

Provided, That said permission may be rescinded at any time it is deemed necessary by the Department of Transportation, and further, that the issuance of the permits shall not in any way waive the rights of the City to utilize the area for street widening or other purposes as may become necessary in the future; and

Provided, The area surface be improved so that it is suitable for the intended parking use and install parking bumpers parallel to and three feet from both the sidewalk and the curb and

Provided, That access to and from the berm area shall be via the permittee's driveway only and all vehicles shall be parked parallel to the Mound Road curb,

Provided, That all construction costs will be borne by the permittee; and

Provided, That the parking spaces shall not in any way waive the requirements of the Zoning Ordinance regarding off street parking; and

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

Provided, That these permits shall not be assigned or transferred without approval of the City Council; and

Provided, That the securing of the necessary permits referred to herein shall be construed as acceptance of the terms of this resolution by the permittee; and

Provided, That a certified copy of this resolution be recorded with the office of the Register of Deeds for Wayne County by and at the permittee's expense; and

Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this permission, which is granted expressly on the condition that said encroachment and all obstructions in connection therewith shall be removed at the expense of the permittee at any time when so directed by the City Council, and that the public property affected shall be restored to a condition satisfactory to said Departments by said permittee at its expense.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 8.

Nays — None.

City Engineering Department

October 14, 1983

Honorable City Council:

Re: Petition No. 1725, Stroh Brewing Company, Conversion to Easement of a Portion of Hale Street west of St. Aubin.

The above petition requests the conversion of the above described portion of street, 50 feet wide, into an easement for public utilities. The requested conversion into easement for public utilities was approved by the Community and Economic Development Department. The petition was then referred to us for investigation and report. Our report, accompanied by the original petition is as follows:

The petitioner has agreed by letter filed with the original petition to assume the responsibility and cost of moving a fire hydrant from approximately 50 feet to approximately 300 feet east of the Grand Trunk Railroad on Hale Street.

All City departments and privately-owned utility companies reported that they will be unaffected by the conversion to an easement of said street or that they have reached satisfactory agreements with the petitioner regarding their installation therein.

The adoption of the attached resolution is recommended.

Respectfully submitted,

CLYDE R. HOPKINS

Director

By Council Member Kelley:

Resolved, That all that part of Hale Street, 50 feet wide, between the Grand Trunk Railroad right of way and St. Aubin Avenue, abutting the northerly line of Lots 2 to 4 and the westerly 23 feet of Lot 5; and abutting the southerly line of Lots 13 to 15 and the westerly 23 feet of Lot 12 all inclusive of the Subdivision of Lots 18, 19, 20, 21, 22 and the south part of 23, Witherell Farm, north of Gratiot Avenue, as recorded in Liber 1, Page 23, Plats, Wayne County records;

Be and the same is hereby vacated as a public street and is hereby converted into a public easement of the full width of the street, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said street and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public an easement or right of way over said vacated public street hereinabove described for the purposes of maintaining, installing, repairing, removing, or replacing pub-

lic utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public street in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth,

Second, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including but not limited to concrete slabs or driveways, retaining or partition walls (except necessary line fence) shall be built or placed upon said easement, not any change or surface grade made, without prior approval by the Department of Public Works,

Third, that if at any time in the future the owners of any lot abutting on said vacated street shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners, upon whose property the poles or other utilities are located shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

Provided further, that if any utility located or to be located in said property shall break or be damaged as a result of any action of the part of the petitioner or assigns (by way of illustration but not limitation), such as storage of excessive weights of materials or construction not in accordance with Section 2, mentioned above, then in such event the petitioner or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 8.

Nays — None.

City Planning Commission

October 24, 1983

Honorable City Council:

Re: Various amendments to the Zoning Ordinance (Recommending approval of ordinance with exception of Sections 32.0089a and 32.0089b) (Introduce and Schedule Public Hearing).

On September 22, 1983, our office submitted to Your Honorable Body a report and recommendation on 15 amendments to the Zoning Ordinance. These amendments were in the form of 15 separate ordinances. At the direction of the City Clerk, we have combined these separate ordinances into one amendatory ordinance for the required introduction and public hearing and are submitting this letter to

you reflecting this change.

In February of this year, your Honorable Body adopted seven amendments to the Zoning Ordinance. At that time the Council also directed CPC staff to come back to you at a later date with various other proposals for zoning amendments.

The majority of these proposed zoning amendments represent technical changes or corrections which are necessary to "clean up" the Zoning Ordinance by including wording inadvertently deleted in prior amendments to the ordinance, and by bringing the language in conformance with state law, current practices and the City Charter. Several of the proposed amendments, however, represent substantive changes to the Ordinance. These would include: a change regarding the definition of SDD's and SDM's which was the result of a Councilperson's concern; a change regarding the Council's public hearing notice requirement, which was a result of a request by the City Clerk's office; and a change in the classification of Dance Halls from Controlled Uses to Regulated Uses which was a recommendation of the Task Force on zoning.

The proposed ordinance also proposes changes regarding arcades to bring the Zoning Ordinance definitions into conformance with the recent amendments to the Arcade Licensing Ordinance, and also to limit the location of arcades by not allowing such uses in the B2 and B4 zoning districts.

On May 23, 1983, a discussion was held before your Honorable Body regarding the changes presented herein. On August 2, 1983 the City Planning Commission held a public hearing on the 15 amendments which have since been combined into one amendatory Ordinance as noted above.

The following amendments have been proposed:

1. Amend Sections 32.0089a and 32.0089b

An ordinance to change the definition of SDD's and SDM's from uses with less than 15,000 gross square feet of usable retail space to uses with less than 10,000 gross square feet of usable retail space. This means that a store with a license from the State to sell beer, wine or liquor would not be considered by the City to be a SDD or SDM establishment if it had 10,000 gross square feet of usable retail space or more and less than ten (10) percent of that space was devoted to the sale of beer, wine and/or liquor.

The purpose of this amendment was to make it easier for supermarkets between 10,000 and 15,000 square feet and which incidentally sell alcoholic