Alton James
Chairperson
Lauren Hood, MCD
Vice Chair/Secretary

Marcell R. Todd, Jr. Director

City of **Betroit**

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

Frederick E. Russell, Jr. 226 Angy Webb

813) 224-4336 Henry Williams

Brenda Goss Andrews

David Esparza, AIA, LEED

Damion W. Ellis

Gregory Pawlowski

February 27, 2020

RE: HONORABLE CITY COUNCIL

RE: Request of Verus Development, LLC to amend Article XVII, District Map No. 39 of

the 2019 Detroit City Code, Chapter 50, Zoning, by showing a PD Planned

Development District) zoning classification where an R1 (Single-family Residential District) zoning classification currently exists on two parcels, commonly identified as 4470 and 4444 Radnor Avenue. The proposed map amendment is being requested to

allow for the establishment of Chipotle Mexican Grill, commonly known as

"restaurant, fast-food, with drive-up or drive-through facilities" including the "sale of

beer or alcoholic liquor for consumption on the premises" (RECOMMEND

APPROVAL)

PROPOSAL

Before this Honorable Body is the request of the Verus Development, LLC to rezone two parcels, commonly identified as 4470 and 4444 Radnor Avenue, generally bounded by Cornwall Avenue on the north, Canyon Street on the east, Mack Avenue on the south, and Radnor Street on the west to show a PD (Planned Development District) zoning classification where an R1 (Single-family Residential District) zoning classification currently exists (see attached map).

The petitioner is proposing to establish a Chipotle Mexican Grill restaurant. According to the Zoning Ordinance, the proposed use, while not exact, most closely resembles a "restaurant, fast-food, with drive-up or drive-through facilities." Additionally the petitioner is requesting to allow for the "sale of beer or alcoholic liquor for consumption on the premises."

The proposed fast-food restaurant would include a 340 square foot patio for outside dining, two pints of vehicular ingress/egress (one on Mack Ave and one on Radnor Street), a six foot high screen wall (abutting the residential property to the north). The proposal also includes a landscaping and screening plan for the off-street parking area. Approximately nineteen parking spaces are planned to be provided (see rendering below and attached site plan).



Rendering of proposed Chipotle restaurant

The subject site currently contains two structures that are proposed to be demolished in order to allow for the development. The two buildings that are presently on the property are a vacant single-family residence at 4470 Radnor and the vacant religious structure that was previously Mt. Olive Lutheran Church. Both of these properties were acquired by the development team for this project. The two parcel are zoned R1 (Single Family Residential) and measure approximately .48 acres in size.

PLANNING CONSIDERATIONS

Surrounding Zoning and Land Use

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

North: R1 - residential homes

South: City of Grosse Pointe - commercial retail with single-family residential beyond

East: PD and B4 – commercial service and retail

West: R1 and PD - single-family residential and retail.

Master Plan Consistency

The subject site is located within the Finney area of Neighborhood Cluster 3 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows "CN," Neighborhood Commercial for the subject property. "Neighborhood Commercial" districts generally consist of a large collection of contiguous storefronts along a street or streets. This commercial type is pedestrian-oriented with wide sidewalks and landscaping. Parking should be located on the street, in structures (with ground floor retail), at the rear of commercial establishments or in concentrated nodes at the periphery of the area." The Planning and Development Department (P&DD) has provided a Master Plan interpretation stating that this proposal is consistent with the Master Plan.

COMMUNITY INPUT AND PUBLIC HEARING RESULTS

The development team has submitted letters of support from the Cornerstone Village Community Association, the abutting neighbor at 4480 Radnor St., Ray Laethern Motor Village, EZ Storage and the GPVG, LLC. These engagement efforts have been supported by the District 4 City Council office, in which the site lies.

A mailing was also sent to property owners within 300 feet of the property and notice posted on the site. To-date, staff has received only one call regarding this matter from a business owner on the Grosse Pointe side of Mack Avenue asking for information about what is proposed.

City Planning Commission staff also worked with the development team to set up a one-on-one call with the neighbor that is directly adjacent to the development site. The neighbor expressed general support of the project given that a masonry screening wall would be installed per conversations that were held with the development team, (also shown in site plans that would be codified in terms and conditions of the PD). CPC staff also walked some of the surrounding neighborhood and spoke with neighbors who expressed awareness and support of the project.

On February 6, 2020, a public hearing was held before the City Planning Commission on February 6th. No members of the public spoke to this matter.

ANALYSIS

While CPC staff initially believed that the B4 (General Business District) zoning classification would have typically been more fitting for the site, there are certain unique considerations that merit the site to be rezoned to the Planned Development District zoning classification, that would help to ensure that all neighboring resident, design and operational concerns are addressed. Some of the rationale for the site to be Planned Development are as follows:

- The sale of beer or alcoholic liquor for consumption on the premises: The petition requests the inclusion of "the sale and consumption of alcoholic beverage on the premises." As of now, the Zoning Ordinance is seemingly silent on the issue of alcohol being served at fast food establishments. The PD allows an opportunity for the proposed allowance for alcohol to be expressly conveyed through the public hearing process, for the public to have the opportunity to weigh in, and for the legislative body to review. Todate, staff has received no objections to the proposal of alcoholic beverage to be served on the premises. This allowance is only for alcoholic beverage to be served on-site and not for pick-up services.
- Rezoning of a residential parcel: One of the parcels included in the rezoning currently hosts a vacant single-family residence. The home that is proposed to be removed also abuts an occupied residential home. The PD zoning would allow CPC to work with the developer and adjacent resident to ensure that that screening and buffering are adequately and appropriately carried out.
- Unique use and Irregular lot size considerations: The operation of the proposed restaurant does not match either of the three restaurant definitions in the Zoning Ordinance. While it most closely resembles a fast-food establishment, this restaurant will operate more like a standard sit-down. Operations such as this point out a deficiency in current regulations and the need for updating to address changes in the restaurant industry, particularly around casual dining.

The subject site is an irregularly shaped piece of land. Section 50-14-203 Design and Layout of the Zoning Ordinance requires an ¹escape lane or aisle where deemed appropriate by the P&DD. The proposed Chipotle would not operate a drive through in the traditional sense with an order box, payment and pickup windows. The drive through would support a pick up window for customers and delivery services retrieving previously ordered meals. The restaurant operation would employ a 'call and order to go' service, using a phone application for orders. Patrons and services would be alerted when their order is ready through the app, and for this reason are not expected to have a wait time.

The CPC was satisfied with Chipotle's operation not providing an escape lane due to size and configuration constraints. However, there were concerns related to the need for an escape lane if another restaurant, with a more traditional stacking lane operation, were ever to purchase and operate this site. A PD zoning classification would trigger review if an alternative operation were proposed in the future that might incorporate a more intensive drive through operation with order box.

- Screening and buffering: As the proposed restaurant partially encroaches into a residential area, CPC has required a more robust means of screening and buffering to create an aesthetically pleasing buffer for surrounding homes, that is more extensive than what is otherwise required by ordinance.
- Signage The condition of the PD requires the petitioner to implement signage that has language to restrict turns on to the residential Radnor Street.

For these reasons, CPC elected to rezone to a PD zoning classification.

APPROVAL CRITERIA

Approval criteria for Planned Developments are outlined in Sec. 50-3-96 of the Zoning Ordinance. There are eight criteria that the Zoning Ordinance sets forth for approval of a rezoning to PD.

- (1) Whether the subject site:
 - Covers a minimum of two acres of contiguous land under the control of one owner or group of owners, except, that upon determining that an adequate development can be accomplished on a parcel of lesser size, the City Planning Commission may waive this requirement; and
 - b. Is capable of being planned and developed as one integral unit, except in unusual circumstances;
- (2) Whether the proposed amendment is consistent with the Master Plan (MP) and the stated purposes of this chapter;
- (3) Whether the proposed amendment will protect the health, safety, and general welfare of the public;

An escape lane or aisle should measure ten feet in width and is provided adjacent to the stacking lane where deemed appropriate so that vehicles may exit the stacking lane if necessary.

- (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:
- (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;
- (6) Whether the proposed amendment will have significant adverse impacts on other property that is in the vicinity of the subject tract;
- (7) The suitability of the subject property for the existing zoning classification and proposed zoning classification; and
- (8) (8) Whether the proposed rezoning will create an illegal "spot zone."

The proposed map amendment transitions the Mack Avenue frontage from institutional to a business oriented site, which most of Mack Avenue is already developed as. The subject site is one of the last institutional sites along Mack Avenue. Therefore, the site can be considered to be following the development trend of this particular thoroughfare.

A rezoning to allow for this development would be aligned with the Retail and Local Services land use designation of the Master Plan. The P&DD has submitted a letter confirming that the proposed development is in conformance with the Master Plan of Policies. It is not anticipated that the proposed amendment would have significant adverse impacts on other properties in the vicinity. The developer has reached out to surrounding property owners and appears to have their support.

The subject proposal would not be considered a spot zone as it is generally in conformance with the Master Plan and also is located along a thoroughfare that is largely zoned commercial.

CONCLUSION AND RECOMMENDATION

On February 6, 2020 the City Planning Commission voted to recommend approval of the PD rezoning request for the two parcels, commonly identified as 4470 and 4444 Radnor Avenue. The CPC voted to waive the approval criteria requirement that the proposed site cover a minimum of two acres in order to rezone to PD due to the rationale provided above the existing adjacent PD districts.

The City Planning Commission recommended approval with the following conditions:

- 1. That the developer must mitigate construction-related impacts on neighboring properties;
- 2. That signage be installed at the Radnor driveway indicating "no right turn" onto Radnor; and
- 3. That the developer work with City Planning Commission staff and the Planning and Development Department to develop a more robust means of screening and buffering the site; and
- 4. That all final site plans, lighting, landscaping, signage, and elevations must be submitted to the City Planning Commission staff for review for consistency with approved plans prior to the developer making application for required permits.

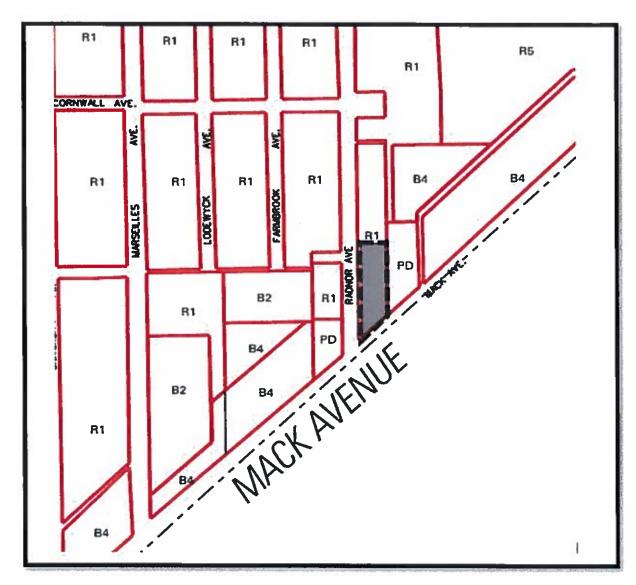
As a result of the Law Department's review and approval as to form of the draft effectuating ordinance, a fifth condition was added to address the petitioner's pursuit of authorization to allow for the sale and consumption of alcoholic beverages.

Respectfully submitted, ALTON JAMES, CHAIRPERSON

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

Marvel R. LMJ.

Cc: Katy Trudeau, Deputy Director, PDD
Karen Gage, Director of Zoning Innovation, PDD
David Bell, Director, BSEED
Lawrence T. Garcia, Corp. Counsel
Arthur Jemison, Chief of Infrastructure and Services



Proposed Rezoning from R1 to PD

SUMMARY

An ordinance to amend Chapter 50 of the 2019 Detroit City Code, Zoning, by amending Article XVII, Section 50-17-41 District Map No. 39 to establish a PD (Planned Development District) zoning classification where an R1 (Single-family Residential District) zoning classification currently exists on property commonly identified as 4444 and 4470 Radnor Avenue to allow for a restaurant including the sale of beer or alcoholic liquor for consumption on the premises.

BY COUNCIL MEMBER _____

1

AN ORDINANCE to amend Chapter 50 of the 2019 Detroit City Code, Zoning, by amending Article XVII, Section 50-17-41 District Map No. 39 to establish a PD (Planned Development District) zoning classification where an R1 (Single-family Residential District) zoning classification currently exists on property commonly identified as 4444 and 4470 Radnor Avenue to allow for a restaurant including the sale of beer or alcoholic liquor for consumption on the premises.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

- 2 Section 1. Chapter 50 of the 2019 Detroit City Code is amended as follows:
- 3 Article XVII, Section 50-17-41. District Map No. 39 is amended to establish a PD (Planned
- 4 Development District) zoning classification where an R1 (Single-family Residential District)
- 5 zoning classification currently exists on property commonly identified as 4444 and 4470 Radnor
- 6 Avenue and allowing a fast-food restaurant and establishment for the sale of beer or alcoholic
- 7 liquor for consumption on the premises consistent with approved plans for the PD (Planned
- 8 <u>Development District) zoning classification on property currently shown as:</u>
- 9 THE LAND SITUATED IN THE CITY OF DETROIT, COUNTY OF WAYNE,
- 10 <u>STATE OF MICHIGAN, IS DESCRIBED AS FOLLOWS:</u>
- 11 PARCEL A:
- 12 LOTS 145 THROUGH 149, INCLUDING THE VACATED ALLEY AND RADNOR
- 13 AVENUE AS ADJACENT, EXCEPT MACK AVENUE AS WIDENED, LEONARD-
- HILLGER LAND CO'S SUBDIVISION, OF A PART OF LOTS 16, 17 AND 18 PLAT
- 15 OF PRIVATE CLAIM 300, PREPARED FOR THE HEIRS OF OLIVER RIVARD.
- 16 <u>DECEASED AND RECORDED IN LIBER 221, PAGE 332 OF DEEDS, ACCORDING</u>

1		TO THE PLAT THEREOF AS RECORDED IN LIBER 41, PAGE 77 OF PLATS,
2		WAYNE COUNTY RECORDS.
3		PARCEL B:
4		LOT 144, LEONARD-HILLGER LAND CO'S SUBDIVISION, OF A PART OF LOTS
5		16, 17 AND 18 OF PLAT OF PRIVATE CLAIM 300, PREPARED FOR THE HEIRS
6		OF OLIVER RIVARD, DECEASED, AND RECORDED IN LIBER 221, PAGE 332 OF
7		DEEDS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 41.
8		PAGE 77 OF PLATS, WAYNE COUNTY RECORDS.
9	All de	velopment within the PD (Planned Development District) zoning classification for the land
10	describ	ped herein shall be in accordance with the site plans, elevations, and other components of
11	the dev	velopment proposal for Verus Development Group, LLC in the drawings dated January 29,
12	2020 a	nd prepared by Serra-Marko & Associates., subject to the following conditions:
13	1.	That the developer must mitigate construction-related impacts on neighboring properties;
14		<u>and</u>
15	2.	That signage be installed at the Radnor driveway indicating "no right turn" onto Radnor:
16		and and
17	3.	That the developer work with City Planning Commission staff and the Planning and
18		Development Department to develop a more robust means of screening and buffering the
19		site; and
20	4.	That all final site plans, lighting, landscaping, signage, and elevations must be submitted
21		to the City Planning Commission staff for review for consistency with approved plans
22		prior to the developer making application for required permits;
23	5.	Any conditions imposed by City Council for the operation of a regulated use at the
24		premises.

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are repealed. 1 2 Section 3. This ordinance is declared necessary for the preservation of the public peace, health, safety and welfare of the people of the City of Detroit. 3 Section 4. This ordinance shall become effective on the eighth (8th) day after publication 4 in accordance with Section 401(6) of Public Act 110 of 2006, as amended, M.C.L. 125.3401(6), 5 and Section 4-118, paragraph 3 of the 2012 Detroit City Charter. 6 7 8 Approved as to form: 9 Farrence J. Barcis 10 Π Lawrence T. García, 12 Corporation Counsel



PLAN SET CLASSIFICATION

VBUS DEVELOMENT GROUP, LLC 1440 WOODWARD AVENUE, SUITE 240 BLDOWRED HELS, HT 48304

VERUS DEVELOPMENT PROPOSED RESTAURANT WITH DRIVE-THRU

PARCEL ID: 21078210 444 RADNOR STREET CITY OF DETROIT WAYNE COUNTY, MICHIGAN

NOT APPROVED FOR CONSTRUCTION

STONEFIELD engine



ZONING MAP SCALE 1" = 100'±

PROPOSED RESALVANT
WITH DRIVE-THRU FACILITIES

SHAJM THEMSOLSVEG STIR

VERUS DEVELOPMENT





PLANS PREPARED BY:

SCALE I*= 100'±

Princeson, NJ - Tampa, FL - Rutherford, NJ 607 Shelby Suite 200, Detroit, PS 48226 Phone 248247.1115

Detroit, M. - New York, NY - Boston, HA

PLAN REFERENCE MATERIALS

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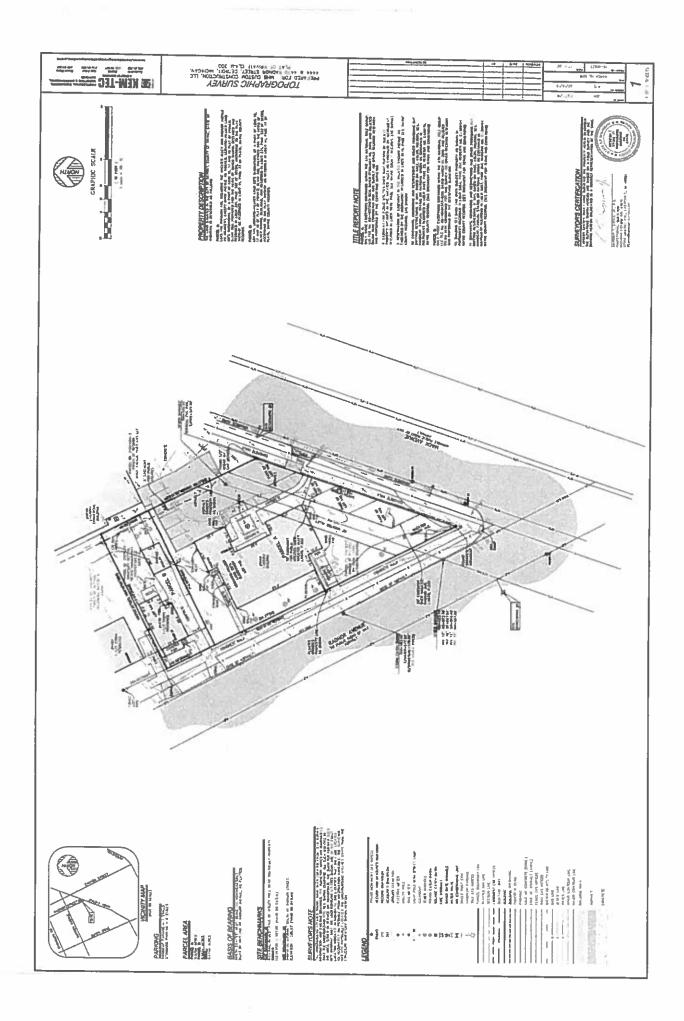
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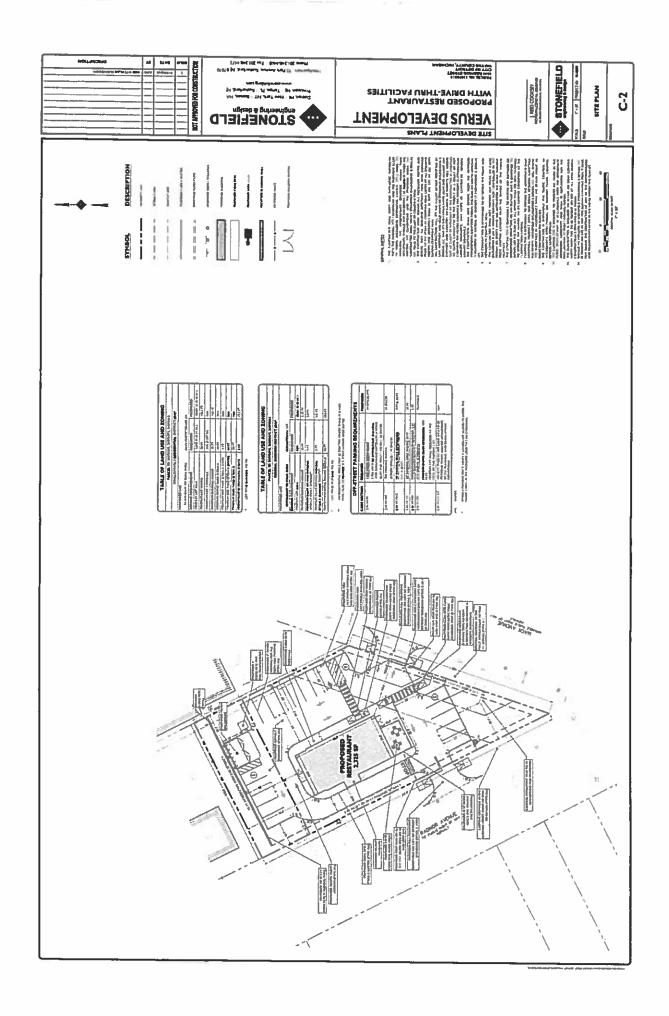
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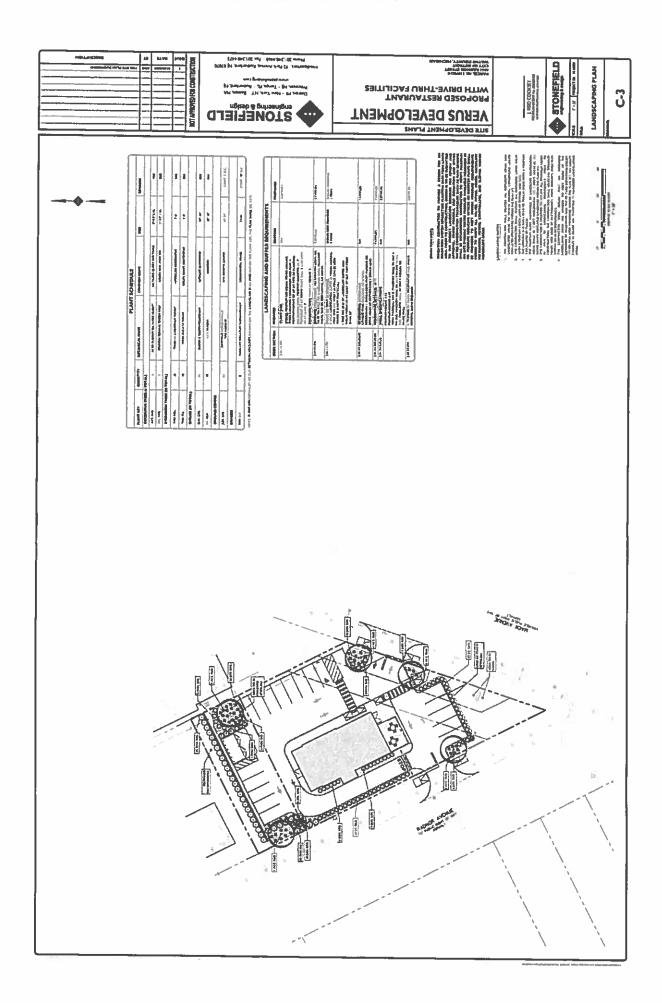
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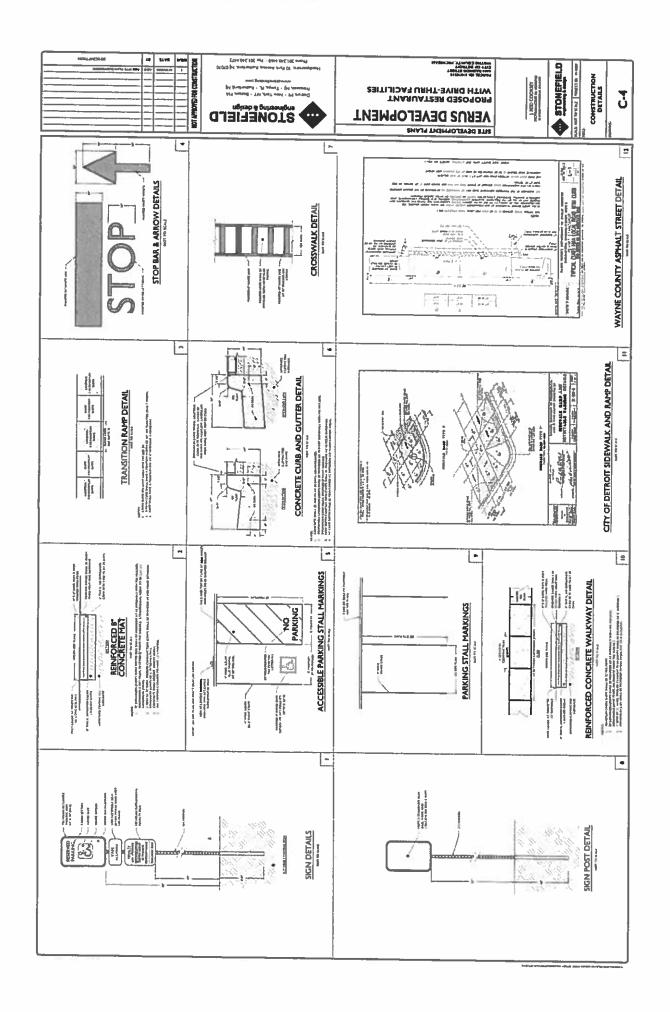
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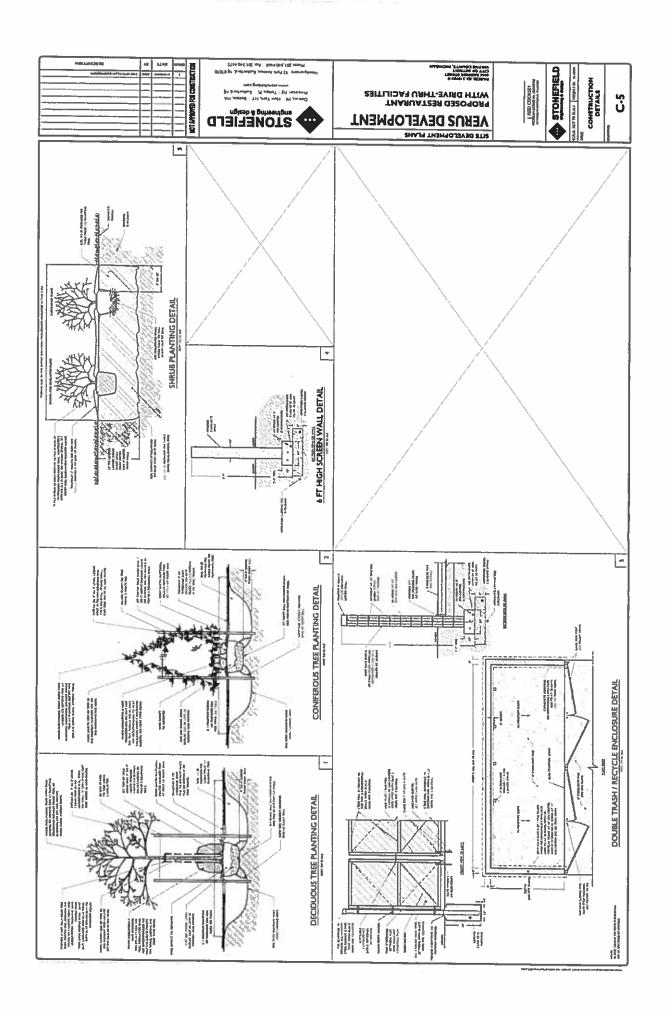
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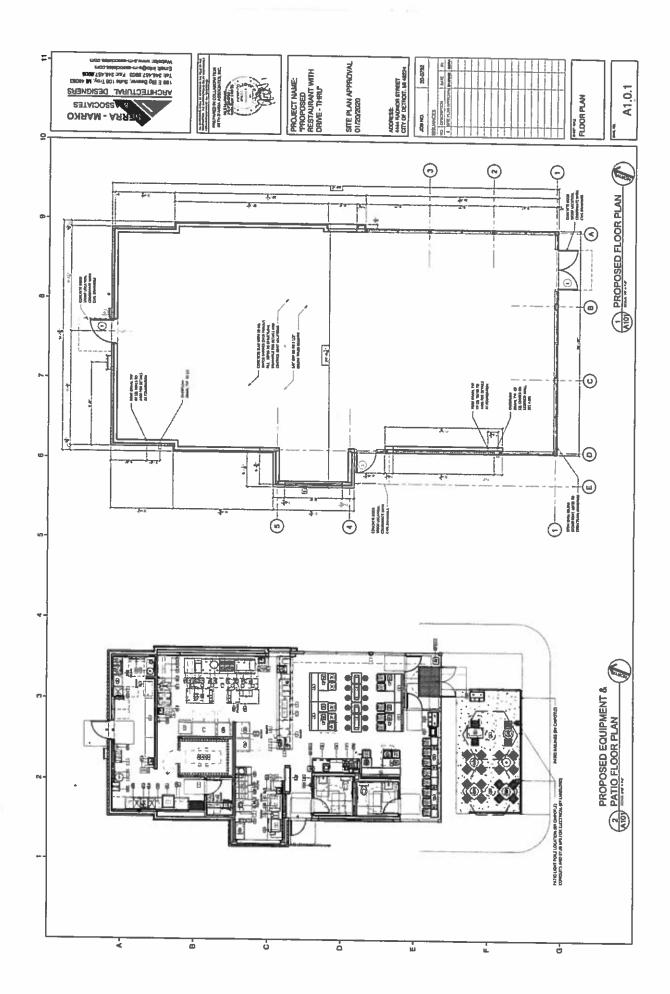


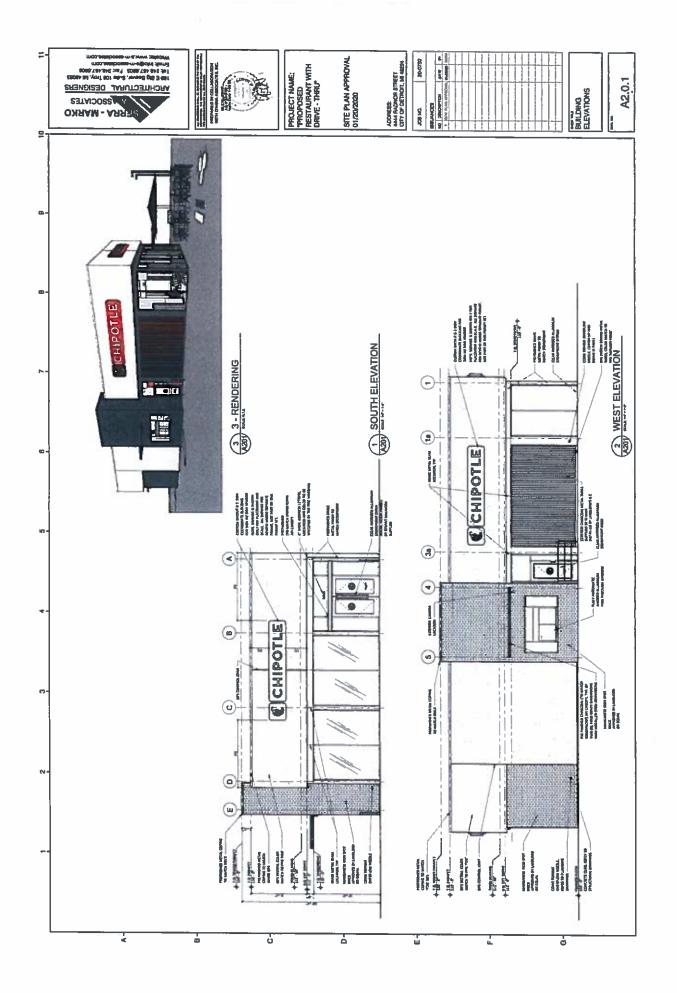


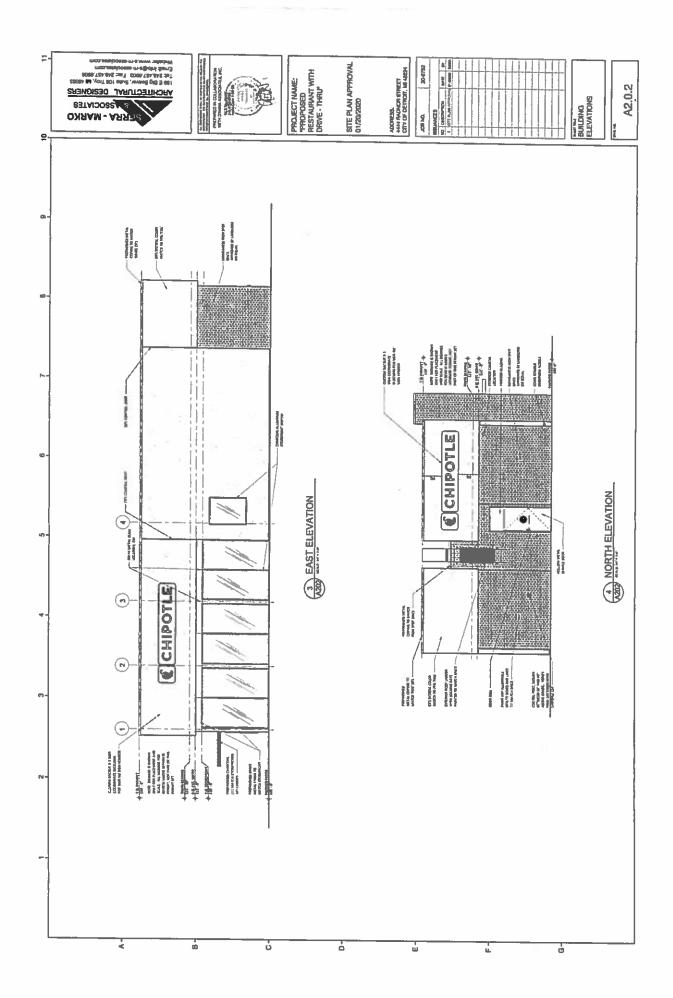














P.O. Box 36696 Detroit, MI. 48236-0696

Christopher Jackson

January 20, 2020

To: Mr. Jackson

Thank you for including Cornerstone Village as a stakeholder in the proposed

Chipotle Restaurant at Mack Ave. and Radnor Rd., in Detroit.

The presentation was thorough and all questions and concerns were addressed with satisfaction.

The members of Cornerstone Village in attendance at the recent monthly meeting were enthusiastic of the Chipotle Restaurant plans.

Cornerstone Village welcomes the prospects of Chipotle Restaurant in our community.

Regards,

James Grenwick

President,

Cornerstone Village Community Association, Inc.

ames Grenwick





EZ STORAGE 18145 Mack Ave Detroit, MI 48224

January 31,2020

To: City of Detroit City Council
City of Detroit Planning Commission

From: EZ Storage Mack Ave

As Stakeholders in the Mack Avenue Corridor we strongly support the proposed Chipotle restaurant proposed for Mack Avenue and Radnor. This represents yet another positive addition to the new commercial development along Mack Avenue.

We are proud to be a part of this exciting business and residential corridor and continue our investment in the area with our new development at 4849 Canyon and planned future mixed-use development at 18155 Mack Avenue.

Respectfully Submitted,

Stephen M. Nolan

EZ Storage Mack Ave

To whom it may concern,

We are the homeowners of 4480 Radnor St. We fully support the Chipotle establishment being built by our home. Right now the vacant home and church next to my home has been vacant for many years and we would love to see a change next to our home and for the neighborhood. I'm sure the community will also be very happy to have a Chipotle close by. We have talked with the investors of the property and they are open and willing to accommodate us to have the best outcome so everyone is happy.

Thank you,

Julian and Margie Goodman



January 24, 2020

Detroit City Planning Commission:

LETTER IN SUPPORT OF VERUS DEVELOPMENT GROUP PROPOSED CHIPOTLE RESTAURANT

As an area resident/business, I respectfully request that you APPROVE the request from Verus Development Group to rezone the two proposed properties from R-1 to PD for the proposed Chipotle Development.

We have met with the developers and they have been responsive to our questions and concerns. We appreciate Chipotle's commitment to locate a restaurant in Detroit. The current properties are vacant buildings.

We support having another viable, taxpaying business locate along the Mack Avenue corridor. The Chipotle will encourage other development and create employment opportunities for the community.

Jeffery R. Laethem, President Ray Laethem Motor Village GPVG, LLC

18051 Mack Ave

Detroit, MI

January 31, 2020

Detroit City Planning Commission:

LETTER IN SUPPORT OF VERUS DEVELOPMENT GROUP PROPOSED CHIPOTLE RESTAURANT

As a neighbor to the referenced development we respectfully request that you APPROVE the request from Verus Development Group to rezone the two proposed properties from R-1 to PD for the proposed Chipotle Development. We appreciate Chipotle's commitment to locate a restaurant in Detroit. The current properties are vacant buildings. We support having another viable business located along the Mack Avenue corridor. The Chipotle will encourage other development and create employment opportunities for the community.

Frank Arcori.



COLEMAN A. YOUNG MUNICIPAL CENTER 2 WOODWARD AVE., SUITE 808 DETROIT, MICHIGAN 48226 PHONE 313*224*1339 WWW.DETROITMI.GOV

TO:

Mr. Marcell Todd, Legislative Policy Division

FROM:

Karen Gage, Planning and Development

RE:

Master Plan Interpretation for Rezoning

DATE:

February 3, 2020

CC:

RE:

Katharine Trudeau, Deputy Director, Planning and Development (PDD)

Esther Yang, Director, Urban Research/Outreach

Greg Moots, PDD Zoning and Innovation

Dear Mr. Todd:

<u>Master Plan of Policies</u> review of request to rezone property at 4444 and 4470 Radnor

Pursuant to the City of Detroit's City Charter (Sections 6-202 and 6-204), the

Pursuant to the City of Detroit's City Charter (Sections 6-202 and 6-204), the Planning and Development Department's (P&DD) Planning Division submits the following review of the proposed Rezoning.

The proposed map amendment is at the request of Verus Development to rezone two properties from R1 (Single Family Residential) to either the PD (Planned Development) or B4 (General Commercial) zoning classification to allow for the construction of a fast food restaurant with drive-through.

Location

The property is located at the northeast corner of Radnor Street and Mack Avenue.

Existing Site Information

The site presently contains a church on 4444 Radnor and a single-family home on 4470 Radnor. Both would be removed under the proposed development.

Surrounding Site Information

Property to the west along Mack Avenue is zoned PD and is developed with a fast food restaurant with a drive-thru. North of the restaurant, across from the subject site, is zoned R1 and developed with single-family homes. To the east is zoned PD and is developed with a self-storage building. To the north is also zoned R1 and developed with single-family homes. Across Mack Avenue is the City of Grosse Point.

Project Proposal

The existing buildings are proposed to be demolished and replaced with a single-story fast food restaurant with drive-thru. A new curb-cut is proposed on Radnor Street, in addition to the existing one on Mack Avenue.

Interpretation

Impact on Surrounding Land Use

There are commercial developments to the east and west. The use would likely impact the home to the north more than the current religious use does.



Impact on Transportation

2 DDoT routes serve the site via Mack Avenue, which is designated as a "Major Street" in the Master Plan. The new curb cut is roughly across from the one on the west side of the street.

Master Plan Interpretation

The Future General Land Use designation of the site is "CN" (Neighborhood Commercial). These districts generally consist of a large collection of contiguous storefronts along a street or streets. This commercial type is pedestrian-oriented with wide sidewalks and landscaping. Parking should be located on the street, in structures (with ground floor retail), at the rear of commercial establishments or in concentrated nodes at the periphery of the area.

The replacement of the existing church with a commercial use is not anticipated to significantly change the overall character of the commercially-designated area. There are commercial uses on each side of the subject site. The Mack Avenue frontage is designated as CN for several blocks in each direction. The rezoning would also include one parcel designated as "Low Density Residential" in the Master Plan. This small expansion of the commercial uses at the edge of the larger residential area again is not anticipated to significantly change the overall character of the area. The proposed rezoning conforms to the Future General Land Use designation of the area.

Respectfully Submitted,

Gregory Moots

Planning and Development Department

<u>Attachments</u>

Future General Land Use Map: Map 3-4A, Neighborhood Cluster 3, Finney neighborhood.