

From: Lee Howser 

Date: September 1, 2017

Subject: B-1 Zoning Request by Dairy Queen

My wife and I have lived at 210 East Henry Street for 16 years, just over a block from the Charlotte Dairy Queen. We have been customers of the business for those 16 years and hope that it continues to be successful just as it has been. Recently I found out through neighbors and the local newspapers that the quaint, neighborhood ice cream/sandwich shop has requested authority to increase the size of their building and their parking by a huge amount. In fact, the request is to rezone their property from R-1 to B-1. It is my understanding that the Dairy Queen was grandfathered in and permitted to remain in the residential zone under special status when the City Master Plan was prepared. It is further my understanding that provisions of that special status requires that the business remain basically the same. The request to change the R-1 zone designation of the property to B-1 for that same property drastically changes not only its present state but what can be done with it in the future. This is my definition of Spot Zoning. There is no other B-1 property touching the Dairy Queen property so this would be an isolated business approved to be located within a residential zone.

Of even greater concern to me is the future possibilities. Not all businesses are successful. If this expansion of building, dining area, parking and the addition of a water drain holding area proves not to be successful, under B-1 the property can be sold to any other business owner. We had one non-operating car storage area near a gas station and auto repair shop on Cochran Street (the city name for Michigan Route 50). Are we willing to risk having one much larger just a block away?

A question I pose to you is: If I were to purchase 68.3% of the current McDonald's property located on Lansing Street and ask the Planning Commission to approve my request to move that next to your driveway and house would you vote yea or nay. Last Friday, I walked both properties. The Dairy Queen property is 173 by 47 steps while the McDonald property is 119 by 100 steps. That is roughly 11,900 Square yards for Mickey D and 8,131 square yards for Quality D. Remember, there would be no guarantee that the latter would remain a Dairy Queen but could be converted to any legitimate business at the wish of the seller and the buyer. You would have no say. Would your answer be yea or nay.

One final comment. The Michigan State Historical Office has made a federal application for the National Historic Register designation which includes both sides of Cochran Street starting South of the Dairy Queen property and ending North of downtown. This designation provides tax incentives and disaster relief for historic homes and sites in the zone. Is there any question of what the fate of that application will be if a request for B-1 Spot Zoning within the area is approved?

My wife, Norma, and I appreciate your efforts on behalf of the city and our citizens. Thank you for your consideration of the points presented herein.