

in a statutorily mandated public hearing on March 20, 2014; and

Whereas, Upon the advice of the Planning and Development Department, the City Planning Commission has found that the rezoning request was not consistent with the Master Plan "future land use" designation of the 2009 Master Plan of Policies of the City of Detroit; and

Whereas, The City Planning Commission has found that the current B2 zoning district classification already allows for eighty-nine (89) different land uses; and

Whereas, The City Planning Commission has found that the one hundred fifty-one (151) land uses permitted in the proposed B4 zoning district classification include land uses with potential or likely undesirable impacts on the immediate surroundings; and

Whereas, The petitioner's used tire business was closed down by the Buildings, Safety Engineering and Environmental Department and is currently before the 36th District Court for violations; and

Whereas, The City Planning Commission has found that the rezoning request fails to satisfy the approval criteria specified in Sec. 61-3-80 of the 1984 Detroit City Code; and

Whereas, The City Planning Commission voted at its regular meeting of May 1, 2014 to deny the rezoning request of John Everett Thomas; Now, Therefore, Be It

Resolved, The Detroit City Council accepts the findings and recommendation of the City Planning Commission and denies the requested amendment to Chapter 61, Article XVII, District Map No. 68.

Adopted as follows:

Yeas — Council Members Castaneda-Lopez, Cushingberry, Jr., Jenkins, Leland, Sheffield, Spivey, Tate, and President Jones — 8.

Nays — None.

Approved to Deny.

#### **Planning & Development Department**

June 9, 2014

Honorable City Council:

Re: Petition No. 210 — La Feria Spanish Tapas for Outdoor Café Permit at 4130 Cass Avenue.

The above named petitioner has requested permission for Outdoor Café Service. This service will convene every April 1st through November 30th, for a period of three (3) years, from the date of your Honorable Body's approval.

The Department of Public Works/City Engineering Division (DPW/CED) who has jurisdiction over temporary encroachment on City right-of-ways has approved this request contingent upon the petitioners compliance with applicable City ordinance related to outdoor café activities

and the remittance of the annual use-permit fee to the Permit Section of the DPW/CED.

The Institute for Population Health (IPH) has approved this petition, subject to the petitioner's strict adherence to the 1999 Food Code, Food Law of 2000 and City Ordinance, Chapter 21. No outdoor grilling is permitted without approval from the Institute of Population Health Food Safety Division.

Approval from the Detroit Police Liquor License Bureau is contingent upon the final action given by the City Council towards the above-referenced petition. Prior approval from the Central District Precinct does not cover serving liquor in outdoor café area until the Detroit Police Liquor License Bureau has given approval.

The petitioner will submit to the Historic District Commission (HDC) the construction drawings related to the Outdoor Café. It will then be on the HDC agenda to be reviewed at an upcoming meeting.

The Planning and Development Department (P&DD) is not aware of any objections from any other City Agencies involved. It is the recommendation of the P&DD that the petitioner's request be granted subject to the terms and conditions provided in the attached Resolution and that this service will convene every April 1st through November 30th for a period of three years (3) from the date of your Honorable Body's approval, subject to final approval by the Detroit Emergency Financial Manager.

Respectfully submitted,

JOHN SAAD, P.E.

Engineering Services Coordinator  
By Council Member Leland:

Resolved, That the Department of Public Works — City Engineering Division (DPW/CED) is hereby authorized and directed to issue a Use-permit to La Feria Spanish Tapas, Detroit "permittee", whose address is at 4130 Cass Avenue, Detroit, Michigan 48202, to install and maintain an outdoor café, which will convene every April 1st through November 30th, for a period of three (3) years from the date of your Honorable Body's approval, subject to final approval by the Detroit Emergency Financial Manager, contingent upon licensee of such premises obtaining approval of the Michigan Liquor Control Commission, if necessary, and compliance with applicable City Ordinance in connection with outdoor café activities, prior to the issuance of said use permit; and

Provided, That the café meets the regulations set by the "Outdoor Café Guidelines" as adapted by the City Council and guided by Chapter 58, Section 50-2-8.1 of the City Code; and

Provided, That the petitioner obtains all necessary licenses and permits every

year from Departments having jurisdiction over Outdoor Café process; and

Provided, That said activities are conducted under the rules and regulations of the Department of Transportation, Department of Public Works and the supervision of the Police Department; and

Provided, That the sale of food and soft drinks is held under the direction and inspection of the Institute of Population Health; and

Provided, That the "permittee" remit the required annual fee(s) to DPW/CED for issuance of a use-permit and confirm license of the establishment in compliance with the City Code; and

Provided, That the "permittee", prior to obtaining said permit, file an indemnity agreement in a form approved by the Law Department, saving and protecting the City of Detroit harmless from any or all claims, damages or expenses that may arise by reason of the issuance of said permit and the faithful performance by the "permittee" of the terms thereof; and in addition, to pay all claims, damages or expenses that may arise out of the maintenance of said encroachments; and

Provided, That the filing of said indemnity agreement for this current year shall be construed as acceptance of this Resolution by the "permittee"; and

Provided, That the permit is revocable at the will, whim and caprice of the City Council; and hereby expressly waives any right to claim damages or compensation for removal of encroachment, and further, that "permittee" acquires no implied or other privileges hereunder not expressly stated herein; and

Provided, That no other rights in the public streets, alley or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the "permittee" at any time when so directed by City Council, and that the public property so affected shall be restored to a condition satisfactory to the DPW/CED by said "permittee" at its expense; and

Provided, That the permit shall not be assigned or transferred without a written approval of the City Council; and

Provided, That the petitioner follow the mandated minimum six (6) foot wide pedestrian clearance on the sidewalk, free of all obstacles such as existing planters, parking meters, utility poles, transformer boxes, etc., to allow for pedestrian movement; and

Provided, That the designated outdoor seating area shall be properly identified through the use of railings in order to regulate and control the serving of liquor within the perimeter of the café; and

Provided, That the outline and location of the outdoor café is not to be different

from the site plan to be approved by the Historic District Commission; and

Provided, That if any tent or other enclosure is to be utilized on the subject site, the applicant shall secure prior approval from Buildings and Safety Engineering Department and the Department of Public Works/City Engineering Division; and

Provided, That all railing equipment and fixtures shall be removed from the public right-of-way during the months of non-operation and placed in storage; and

Provided, That a certified copy of this Resolution shall be recorded with the Office of the Register of Deeds for Wayne County at the "permittee's" expense;

Adopted as follows:

Yeas — Council Members Castaneda-Lopez, Cushingberry, Jr., Jenkins, Leland, Sheffield, Spivey, Tate, and President Jones — 8.

Nays — None.

### **Planning & Development Department**

June 2, 2014

Honorable City Council:

Re: Surplus Property Sale Development:  
11338 E. Jefferson.

We are in receipt of an offer from Timothy Schacht, to purchase the above-captioned property for the amount of \$3,500 and to develop such property. This property contains approximately 1,941 square feet and is zoned B-4 (General Business District).

The Offeror proposes to clean up the property and create a greenspace buffer to enhance their adjacent veterinary clinic located at 11300 E. Jefferson. This use is permitted as a matter of right in a B-4 zone.

We, therefore, request that your Honorable Body approve the land sale resolution with a Waiver of Reconsideration and authorize the Group Executive for Jobs & Economy, or his authorized designee, to issue a quit-claim deed to the property and such other documents as may be necessary to effectuate the sale, with Timothy Schacht, subject to final approval by the Detroit Emergency Financial Manager, or his authorized designee.

Respectfully submitted,

JAMES MARUSICH

Manager — Real Estate Development  
Division

By Council Member Leland:

Resolved, That in accordance with the Offer to Purchase and the foregoing communication, the Group Executive for Jobs & Economy, or his authorized designee, subject to final approval by the Detroit Emergency Manager, or his authorized designee, subject to final approval by the Detroit Emergency Manager, or his authorized designee, be and is hereby authorized to issue a quit claim deed to 11338 E. Jefferson, the property more particularly