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# City of Detroit

**CITY PLANNING COMMISSION**  
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March 13, 2020

## HONORABLE CITY COUNCIL

**RE:** Request of the Detroit Planning and Development Department to amend Article XVII, District Map No. 1 of the 2019 Detroit City Code, Chapter 50, Zoning, by showing a B5 (Major Business District) zoning classification where a PC (Public Center District) zoning classification currently exists on five parcels, commonly identified as a portion of 25, 27, 29, 31, and 33 Washington Blvd., generally bounded by W. Jefferson Avenue to the north, Washington Blvd. to the east, the Detroit River to the south, Third Street 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 the City's Planning and Development Department (PDD) to amend Article XVII, District Map No. 1 of the 2019 Detroit City Code, Chapter 50, Zoning, by showing a B5 (Major Business District) zoning classification where a PC (Public Center District) zoning classification currently exists on five parcels, commonly identified as a portion of 25, 27, 29, 31, and 33 Washington Blvd., generally bounded by W. Jefferson Avenue to the north, Washington Blvd. to the east, the Detroit River to the south, Third Street to the west.

The PC district includes areas used or to be used for governmental, recreational, and cultural purposes of particular or special civic importance.

The B5 district is designed to provide adequate regulations within the Central business district, the New Center Area, and may be successfully utilized in other regionally-oriented shopping and office areas.

### BACKGROUND

The subject properties total approximately 5.19 acres and are located in City Council District 6. The subject parcels are currently under the ownership of the Sterling Group, which came to acquire the property after entering an agreement with New York-based Financial Guaranty Insurance Corporation (FGIC). In late 2019, Sterling Group came to an agreement with the City to purchase certain development rights.

The subject properties are located in Census Tract 5208. The total population for the area is 1,772 based on the most recent census data. The residential vacancy rate is approximately 13%.

***Proposed Development***

The B5 zoning classification would allow for the future development of the site without the encumbrances of the PC zoning classification. The B5 zoning classification would also support the findings of a 2018 Master Planning Study completed by the Downtown Development Authority in collaboration with various stakeholders in the area. That study contemplates various mixed-use possibilities for the site and, the requested B5 zoning classification would allow the development to entertain a verity of possibilities.

**PLANNING CONSIDERATIONS**

***Surrounding Zoning and Land Use***

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

- North: W. Jefferson Avenue & John C. Lodge Freeway.
- East: PC; TCF Convention Center.
- South: The Detroit River.
- West: PCA; Surface parking lot, and Riverfront Towers Apartments and Condominiums.

***Master Plan Consistency***

The subject site is located within the Central Business District area of Neighborhood Cluster 4 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows “Special Commercial” for the subject properties. CPC has submitted a letter to the Planning and Development Department (P&DD) requesting its comments regarding this proposal.

***Community Input***

On February 20, 2020 a presentation was given to the City Planning Commission on this proposal. The intent of the information presentation was to allow the Commission to pursue same day action on this request.

To date, no communications via mail or telephone have been received in opposition to or support of the requested rezoning.

**PUBLIC HEARING RESULTS**

On March 5, 2020, the City Planning Commission held a public hearing on this request. There were four members of the public in attendance to address the rezoning request. There were no comments received in opposition to the proposed rezoning request.

**ANALYSIS**

The proposed B5 zoning classification would permit 87 by-right public, civic, institutional, retail, service, commercial, manufacturing, industrial and other uses. The most intensive uses in the B5 zoning classification include “Newspaper, daily, publishing or printing” and “Trade services, general.” The B5 would permit a variety of Major Business uses including a large scale mix-used development on the subject site, likely on a by-right basis.

The following analysis details how the proposed rezoning either meets or fails to meet the eight approval criteria of Section 50-3-70 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;

No, this request does not correct an error, but it does result in part from the obsolescence of the Joe Louis Arena and the proceedings of the City's bankruptcy.

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

The proposed rezoning to the B5 zoning classification is consistent with the Master Plan of Policies. While an amendment may be forthcoming to accommodate a new future development, staff is of the opinion that the B5 zoning classification is in conformance with the Special Commercial future land use designation.

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

There are no foreseen adverse effects associated with the requested zoning classification. Ultimately, consideration must be given to any future development stormwater and waste management plans, given the sites adjacency to the Detroit River.

- (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 any future development. The potential to reinstate a more traditional street grid exists with the ongoing planning efforts associated with this site. 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;

No, as this will result in the redevelopment of the site, no adverse impacts are expected.

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

The redevelopment of this site is anticipated to have a positive, synergistic effect on adjacent properties.

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

While the proposal is not consistent with the zoning scheme currently deployed along the near east or west river front segments, it is an evolving situation and the B5 zoning classification is certainly appropriate for this location.

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

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

**RECOMMENDATION**

On March 5, 2020 the City Planning Commission voted to recommend approval of the Planning and Development Department request to amend Article XVII, District Map No. 1 of the 2019 Detroit City Code, Chapter 50, Zoning, by showing a B5 (Major Business District) zoning classification where a PC (Public Center District) zoning classification currently exists on five parcels, commonly identified as a portion of 25, 27, 29, 31, and 33 Washington Blvd., generally bounded by W. Jefferson Avenue to the north, Washington Blvd. to the east, the Detroit River to the south, Third Street to the west.

Respectfully submitted,

ALTON JAMES, CHAIRPERSON



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

Attachments:  
Zoning Map No. 1  
Ordinance

**Attachment**

cc: Katy Trudeau, Interim Director PDD  
Russell Baltimore, Design Director, PDD  
Karen Gage, Director of Zoning Innovation, PDD  
Esther Yang, Director of Strategic Planning, PDD  
Raymond Diggs, Jobs and Economy Team  
Lawrence Garcia, Corp. Counsel  
David Bell, Director, BSEED  
Arthur Jemison, Chief of Infrastructure and Services

## SUMMARY

An ordinance to amend Chapter 50 of the 2019 Detroit City Code, '*Zoning*,' commonly known as the Detroit Zoning Ordinance, by amending Article XVII, District Map No. 1 to show a B5 (Major Business District) zoning classification where a PC (Public Center District) zoning classification currently exists on five parcels, commonly identified as a portion of 25, 27, 29, 31, and 33 Washington Blvd., generally bounded by W. Jefferson Avenue to the north, Washington Blvd., to the east, the Detroit River to the south, and Third Street to the west.

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

2 **AN ORDINANCE** to amend Chapter 50 of the 2019 Detroit City Code, ‘Zoning,’  
3 commonly known as the Detroit Zoning Ordinance, by amending Article XVII, District Map No.  
4 1 to show a B5 (Major Business District) zoning classification where a PC (Public Center  
5 District) zoning classification currently exists on five parcels, commonly identified as a portion  
6 of 25, 27, 29, 31, and 33 Washington Blvd., generally bounded by W. Jefferson Avenue to the  
7 north, Washington Blvd., to the east, the Detroit River to the south, and Third Street to the west.

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

10 **Section 1.** Article XVII, Chapter 50 of the 2019 Detroit City Code, ‘Zoning,’ commonly  
11 known as the Detroit Zoning Ordinance, is amended as follows:

12 District Map No. 1 to show a B5 (Major Business District) zoning classification where a  
13 PC (Public Center District) zoning classification currently exists on five parcels, commonly  
14 identified as a portion of 25, 27, 29, 31, and 33 Washington Blvd., generally bounded by W.  
15 Jefferson Avenue to the north, Washington Blvd., to the east, the Detroit River to the south, and  
16 Third Street to the west, identified more specifically as:

17 Land in the City of Detroit, Wayne County, Michigan, being all of Lot 16, and  
18 part of Lots 14, 15, 17, 18, Block D; also all of Lots 1 thru 30, inclusive and the  
19 east-west and north-south vacated public alleys, 14 feet wide, adjacent to said  
20 Lots all in Block E; also part of Lot 4, Block C; also parts of Lots 1 thru 4,  
21 inclusive, Block F; also all those portions of vacated Front Street, 50 feet wide,  
22 and vacated Second Avenue, 60 feet wide plus portions of Woodbridge Street 50  
23 feet wide and Jefferson Avenue, both 70 and 120 feet wide; all included within

1 the bounds of this description, in the "Map of the front of the Cass Farm as  
2 subdivided into Lots for the Proprietors" recorded on November 19, 1836, in  
3 Liber 9, Page 409, City Records and being more particularly described as follows:  
4 Beginning at the intersection of the Easterly line of Third Street, 60 feet wide, and  
5 the centerline of West Jefferson Avenue, 70 feet wide: thence North 74 degrees  
6 45 minutes 36 seconds East, along the said centerline of West Jefferson 270.74  
7 feet to a point: thence South 69 degrees 08 minutes 06 seconds East, along the  
8 Westerly limits of the John C. Lodge Exit Ramp, 128.12 feet to a point: thence  
9 South 53 degrees 11 minutes 23 seconds East, a distance of 89.29 feet to a point:  
10 thence South 30 degrees 09 minutes 52 seconds East, 314.08 feet to a point of  
11 curve: thence 17.67 feet along the arc of a curve concave to the Northwest, which  
12 has a radius of 10.00 feet, a long chord of 15.46 feet which bears South 19  
13 degrees 14 minutes 15 seconds West, to the point of tangency: thence South 68  
14 degrees 39 minutes 19 seconds West along the Northerly line of Atwater Street,  
15 50.77 feet to a point of curve: thence 132.71 feet along the arc of curve concave to  
16 the North, which has a radius of 272.00 feet: a long chord of 131.40 feet which  
17 bears South 82 degrees 38 minutes 01 seconds West, to a point of tangency:  
18 thence North 83 degrees 23 minutes 25 seconds West along the Northerly line of  
19 Atwater Street, 278.40 feet to a point of curve: thence 42.81 feet along the arc of a  
20 curve concave to the Northeast, which has a radius of 40.00 feet, a long chord of  
21 40.80 feet which bears North 52 degrees 43 minutes 20 seconds West, to a point  
22 of tangency: thence North 22 degrees 02 minutes 53 seconds West, along the said  
23 Easterly line of Third Street, 315.78 feet to the point of beginning.

1 Together with the following non-exclusive easements:

2 a) Grant of Mutual Easement (Loading Areas) as created, limited and defined in  
3 instrument recorded in Liber 48125, Page 242, Wayne County Records.

4 b) Grant of Mutual Easement (Utilities) as created, limited and defined in  
5 instrument recorded in Liber 48125 Page 264, Wayne County Records.

6 Tax Item Nos.:

7 000005/Ward 04

8 000001-4/Ward 04

9 000006/Ward 04

10 000011-19/Ward 04

11 000007-10/Ward 04

12 000401-3/Ward 24

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

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

17 **Section 4.** This ordinance shall become effective on the eighth (8<sup>th</sup>) day after publication  
18 in accordance with MCL 125.3401(6) and Section 4-118, paragraph 3, of the 2012 Detroit City  
19 Charter.

20  
Approved as to Form:

  
**Lawrence Garcia**  
**Corporation Counsel**



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## **NOTICE OF PUBLIC HEARING**

A public hearing will be held by the Detroit City Planning Commission at the Bel Air Luxury Cinema located at 10100 E. 8 Mile Road, Detroit, Michigan 48234, on

**THURSDAY, MARCH 5, 2020 AT 5:15 PM**

to consider the request of the Detroit Planning and Development Department to amend Article XVII, District Map No. 1 of the 2019 Detroit City Code, Chapter 50, Zoning, by showing a B5 (Major Business District) zoning classification where a PCA (Public Center Adjacent District) zoning classification currently exists on five parcels, commonly identified as a portion of 25, 27, 29, 31, and 33 Washington Blvd.

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 future development of the former Joe Louise Arena site, in compliance with the purchase agreement resulting from the City of Detroit's municipal bankruptcy.

The pertinent zoning district classifications are described as follows:

### **B5 – Major Business District**

This district is designed to provide adequate regulations within the Central business district, the New Center Area, and may be successfully utilized in other regionally-oriented shopping and office areas.

### **PC – Public Center District**

This district includes areas used or to be used for governmental, recreational, and cultural purposes of particular or special civic importance. All construction or other improvement within this district requires that the Planning and Development Department and the City Planning Commission review and make recommendation to City Council, as provided for in ARTICLE III, DIVISION 6 of this Chapter so as to ensure a completely harmonious, pleasing, and functional public center.

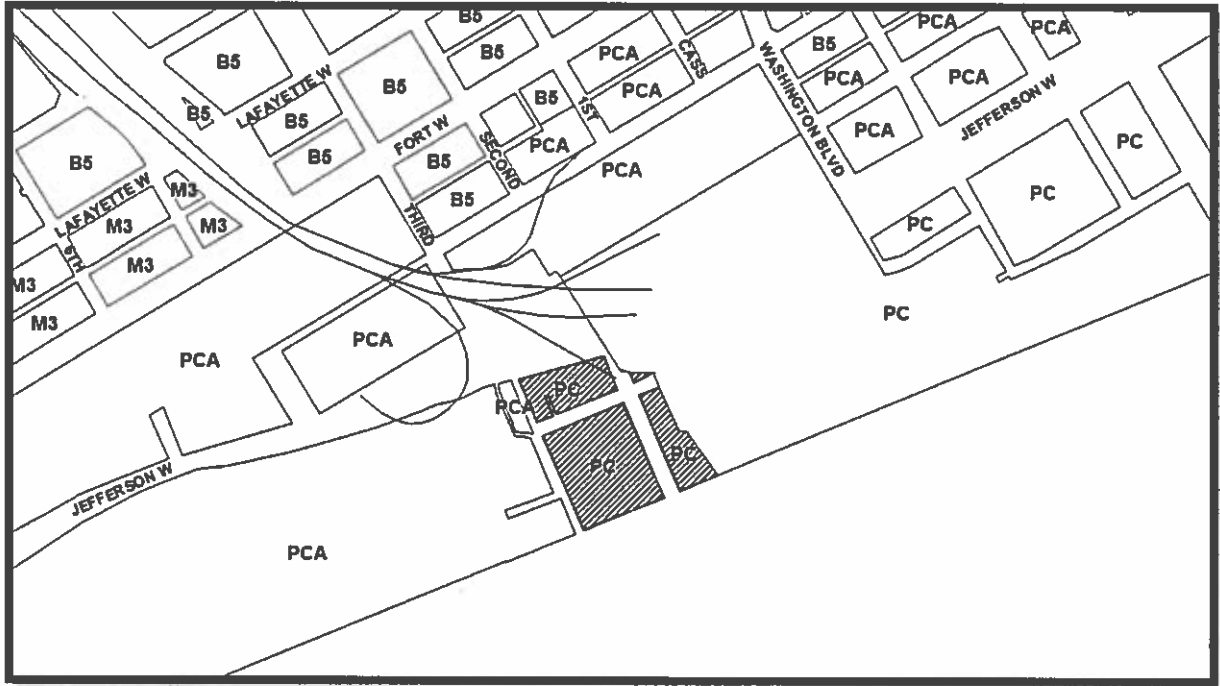
A Zoning Ordinance map amendment requires approval of the City Council after a public hearing and after receipt of a report and recommendation by the City Planning Commission. This Zoning Ordinance map amendment request is being considered consistent with the provisions of Article III, Division 3 of Chapter 50 of the 2019 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, 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 PC to B5