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February 3, 2022

**HONORABLE CITY COUNCIL**

**RE: Request of the Museum of Contemporary Arts Detroit (MOCAD), to amend Article XVII, Section 50-17-7, District Map No. 6 of the 2019 Detroit City Code, Chapter 50, Zoning, by showing a B4 (General Business District) zoning classification where an R6 (High Density Residential District) zoning classification currently exists on two (2) parcels, commonly identified as 52 and 62 Garfield Avenue, generally bounded by Garfield Avenue to the north, John R. to the east, Canfield Avenue to the south, and Woodward Avenue to the west. (RECOMMEND APPROVAL)**

This proposal seeks to rezone land in order to create a space to facilitate flexible outdoor programming that will mesh with the existing arts environment of the neighborhood. The rezoning will serve to allow for the upgrade of an existing gravel lot to a more palatable design and bring it up to city code, while also furthering MOCAD's vision to integrate and provide offerings for the community.



**PROPOSAL**

The subject area currently consists of a 45 space gravel parking lot, which serves as parking for patrons of MOCAD.

The proposed map amendment is being requested to repurpose the subject parcels to accommodate either an expansion of the “museum” use, the creation of an “outdoor art exhibition grounds or sculpture garden”, or the creation of a “commercial outdoor recreation facility”. The “museum” use would be permitted on a by-right basis in the proposed B4 zoning classification per section 50-9-105 of the zoning ordinance.

The “outdoor art exhibition grounds or sculpture garden” use would be permitted on a by-right basis in the proposed B4 zoning classification. The “commercial outdoor recreation facility” would be also be permitted on a by-right basis in the B4 zoning classification per Section 50-9-105.

Either of the three aforementioned uses would accommodate the applicant’s desire to create a space to facilitate several layers of flexible outdoor programming, including children’s educational activities, mobile homestead programming, regular museum days, and outdoor events. The proposed site design will act as an extension of a new architectural entryway, which orients to a new pedestrian corridor. The site development includes a new pedestrian corridor while reorganizing the existing parking into a public outdoor event space to include stormwater management systems.

Based on the Buildings, Safety Engineering, and Environmental Department’s Pre Plan Review meeting write-up, the intended future use for the subject properties has been identified as “commercial outdoor recreation facility” primarily due to the planned installation of a stage area, however, when outdoor events are not occurring, the subject properties will continue to be used primarily as off-street parking for the museum.

According to the Zoning Ordinance, the R6 High-Density Residential District is designed to permit a range of living accommodations, from the low-density dwelling up to very high-density dwellings, including institutions and residentially related uses, and will permit certain specified service and convenience-type commercial uses of a character unlikely to develop excessive traffic but which will serve the residents of the immediate area. Single-family detached and two-family dwellings will not be permitted in this district by-right but may be allowed as conditional uses.

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. This district is aligned with the Master Plan of Policies designation of “CT Thoroughfare Commercial” which are areas 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.

## **PLANNING CONSIDERATIONS**

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

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

North: B4 & R6; surface parking lot and mixed-use development at 77 Garfield Avenue.

East: PD; developed with a surface parking lot.  
South: B4; developed with the MOCAD Home Stead auxiliary facilities.  
West: B4; developed with the Museum of Contemporary Arts Detroit (MOCAD).

## **PUBLIC HEARING RESULT AND COMMUNITY INPUT**

The petitioner has been actively engaged with residents of the community. Extensive flier distribution through the surrounding neighborhood took place for a virtual community engagement meeting was held on August 3, 2021, via Zoom, in which approximately 16 members of the public were in attendance.

On September 23, 2021 a public hearing was held for this rezoning request. General questions were asked about the plans of MOCAD's expansion and what the proposed new design entails. Commissioner's questions were generally answered adequately with no outstanding questions.

Two members of the public spoke during the public comment portion of the meeting. One member representing Midtown Detroit Inc. spoke in support of the proposed rezoning. A second member of the public that is an owner of a neighboring building asked questions regarding possible noise pollution stemming from MOCAD events. The project team responded by saying that minimal noise is anticipated. Based on events from previous years, there is expected to be five annual events that utilize sound amplification.

## **ANALYSIS**

### ***Zoning Ordinance Approval Criteria***

According to Sec. 50-3-70, Approval criteria, recommendations and decisions on an amendment of zoning map in Article XVII shall be based on consideration of all of the following criteria:

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

It can be said that this amendment meets the challenge of a changing condition or trend. The area that MOCAD is located in proximity to is the Sugar Hill Music and Arts Historic District. This area is a mix of buildings that contain residential, commercial and institutional uses that create a vibrant neighborhood. The proposed rezoning will allow MOCAD to improve their current operations adding to the synergy of the arts component of the neighborhood.

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

The subject site is located within the Lower Woodward area of Neighborhood Cluster 4 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows “MRC – Mixed Residential/Commercial” for the subject properties. The Planning and Development Department (P&DD) has submitted a letter confirming the conformance of this rezoning with the Master Plan of Policies.

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

This rezoning is not expected to have adverse impacts on the surrounding public. The one issue that has been asked by various residents is regarding possible noise pollution during MOCAD events if this rezoning is to happen. MOCAD has stated that outdoor events which use amplification, such as a concert, will be minimal. The museum would also be subject to Chapter 16 Article 1 of City Code (the Noise Ordinance) which limits amplification and other noise pollution ceasing between the hours of 10 p.m. and 7 a.m. with enforceable fines. Additionally, MOCAD is working with neighbors to further layout and refine how these events might function, to curb noise pollution.

- (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;*

Since this proposal is expanding upon a site that is already developed, the subject property is not expected to require any considerably higher levels of services than are currently necessary.

- (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;*

The proposed rezoning is not anticipated to have negative impacts on the environment. The current unimproved lot at the subject site will be brought up to code to include required landscaping which will be an improvement for stormwater retention and the beautification of the current gravel lot.

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

There are no significant adverse impacts expected to the adjacent properties. An unimproved lot being developed and designed to complement the arts and business district will likely add to the surrounding properties.

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

The proposed zoning classification is suitable for the subject properties as it will unify the zoning for the properties that are owned by MOCAD under one zoning classification.

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

The proposed rezoning will not create an illegal spot zone.

**RECOMMENDATION**

On October 7, 2021, the City Planning Commission recommended **APPROVAL** of the request of the Museum of Contemporary Arts Detroit (MOCAD), to show a B4 (General Business District) zoning classification where an R6 (High-Density Residential District) zoning classification currently exists on two (2) parcels, commonly identified as 52 and 62 Garfield Avenue.

Respectfully submitted,

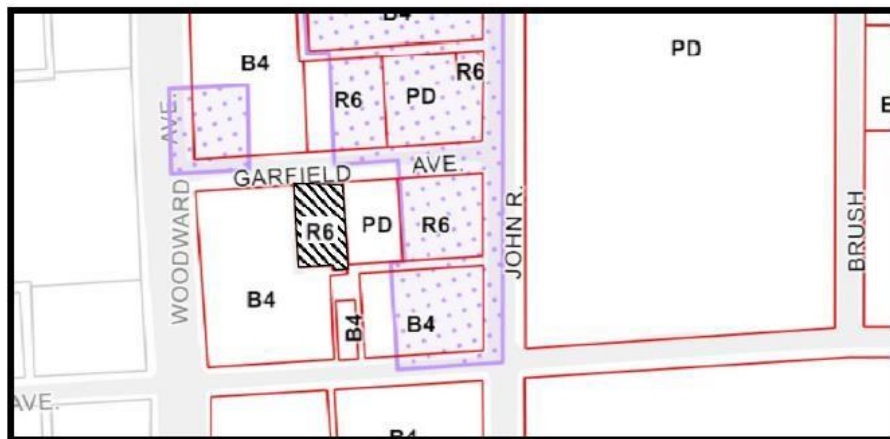
LAUREN HOOD, CHAIRPERSON



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

Attachment

- cc: Antoine Bryant, Director PDD
- Katy Trudeau, Deputy Director PDD
- Karen Gage, PDD
- Greg Moots, PDD
- David Bell, Director, BSEED
- Kim James, Law Department
- Donald Rencher, Group Executive for Housing, Planning and Development
- Nicole Sherard-Freeman, Group Executive for Jobs, Economy and Detroit at Work



**Highlighted Area Above Shows Proposed Rezoning from R6 to B4**

## SUMMARY

This ordinance amends Chapter 50 of the 2019 Detroit City Code, *Zoning*, by amending Article XVII, *Zoning District Maps*, Section 50-17-7, *District Map No. 6* to revise the existing R6 (High Density Residential District) zoning classification to the B4 (General Business District) zoning classification for the property commonly referred to as 52 and 62 Garfield.

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 50-17-7, *District Map No. 6* to revise the  
4 existing R6 (High Density Residential District) zoning classification to the B4 (General Business  
5 District) zoning classification for the property commonly referred to as 52 and 62 Garfield.

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

8 **Section 1.** Chapter 50 of the 2019 Detroit City Code, *Zoning*, is amended by amending  
9 Article XVII, *Zoning District Maps*, Section 50-17-7 *District Map No. 6*, of the Detroit Zoning  
10 Ordinance as follows:

11 **CHAPTER 50. ZONING**

12 **ARTICLE XVII. ZONING DISTRICT MAPS**

13 **Section 50-17-7, District Map No. 6.**

14 For the properties commonly known as 52 and 62 Garfield Street and identified more  
15 specifically as:

16 S GARFIELD W 1/2 46 47 HUBBARD & KINGS L7 P20 PLATS, WCR, and

17 S GARFIELD 45 E 1/2 46 HUBBARD & KINGS L7 P20 PLATS, WCR

18 the existing R6 (High Density Residential District) zoning classification is revised to the B4  
19 (General Business District) zoning classification.

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

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

23 **Section 4.** This ordinance shall become effective on the eighth (8<sup>th</sup>) day after publication

- 1 in accordance with Section 401 (6) of Public Act 110 of 2006, as amended, M.C.L. 125.3401 (6),
- 2 and Section 4-118, paragraph 3 of the 2012 Detroit City Charter.

Approved as to Form:



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**Charles Raimi**  
Deputy Corporation Counsel