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HONORABLE CITY COUNCIL

RE: Proposed Text Amendment to Chapter 50 of the 2019 Detroit City Code, *Zoning*, Traditional Main Street Overlay Ordinance (Grand River, expanded/Lahser; East Warren; Van Dyke; West Warren) (RECOMMEND APPROVAL)

On Thursday, July 2, 2020, Your Honorable Body will hold an 11:20 AM public hearing on a text amendment to Chapter 50 of the 2019 Detroit City Code, *Zoning*, relative to Traditional Main Street Overlay Area (TMSO) provisions. This public hearing combines what had been two proposed TMSO ordinance amendments taken up by the City Planning Commission (CPC).

Since the CPC reports and recommendations relative to the two ordinances, dated January 30, 2020, were taken up simultaneously by the Planning and Economic Development standing committee, the Law Department was asked to merge the two ordinances for the sake of efficiency. The major difference between the two ordinances was the addition of a segment of Van Dyke Avenue to the list of Traditional Main Street Overlay areas. The merged text amendment (118 pages) has been approved as to form by the Corporation Counsel and is attached.

Background

Traditional Main Street Overlay Areas were established in 2005 following the recent adoption of the major rewrite of the Detroit Zoning Ordinance. The Planning and Development Department (P&DD) had submitted a series of design-related provisions that would apply to a number of pedestrian retail oriented business strips where there was the desire for more sensitive design. These business strips were identified in the First General Text Amendment to the Zoning Ordinance as “Traditional Main Street Overlay Areas” (Ord. No. 20-05).

Subsequent to 2005, the TMSO provisions were adjusted in 2013 (Ord. No. 23-13) and, most recently, the CPC recommended approval of a text amendment to establish new TMSO areas (expanded Grand River, East Warren, Lahser, and West Warren) and to modify various TMSO design standards. That text amendment came up for a public hearing before the Planning and Economic Development standing committee on January 9, 2020 and received support of the committee with one substantive modification.

Currently, there are nine TMSO areas. Per the City Council hearing on January 9, 2020, one of the original TMSOs will be expanded (Grand River/Lahser) and two new TMSOs will be added (East Warren and West Warren). A third new TMSO (Van Dyke) will also be added per the direction of Council on January 9th as part of the attached merged ordinance. The proposed addition of Van Dyke to the list of TMSOs is requested by the Planning & Development Department per the request of Council Member Scott Benson.

- (1) *West Seven Mile*. All zoning lots abutting West Seven Mile Road between the zoning lots at the four (4) corners of John R Avenue and the center line of Woodward Avenue.
- (2) *Grand River*. All zoning lots abutting Grand River Avenue between the center line of Woodmont Avenue and the zoning lots at the four (4) corners of Evergreen Road. If approved by Council, this TMSO will be extended from Greenfield Road to Lahser Road and a segment of Lahser Road, north of Grand River will be added.
- (3) *Bagley/Vernor*. All zoning lots abutting Bagley Avenue between the center line of 16th Street and the center line of 24th Street; and all zoning lots abutting West Vernor Highway between the center line of Newark Avenue and the center line of Clark Street.
- (4) *Livernois/West McNichols*. All zoning lots abutting Livernois Avenue between the center line of the John C. Lodge Freeway and the center line of West Eight Mile Road; and all zoning lots abutting West McNichols Road between the center line of Lawton Avenue and the zoning lots at the four (4) corners of Wyoming Avenue.
- (5) *East Jefferson*. All zoning lots abutting East Jefferson Avenue between the center lines of Dickerson Avenue/Gray Avenue and the city limits of Grosse Pointe Park.
- (6) *Woodward*. All zoning lots abutting Woodward Avenue between the center line of Temple Avenue/Alfred Street and the city limits of Highland Park.
- (7) *Grand Boulevard*. All zoning lots abutting West Grand Boulevard/East Grand Boulevard between the John C. Lodge freeway (M-10) and the eastern edge of Cameron Street (extended).
- (8) *Michigan Avenue*. All zoning lots abutting Michigan Avenue between the John C. Lodge freeway (M-10) and the zoning lots at the four (4) corners of Vinewood Avenue.
- (9) *Van Dyke*. All zoning lots abutting Van Dyke Avenue between East Seven Mile Road and East Eight Mile Road.
- (10) *Vernor/Springwells*. All zoning lots abutting West Vernor Highway between the center line of Clark Street and the zoning lots at the four (4) corners of Woodmere Avenue; and all zoning lots abutting Springwells Avenue between the four (4) corners of West Vernor Highway and the four (4) corners of the Fisher Freeway (I-75) service drives.
- (11) *East Warren Avenue (Per 1/9/2020 Council hearing)*: All zoning lots abutting East Warren Avenue between Audubon Avenue and the four corners of Radnor Street.
- (12) *West Warren Avenue (Per 1/9/2020 Council hearing)*: All zoning lots abutting West Warren Avenue between the Southfield Freeway and Greenfield Road.

TMSO Design Standards

Zoning lots abutting these TMSO street segments are subject to additional design standards intended to improve the curb appearance of the business strip and to enhance a pedestrian-friendly environment. Those standards relate to a variety of factors:

- Building site relationship; placement and orientation.

- Site design standards: Fencing.
- Building design: Style.
- Building design standards:
 - Massing, scale, and form.
 - Façade and architectural details.
 - Drive-up and drive-through facilities.
 - Corner lot buildings.
 - Entryways.
 - Materials.
 - Color and finish.
 - Awnings, canopies and marquees.
 - Lighting.
 - Blank walls.
 - Security roll-down doors and grilles.
 - Utilities, Service Areas, and Rooftop mechanical equipment.
 - Architecturally and historically significant buildings; renovation, addition and maintenance of existing buildings.
 - Vacant structures.
- Parking design standards: parking areas.
- Signage and communication elements design standards.

Scope of the proposed “TMSO Ordinance”

The proposed ordinance would alter provisions related to three overlay areas, not just the TMSO:

- Traditional Main Street Overlay (TMSO) Area:
 - The **boundaries** of the Grand River Avenue TMSO are expanded and also include a portion of Lahser Avenue (*Sec. 50-11-382*).
 - Segments of **East Warren and West Warren** Avenues and **Van Dyke Avenue** are added to the list of TMSOs (*Sec. 50-11-382*).
 - Eleven of the **TMSO design standards** are further tailored to the various TMSO areas: Building site relationship, placement and orientation (*Sec. 50-14-432*); Façade and architectural details (*Sec. 50-14-436*); Drive-up and drive-through facilities (*Sec. 50-14-437*); Materials (*Sec. 50-14-440*); Color and finish (*Sec. 50-14-441*); Lighting (*Sec. 50-14-443*); Blank walls (*Sec. 50-14-444*); Security roll-down doors and grilles (*Sec. 50-14-445*); Vacant structures (*Sec. 50-14-448*); Parking design standards (*Sec. 50-14-449*); Signage and communication elements (*Sec. 50-14-450*).
 - Various “**maker**” uses (light industrial) are newly permitted in TMSOs on land zoned B2, B3, and B4, where the goods made are sold on site (*Sec. 50-9-47; Sec. 50-9-53; Sec. 50-9-77; Sec. 50-9-107; Sec. 50-9-113; Sec. 50-12-81; Sec. 50-12-82; Sec. 50-12-334; Sec. 50-12-336; Sec. 50-12-340; Sec. 50-12-342; Sec. 50-12-353; Sec. 50-12-359; Sec. 50-12-360; Sec. 50-12-361; Sec. 50-12-362; Sec. 50-12-363; and Sec.*

50-12-364).

- **Mixed-use residential/commercial-industrial** uses are further encouraged in TMSOs (*Sec. 50-9-44; Sec. 50-9-50; Sec. 50-9-74; Sec. 50-9-80; Sec. 50-9-104; Sec. 50-9-110; Sec. 50-12-22; Sec. 50-12-159; and Sec. 50-12-162*).
- **Cabarets and bars** are newly permitted in TMSOs on land zoned B2 (*Sec. 50-9-52; Sec. 50-12-62; Sec. 50-12-66; Sec. 50-12-218; and Sec. 50-12-220*).
- **Brewpubs** are newly permitted in TMSOs on land zoned B3 (*Sec. 50-9-82; Sec. 50-12-62; and Sec. 50-12-217*).
- **Outdoor eating areas** are allowed in a TMSO as a matter of right where located in front of a building in the B2, B3, and B4 zoning classifications (*Sec. 50-12-311(5)*).
- **Parking** regulations for uses in TMSOs are made more flexible (*Sec. 50-14-7; Sec. 50-14-34; Sec. 50-14-49; and Sec. 50-14-153*).
- Membership of the **Design Review Advisory Committee**, which advises the Buildings, Safety Engineering and Environmental Department on TMSOs, is updated and reduced (*Sec. 50-2-222*).
- **Gateway Radial Thoroughfare Overlay Area**—the number of uses prohibited on Gateway Radials is reduced to allow certain “maker” uses (light industrial) in B2 and B4 Districts (*Sec. 50-9-53; Sec. 50-9-113; and Sec. 50-11-364*).
- **Far Eastside Overlay Area**—the overlay is eliminated in its entirety (*Sec. 50-7-6; Sec. 50-11-491; Sec. 50-11-492; Sec. 50-11-493; Sec. 50-11-494; Sec. 50-11-495; Sec. 50-11-496; Sec. 50-11-497; Sec. 50-11-498; Sec. 50-11-499; Sec. 50-11-500; Sec. 50-11-501; Sec. 50-11-502; and Sec. 50-11-503*).

Additionally, and unrelated to TMSOs, this text amendment provides for the following, applicable citywide:

- Removes “**used goods dealers/secondhand stores and precious metal and gem dealers/secondhand jewelry stores**” from the list of Regulated Uses (*Sec. 50-3-323; Sec. 50-12-69; Sec. 50-12-134; and Sec. 50-16-362*);
- Expands the definition of “**residential use combined in structures with permitted commercial uses**” (*Sec. 50-16-362*);
- Clarifies the **rear setback** requirements in SD1 and SD2 (*Sec. 50-11-215; Sec. 50-11-245*).

Results of September 5, 2019 CPC hearing

In 2019, P&DD staff had appeared before the CPC to offer a preview of the TMSO ordinance and at its regular meeting of September 5, 2019, the City Planning Commission held a statutory public hearing relative to the proposed changes in the TMSO overlay as well as other, unrelated zoning matters. Staff of P&DD and the CPC reviewed the proposed provisions of the text amendment and discussion ensued among commissioners.

Six speakers, including the Detroit Economic Growth Corporation, spoke in support of the proposed text amendment. Six letters were received, five of which were in support. A sixth letter, from Midtown

Inc., indicated support and also included suggestions for modifications. Four corrections to the draft ordinance were proposed and accepted. One provisions was stricken from the ordinance but at the subsequent CPC meeting of September 19, 2019, it was restored.

Results of December 5, 2019 Public Hearing

On December 5, 2019, the CPC held a statutory public hearing regarding the proposed text amendment relative to the proposed Van Dyke TMSO. Five members of the public spoke at the hearing.

One business owner challenged the appropriateness of applying standards to Van Dyke that might be suitable for Livernois given the differences between the two areas and spoke in detail about parking problems for businesses on Van Dyke.

A second business owner voiced support for the proposed ordinance but expressed concern for the impact new business would have on available parking.

The director of the area's community development corporation indicated her support of the proposed ordinance and commended P&DD for its involvement.

A spokesperson for the Livernois/6 Mile organization indicated his area's support for the TMSO provision facilitating outdoor eating areas.

A third business owner from the area raised questions concerning the difficulty of obtaining approval for a used car lot and spoke to the safety-related concerns on the business strip.

Commissioners acknowledged the concerns of businesses on parking and traffic and security matters and noted that further engagement with the residential and business community was warranted to ensure a deeper understanding of the scope of the proposed ordinance. P&DD staff and CPC staff agreed to work with the community development corporation and business association to schedule additional meetings on the ordinance.

Additional Community Engagement

On Wednesday, January 8, 2020, staff from P&DD and the CPC met for a luncheon gathering of the Northeast Detroit Business Association in the SAY Place Center at Lipke Park—a meeting attended by 26 people. P&DD presented a Power Point detailing the nature of the Traditional Main Street Overlay and the four specific provisions that would apply to Van Dyke Avenue between East Seven Mile and East Eight Mile Roads.

The discussion that ensued in the course of the two-hour meeting was most positive and amicable. Concerns and misunderstandings over the possible impact of the ordinance were addressed to the satisfaction of those gathered. General support of the TMSO provisions was evident.

On the same day, a second meeting was convened at 7:00 PM at the offices of the Nortown Community Development Corporation related to the proposed Van Dyke/TMSO ordinance. This meeting was geared primarily to residents and block clubs and involved 13 people, seven of whom were area residents and/or business operators/owners. More spirited discussion arose on parking-related matters as well as concerns over area security. It was explained that with or without the proposed Van Dyke TMSO these matters needed to be addressed through enforcement efforts and

concerted community involvement. With a fuller understanding of the proposed ordinance's scope, no specific opposition to the ordinance was raised.

Findings and Recommendation

On September 19, 2019, the City Planning Commission voted to recommend approval of the original, proposed TMSO text amendment to Your Honorable Body.

Subsequently, the CPC found that the one-mile stretch of Van Dyke between Seven and Eight Mile Roads to be a good candidate for the proposed design standards that come with TMSO designation (for new businesses and existing businesses that are significantly altered architecturally). Only four of the 19 standards would apply to Van Dyke, similar to the applicability of standards to recently proposed TMSOs on East Warren, West Warren, and portions of Grand River/Lahser. Support for these standards seems to be broad and the mood in the community is optimistic over the area's current improvement and future development.

The CPC further found that the proposed ordinance satisfies the text amendment approval criteria specified in Sections 50-3-13 through 50-3-15. On Thursday, January 9, 2020, the City Planning Commission (CPC) voted to recommend approval of the proposed Van Dyke Avenue Traditional Main Street Overlay (TMSO) area. The attached, merged ordinance properly reflects the recommendations of the City Planning Commission.

ALTON JAMES, Chairperson

Respectfully submitted,



Marcell R. Todd, Jr., Director
M. Rory Bolger, Staff

Attachment

- cc: Katy Trudeau, Deputy Director, PDD
- Karen Gage, PDD
- David Bell, Director, BSEED
- Lawrence Garcia, Corporation Counsel
- Kimberly James, Law Department
- Tonja Long, Law Department
- Arthur Jemison, Chief of Infrastructure and Services