming it abandoned.

3) Sec. 61-5-53 notice requirements for revocation of a zoning grant, including those for a show-cause hearing

-Notice for a show cause hearing is made only to the property owner as any result of a such hearing would either keep the use the same if the business is successful or take away the zoning grant and land use if the business is not successful. Because there could be no outcome of adding any additional encumbrances or uses on neighbors, we are requesting that the notice be required only to the owner so as to save staffing resources and mailing costs to the department.

### 4) Sec. 61-5-54 the establishment of a show cause hearing fee. THIS SECTION TO REMAIN UNCHANGED and not amended

5) 61-5-55- the required findings for the revocation of land use rights
-To revoke a land use grant, variance, or permit-need ONE of the following:
a)erroneous or misleading info relied upon, b)terms or conditions have been violated,
c)use has become a nuisance, d) applicant has failed to comply with all laws, or e)there
has been a discontinuance of such a use for a continuous period of at least 6 months.

6) 61-5-56- the evidence of abandonment and how to overcome the presumption of abandonment

-A land use shall be deemed abandoned when any ONE of the following occurs: a) owner has indicated in writing or by public statement an intent to abandon the use, or b) use has changed, or c) structure to which the use was attached has been removed, d) structure has been altered to have indicated a change in use, or e) use has been discontinued for at least 6 continuous months, or f) utilities are shut off, or f) any license required by law to operate as an applicant to the specific land use has expired.

7) Finally, departmental names are updated and non-substantives errors are corrected where needed.

		**	**	

Lesley C. Carr, Esq. Chairperson Lisa Whitmore Davis Vice Chair/Secretary

### City of **Detroit**

CITY PLANNING COMMISSION 202 Coleman A. Young Municipal Center Detroit, Michigan 48226

Phone: (313) 224-6225 Fax: (313) 224-4336

e-mail: cc-cpc@detroitmi.gov

**Brenda Goss Andrews** Thomas Christensen Karen M. Gage Frederick E. Russell, Jr. **Arthur Simons** Roy Levy Williams

TO:

City Planning Commission

FROM:

Marcell R. Todd, Jr., Staff

RE:

The request of Third New Hope Baptist Church to show a P1 (Open Parking) zoning district classification where an R1 (Single-Family Residential) zoning district classification is currently shown on Map No. 70 of Chapter 61, Article XVII of the 1984 Detroit City Code, Zoning, for the land bounded on the east by Steel Ave., the alley north of Plymouth Ave. to the south, Sorrento to the west and on the north by a line approximately 400' north of the Plymouth.

DATE:

October 3, 2013

#### CONCLUSIONS AND RECOMMENDATIONS

The P1 zoning district is intended to serve non-residential uses in order to reduce or avoid conflicts with residentially used land. This P1 will serve an institutional use, the Church, with major street frontage along Plymouth. It will work in conjunction with the other existing surface lots that serve the Church and also front on Plymouth or Steel,

Staff finds the proposed P1 rezoning to be consistent with the provisions of the zoning ordinance and recommends approval.

#### NATURE OF REQUEST

The City Planning Commission has received the request of Third New Hope Baptist Church to amend District Map No. 70 of the Detroit Zoning Ordinance to show a P1 zoning classification where an R1 zoning district classification is presently shown on predominantly vacant lot land bounded on the east by Steel Ave., the alley north of Plymouth Ave. to the south, Sorrento to the west and on the north by a line approximately 400' north of the Plymouth.

The request is being made to allow for a parking lot with requisite landscaping and fencing. The parking will serve the church which is immediately to the east across Steel, fronting on Plymouth. Subsequently, the Church intends to develop a community center on the remaining R1 land to the north. The vacant B4 frontage is currently used for parking. This land along with the lone commercial structure in that B4 district would also become part of the larger institutional campus with the existing Third New Hope Baptist Church and the future community center.

Third New Hope Baptist Church is the owner of the subject property and several other properties in the area. The entire block, which is bounded by Plymouth, Sorrento, Wadsworth and Steel, is vacant with the exception of two single-family homes fronting Sorrento just north of the property to be rezone as well as the above mentioned commercial structure which is used as a church by an unrelated congregation. The petitioner indicates that the other church has no objections to these plans.

#### PLANNING CONSIDERATIONS

#### Surrounding Zoning and Land Use

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

North:

R1; vacant land existing occupied single family residential structures

East:

R1 and B4 (General Business District); existing single-family residential structures,

surface parking and the church

South:

B4 and R1; existing commercial structures and single-family residential beyond

West:

R1 and B4; existing single and multi-family residential structures

#### Zoning

A P1 zoning classification would allow the use of a parking lot for operable private passenger motor vehicles as a by-right use. As designed, the P1 classification is intended to serve as a buffer between non-residential districts and residential districts. Please see the attached preliminary site plan.

In this instance, the P1 District would serve to alleviate the neighborhood from cars parking on both sides of the streets and the related traffic movements. The proposed P1 District would provide for ingress and egress along Sorrento, Plymouth and keep the additional traffic from the local residential street.

The Zoning Ordinance in Section 61-14-222 requires a ten (10) foot-wide side setback for accessory parking lots that abut residential areas with an existing structure. In addition, a five (5) foot-wide setback is required along the public right-of-way not exceeding 60-feet in width. The P1 District requirements in Section 61-13-81 of the Zoning Ordinance mandate that the front setback must be equal with the existing set-back of the residential structure along adjoining streets. Lastly, a 6-foot high opaque fence is required within the ten (10) foot-wide side yard. More detail are required of the petitioner to verify compliance moving forward.

#### Master Plan

The subject site is located within Neighborhood Cluster 7 of the Mackenzie Subsector of the <u>Detroit Master Plan of Policies</u>. The existing land use designation for the subject area is vacant and the future land use designation is Low Density Residential. The Planning and Development Department must make a determination on the proposal's consistency with the Master Plan.

#### Attachments

Lesley C. Carr, Esq. Chairperson Lisa Whitmore Davis Vice Chair/Secretary

### City of Petroit

#### CITY PLANNING COMMISSION

202 Coleman A. Young Municipal Center Detroit, Michigan 48226 Phone: (313) 224-6225 Fax: (313) 224-4336

e-mail: cc-cpc@detroitmi.gov

**Brenda Goss Andrews** Thomas Christensen Karen M. Gage Frederick E. Russell, Jr. **Arthur Simons** Roy Levy Williams

TO:

City Planning Commission

FROM:

Gregory Moots, staff HMV

RE:

Modification of Planned Development (PD) zoning district at 1300 McDougall

Drive to allow for the construction of VOA Bradby Place Apartments, consisting

of 85 units of multi-family and single-family buildings

DATE:

October 1, 2013

The City Planning Commission (CPC) staff has received a site plan review application from Fusco, Schaffer and Pappas Inc, on behalf of Volunteers of America, for the review of a project in a PD (Planned Development) zoning classification. The subject site is located south and west of Robert Bradby Drive, north of Lafayette Street. This review is different than that customarily followed in a PD district, because the property is in an Urban Renewal area (Elmwood Park #3) and does not have a previously approved site plan - hence an ordinance is not required: action may be taken via resolution.

The CPC review of this development is anticipated as a New Business item at your October 3, To staff's understanding, there is no Citizen's District Council presently constituted; hence there has been no Citizen District Council (CDC) review. completion of the CPC review and the resolution of any outstanding issues, staff will forward the necessary resolution to City Council for consideration.

#### PROPOSED DEVELOPMENT

This request will facilitate the construction of a 65 unit, three (3)-story apartment building and 20 units in 4 "cottage"/single-family four or six-unit attached one (1) story buildings, all for independent living for seniors. The "cottages" would each have one-car garages. The Elmwood Park 3 Urban Renewal Plan designates the site as medium density residential, where apartments and townhouses can be allowed. 50 parking spaces are provided for the apartments, for a ratio of 0.75 spaces/unit. This meets what would be required for senior housing. There are 46 total spaces are provided for the cottages, one in the garage and one in the driveway of each unit plus 6 guest spaces. This exceeds what would be required.

The entrance to the apartment building would be from the east. To the west of the site exists a public greenbelt with a walkway. Interior to the site and adjacent to the apartment building courtyard would be an open area of grass and trees. Substantial landscaping is shown on the southern edge of the site, screening the development from the existing residential to the south.

Access to the parking lot would be from Bradby Drive on the east. An emergency entrance is at the northwest corner of the site. The site is proposed to be enclosed with a five-foot tall, wrought-iron style fence. The gate at the entrance to the parking lot would be controlled via access cards.

The apartment building is primarily clad in a reddish brick with vinyl siding. The upper story units have balconies and the ground-floor units would have a small patio area. The drop-off area for the main entrance is covered, as are the doors at the end of each leg of the building. The cottage units are one story. They are again clad of reddish brick and siding, though the sides and rear are primarily composed of vinyl siding. The "cottages" are low, single-story buildings, with a one-car attached garage accessed from the front of the units. The front elevation is primarily reddish brick with some siding on the end units. The sides are primarily composed of vinyl siding, of a color similar to that of the brick. The rear elevations are almost exclusively vinyl siding, with a low masonry base. The roof-line from the rear is unbroken and would likely be monotonous, especially on the six-unit buildings. That is unfortunately what would face the Bradby Drive.

#### SURROUNDING DEVELOPMENT

To the north: multifamily residential, PD

To the south: multifamily residential, PD

To the east: multifamily residential, PD

To the west: multifamily residential, PD

#### APPROVAL CRITERIA

The following are the relevant site plan approval criteria from Sections 61-3-151 through 61-3-167, with staff analysis following in italics.

Sec. 61-3-152. Compliance with master plan. The Master Plan designation is Medium Residential, which appears appropriate.

Sec. 61-3-157. Surroundings.

All elements of the site:

- (1) Shall be harmoniously and efficiently designed in relation to the topography, size, and type of lot and in relation to the topography of the surrounding neighborhood; and
- (2) Shall be consistent, to the extent practicable, with the character of the adjacent sites and buildings and of the surrounding neighborhood. The height of the cottages may not fit with the character of the adjacent sites. The rest of the development seems consistent.

Sec. 61-3-158. Open spaces, landscaping, screening, and buffering. The type, dimensions, and character of open spaces, landscaping, screening, and buffering shall enhance the design, character, use, and value of the property and abutting lands. There appears to be an appropriate amount of open space and landscaping. The screening of the parking from the adjacent road is being reviewed and will likely have to be upgraded.

Sec. 61-3-160. Aesthetics. To the extent practicable, the type, dimensions, and character of open spaces, landscaping, earth berms, fencing, screening, buffering, signs, walls, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments. The site features appear to be appropriate.

The following are the relevant PD District design criteria from sections 61-11-15, with staff analysis following in italics.

- (b) Scale, form, massing, and density. Scale, form, massing and density should be appropriate to the nature of the project and relate well to surrounding development. The density and form of the "cottage" units seems low. Making the units, especially those along Bradby Drive, two-stories in height would closer match the scale of other low-scale residential developments in the area.
- (c) Compatibility. The proposed development should be compatible with surrounding development in terms of land use, general appearance and function, and should not adversely affect the value of properties in the immediate vicinity. The use and function seem compatible. The appearance is discussed above.
- (j) Screening. Appropriate buffering and screening of service, loading, refuse collection, mechanical and electrical equipment and of parking areas should be provided. Parking lot along the street is shown with trees but not a low hedge or wall, as is required in 61-14-221 and this will have to be addressed. The dumpsters are enclosed in a masonry enclosure. Interior landscaping of the parking lot is not shown, however, landscaped bumpouts are shown, and in the single-aisle configuration that may be appropriate.
- (t) Urban renewal areas. In addition, in urban renewal areas, the preliminary site plan must conform to the design criteria as stated in the adopted Urban Renewal Development Plan and the Declaration of Restrictions, except as may have been authorized as a minor deviation by the Board of Zoning Appeals in accordance with Sec. 61-2-53 and Sec. 61-4-3. The Planning and Development Department (PDD) is still reviewing the proposal.

#### PRELIMINARY ANALYSIS

The scale of the development is 18 units/acre, a relatively low density. The PDD is reviewing the density and its conformance with the applicable urban renewal plan requirements, as well as the parking provided (the plan is open to interpretation). The apartment building materials seem comparable and compatible with other developments in the area. The cottages appear to have more vinyl siding than other near-by developments, and the height is lower than other developments. These are a matter of concern.

The Citizens' District Council has not yet reviewed the project. Staff is unsure if the CDC is even constituted at this time.

We will update the Commission further at your next meeting.

Attachments

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# VOLUNTEERS OF AMERICA VOA BRADBY VILLAGE SENIOR INDEPENDENT LIVING

# DETROIT

# LIST OF DRAWINGS

DEVELOPMENT TEAM

VOLUNTEERS OF AMERICA MICHIGAN SOUTHFIELD, MICHIGAN SPONSOR

CIVIL ENGINEERING

LANDSCAPING

ARCHITECTURAL

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### CIVIL ENGINEER

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FUSCO, SHAFFER & PAPPAS, INC. 30800 NORTHWESTERN HWY, SUITE 100 FARMINGTON HILLS, MICHIGAN 48334 248,932,8300

ARCHITECT

ELECTRICAL ENGINEER TAC ASSOCIATES, L.L.C. 4321 EAST CAMDEN ROAD OSSEO, MICHIGAN 49226 517.254.4789



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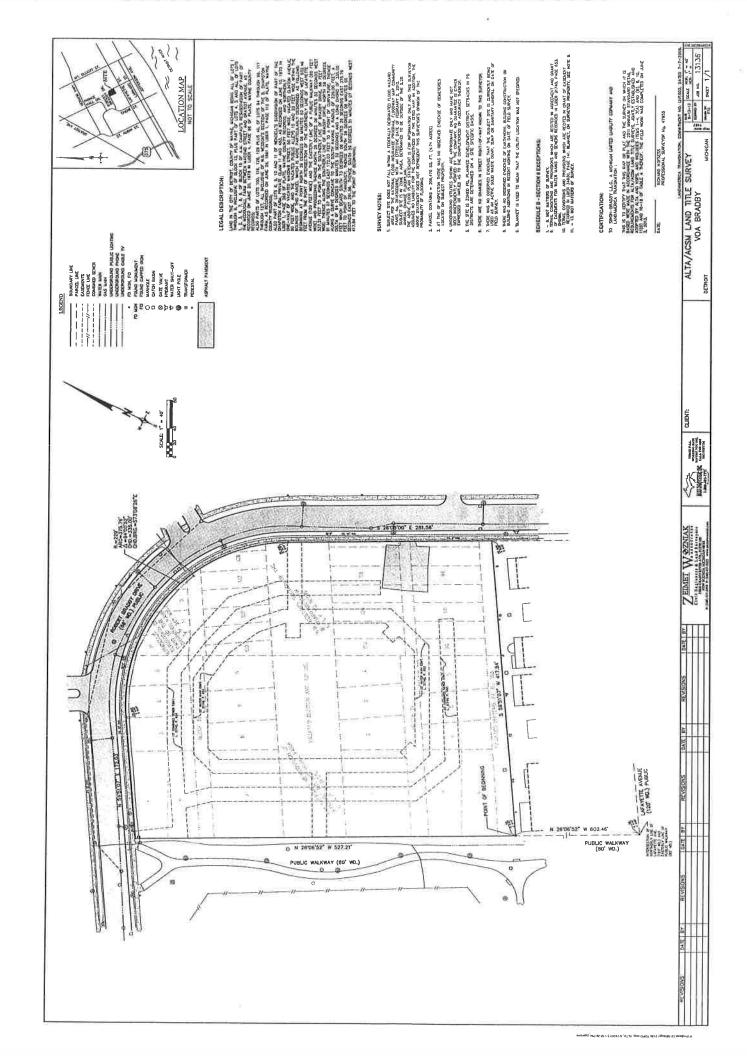
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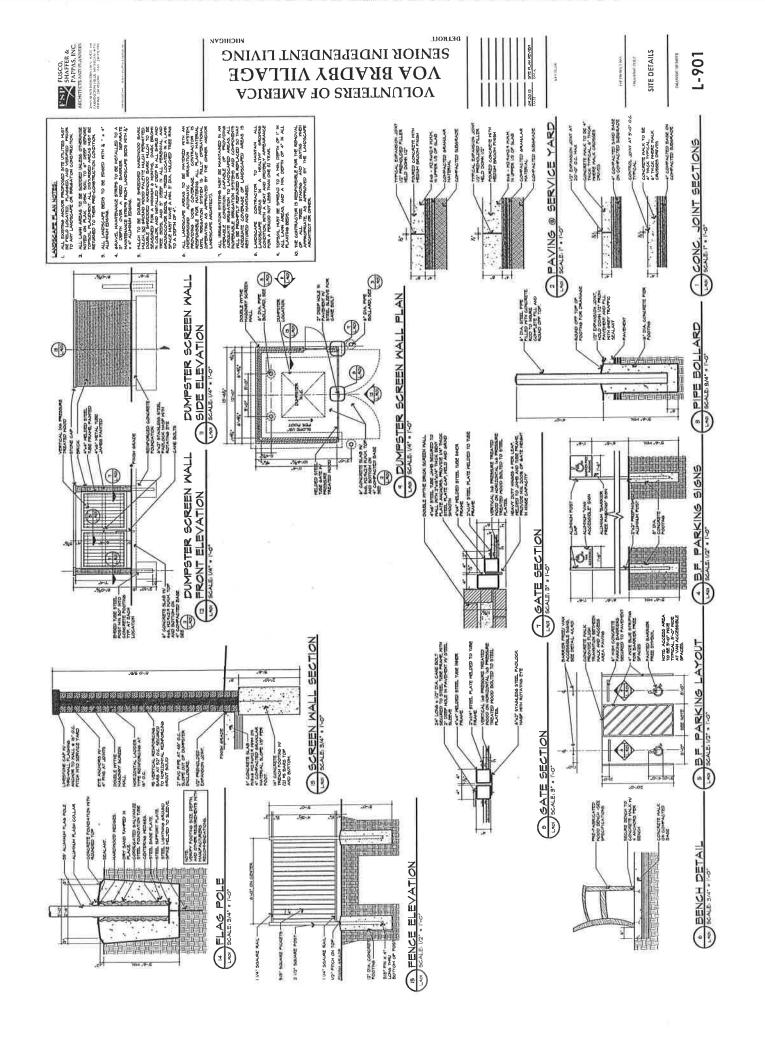


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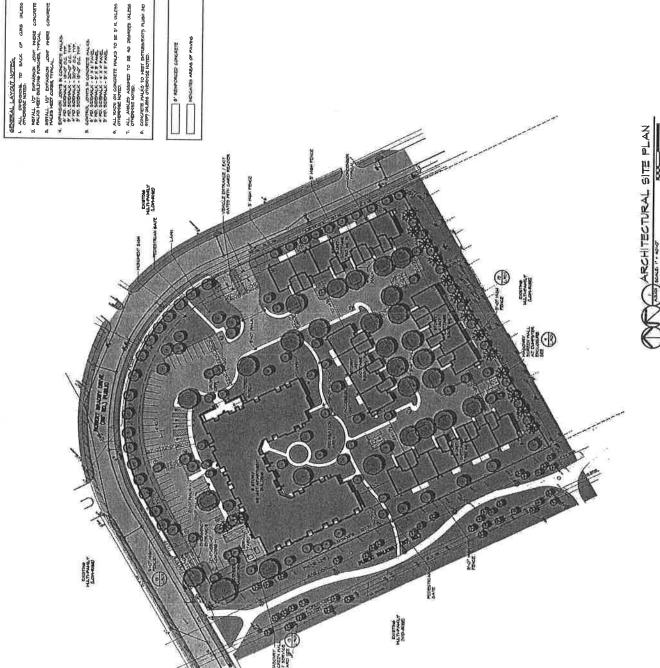


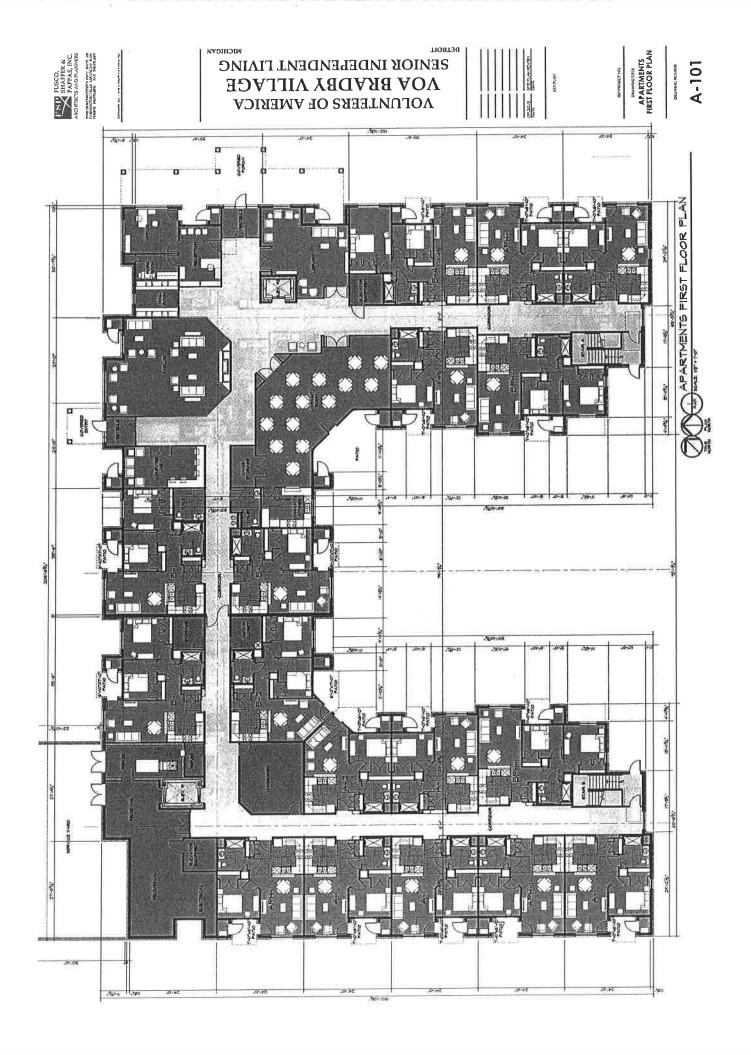


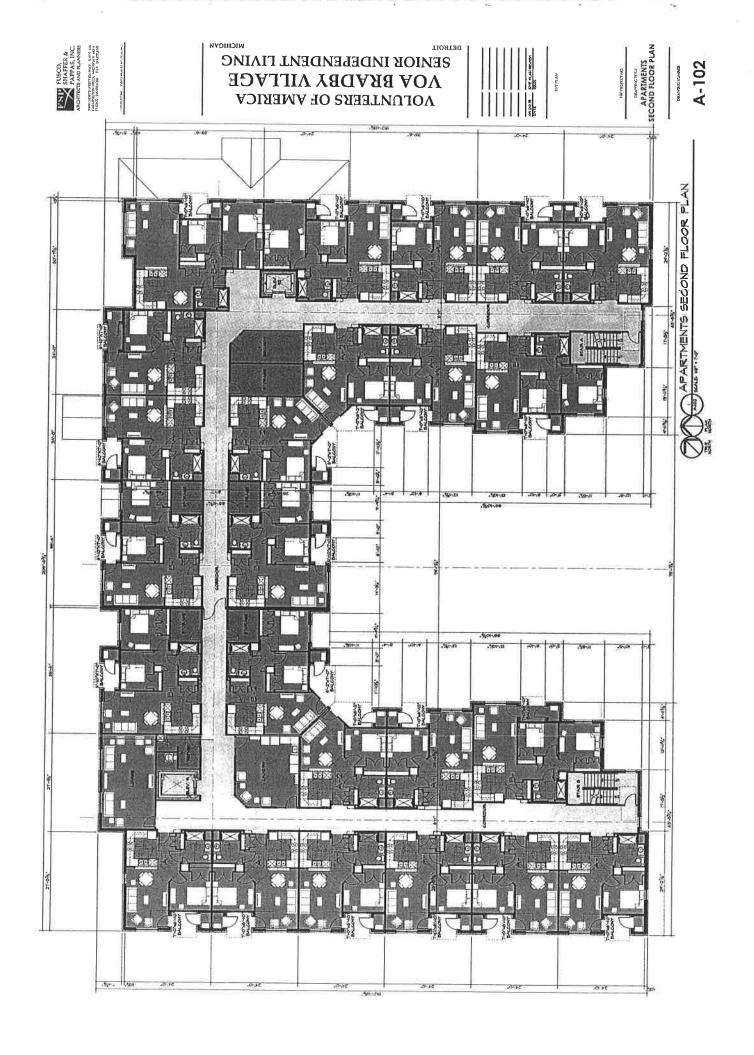
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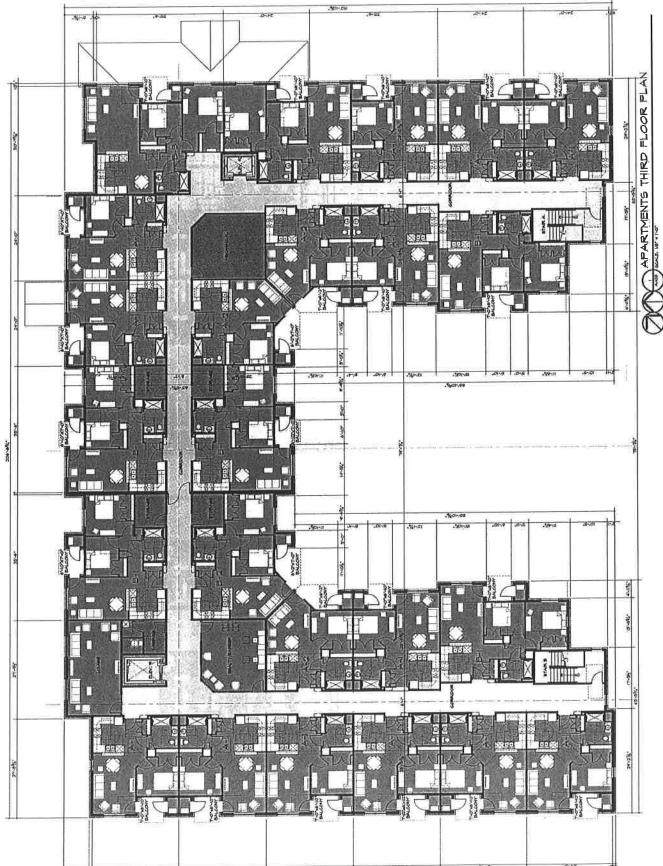
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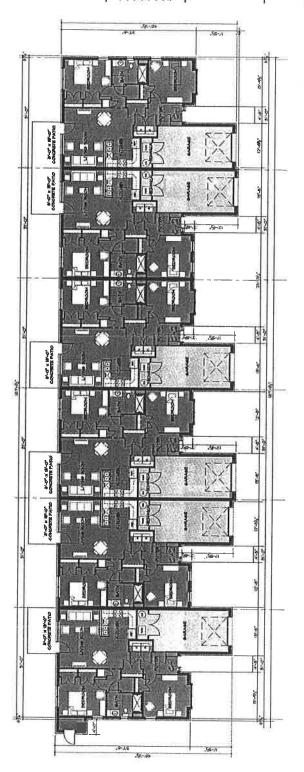
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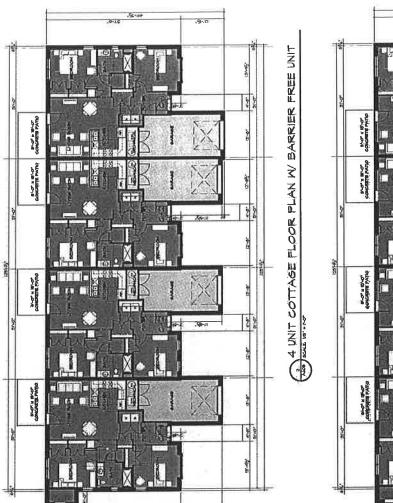
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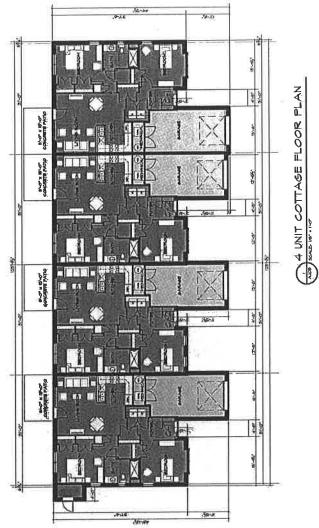


UNIT COTTAGES FLOOR PLAN





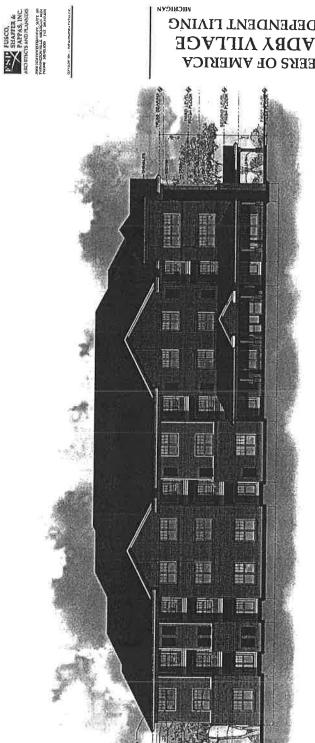
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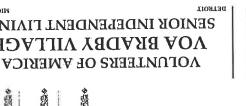
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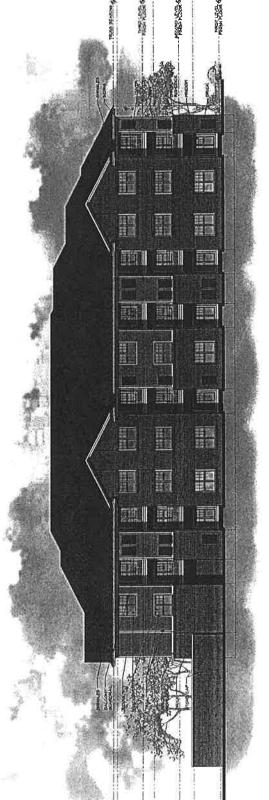


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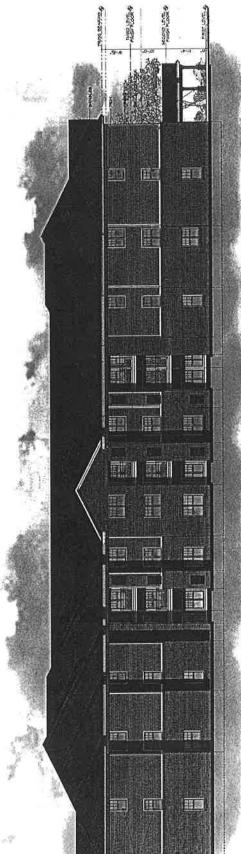


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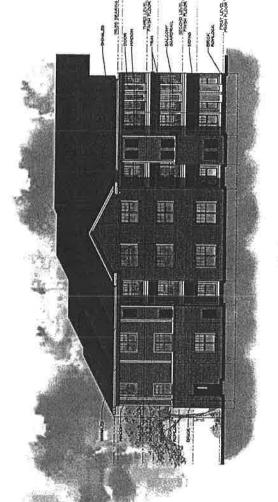


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APARTMENT COURTYARD EAST ELEVATION

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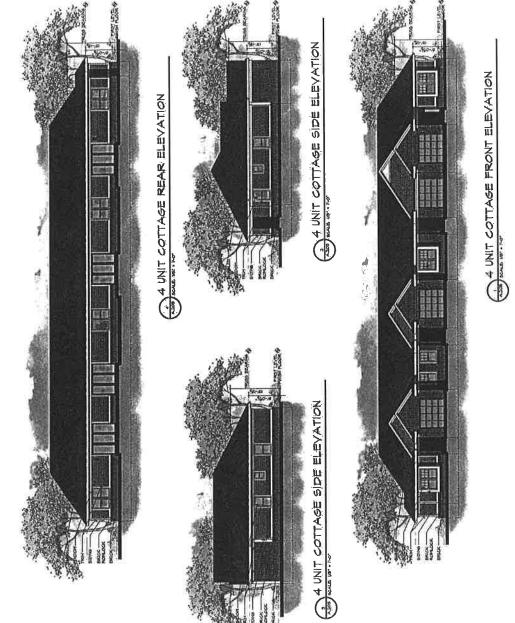












F.S.D. FUSCO,
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