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# City of Detroit

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August 28, 2019

## HONORABLE CITY COUNCIL

**RE:** Request of the City of Detroit Planning & Development Department to amend Article XVII, District Maps 28 and 30, of the 1984 Detroit City Code Chapter 61, 'Zoning' by showing an M2 (Restricted Industrial District) zoning classification where a B4 (General Business District) zoning classification is currently shown on seven (7) parcels generally bounded by East Warren Avenue to the north, St. Jean Street to the east, Kercheval Street to the south and Lillibridge and Beniteau streets to the west.

### **BACKGROUND AND PROPOSAL**

The City Planning Commission (CPC) has received a request from the City of Detroit Planning & Development Department requesting that the City of Detroit amend Article XVII, District Maps 28 and 30 of Chapter 61 of the 1984 Detroit City Code, 'Zoning,' to show an M2 (Restricted Industrial District) zoning classification where a B4 (General Business District) zoning classification is currently shown on seven (7) parcels generally bounded by East Warren Avenue to the north, St. Jean Street to the east, Kercheval Street to the south and Lillibridge and Beniteau streets to the west.

The subject property is located on two separate blocks:

- At the southwestern corner of East Warren Avenue and St. Jean Street - Five vacant parcels
- At the northwestern corner of Kercheval and St. Jean streets – Two parcels. One is vacant land and the other is developed with a vacant, two-story brick building (legal use: assembly hall).

### ***Proposed Development***

The rezoning is being requested to facilitate the expansion of the Fiat Chrysler Mack Avenue Engine Plant. This is a follow-up to the large map amendment that the City Planning Commission recommended approval of on April 25, 2019 and that was subsequently approved by the City Council. These parcels should have been included in the first rezoning, but were overlooked. They are directly adjacent to areas that were previously rezoned for the project. The subject property is proposed to be used for employee parking, new vehicle storage and semi-trailer parking. These uses are not allowed in the current B4 zoning district, but are by-right in the proposed M2 district.

There is one exception—11235 Kercheval is privately owned and not included in the proposed expansion, but is included in the rezoning for consistency as the rest of the block will be zoned M2.

## **PLANNING CONSIDERATIONS**

### ***Surrounding Zoning and Land Use***

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

North: M3 (General Industrial) – DDOT Shoemaker bus terminal  
East: M4 (Intensive Industrial) – existing Mack Engine Plant  
South: B4 (General Business) – Detroit Enterprise Academy (K-8 charter school) & vacant land  
West: B4 and M2 – vacant land

### ***Approval Criteria***

Preliminarily, this proposal appears to meet the eight approval criteria for a map amendment listed in Section 61-3-80 of the zoning ordinance, specifically:

- *Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend or fact.* As these parcels will be part of the FCA development, rezoning them to M2 will reduce the confusion created by split-zoned parcels.
- *The suitability of the subject property for the existing zoning classification and proposed zoning classification.* The M2 zoning district is designed to be a buffer between residential and intensive industrial districts. Although the proposed rezoning puts industrially-zoned land closer in proximity to occupied residential land, the M2 district was specifically chosen to protect residences from undesirable spillover effects of industrial uses.
- *Whether the proposed rezoning will create an illegal “spot zone.”* As the property to the east is zoned M4 (Intensive Industrial) and adjacent property to the north and south are zoned M2, the addition of this M2 area only slightly expands the existing industrial districts and does not create a spot zone.

Additionally, the analysis in the report for the original rezoning (attached) also applies to this request.

### ***Master Plan Consistency***

The subject site is located within the Foch and St. Jean areas of Neighborhood Cluster 3 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows Low-Medium Density Residential and Neighborhood Commercial for the subject properties.

### ***Community Input***

The process for the original rezoning included extensive community engagement culminating in a Community Benefits Agreement. Due to the limited nature of this additional request, no additional outreach was done.

## **RECOMMENDATION**

On July 18, 2019, the City Planning Commission voted to recommend approval of the rezoning request to amend Article XVII, District Map No. 13 of Chapter 61 of the 1984 Detroit City Code, ‘Zoning,’ to show an M2 (Restricted Industrial) zoning classification where a B4 (General

Business) zoning classification currently exists on seven parcels generally bounded by East Warren Avenue to the north, St. Jean Street to the east, Kercheval Street to the south and Lillibridge and Beniteau streets to the west. The ordinance establishing the map amendment has been reviewed and approved as to form by the Law Department and is attached for your consideration.

Respectfully submitted,

ALTON JAMES, CHAIRPERSON



Marcell R. Todd, Jr., Director  
Jamie J. Murphy, Staff

Attachments: Rezoning Ordinance  
District Maps 28 & 30  
CPC Public Hearing Notice with map

cc: Maurice Cox, Director PDD  
Katy Trudeau, Deputy Director, PDD  
Karen Gage, PDD  
Matt Walters, Mayor's Office  
David Bell, Director, BSEED  
James Foster, BSEED  
Lawrence Garcia, Corporation Counsel

## 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 Nos. 28 and 30 to show an M2 (Restricted Industrial District) zoning classification where a B4 (General Business District) zoning classification is currently shown for seven parcels commonly identified as 11232, 11238, 11244, and 11250 East Warren; 2115 and 4711 St. Jean; and 11235 Kercheval.

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  
4 Nos. 28 and 30 to show an M2 (Restricted Industrial District) zoning classification where a B4  
5 (General Business) zoning classification is currently shown for seven parcels commonly  
6 identified as 11232, 11238, 11244, and 11250 East Warren; 2115 and 4711 St. Jean; and 11235  
7 Kercheval.

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

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

11 (a) District Map No. 28 is amended to show an M2 (Restricted Industrial District)  
12 zoning classification where a B4 (General Business District) zoning classification is currently  
13 shown on five parcels commonly identified as 11232, 11238, 11244, and 11250 East Warren;  
14 and 4711 St. Jean, identified more specifically as:

15 S 74 FT OF LOTS 15-19, JOHN H WALSHS SUB L28 P17 PLATS, W.C.R.

16 (b) District Map No. 30 is amended to show an M2 (Restricted Industrial District)  
17 zoning classification where a B4 (General Business District) zoning classification is currently  
18 shown on two parcels commonly identified as 2115 St. Jean and 11235 Kercheval, identified  
19 more specifically as:


20 LOTS 8-12, HUTTON & NALLS SUB L23 P82 PLATS, W.C.R.

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

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

3           **Section 4.** This ordinance shall become effective on the eighth (8<sup>th</sup>) day after publication  
4 in accordance with Section 401(6) of Public Act 110 of 2006, as amended, M.C.L. 125.3401(6)  
5 and Section 4-118, paragraph 3, of the 2012 Detroit City Charter.

Approved as to Form:

  
Lawrence T. Garcia  
Lawrence T. Garcia  
Corporation Council