

Alton James  
Chairperson

Vice Chair/Secretary

Marcell R. Todd, Jr.  
Director

# City of Detroit

CITY PLANNING COMMISSION  
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June 7, 2019

## HONORABLE CITY COUNCIL

**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)**

## NATURE OF REQUEST AND PROJECT PROPOSAL

The City Planning Commission (CPC) has completed its review and deliberations on the 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.

## BACKGROUND

The subject properties are located in Council District 3 and measure less than half an acre in area. The subject parcels are under the sole ownership of the petitioner Mr. Butris according to a Quit Claim Deed dated June 20, 2018 in which the petitioner acquired 20576 and 20564 Syracuse from the Detroit Land Bank Authority.

The subject properties are located in Census Tract 5067. Based upon the most recent census data the total population for the area is 1,051. There are approximately 384 occupied residential units and 187 vacant residential structures which results in a vacancy rate of 48%.

## *Proposed Development*

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 on a by-right per Sec. 61-11-43. This 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.

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

The parcels identified as 5710 E. Eight Mile Road and 20576 Syracuse Avenue are presently zoned B4. 5710 E. Eight Mile Road is presently developed as an accessory parking lot for the petitioner's business and could as a matter of right be expended to the south, given the absence of an alley-way or any easements. The parcel identified as 20564 Syracuse is zoned R1 and is adjacent to an occupied single-family residential structure to the south. Should the requested zoning change be granted, there must be strict adherence to the design standards for off-street parking areas as outlined in Secs. 61-14-221 and 61-14-222 for right-of-way screening and residential screening respectively.

#### **SURROUNDING LAND USE AND ZONING**

The zoning classification and land uses surrounding the subject area are as follows:

North: General Commercial / Warren, Michigan.

East: R1 & B4; Single-family residential / Flavors Detroit.

South: R1; Single-family.

West: R1 & B4; Single-family Residential / Salvation Army Outlet Store.

#### **CITY PLANNING COMMISSION PUBLIC HEARING & 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.

Forty-two notices were sent out to residents and property owners within 300 radial feet of the subject site. None have been returned as undeliverable. To date, staff has received no communications via mail or telephone either in opposition or support of the requested rezoning.

#### **MASTER PLAN CONFORMANCE**

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" and "Low Density Residential" for the subject properties. 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."*

## 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 subject property are currently zoned B4 and would allow for the expansion of the existing 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 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 were 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, the CPC looks favorably on the rezoning of the subject parcel to accommodate the expansion of commercial and retail services.

#### ***Land Use***

The CPC 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***

The CPC concludes 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, tax revenue generating development.

**RECOMMENDATION**

On April 18, 2019 the City Planning Commission voted to recommend approval of the 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.

Respectfully submitted,

ALTON JAMES,  
CHAIRPERSON



Marcell R. Todd, Jr, Director  
George A. Etheridge, Staff

Attachments:  
Zoning Map No. 19  
Ordinance

Alton James  
Chairperson  
Lauren Hood, MCD  
Vice Chair/Secretary

# City of Detroit

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## **NOTICE OF PUBLIC HEARING**

A public hearing will be held by the Detroit City Planning Commission in the Committee of the Whole Room, 13th Floor, Coleman A. Young Municipal Center, 2 Woodward Avenue, Detroit, Michigan 48226, on

**THURSDAY, APRIL 25, 2019 AT 6:15 PM**

to consider the 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) 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.

The location of the proposed rezoning is specifically indicated as the shaded area on the accompanying map.

The proposed map amendment is being requested to allow for the expansion of an accessory parking lot located at 5701 E. Eight Mile Road. The proposed open parking district would be permitted on a by-right in the proposed P1 zoning classification.

The pertinent zoning district classifications are described as follows:

### **R1 – Single-family Residential District**

This district is designed to protect and preserve quiet, low-density residential areas now primarily developed and those areas which will be developed with single-family detached dwellings and characterized by a high ratio of home ownership. The regulations for this district are designed to stabilize and protect the essential characteristics of the district and to promote and encourage a suitable environment for activities associated with family life. To these ends, development is limited to a relatively low concentration and uses permitted by right are limited to single-family detached dwellings which provide homes for the residents of the area. Additional residential uses such as religious institutions, neighborhood centers, and utility uses necessary to serve the immediate area may be permitted on a conditional basis.

### **B4 – General Business District**

The B4 General Business 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.

## P1 – Open Parking District

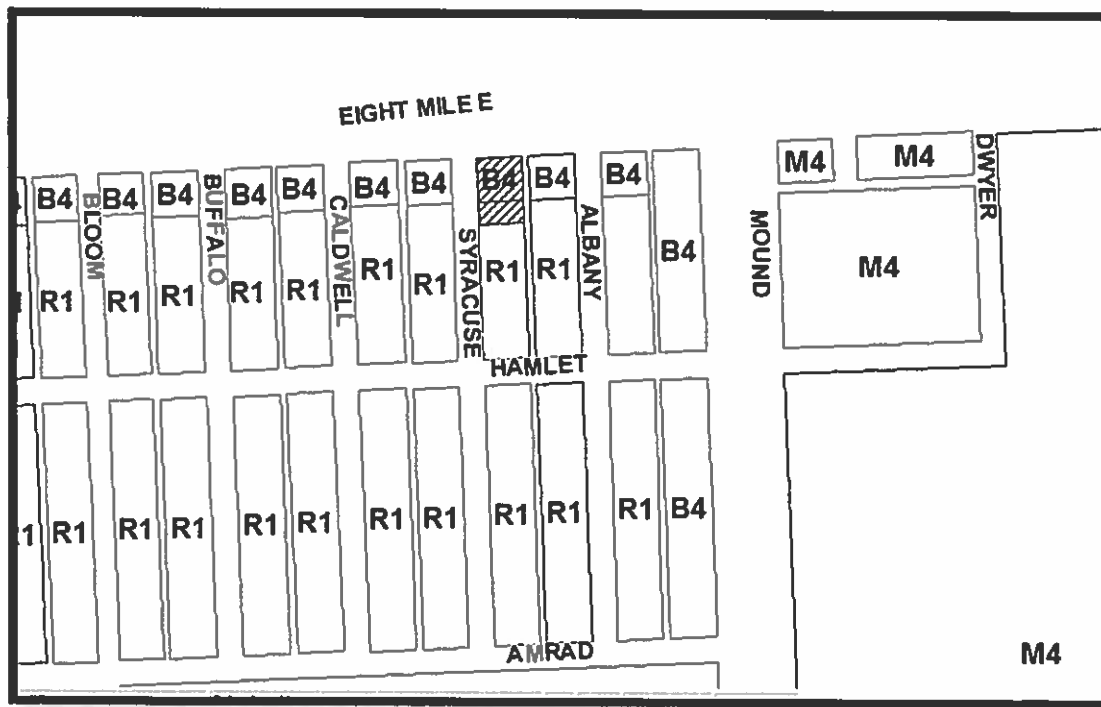
This district is designed for off-street parking of private passenger vehicles on property which abuts, or is separated by an alley or easement from, a non-residential district. The regulations permit the establishment of parking facilities to serve the non-residential uses, and at the same time do not 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.

A Zoning Ordinance map amendment requires approval of the City Council after a public hearing and after receipt of a report and recommendation by the City Planning Commission. This Zoning Ordinance map amendment request is being considered consistent with the provisions of Article III, Division 3 of Chapter 61 of the 1984 Detroit City Code, the Detroit Zoning Ordinance.

You may present your views on this proposal by attending this hearing, by authorizing others to represent you, or by writing to this office prior to the hearing; 2 Woodward Avenue, Room 208, Detroit, Michigan 48226 (FAX: 313-224-4336). Because it is possible that some who are affected by this proposal may not have been notified, it is suggested that you kindly inform your neighbors so that they too may express their positions if they so desire.

With advance notice of seven calendar days, the City of Detroit will provide interpreter services at public meetings, including language translation and reasonable ADA accommodations. Please contact the *Civil Rights, Inclusion and Opportunity Department* at [313-224-4950](tel:313-224-4950), through the TTY number 711, or email [crio@detroitmi.gov](mailto:crio@detroitmi.gov) to schedule these services.

For further information on this proposal or the public hearing, please call (313) 224-6225.

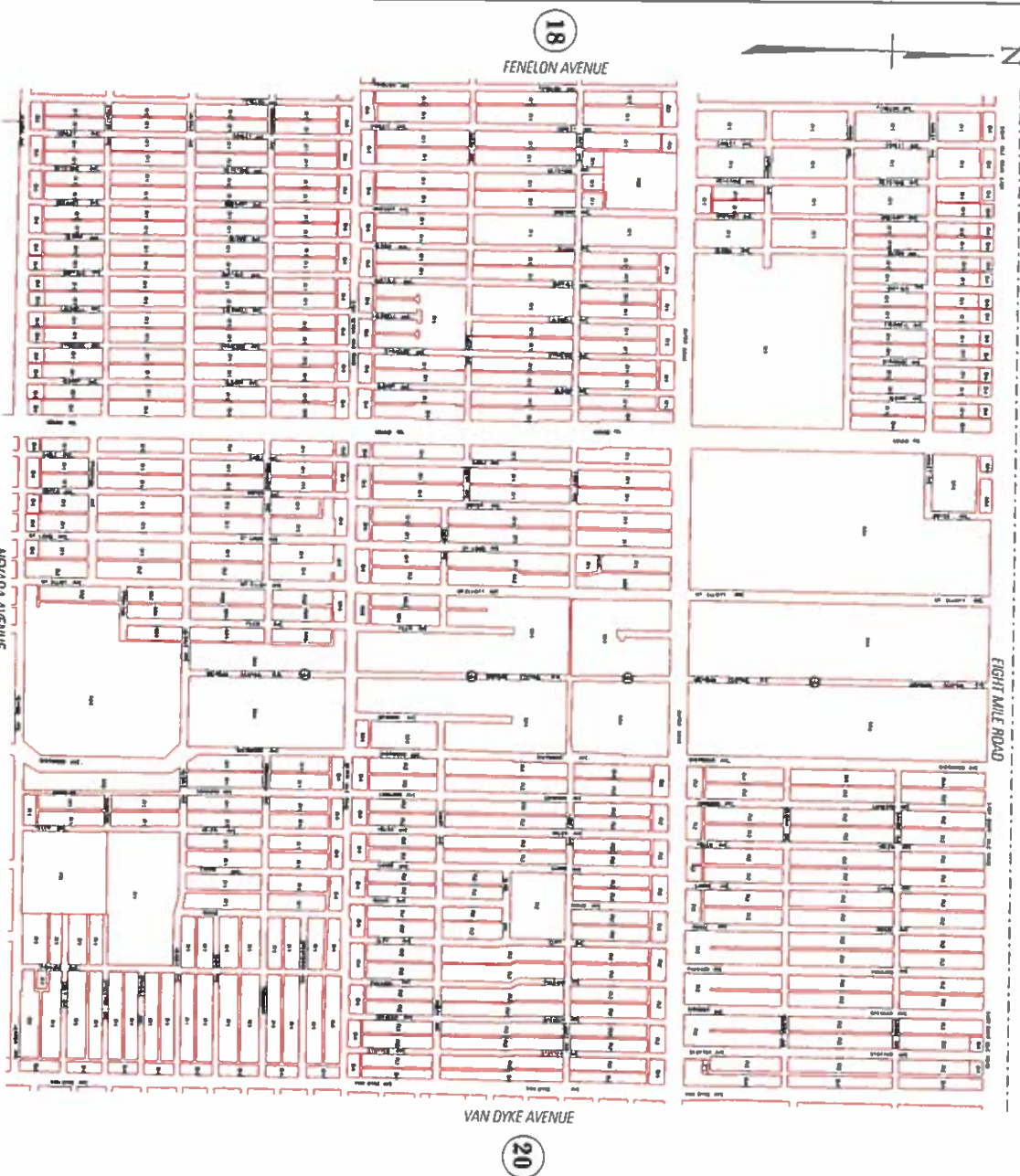


## Proposed Rezoning from B4 and R1 to P1

19  
(6-3-2012)

21

19



XXX	XXX	XXX
18	19	20
16	21	22





TO: Mr. Marcell Todd, Legislative Policy Division  
FROM: Esther Yang, Planning and Development  
RE: Master Plan Interpretation for Rezoning at 5710 E. Eight Mile, 20564 Syracuse, and 20576 Syracuse  
DATE: April 3, 2019  
CC: Maurice Cox, Director, Planning and Development

RE: **Master Plan Interpretation to amend Article XVII, District Map No. 19 of the 1984 Detroit City Code, Chapter 61, Zoning, by showing a P1 (Open Parking District) where a B4 (General Business) and R1 (Single Family Residential) currently exists.**

Pursuant to the City of Detroit's City Charter (Sections 6-202 and 6-204), the Planning and Development Department's (P&DD) Planning Division submits the following review of the proposed rezoning.

**Petitioner:** Mr. Bernard Butris

**Location and Project Proposal:** Subject site is located at 5710 E. Eight Mile and 20564 & 20576 Syracuse. The petitioner is requesting a rezoning to allow for the establishment of an "Open Parking District" adjacent to the petitioner's existing business located at 5730 E. Eight Mile Road. The proposed parking use would be permitted on a by-right in the proposed P1 zoning classification

**Existing Site Information:** The subject site fronts E. 8 Mile Road, a wide commercial thoroughfare and wraps to the south along Syracuse. 5710 E. 8 Mile is currently operating as a parking lot, 20576 is an empty grass lot, and 20564 appears to be an occupied single-family residential property.

**Surrounding Site Information:** Directly to the west of the subject site along E. 8 Mile Road is a corner parking lot serving a Salvation Army and to the east is a large, possibly vacant commercial structure, and a Sunoco gas station. To the south of the subject site is a single-family residential neighborhood. To the north, the subject site fronts E. 8 Mile and the dividing median separating east/west commuter traffic.

### **Interpretation**

#### **Impact on Surrounding Land Use**

The subject site's proposed use as a parking district is a common feature throughout the E. 8 Mile corridor. The proposed open parking district continues to emphasize a landscape not uncommon to areas classified as a Commercial Thoroughfare. The indirect consequence of this corridor character is the dominance of hardscapes along the corridor with little to no landscape buffering or curb appeal.

#### **Impact on Transportation**

This stretch of E. 8 Mile is served by a DDOT bus line; there is an eastbound bus stop one block to the west on Caldwell and a westbound bus stop on the north side of E. 8 Mile Rd. The subject site, serving as an open-parking district most likely will encourage greater vehicle flow and automobile density on this corner.



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### **Master Plan Interpretation**

The subject site area located at 5710 E. Eight Mile and 20576 Syracuse is designated **Thoroughfare Commercial (CT)**. Thoroughfare Commercial areas are located along the major automobile thoroughfares of the City. The retail uses along these thoroughfares are generally oriented toward the passing automobile traffic. High traffic generating uses are generally permitted provided that they are properly buffered from residential and other uses that may be negatively impacted.

The subject site area located at 20564 Syracuse is designated **Low Density Residential (RL)**. Low Density Residential areas should have an overall density of up to 8 dwelling units per net residential acre. The areas are often characterized by single family homes with front yard setbacks and driveways with garage or off street parking. The residential classifications allow for neighborhood-scale commercial development. The proposed subject site use as a parking district begins to encroach upon the residential neighborhood; landscape buffering and/or design considerations are strongly encouraged to minimize disruptive and negative impacts on the residential community. This particular location, 20564 Syracuse is slightly out of the boundary designated Thoroughfare Commercial (CT), however the Master Plan Future Land Use categories used on all the maps are generalized. Boundaries are not meant to be precise as to blocks or property lines. Petitioner is strongly encouraged to engage impacted neighbors and residents as the parking use is designed and constructed. Design will need to comply with landscaping requirements in the zoning ordinance, particularly since the square footage of parking will be rather substantial.

The following policies of the Pershing neighborhood describe the following recommendations:

- Policy 1.1: Encourage the use of code enforcement as a tool to maintain neighborhoods
- Goal 4: Improve the appearance of commercial area

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

### **Attachments**

Future General Land Use Map: Neighborhood Cluster 1, Pershing; Map 1-5B

## SUMMARY

An ordinance to amend Chapter 61 of the 1984 Detroit City Code, '*Zoning*,' commonly known as the Detroit Zoning Ordinance, by amending Article XVII, District Map No. 19 to show a P1 (Open Parking District) zoning classification where R1 (Single-family Residential District) and B4 (General Business District) zoning classifications are currently shown on three (3) parcels commonly identified as 5710 East Eight Mile Road, and 20564 and 20576 Syracuse Avenue, generally bounded by East 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.

1 **BY COUNCIL MEMBER \_\_\_\_\_ :**

2 **AN ORDINANCE** to amend Chapter 61 of the 1984 Detroit City Code, ‘Zoning,’  
3 commonly known as the Detroit Zoning Ordinance, by amending Article XVII, District Map No.  
4 19 to show a P1 (Open Parking District) zoning classification where R1 (Single-family  
5 Residential District) and B4 (General Business District) zoning classifications are currently  
6 shown on three (3) parcels commonly identified as 5710 East Eight Mile Road, and 20564 and  
7 20576 Syracuse Avenue, generally bounded by East Eight Mile Road to the north, the north-  
8 south alley first east of Syracuse Avenue to the east, Hamlet Street to the south, and Syracuse  
9 Avenue to the west.

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

11 **Section 1.** Article XVII, Chapter 61 of the 1984 Detroit City Code, ‘Zoning,’ commonly  
12 known as the Detroit Zoning Ordinance, is amended as follows:

13 District Map No. 19 is amended to show a P1 (Open Parking District) zoning  
14 classification where R1 (Single-family Residential District) and B4 (General Business District)  
15 zoning classifications are currently shown on three (3) parcels commonly identified as 5710 East  
16 Eight Mile Road, and 20564 and 20576 Syracuse Avenue, generally bounded by East Eight Mile  
17 Road to the north, the north-south alley first east of Syracuse Avenue to the east, Hamlet Street  
18 to the south, and Syracuse Avenue to the west, and identified more specifically as:

19 Land situated in the City of Detroit, County of Wayne, State of Michigan, as  
20 follows:

21 S EIGHT MILE RD 122&123 EXC 8 MILE AS WD NORTH HAMTRAMCK  
22 SUB L36 P68 PLATS, W C R 13/303 107 X 68 inclusive of E SYRACUSE 124  
23 through 125 N HAMTRAMCK L36 P68 PLATS, W C R 13/303 35 X 107

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

3           **Section 3.** This ordinance is declared necessary for the preservation of the public peace,  
4           health, safety, and welfare of the people of the City of Detroit.

5           **Section 4.** This ordinance shall become effective on the eighth day after publication in  
6           accordance with MCL 125.3401(6) and Section 4-118, paragraph 3, of the 2012 Detroit City  
7           Charter.

Approved as to Form:

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Lawrence T. Garcia  
Corporation Counsel