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June 7, 2023

HONORABLE CITY COUNCIL

RE: Proposed map amendment to Chapter 50, Zoning, Article XVII, Section 50-17-46, Map No. 44, to show an R5 (Medium-Density Residential District) zoning classification where a PD (Planned Development District) zoning classification is currently shown on the block bounded by Selden Avenue, 18th Street, Magnolia Avenue, and Humboldt Avenue and to show a B4 (General Business District) zoning classification where an R3 (Low-Density Residential District) zoning classification is currently shown at 2640 Michigan Avenue (RECOMMEND APPROVAL)

NATURE OF THE REQUEST

The City Planning Commission (CPC) itself is proposing the rezoning of two non-contiguous properties in southwest Detroit, both identified on Map No. 44 of Chapter 50, Article XVII, Section 50-17-46. The first is the square block bounded by Selden, 18th, Magnolia, and Humboldt Streets to be rezoned from PD (Planned Development District) to R5 (Medium Density Residential District); the second is the single lot at 2640 Michigan to be rezoned from R3 (Low Density Residential District) to B4 (General Business District).



This initiative of the CPC responds to the Zoning Ordinance’s mandate to address Planned Development (PD) Districts that have been abandoned or whose authorization has lapsed (Sec. 50-3-98), as is the case for the square block owned by the Salvation Army—Location 1. The Michigan Avenue property—Location 2—had been incorrectly labelled on the zoning map subsequent to the years-ago Michigan Department of Transportation (MDOT) construction of the Fisher/Jeffries freeway interchange. This proposed map amendment fixes both problems.

BACKGROUND

The Salvation Army property, **Location 1**, was rezoned to PD through Ordinance No. 16-10 on September 2, 2010. Sec. 50-3-98 of the 2019 Detroit City Code notes that the authorization for a Planned Development lapses upon abandonment of the project or three years from the effective date of approval of the PD where the development has not been completed. On January 5, 2023, the City Planning Commission passed a resolution finding that the authorization for the Map No. 44 Planned Development for this property had lapsed.

The Salvation Army’s proposed transitional housing development, for which the PD was adopted, was never undertaken at this location and they have moved on from this plan. The block consists of vacant land except for a small warehouse/storage building at the corner of Humboldt and Magnolia (3700 Humboldt), used for storage by the Salvation Army.

The City Planning Commission is proposing the map amendment for **Location 2** to correct a mapping error that resulted from confusion that arose at the time of the construction of the Jeffries (I-96) and Fisher Freeway (I-75) interchange, which consumed numerous properties that had appeared on District Map No. 44. While properties to the north of the Fisher Freeway were rezoned to the R3 zoning district classification, the property known as 2640 Michigan Avenue to the south of the Fisher Freeway was omitted altogether from the zoning map that resulted from Ordinance No. 29-G, which went into effect on December 14, 1967. This property remained omitted from Map No. 44 until 2010 when the Salvation Army’s PD rezoning (Ordinance No. 16-10) went into effect and the 2640 Michigan property was restored to the zoning map but was mistakenly labeled as R3.

SURROUNDING ZONING AND LAND USE

The zoning classification and land uses surrounding **Location 1** are as follows:

North: R2 (Two-Family Residential), vacant residential, vacant school, church
East: R2 (Two-Family Residential), nonconforming light industrial, vacant residential
South: PD (Planned Development), University of Detroit Mercy dental school
West: PD (Planned Development), Salvation Army Harbor Light

The zoning classification and land uses surrounding **Location 2** are as follows:

North: Unzoned (Fisher Freeway, I-75) and R3 (Low-Density Residential) and B6 (General Services) on the opposite side of the Fisher freeway
East: B4 (General Business), New Life Rescue Mission, commercial
South: B4 (General Business) and M4 (Intensive Industrial), commercial, DPW asphalt
West: Unzoned (Fisher Freeway, I-75) and B4 on the opposite side of the Jeffries freeway

OUTREACH

All properties within 300 feet of the two locations were mailed notification of the CPC public hearing scheduled for January 19, 2023. CPC staff had connected with the local Salvation

Army by phone and a representative was expected at the hearing but did not appear. Subsequent voice messages to Salvation Army brought a response in support of the proposed R5 and the indication of an appearance at the February 2nd meeting of the CPC.

Staff also met with the floor manager at Domestic Uniform Rental plant immediately west and across 18th Street from the Salvation Army block prior to the hearing and explained the proposed rezoning. Recent rezonings in the north Corktown/Core Cities area revealed residents' interest in the development of more housing in the area; the proposed R5 will remove obstacles to such development.

The owner of 2640 Michigan Avenue had already approached the City with a vision of redeveloping their property along the lines of the old Western Market, which had stood at that site until freeway construction in the early 1960s. Planning and Development Department (P&DD) and CPC staff have been able to offer them some guidance relative to the curious zoning situation related to this property. The proposed B4 will remove the barrier to nonresidential development posed by the existing R3 and will help facilitate redevelopment of the property in line with the existing Michigan Avenue zoning.

PUBLIC HEARING RESULTS

On January 19, 2023, the City Planning Commission held a statutory public hearing on the proposed rezoning of the two locations on Map No. 44. At the hearing, three members of the public spoke. The owner of 2640 Michigan Avenue and the prospective developer of that site both spoke in support of rezoning Location 2. The pastor of St. James Fire Baptized Holiness Church, located immediately north of Location 1, indicated that his nearby church was back to active status after the pandemic and asked as to the scope of the proposed rezoning on church property; staff noted that the church's R2 zoning classification would remain unaffected.

Discussion among commissioners focused on outreach to the community and whether a zoning classification other than R5, such as SD1 (Special Development District, Small-Scale—Mixed-Use), might be appropriate at **Location 1**. Staff noted that the proposed R5 District would, in fact, allow on a conditional basis, various retail, service, and commercial uses that are permitted on a by-right basis in SD1 districts, but that given the preponderance of R2 zoning surrounding **Location 1** and the location's embeddedness within the neighborhood, rather than on a major or secondary thoroughfare, R5 would provide a more appropriate and cautious balance of land uses. Engagement with the community is continuing after the hearing relative to both locations.

MASTER PLAN CONSISTENCY

Location 1 is located within the Jeffries subsector of Neighborhood Cluster 4 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows "INST--Institutional" for the subject block. The Planning and Development Department (PDD) has reviewed this proposed rezoning in its letter of January 5, 2023 and determined that the proposed R5 district would be consistent with the Master Plan.

Location 2 is located within the Corktown subsector of Neighborhood Cluster 4 and is designated on the Future General Land Use Map as Mixed Residential Commercial (MRC), which the Master Plan describes as follows:

“These areas consist predominantly of medium-to-high density housing developed compatibly with commercial and/or institutional uses. This classification is well suited to

areas proximal to existing centers of major commercial activity, major thoroughfares, transportation nodes, or gateways into the city.”

In its letter of January 5, 2023, P&DD reported, “While the proposed rezoning does not directly conform to the Master Plan’s Future General Land Use Classification of MRC, the rezoning is not anticipated to change the overall character of the Corktown neighborhood and will permit commercial development of the site, as the parcels to the east are developed. Given that and the small size of the parcel, it is therefore generally consistent with the Master Plan classification.”

ZONING ORDINANCE APPROVAL CRITERIA

Section 50-3-70 of the Detroit Zoning Ordinance lists eight approval criteria on which zoning map amendments must be based. Following are the relevant criteria with CPC staff’s analysis in italics:

- Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact. **Location 1:** *Authorization for the existing PD zoning classification has lapsed as the proposed transitional housing development was never realized; the proposed rezoning responds to the mandate of Sec. 50-3-98 to rezone lapsed PDs. Location 2:* *A mapping omission and subsequent mapping error led to the misclassification of the land as R3; the proposed rezoning corrects the error by rezoning to an appropriate zoning classification.*

- Whether the proposed amendment will have significant adverse impacts on other property that is in the vicinity of the subject tract. **Location 1:** *No significant impact on nearby property is anticipated; the proposed rezoning will allow for use of the land in a manner originally anticipated by the 2010 PD as well as facilitate possible development of a broader range of residential and institutional uses. Location 2:* *No significant impacts on nearby property is anticipated; the proposed rezoning will allow for use of the land in a manner consistent with nearby development.*

- Whether the proposed rezoning will create an illegal “spot zone.” **Location 1:** *The closest other property zoned R5 is a few blocks away on 14th Street; however, there is substantial townhouse development in the vicinity, which is characteristic of the Medium-Density District; the R5 District shares much in common with nearby existing R2, R3, and PD-zoned development, avoiding the issue of spot zoning. Location 2:* *the parcel proposed to be rezoned will share the same B4 designation as all the other properties on the north side of Michigan Avenue between 14th Street and 18th Street and will not create a spot zone.*

RECOMMENDATION

At its February 2, 2023 meeting, the City Planning Commission (CPC) voted to recommend approval of the rezoning of the two non-contiguous properties in southwest Detroit, both identified on Map No. 44 of Chapter 50, Article XVII, Section 50-17-46. The first is the square block bounded by Selden, 18th, Magnolia, and Humboldt Streets to be rezoned from PD (Planned Development District) to R5 (Medium Density Residential District); the second is the single lot at 2640 Michigan to be rezoned from R3 (Low Density Residential District) to B4 (General Business District).

NEXT STEPS

This proposed map amendment to Chapter 50 of the 2019 Detroit City Code, *Zoning*, has been reviewed and approved by the Law Department and is ready for consideration by the Planning and Economic Development standing committee. Upon the committee’s review and referral to

the formal session, the ordinance can be introduced and scheduled for the Charter-mandated public hearing.

Respectfully submitted,
LAUREN HOOD, Chairperson

A handwritten signature in blue ink that reads "Marcell R. Todd, Jr." with a stylized flourish at the end.

Marcell R. Todd, Jr, Director
M. Rory Bolger, Staff

Attachments
cc: P&DD

SUMMARY

This ordinance amends Chapter 50 of the 2019 Detroit City Code, *Zoning*, by amending Article XVII, *Zoning District Maps*, Section 50-17-46, *District Map No. 44*, to revise the zoning classification for the block bounded by Selden Avenue to the north, Eighteenth Street to the east, Magnolia Avenue to the south, and Humboldt Avenue to the west from the existing PD Planned Development District zoning classification to the R5 Medium Density Residential District zoning classification and to revise zoning classification for the lot commonly known as 2640 Michigan Avenue from the existing R3 Low Density Residential District zoning classification to the B4 General Business District zoning classification.

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 50-17-46, *District Map No. 44*, to revise
4 the zoning classification for the block bounded by Selden Avenue to the north, Eighteenth Street
5 to the east, Magnolia Avenue to the south, and Humboldt Avenue to the west from the existing PD
6 Planned Development District zoning classification to the R5 Medium Density Residential District
7 zoning classification and to revise zoning classification for the lot commonly known as 2640
8 Michigan Avenue from the existing R3 Low Density Residential District zoning classification to
9 the B4 General Business District zoning classification.

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

12 **Section 1.** Chapter 50 of the 2019 Detroit City Code, Article XVII, Section 50-17-46 is
13 amended as follows:

14 **CHAPTER 50. ZONING**

15 **ARTICLE XVII. ZONING DISTRICT MAPS**

16 **Sec. 50-17-46. District Map No. 44.**

17 (a) For the block bounded by Selden Avenue to the north, Eighteenth Street to the east,
18 Magnolia Avenue to the south, and Humboldt Avenue to the west: the existing PD Planned
19 Development District zoning classification is revised to the R5 Medium Density Residential
20 District zoning classification and any development regulations for the existing PD Planned
21 Development District are repealed.

22 (b) For the lot commonly known as 2640 Michigan Avenue, identified more
23 specifically as N MICHIGAN AVE PT 1,2,3,4,6 AND VAC ALLEY ADJ SD LOTS WEITZELS

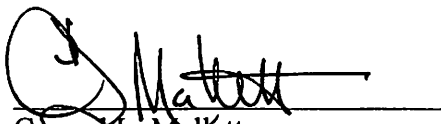
1 PLAT OF THE SUB OF P.C. 338 L1 P204 PLATS, W C R 10/29; PT 2 THRU 6 BRADDISH &
2 HUBBARDS SUB OF LORANGER FARM L1 P133 PLATS, W C R 10/27; RESUB'N OF LOT
3 1 BRADDISH & HUBBARDS SUB OF LORANGER FARM L1 P133 PLATS, W C R 10/27;
4 AND VAC ALLEYS ADJ; ALL DESC AS BEG AT A PTE ON E LINE OF LOT 6 OF
5 WEITZELS PLAT 3.33 FT N'LY OF SE COR OF SD LOT 6 TH S 23D 49M 07S E 118.73 FT
6 THE N 84D 59M 42S W 376.95 FT TH N 23D 49M 07S W 32.00 FT TH N 85D 09M 12S E
7 169.98 FT TH N 79D 22M 30S E 174.10 FT TO POB 376.95 IRREG: the existing R3 Low Density
8 Residential District zoning classification is revised to the B4 General Business District zoning
9 classification.

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

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

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

Approved as to Form:


Conrad L. Mallett
Corporation Counsel