

Alton James
Chairperson
Lauren Hood, MCD
Vice Chair/Secretary

City of Detroit

CITY PLANNING COMMISSION
208 Coleman A. Young Municipal Center
Detroit, Michigan 48226
Phone: (313) 224-6225 Fax: (313) 224-4336
e-mail: cpc@detroitmi.gov

Brenda Goss Andrews
David Esparza, AIA, LEED
Lisa Whitmore Davis
Gregory Pawlowski
Frederick E. Russell, Jr.
Angy Webb

TO: City Planning Commission

FROM: George A. Etheridge, Staff

RE: Request of Mr. Bernard Butris to amend Article XVII, District Map No. 19 of the 1984 Detroit City Code, Chapter 61, Zoning, by showing a P1 (Open Parking District) zoning classification where an R1 (Single-family Residential District) zoning classification and B4 (General Business District) zoning classification currently exists on three (3) parcels commonly identified as 5710 E. Eight Mile Road, 20564 and 20576 Syracuse Avenue, generally bounded by E. Eight Mile Road to the north, the north-south alley first east of Syracuse Avenue to the east, Hamlet Street to the south and Syracuse Avenue to the west. **(RECOMMEND APPROVAL)**

DATE: May 1, 2019

RECOMMENDATION

The City Planning Commission (CPC) staff has completed its review of the above captioned request of Mr. Bernard Butris to amend District Map No. 19 and recommends approval.

PROJECT PROPOSAL

The proposed map amendment is being requested to allow for the establishment of an “Open Parking District” at 5710 E. Eight Mile Road, 20564 and 20576 Syracuse Avenue. The proposed use would be permitted by-right per Sec. 61-11-43.

This use is specifically being sought to allow the petitioner the ability to maximize the utilization of the available square footage of their current Medical Marihuana Caregiver Facility, Flavors Detroit located at 5730 W. Eight Mile Road. State licensure is currently being sought to convert the facility into a Medical Marihuana Provisioning Center, and in order to utilize the maximum square footage of the facility, additional parking must be provided.

PUBLIC HEARING, COMMUNITY ENGAGEMENT & OTHER COMMUNITY MEETINGS

On April 25, 2019, the City Planning Commission held a public hearing on this request. There were no members of the public in attendance to address the rezoning request.

The Commission raised a number of questions in regards to perimeter security for the facility, as well as the composition of the masonry wall which is required to separate the P1 parking area from the R1 residential properties to the south.

It was indicated that responses to the Commission's concerns will be made available at your next meeting of Thursday, May 2, 2019.

ANALYSIS

The proposed zoning classification of P1 would permit the requested use of an open parking area for an adjacent business on a by-right basis. The proposed P1 district is designed for off-street parking of private passenger vehicles on property which abuts, or is separated by an alley or easement from, a non-residential district. The regulations permit the establishment of parking facilities to serve the non-residential uses, and at the same time do not permit the non-residential uses themselves to extend into residential areas. The district will assist in reducing traffic congestion caused by non-residential uses and at the same time will protect abutting residential areas from the deleterious effects of adjacent vehicular parking areas.

The following analysis details how the proposed rezoning either meets or fails to meet the eight approval criteria of Section 61-3-80 of the Zoning Ordinance, which must be considered in making recommendations and decisions on standard rezoning requests.

- (1) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend or fact;

Two-thirds of the petitioner's property is currently zoned B4 and would allow for parking lot on a by-right basis. The proposed zoning change allows for the continuation of an ongoing use while prohibiting more deleterious and injurious uses adjacent to residential properties.

- (2) Whether the proposed amendment is consistent with the Master Plan and the stated purposes of this Zoning Ordinance;

While the subject rezoning is not a one for one match to the Master Plan of Policies land use designation, the Planning and Development Department finds the request generally consistent with the Master Plan as detailed later in this report.

- (3) Whether the proposed amendment will protect the health, safety, and general welfare of the public;

The P1 district is designed for off-street parking of private passenger vehicles on property which abuts, or is separated by an alley or easement from, a non-residential district. The regulations permit the establishment of parking facilities to serve the non-residential uses, and at the same time do not permit the non-residential uses themselves to extend into residential areas. The district will assist in reducing traffic congestion caused by non-residential uses and at the same time will protect abutting residential areas from the deleterious effects of adjacent vehicular parking areas.

- (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;

The physical characteristics of the subject property will change significantly as a result of the proposed rezoning. Site plans have been presented which show the landscaping and layout of the

proposed development. Although alterations to the sight plans need to be made in order to meet the requirement of the zoning ordinance in terms of interior landscaping, and right-of-way screening. Given that the subject property is within a traditional street grid disruption to city services is not anticipated.

- (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 storm water management;

There are no concerns regarding any of these aspects. Existing infrastructure is in place to address stormwater and drainage concerns.

- (6) Whether the proposed amendment will have significant adverse impacts on other property that is in the vicinity of the subject tract;

The vast majority of the uses in the immediate area are either residential or commercial in nature. However, there is a sparsely populated residential neighborhood to the south of the subject property. Given the spacing, setback, landscaping and screening requirements for the proposed use staff is of the opinion that no significant adverse impacts will occur as a direct result of the proposed rezoning.

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

As noted previously, the existing B4 zoning classification is conducive for the proposed uses, however the R1 zoning classification is not. In making the recommendation to pursue a P1 zoning classification, CPC staff considered what would grant the petitioner the desired use of their property, while maintaining a reasonable separation from the adjacent residential properties to the south.

- (8) Whether the proposed rezoning will create an illegal “spot zone.”

Given the commercial nature of the corridor in which this rezoning has been requested along with the proposed rezoning’s consistency with the Master Plan of Policies, staff is of the opinion that the proposed rezoning would not constitute an illegal “spot zone.”

Master Plan Consistency

The subject site is located within the Pershing area of Neighborhood Cluster 1 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows “Thoroughfare Commercial” for the subject property. The Planning and Development Department (P&DD) has submitted a report dated April 3, 2019 which states in part:

“The proposed development conforms to the Future General Land Use characteristics of the area.”

Suitability of the Property

One of the aforementioned criteria for rezoning states, “The suitability of the subject property for the existing zoning classification and proposed zoning classification.” Zoning Map No. 19 generally shows a mix of R1 and B4 zoning to the north, south, east and west of the subject property. This section of the Pershing subsector is primarily developed with residential and commercial uses. The existing residential properties along Syracuse Avenue where primarily built between 1920 and 1928. As previously stated the P1 zoning classification allows for the continuation of parking while protecting the adjacent residential neighborhood.

In general, CPC staff looks favorably on the rezoning of the subject parcel to accommodate the expansion of commercial and retail services.

Land Use

CPC staff is of the opinion that a P1 zoning classification is an appropriate designation consistent with the characteristics of the adjacent properties, which will allow for the establishment of an open parking area to support commercial and retail related uses.

Significant Impact on Other Property

CPC staff is of the opinion that the rezoning of this property from a commercial stand-point might add to the sustainability of the surrounding community by allowing the establishment of an economically viable and generally compliant development.

CONCLUSION

Based on the above analysis and consistent with the approval criteria of Sec. 61-3-80 of the Zoning Ordinance, CPC staff has no objections to the rezoning request.

Attachment

cc: Maurice Cox, Director, PDD
Karen Gage, PDD
Alexia Bush, PDD
Esther Yang, P&DD
David Bell, Director, BSEED
Wyatt Banks, BSEED
Lawrence Garcia, Corporation Counsel
Kimberly James, Law Department