

# City of Detroit

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**TO:** City Planning Commission

**FROM:** George A. Etheridge, Staff

**RE:** **Request of Mrs. Emily H. Peterson on behalf of Nepelu LLC, to amend Article XVII, District Map No. 48 of the 2019 Detroit City Code, Chapter 50, Zoning, by showing an SD1 (Special Development District – Small-Scale, Mixed-Use) zoning classification where an R1 (Single-family Residential District) zoning classification currently exists on one (1) parcel commonly identified as 1920 Atkinson Avenue, generally bounded by Edison Avenue to the north, Rosa Parks Blvd. to the east, Atkinson Avenue to the south and 14<sup>th</sup> Street to the west. (PRELIMINARILY RECOMMEND APPROVAL)**

**DATE:** September 4, 2020

On September 10, 2020, the City Planning Commission (CPC) will hold a 5:10 P.M. public hearing on the subject rezoning request. Due to an error with the public hearing notice, the Commission received an informational presentation regarding this rezoning request on August 6, 2020. The petitioner intends to seek same-day-action regarding this rezoning request. Please see the attached copy of the public hearing notice with a map showing the location of the subject property.

## **BACKGROUND AND PROPOSAL**

The CPC has received a request from Mrs. Emily H. Peterson on behalf of Nepelu LLC, requesting the City of Detroit to amend Article XVII, District Map No. 48 of Chapter 50 of the 2019 Detroit City Code, 'Zoning,' to show an SD1 (Special Development District – Small-Scale, Mixed-Use) zoning classification where an R1 (Single-family Residential District) zoning classification currently exists on one (1) parcel commonly identified as 1920 Atkinson Avenue, generally bounded by Edison Avenue to the north, Rosa Parks Blvd. to the east, Atkinson Avenue to the south and 14<sup>th</sup> Street to the west.

The subject property is located in Council District 5 and measures approximately one-twelfth of an acre in area. The parcel commonly identified as 1920 Atkinson Avenue is currently under the sole ownership of Nepelu LLC of which Mrs. Peterson and her husband are the sole proprietors. The subject property is currently developed as a detached single-family home, having served previously as the parsonage for the former St. James A.M.E. Church located at 9321 Rosa Parks Blvd. 9321 Rosa Parks Blvd., which was recommended by the Commission to be rezoned from R1 to SD1 in 2017. For years the church was closed and has since been repurposed into a neighborhood café, small grocery store, and bar called The Congregation.

***Proposed Development***

The proposed map amendment is being requested to allow for the establishment of a “Restaurant, carry-out, without drive-up or drive-through facilities” and “multiple-family dwelling” at 1920 Atkinson Avenue. The proposed mixed-use development would be permitted on a by-right in the proposed SD1 zoning classification per Sec. 50-11-204(4), and Sec. 50-11-206(18).

The existing building will be converted into a mixed-use development with a small neighborhood restaurant on the ground floor and multi-family residential on the upper levels. The proposed concept will complement the adjacent Congregation Detroit and share the side lot with as a green outdoor community space.

The building at 1920 Atkinson has been abandoned for over 30 years and is rapidly deteriorating, creating an unwanted blighting influence in the area. The overall goal is to increase population density and encourage more walkable areas for residents of the Boston Edison, Atkinson, and Clairmont neighborhoods.

**PLANNING CONSIDERATIONS**

***Surrounding Zoning and Land Use***

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

- North: R1; Single-family Residential along Edison Avenue.
- East: SD1; 9321 Rosa Parks Blvd (The Congregation).
- South: R1; Gordon Park.
- West: R1; Single-family Residential along Atkinson Avenue.

***Master Plan Consistency***

The subject site is located within the Rosa Parks area of Neighborhood Cluster 6 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows “Low-Medium Residential” for the subject property. The Planning and Development Department (P&DD) has previously submitted a report regarding development in this area dated November 21, 2016, which speaks to the appropriateness of the requested rezoning.

***Community Input***

The petitioner has been actively engaged with residents of the community. Outreach has been by way of a community board, which is accessible to any member of the community wishing to leave a comment. Notice has been posted and provided to several adjacent property owners and residents to inform them of the pending rezoning request.

To date, the staff has received no additional communications via mail or telephone either in opposition or support of the requested rezoning.

**ANALYSIS**

The proposed zoning classification of SD1 would permit the requested use of a “Restaurant, carry-out, without drive-up or drive-through facilities” and “multiple-family dwelling” on a by-right basis.

The proposed SD1 zoning classification would permit 49 by-right residential, public, civic, institutional, and other uses. The most intensive uses in the SD1 zoning classification include “Trade services, general, with the exception of cabinet making,” and “Wearing apparel manufacturing.”

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;

In this regard, the subject site has sat vacant for the greater part of thirty years. The adaptive reuse of such properties is preferable to the continued deterioration and dilapidation of such structures. The subject site is currently bookended by the densely populated block of Atkinson to the west and “The Congregation” SD1 mixed-use development to the east. At the time of the rezoning for “The Congregation” mixed-use development in 2017, the subject property was not under the ownership of the petitioner. The opportunity has presented itself for further redevelopment and stabilization of vacant structures in the Rosa Parks community by extending the SD1 zoning classification to include the subject property.

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

The proposed rezoning to the SD1 zoning classification is consistent with the Master Plan of Policies as indicated in PDD’s staff report.

- (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’s stormwater and waste management plans and their impact on the current system.

- (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 not change significantly as a result of any future development. 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;

Preliminary site plans show adequate landscaping and buffering to negate any adverse effects caused by the pending development.

- (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

The SD1 zoning classification has been determined to be appropriate for the subject site.

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

Given the residential and mixed-use nature of the corridor in which this rezoning has been requested along with the size and consistency with the Master Plan of Policies, the staff is of the opinion that the proposed rezoning would not constitute an illegal "spot zone."

***Land Use***

CPC staff believes that an SD1 zoning classification is an appropriate designation consistent with the characteristics of the adjacent properties, which will allow for the establishment of mixed-use residential and commercial related uses.

**CONCLUSION AND PRELIMINARY RECOMMENDATION**

Based on the above analysis and consistent with the approval criteria of Sec. 50-3-70 of the Zoning Ordinance, CPC staff has no objections to the rezoning request.

**Attachment**

- cc: Katy Trudeau, Interim Director PDD
- Greg Moots, PDD
- Karen Gage, PDD
- Ester Yang, PDD
- David Bell, Director, BSEED
- Arthur Jemison, Mayors Group Executive for Housing Planning and Development