

# City of Detroit

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September 28, 2020

## HONORABLE CITY COUNCIL

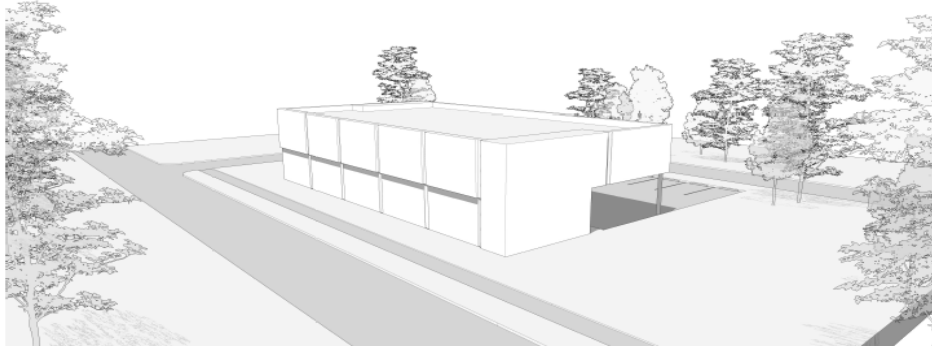
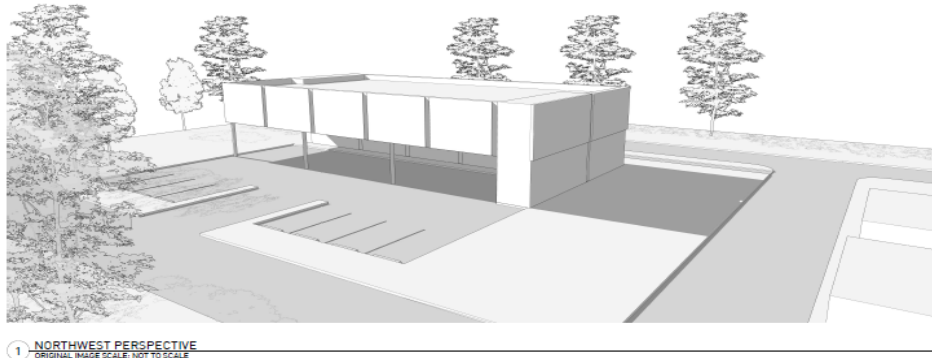
**RE:** Request of Brian Hurttienne, to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by amending Article XVII, *Zoning District Maps*, Section 50-17-4, *District Map No. 3*, of the Detroit Zoning Ordinance to show an R3 (Low Density Residential District) zoning classification where an R1 (Single-Family Residential District) zoning classification is currently shown for the properties commonly known as 1552, 1558, 1564, 1570 Perry Street. The petitioner is proposing to develop a multiple-family dwelling.

Additionally, the City Planning Commission is requesting to amend Section 50-17-4 *District Map No. 3* of the Detroit Zoning Ordinance to show an R3 (Low Density Residential District) zoning classification where an R1 (Single-Family Residential District) zoning classification is currently shown for the properties commonly known as 1578 Perry Street and 1520 Perry Street. This request is being proposed in order to maintain the zoning consistency of the subject parcels (**RECOMMEND APPROVAL**).

## PROPOSAL

Before Your Honorable Body is the request of Brian Hurttienne, to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by amending Article XVII, *Zoning District Maps*, Section 50-17-4, *District Map No. 3*, of the Detroit Zoning Ordinance to show an R3 (Low Density Residential District) zoning classification where an R1 (Single-Family Residential District) zoning classification is currently shown for the properties commonly known as 1552, 1558, 1564, 1570 Perry Avenue. The petitioner is proposing to develop a 15-unit multiple-family dwelling with parking.

Additionally, the City Planning Commission is requesting to amend Section 50-17-4 *District Map No. 3* of the Detroit Zoning Ordinance to show an R3 (Low Density Residential District) zoning classification where an R1 (Single-Family Residential District) zoning classification is currently shown for the properties commonly known as 1578 Perry Street and 1520 Perry Avenue. The request of CPC is being proposed in order to maintain the zoning consistency of the subject parcels.



The petitioner, Brian Hurttienne, is proposing to build a 15-unit residential apartment building on the north side of Perry Avenue between Cochrane Avenue and Trumbull Avenue.

Of the properties located at 1552, 1558, 1564, and 1570 Perry Avenue, two are privately held and the other two are held by the Detroit Land Bank Authority and are under an Option to Purchase & Develop Agreement with the developer. The properties commonly known as 1578 and 1520 Perry Avenue are privately held by other owners. The subject properties comprise just under an acre of total land.

The developer is proposing the rezoning in order to build the 15-unit multiple-family dwelling. The R1 Single-family Residential District is designed to preserve primarily single-family detached dwellings while other permitted uses are reserved to serve the immediate area and are allowed on a conditional basis.

The R3 Low Density Residential District permits a low-density multi-family district. The regulations are designed to promote a mix of housing types from town homes to multiple-family dwellings and community facilities that serve the needs of a residential district.

If adopted, the R3 zoning district will allow for the developer's proposed 15-unit multi-family dwelling. This use is allowed by-right if fewer than 50% of the units in the structure are efficiency units. If there are more than 50% efficiency units, the R3 district requires a special land use hearing where 50% or more of the units in the structure are efficiency units.

## **PLANNING CONSIDERATIONS**

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

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

**North:** R2; Unimproved parcels  
**South:** R1; Teamsters parking lot  
**East:** R4; Office building and parking lot  
**West:** R2; Unimproved parcel; residential homes

***Master Plan Consistency***

The subject site is located within the Jeffries area of Neighborhood Cluster 4 of the Detroit Master Plan of Policies (MP). The Future Land Use map for this area shows *Low/Medium - Density Residential (RLM)*. According to the MP, these areas should have an overall density of 8 to 16 dwelling units per net residential acre. The areas are often characterized by two or four family homes with small yards, on-street parking or garages with alley access. The Master Plan-Zoning Table which identifies the correlation between MP designations and zoning districts, classifies the R3 zoning district as consistent with the RLM designation.

**COMMUNITY OUTREACH AND PUBLIC HEARING RESULTS**

The developer presented this project to the North Corktown Neighborhood Association (NCNA) in September of 2019. There have also been additional conversations with NCNA with regard to the proposal. Based on CPC’s conversations with the association, it was expressed at the time that the association would remain neutral with regard to the proposal.

Additionally, in 2019, CPC visited the residential homes immediately to the west of the subject properties to leave information regarding the proposal including staff contact information. To-date, staff has received no calls with either questions or concerns. CPC also visited and spoke to representatives at the Michigan Teamster’s Joint Council main office. Subsequently, a phone call was held with the president of the Teamster’s Joint Council to describe the proposal and answer questions. CPC also directed the developer to speak to the Teamsters regarding their proposal. This has since taken place.

A CPC public hearing was held on August 6, 2020. The developer spoke to all questions raised by the Commission. No members of the public spoke in favor or opposition to the proposed map amendment.

**ANALYSIS**

There is currently a Corktown Planning Study underway which may yield a large-scale rezoning proposal at the end of the planning study term. Right now, PDD has expressed that the proposed rezoning will not interfere with their current engagement process with the community.

The proposed development is a change from the single-family zoning development that has been allowed in this neighborhood. However, there is a large amount of vacant or unimproved parcels in the area. Similar to some other areas of the city, this project seeks to bring denser development than has been historically permissible, but at a relatively low scale.

While the developer does have a plan to build a multiple-family dwelling, it should be noted that no specific plans will be tied to the approval of the proposed rezoning. Some of the uses that are allowed by-right under the R3 zoning classification include, but are not limited to: boarding school and dormitory, child caring institution, religious residential facilities, shelter for victims of domestic violence, town homes, adult day care center, libraries, non-profit centers, and outdoor recreation facility.

While there are more intensive uses that would be allowed under this new zoning classification, ultimately, PDD has the authority to review site plan applications through the site plan review process and take final action to approve, approve with conditions, or deny applications within the R3 district per Sec. 50-2-51 of the Zoning Ordinance. Essentially, there will be oversight on what can be developed at the subject site, even though an approval of a map amendment by this Honorable Body will allow all of the uses in the R3 district.

### **APPROVAL CRITERIA**

Approval criteria for Planned Developments are outlined in Sec. 50-3-70, *Approval Criteria* of the Zoning Ordinance. There are eight criteria that the Zoning Ordinance sets forth for approval of a rezoning to PD.

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

The trend in demand happening in certain places around the city is for missing middle housing typologies in places that have historically been single- or two-family housing areas. There is a trend in these types of low-scale, higher density proposals. This development will allow for lower cost housing in an area where the cost of land and housing has seen a sharp increase. It will allow for a varied type of lifestyle in the neighborhood.

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

The City Planning Commission deems this project consistent with the Master Plan based on the Master-Plan Zoning Table of the Master Plan of Policies. PDD will provide their interpretation of the proposal and staff will share with the City Council. In internal discussions, PDD has been supportive of the rezoning.

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

As provided for in the report, the R3 zoning classification, if approved, will allow for all of the by-right uses in the district. The conditional uses would be subject to a special land use hearing. Furthermore, the by-right uses are still subject to site plan review by PDD, which adds a layer of protection on what can be built. The development as proposed in drawings that have been provided is not considered to have an adverse impact on the health, safety and welfare of the public.

- (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;*

Staff anticipates no hardship in public facilities and services being provided for the development.

(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 stormwater management;*

Staff does not anticipate any adverse impacts on the natural environment from this rezoning or development.

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

Staff does not anticipate any adverse impacts on surrounding properties due to this rezoning.

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

The proposed zoning classification is suitable for this location in staff's opinion and according to the Master Plan.

(8) *Whether the proposed rezoning will create an illegal "spot zone."*

Due to the CPC staff co-petitioning for the two additional parcels included in this rezoning and consistency with the Master Plan of Policies, staff does not anticipate that this would be considered an illegal spot zone.

#### **RECOMMENDATION**

After hearing all related details on the proposed rezoning, on August 6, the City Planning Commission voted to recommend approval of the subject map amendment. This recommendation to **approve** is now before Your Honorable Body for consideration.

Respectfully submitted,  
ALTON JAMES, CHAIRPERSON



Marcell R. Todd, Jr., Director  
Kimani Jeffrey, City Planner

Cc: Katy Trudeau, Deputy Director, PDD  
Karen Gage, Director of Zoning Innovation, PDD  
David Bell, Director, BSEED  
Lawrence T. Garcia, Corp. Counsel  
Arthur Jemison, Chief of Infrastructure and Services



**Proposed R1 to R3 Rezoning Site**

## SUMMARY

This ordinance amends Chapter 50 of the 2019 Detroit City Code, *Zoning*, by amending Article XVII, *Zoning District Maps*, Section 50-17-4, *District Map No. 3*, to revise the existing R1 Single-Family Residential District zoning classification to the R3 Low Density Residential District zoning classification for the properties commonly identified as 1520, 1552, 1564, 1558, 1570, and 1578 Perry Street.

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

2 **AN ORDINANCE** to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by  
3 amending Article XVII, *Zoning District Maps*, Section 50-17-4, *District Map No. 3*, to revise the  
4 existing R1 Single-Family Residential District zoning classification to the R3 Low Density  
5 Residential District zoning classification for the properties commonly identified as 1520, 1552,  
6 1564, 1558, 1570, and 1578 Perry Street.

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

7 **Section 1.** Chapter 50 of the 2019 Detroit City Code, *Zoning*, Article XVII, *Zoning District*  
8 *Maps*, Section 50-17-4, *District Map No. 3*, is amended as follows:

**CHAPTER 50. ZONING**

**ARTICLE XVII. ZONING DISTRICT MAPS**

**Sec. 50-17-4. District Map No. 3.**

12 For the properties commonly identified as 1520, 1552, 1564, 1558, 1570, and 1578 Perry  
13 Street, more specifically identified as:

14 N PERRY 1 SUB OF PT OF O L 94 WOODBRIDGE FARM L3 P5 PLATS, W C R 8/36  
15 30 X 115

16 N PERRY 2 SUB OF PT OF O L 94 WOODBRIDGE FARM L3 P5 PLATS, W C R 8/36  
17 30 X 115

18 N PERRY 3 SUB OF PT OF O L 94 WOODBRIDGE FARM L3 P5 PLATS, W C R 8/36  
19 30 X 115

20 N PERRY 4 SUB OF PT OF O L 94 WOODBRIDGE FARM L3 P5 PLATS, W C R 8/36  
21 30 X 115



1 N PERRY 5 SUB OF PT OF O L 94 WOODBRIDGE FARM L3 P5 PLATS, W C R 8/36  
2 30 X 115

3 N PERRY W 27 & 26 BLK 94 WILLIAM L WOODBRIDGES SUB L4 P82 PLATS, W  
4 C R 8/34 100 X 115

5 the existing R1 Single-Family Residential District zoning classification is revised to the R3 Low  
6 Density Residential District zoning classification.

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

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

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

13 Approved as to form:

14

15 *Lawrence T. García*

16 Lawrence T. García,  
17 Corporation Counsel