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# City of Detroit

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TO: City Planning Commission

FROM: M. Rory Bolger, Staff

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, 18<sup>th</sup> 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)**

DATE: January 30, 2023

## RECOMMENDATION

The City Planning Commission staff recommends APPROVAL of the Planning Commission-initiated proposal to rezone two non-contiguous locations on Zoning District Map No. 44:

Location 1—the block bounded by Selden Avenue, 18<sup>th</sup> Street, Magnolia Avenue, and Humboldt Avenue to be rezoned from the PD (Planned Development District) zoning classification to the R5 (Medium-Density Residential District) zoning classification; and

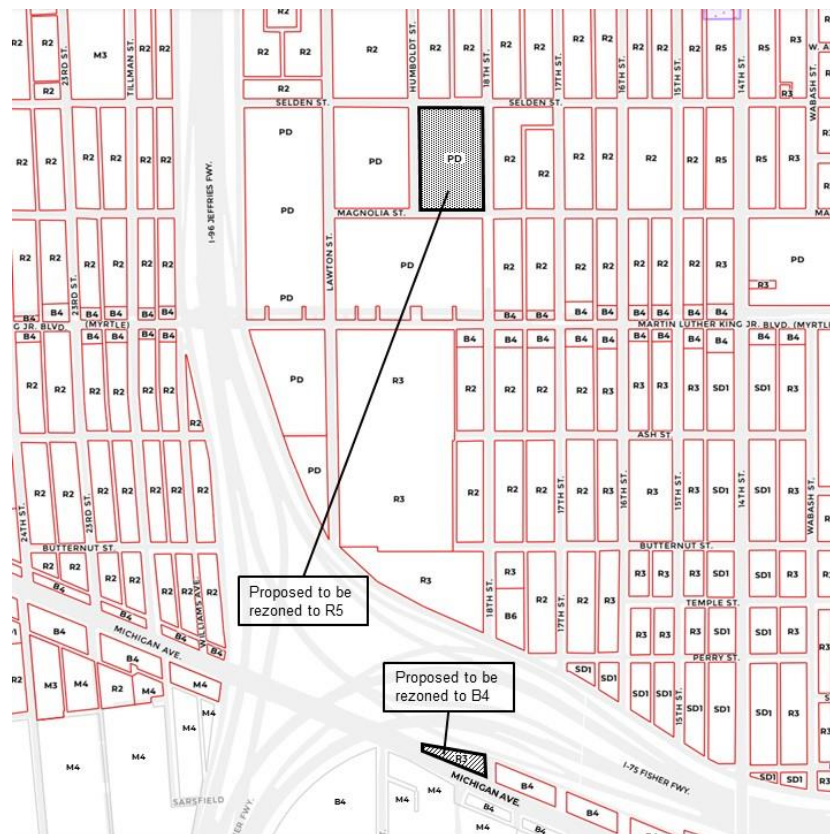
Location 2—2640 Michigan Avenue to be rezoned from the R3 (Low-Density Residential District) to the B4 (General Business District) zoning classification.

## BACKGROUND

The City Planning Commission itself is proposing the map amendment for **Location 1** consistent with Sec. 50-3-98 of the 2019 Detroit City Code, which 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. The existing PD became effective through Ordinance No. 16-10 on September 2, 2010.

This property is owned by the Salvation Army. The proposed Salvation Army 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. 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 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.



## 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.

### ***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

### ***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 14<sup>th</sup> 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 14<sup>th</sup> Street and 18<sup>th</sup> Street and will not create a spot zone.*

### ***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.”

### **Outreach**

All properties within 300 feet of the two locations were mailed notification of the January 19<sup>th</sup> hearing. Staff has 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 2<sup>nd</sup> meeting of the CPC. Staff met with the floor manager at Domestic Uniform Rental plant immediately west and across 18<sup>th</sup> 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. Additional follow-up with organizations in Corktown, North Corktown, and Core Cities is planned prior to the Commission’s consideration of the staff recommendation.

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. 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.

### **Conclusion**

Based on the above analysis and consistent with the approval criteria of Section 50-3-70 of the Zoning Ordinance, CPC staff recommends **APPROVAL** of the rezoning request.

cc: Antoine Bryant, Director, PDD  
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Conrad Mallett, Corp. Counsel  
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