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TO: City Planning Commission

FROM: George A. Etheridge, Staff

RE: **Request of Jerry Pattah, Timothy Pattah and Rodney Gappy to amend Article XVII, District Map 65 of the Detroit Zoning Ordinance (Chapter 61 of the 1984 Detroit City Code) by modifying the existing PD (Planned Development District) zoning classification established by ordinance No. 04-94 and later modified by ordinance No. 30-03, which includes the parcel commonly identified as 7910-7990 W. Outer Drive and is generally bounded by Thatcher Avenue to the north, Harlow Avenue, extended to the east, W. Outer Drive to the south and Southfield Freeway north service drive to the west.**

DATE: July 31, 2019

On August 1, 2019, the City Planning Commission (CPC) is scheduled to hold a 6:30 P.M. public hearing on the subject PD modification. Please see the attached copy of the public hearing notice with a map showing the location of the property.

BACKGROUND AND PROPOSAL

The City Planning Commission (CPC) has received a request from Jerry Pattah, Timothy Pattah and Rodney Gappy to amend Article XVII, District Map 65 of the Detroit Zoning Ordinance (Chapter 61 of the 1984 Detroit City Code) by modifying the existing PD (Planned Development District) zoning classification established by ordinance No. 04-94 and later modified by ordinance No. 30-03, which includes the parcel commonly identified as 7910-7990 W. Outer Drive and is generally bounded by Thatcher Avenue to the north, Harlow Avenue, extended to the east, W. Outer Drive to the south and Southfield Freeway north service drive to the west.

Ordinance No. 04-94 allowed for the construction of a 81,071 square foot retail building on the subject site in 1994. Ordinance No. 30-03 allowed for the construction of an additional 17,752 square feet of retail space. Both ordinances specify in the listed conditions that uses allowed on the site be restricted to uses permitted as a matter of right in the B3 (Shopping District) zoning district and fast-food and carryout restaurants. The proposed modification seeks to allow for the establishment of a two-sided monopole

digital billboard, measuring 70 feet in height with a total of approximately 1,363 additional square feet of signage. The sign is proposed to have a sign face of 672 square feet (14' x 48').

The proposed digital billboard is anticipated to function as both an on-premises business sign and an off-premises advertising sign. A sign which functions as both a business sign and an advertising sign is subject to both provisions of Chapter 3 (Business Signs) and Chapter 61 (Advertising Signs).

City of Detroit laws governing on-premises business signs are stated in Chapter 3 of the 1984 Detroit City Code and not in Chapter 61, Zoning. Chapter 3 makes no provisions for variances to be granted. Sec. 3-7-6 specifies restrictions on business signs in specified locations and states in part:

Sec. 3-7-6. Restrictions on business signs in specified locations.

(e) *Multiple-tenant shopping center having four (4) or more separate businesses.*

(1) One (1) ground sign is allowed, not to exceed a maximum sign area of one hundred and fifty (150) square feet. Where a development site has a minimum of two hundred (200) feet of frontage on each of two (2) major or secondary thoroughfares, as identified in the Detroit Master Plan of Policies, a second freestanding sign shall be permitted with the same size limitations as the first permitted sign, provided, that the distance between the two (2) signs is not less than three hundred (300) feet measured along the road frontage.

(2) Each separate business within a multiple-tenant shopping center may display as much as twenty-four (24) square feet of business wall signage, provided that more than twenty-four (24) square feet of business wall signage is allowed where the total area of all business signage for the business does not exceed one (1) square foot of area for each one (1) lineal foot of storefront width occupied by each separate business. Where a shopping center has exposure along two (2) streets, the allowable sign area for the corner or end unit shall be calculated separately for each street frontage. The total area of all business wall signs for the corner or end business shall not exceed one (1) square foot of area for each one (1) lineal foot of street frontage. In no instance shall the total business signage for any one (1) business in a multiple-tenant shopping center exceed five hundred (500) square feet. Wall signs that are composed of either individual freestanding letters or boxed signs with frames shall be consistent in shape and height, such as rectangular, triangular, or circular, with every other such sign permitted on the premises of the shopping center.

Staff notes that even if there were no signage at College Park today, the proposed 672 sq ft two-sided ground sign would exceed the maximum 150 sq ft of signage permitted by Chapter 3. Chapter 3 does not authorize City Council to allow excess shopping center signage.

City of Detroit laws governing off-premises advertising signs are stated in Chapter 61 of the 1984 Detroit City Code (Zoning) and by the Planned Development Ordinances that established and modified the PD zoning (Ord. Nos. 4-94, 40-98, and 30-03).

As previously stated Ordinance No. 30-03 (College Park PD) includes the following condition: “3.A. That uses allowed on the site be restricted to uses permitted as a matter of right in the B3 (shopping district) zoning district and fast-food and carryout restaurants.” The B3 zoning district does not permit off-premises advertising signs on a by-right basis; Sec. 61-9-64(3) and Sec. 61-6-67.

Sec. 61-6-67 specifies the regulations for advertising signs as a conditional land use in certain district, and states in part:

Sec. 61-6-67. Advertising signs as a conditional land use in certain districts.

In order to promote greater traffic safety, to enhance environmental aesthetics, and to ensure greater public participation in decisions over the placement of advertising signs in the City of Detroit, advertising signs are hereby designated as a conditional land use in the B2, B3, B4, M1, M2, and W1 Districts. No advertising sign shall be approved by the Buildings and Safety Engineering Department or the Board of Zoning Appeals on appeal, unless all of the findings are made pursuant to the standards in ARTICLE III, DIVISION 7, Subdivision C of this Chapter in addition to the following two (2) advertising sign standards:

- (1) That, based on the recommendation of the Department of Public Works Traffic Engineering Division, the placement of the advertising sign on the zoning lot will not impair the traffic safety of motorists and pedestrians; and
- (2) That, based on the recommendation of the Planning and Development Department, the placement of the advertising sign on the zoning lot will not be detrimental to environmental aesthetics by obstructing views of significant architectural or natural features.

In addition to the previously cited prohibition, staff notes that advertising signs are prohibited close to schools and playgrounds. At present there are two high schools located within 150 feet (Old Redford Academy High School) and 260 feet (Cornerstone Health & Technology High School) respectively. Sec. 61-6-57 specifies the spacing requirements for advertising signs from schools, playgrounds, parks, and historic districts, and states in part:

Sec. 61-6-57. Spacing from schools, playgrounds, parks, and historic districts.

Advertising signs shall not be permitted:

- (1) Within five hundred feet (500'), measured linearly, of any school site, public playground, or public park;

Additionally, Freeway advertising signs are limited to 60 feet in height where not too close to residential as specified in Sec. 61-6-74. The proposed sign would be 70 feet in height in direct violation of this provision. Freeway advertising signs are also required to be at least 125 feet from the edge of the traveled roadway (Sec. 61-6-69); the proposed sign would be only 66 feet away from the edge of M-39 (Southfield Freeway), and only 25 feet from the Southfield Freeway service drive.

PLANNING CONSIDERATIONS

Surrounding Zoning and Land Use

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

- North: R1; Single-family residential.
East: PD; developed as the Henry Ford walk-in Clinic & Pharmacy – Detroit Northwest.
South: R1; developed as Old Redford Academy High School located within 150 ft of the subject property.
West: R6; developed as Wayne County Community College – Northwest Campus.

Master Plan Consistency

The subject site is located within the Greenfield area of Neighborhood Cluster 9 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows “Retail Center” for the subject property. CPC staff has submitted a letter to the Planning and Development Department (P&DD) requesting its comments regarding this proposal.

Community Input

Over the course of the past five years, several efforts have been made to erect the proposed digital billboard. A number of consultants have been retained by the petitioners, who have reached out to surrounding community groups and associations to solicit support. Chiefly among those contacted is the College Park Improvement Association and as well as Fellowship Chapel.

While the College Park Improvement Association has been asked to provide a letter of support in this regard, there is a split among the membership as it relates to this proposal. Staff has attended a number of meetings where the proposed digital sign was discussed, and has articulated previous objections and obstacles associated with this request.

Site Plan

Despite the deficiencies in the proposal, CPC staff has reviewed the proposed site plans as submitted by the petitioner in conjunction with the criteria as set forth in the Zoning Ordinance under Sec. 61-3-176 “*Modification of approved final site plans.*” There are five (5) determining factors which distinguish a minor from a major modification the PD.

- (1) A change in the character of the development . . .

Staff is of the opinion that the proposed change to erect a 70' monopole two-sided 672 square foot digital billboard would change the character of the development by drastically changing the aesthetics of the site. The current PD District established by Ordinance No. 04-94 allows only those uses permitted by-right in the B3 (Shopping District) zoning classification. The land use of "billboard" is not permitted by-right in the B3 zoning classification. The character of the residential neighborhood is not conducive for a use which is typically found on and adjacent to freeways.

- (2) An increase in the ratio of gross floor area to zoning lot area in excess of five percent (5%) . . .

The developer proposes to develop an area approximately 16 square feet, which would not meet this criterion.

- (3) An increase in coverage by structure, unless justified by changes in other factors . . .

As previously stated, the development of a 16 square foot area would not increase the total development footprint.

- (4) A reduction in approved open space or off-street parking and loading space unless justified by change in other factors . . .

The proposed development would not result in the loss of any off-street parking spaces.

- (5) The creation of or increase in injurious effects to adjacent or contiguous land uses.

It is anticipated that the proposed development will contribute to light pollution in a residential neighborhood and effect the aesthetics of the community. Staff notes that no traffic study was conducted by the Department of Public Works – Traffic Engineering Division as required under the current provisions of Chapter 3 – Advertising and Signs. Additionally, no recommendation in support of this request has been issued by the Department of Public Works – Traffic Engineering Division as required under the current provisions of Chapter 3 – Advertising and Signs.

Sec. 3-1-2. – Signs and billboards prohibited near freeways; exceptions states in part:

- (a) No display sign or display structure requiring a permit under The Official Building Code of the City of Detroit, being Chapter 9, Article II, of this Code, shall be erected:

(1) Within one hundred twenty-five (125) feet of the edge of the traveled roadway of any freeway, or interchange ramps between freeways used by traffic facing the display side of such sign or structure, or within twenty-five (25) feet of the right-of-way line of any freeway which, for the purpose of this section, shall be the property line separating abutting privately owned property from the freeway or service drive, street or alley immediately adjacent thereto, whichever distance is greater, when the display matter can be seen by traffic traveling on the freeway or interchange ramp; except that these distances shall not apply to signs which pertain to the business of the occupants of the building upon which the sign is mounted, where in the opinion of the Department of Public Works Traffic Engineering Division, such sign would not be in conflict with the intent and purposes of this section; or

PD ordinance conditions and modifications

The April 1994 ordinance which established the PD District and authorized the construction of the Shopping Center was approved with seven (7) conditions. Among the conditions approved is condition no. 1(a), which states in part:

“installation of signage along the Southfield Freeway Service Drive at Thatcher Avenue indicating “No Right Turn to Through Traffic” and placement of signage along the freeway service drive between McNichols and West Outer Drive indicating directions to the shopping center.”

Staff would note that this condition was never satisfied. The petitioner indicated in their application that the primary reasoning behind this request is to draw business to their location. Way-finding markers and signage at the street level are encouraged in this regard.

To date, staff has received no objections to the proposed PD modification via mail, however one call in opposition to the proposed change in use has been received.

Preliminary Conclusion

Preliminarily, it is the opinion of the City Planning Commission staff that given the applicant’s deficiencies as outlined in the above report, this matter cannot be approved by Your Honorable Body, as it contrary to the provisions of both Chapter 61, Zoning, and Chapter 3 Advertising and Signs.

Because Chapter 3 contains no provision for a variance from business sign dimensional standards, the applicants’ request will not be ripe for consideration unless and until City Council first changes the Chapter 3 standards themselves.

Attachment