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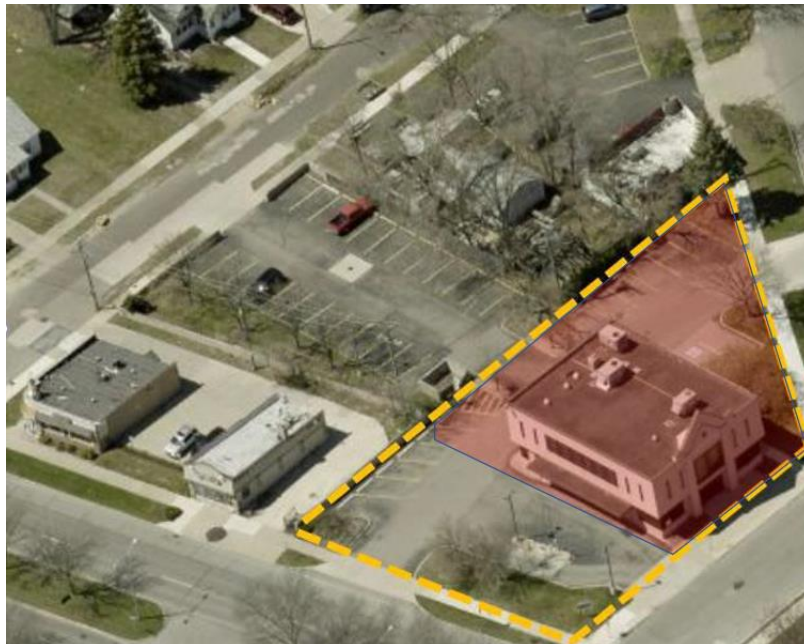
January 20, 2022

HONORABLE CITY COUNCIL

RE: 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. (**RECOMMEND APPROVAL**)

BACKGROUND AND PROPOSAL

The City Council 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. The 0.33 acre site is being petitioned for rezoning to permit a Taco Bell fast food restaurant, with drive-through facilities. The subject property is located in Council District 4.



Subject site: 18550 E. Warren Avenue

Proposed Development

This map amendment is being requested 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 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, Safety Engineering, Environmental Department (BSEED) to evaluate the impact of the use on neighboring properties. During this hearing, terms and conditions may be attached as a pre-requisite to approval of the use, as a result of staff review or public comment.

Current Zoning

According to Chapter 50 of the 2019 Detroit City Code ‘Zoning’ the existing and proposed zoning classification descriptions are as follows:

B2 - Local Business and Residential District

Provides for the day-to-day consumer goods and services required to serve a small residential area. High-traffic generating and traffic-oriented uses are restricted because of their obvious undesirable influence on adjacent residential areas.

B4 - General Business District

This district provides for business and commercial uses of a thoroughfare-oriented nature. In addition to these uses, other businesses, which may benefit by drawing part of their clientele from passing traffic are permitted. Additional uses, which may be successfully blended with permitted by-right uses, are conditional.

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; single-family homes

COMMUNITY INPUT & PUBLIC HEARING RESULTS

Community Input

The petitioner has engaged with members of the community to share information about the project. Fliers were distributed for a July 21, 2021 community meeting. Just over a dozen people attended this virtual Zoom engagement meeting. During the meeting, most attendees made comments that were supportive of the proposal. Further engagement was held with representatives of the Eastside Community Network to further discuss the plan.

In preparation for the September 23, 2021 public hearing, notice was posted on-site and provided

to adjacent property owners and residents in an effort to inform them of the pending rezoning request.

Public Hearing

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 through a traffic study that was conducted by consultant, GPD Group.

The Traffic and Engineering Department also concurred with the findings of the GPD Group’s traffic study and spoke to this at the subsequent CPC meeting.

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.

Four letters of support were submitted, two of which were from the Eastside Community Network and Cornerstone Village. One letter of opposition was submitted by a resident.

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 rezonings to allow for the recent McDonald’s restaurant, Starbucks Coffee shop, 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 for 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.

Since the emergence of the COVID-19 pandemic, restaurants with drive-through facilities or pick-up-and-go capacity have gained new life as municipalities work to respond to ways to accommodate 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.” The proposed rezoning 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 proposes to change most of the site to B4, the portion of the site nearest to residential homes is not part of the request. It will remain R1 to act as a buffer between the restaurant and the homes on Opal Street. The R1 portion of the site would be maintained as a parking lot, as it exists 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. The City’s Traffic and Engineering Department has approved the proposed site plan for ingress and egress traffic routes.

(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 Pre-Plan meeting was held by the Buildings, Safety Engineering, and Environmental Department 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 to buffer 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. 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 that CPC staff attended, it seems that the 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 minimum did not stifle values in the examples provided.

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

The proposed zoning classification is suitable for the subject properties as it will unify the zoning on the site. A portion of the site is currently zoned B4. As stated before, there has been a trend of rezonings to allow for similar restaurants in the recent past. The location at the intersection of two major streets (as designated in the Master Plan) makes it a good candidate for more intense zoning.

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

The proposed rezoning will not create an illegal spot zone. PDD has determined that the proposal is generally consistent with the Master Plan. The proposed zoning is also aligned with abutting B4 zoned land.

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 the concern that the site might be more suitable for pedestrian friendly development such as a restaurant with no drive-through facilities.

Staff agrees that the general principles of New Urbanism and Smart Growth would push for a more walkable development that does not generate high traffic volumes. 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 beyond the outcome of this proposal, there should be further discussion on this issue. This conversation has already begun with ECN. If there is a proactive zoning plan for the corridor that incorporates recent community engagement, there can be more confidence placed on the zoning when new development is being proposed. Understanding the community's current vision for the corridor would allow developers to understand whether they should invest time and resources into a project, or not pursue it at all.

Ultimately, City departments and the community have seemingly warmed to this proposal after

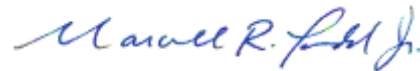
several iterations were presented and changes made to respond to requests. The majority of the community members who have participated, have supported the proposal. There are also some that have opposed.

RECOMMENDATION

On October 7, 2021, the City Planning Commission voted to recommend approval of the rezoning request 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.

Respectfully submitted,

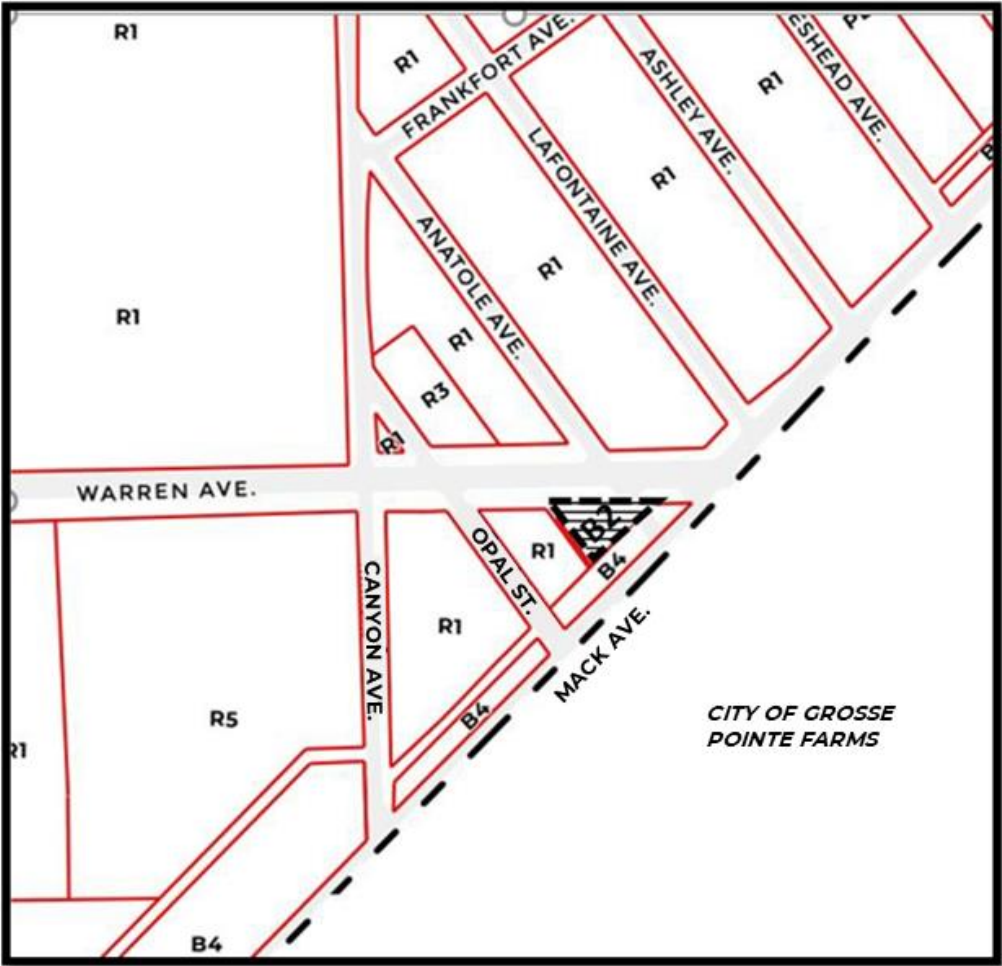
LAUREN HOOD, CHAIRPERSON



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

Attachment

cc: Antoine Bryant, Director PDD
Katy Trudeau, Deputy Director PDD
Karen Gage, PDD
Greg Moots, PDD
David Bell, Director, BSEED
Kim James, Law Department
Donald Rencher, Group Executive for Housing, Planning and Development
Nicole Sherard-Freeman, Group Executive for Jobs, Economy and Detroit at Work



SUMMARY

An ordinance to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by amending Article XVII, *Zoning District Maps*, Section 50-17-41, *District Map No. 39*, to revise the existing B2 (Local Business and Residential District) zoning classification to the B4 (General Business District) zoning classification for the property commonly referred to as 18550 East Warren Avenue.

1 **BY COUNCIL MEMBER _____**;

2 **AN ORDINANCE** to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by
3 amending Article XVII, *Zoning District Maps*, Section 50-17-41, *District Map No. 39*, to revise
4 the existing B2 (Local Business and Residential District) zoning classification to the B4 (General
5 Business District) zoning classification at the property commonly referred to as 18550 East Warren
6 Avenue.

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

8 **Section 1.** Chapter 50 of the 2019 Detroit City Code, *Zoning*, is amended by amending
9 Article XVII, *Zoning District Maps*, Section 50-17-41 *District Map No. 39*, of the Detroit Zoning
10 Ordinance as follows:

11 **CHAPTER 50. ZONING**

12 **ARTICLE XVII. ZONING DISTRICT MAPS**

13 **Section 50-17-41, District Map No. 39.**

14 For the property commonly known as 18550 East Warren Avenue and identified more
15 specifically as:

16 Lots 70 through 72 both inclusive, including the adjoining on-half of the vacated
17 public alley at the rear of said lots and excepting that part of Lots 70, 71, 72 taken
18 for opening of and widening of Warren Avenue and including the adjoining one-
19 half of the vacated public alley lying East of and adjacent to Lot 70, Sunny Side
20 Sites Subdivision of a part of Private Claim 122 and 404, according to the plat
21 thereof recorded in Liber 42, Page 57 of Plats, Wayne County Records;

22 the existing B2 (Local Business and Residential District) zoning classification is revised to the B4
23 (General Business District) zoning classification.

1 **Section 2.** All ordinances or parts of ordinances in conflict with this ordinance are 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.

4 **Section 4.** This ordinance shall become effective on the eighth (8th) day after publication
5 in accordance with Section 401 (6) of Public Act 110 of 2006, as amended, M.C.L. 125.3401 (6),
6 and Section 4-118, paragraph 3 of the 2012 Detroit City Charter.

Approved as to Form:



Charles Raimi
Deputy Corporation Counsel



TACO BELL

Petitioner: Taco Bell America, LLC

CPC staff: Kimani Jeffrey



Subject Site: 18550 E. Warren Avenue
Existing Conditions



Project Overview



Requested Zoning District: B4

Proposed Use: Restaurant, fast-food, with drive-up or drive-through facilities (Conditional under B4)

Master Plan:

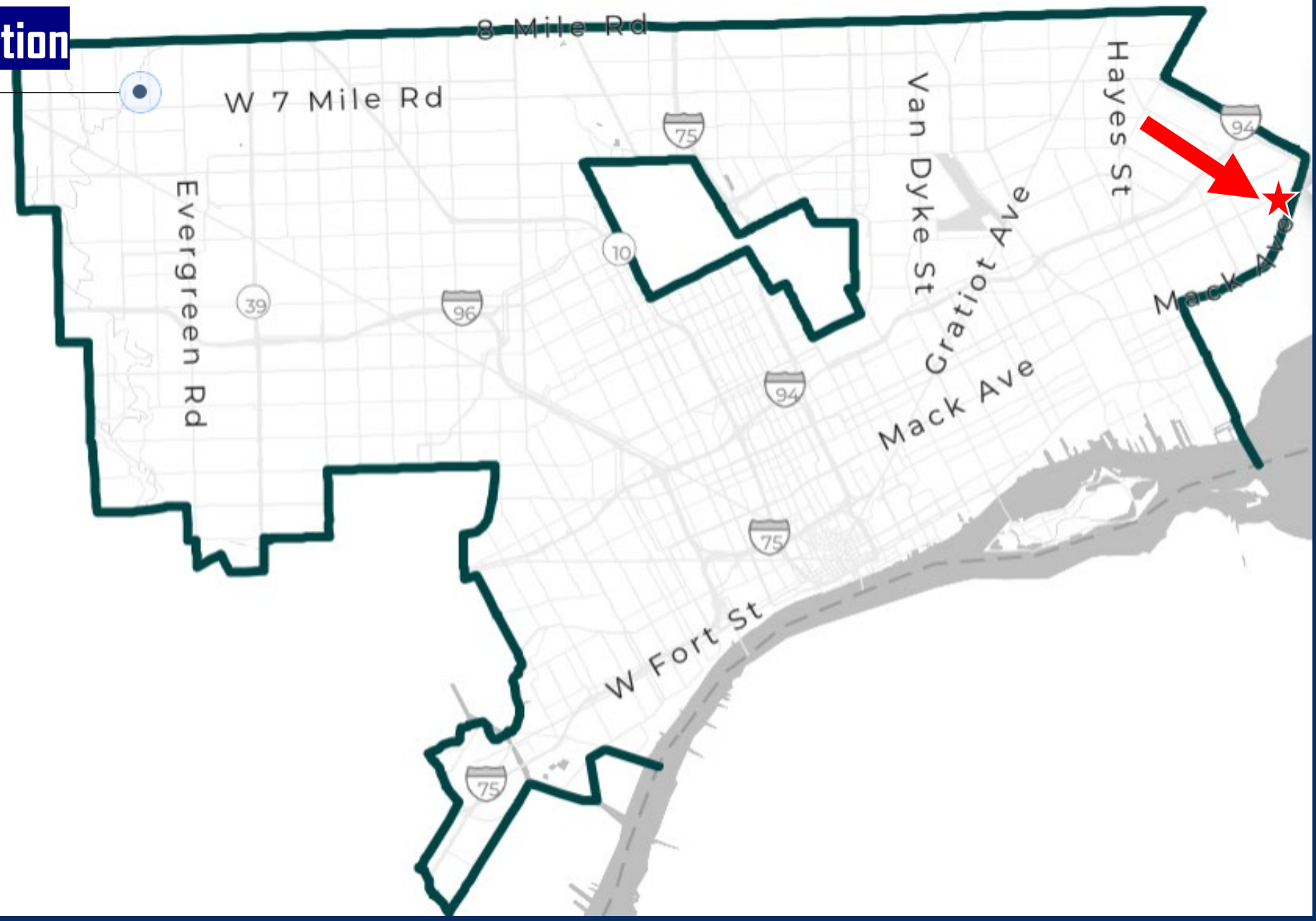
Finney area of Neighborhood Cluster 3 of the Master Plan;

Future Land Use "CN – Neighborhood Commercial"

Community Input:

July 21, 2021 Community Meeting; submitted letters

Location



Current Zoning



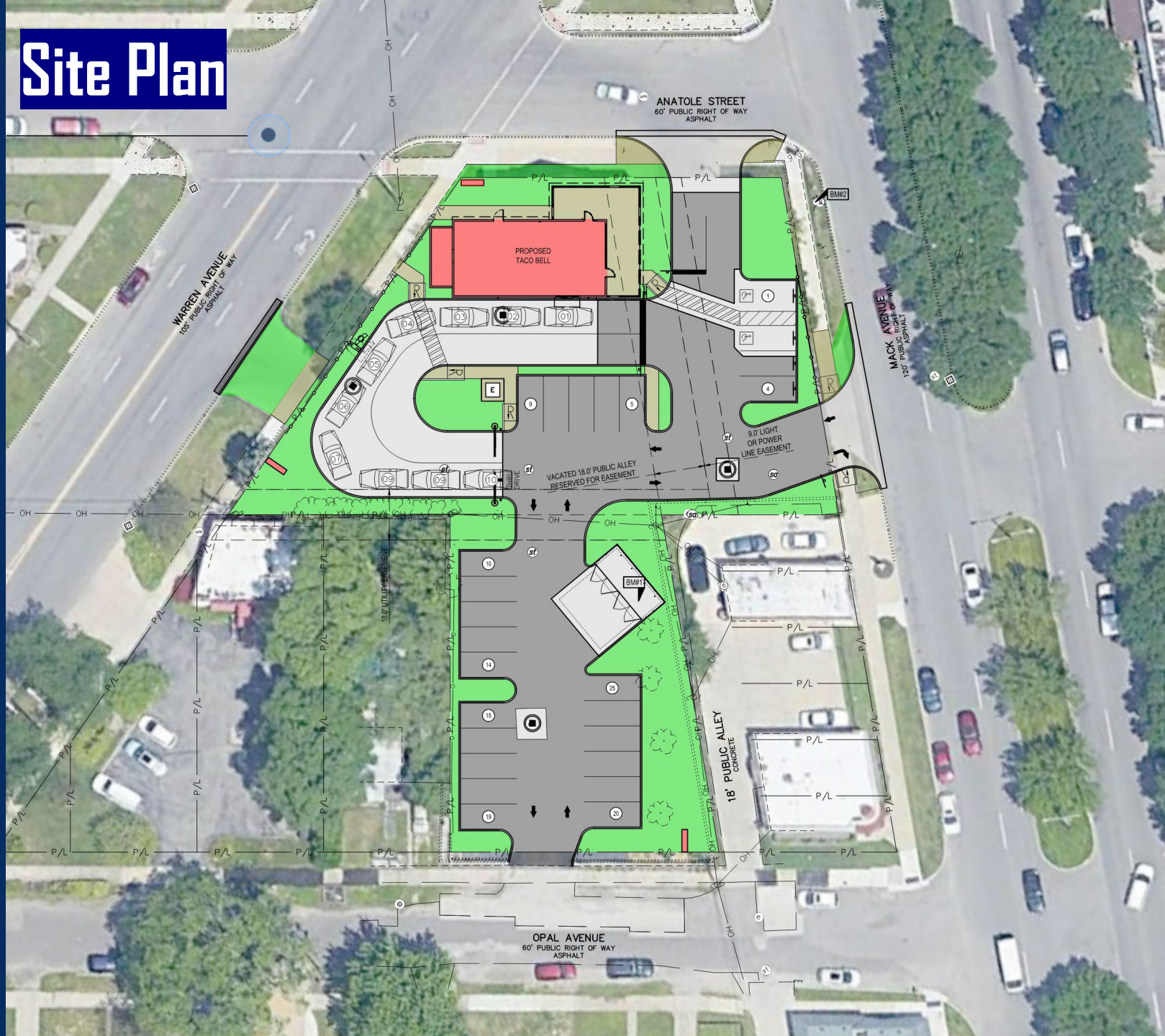








Site Plan



Renderings







Questions

