

**Lauren Hood, MCD**  
Chairperson  
**Donovan Smith**  
Vice Chair/Secretary

**Marcell R. Todd, Jr.**  
Director

**City of Detroit**  
**CITY PLANNING COMMISSION**  
208 Coleman A. Young Municipal Center  
Detroit, Michigan 48226  
Phone: (313) 224-6225 Fax: (313) 224-4336  
e-mail: [cpc@detroitmi.gov](mailto:cpc@detroitmi.gov)

**Kenneth R. Daniels**  
**David Esparza, AIA, LEED**  
**Ritchie Harrison**  
**Gwen Lewis**  
**Melanie Markowicz**  
**Frederick E. Russell, Jr.**  
**Rachel M. Udabe**

**TO:** City Planning Commission

**FROM:** Timarie Szwed, Staff

**RE:** The request of Joseph Nikollaj and the Detroit City Planning Commission to amend Article XVII, Section 50-17-78, District Map No. 76 of the 2019 Detroit City Code, Chapter 50, Zoning by rezoning the property at 19500 W. Davison Street and a portion of the property at 19536 W. Davison Street from an R1 (Single-Family Residential) zoning district classification to a M2 (Restricted Industrial) zoning district classification. **(RECOMMEND APPROVAL)**

**DATE:** May 2, 2023

### **RECOMMENDATION**

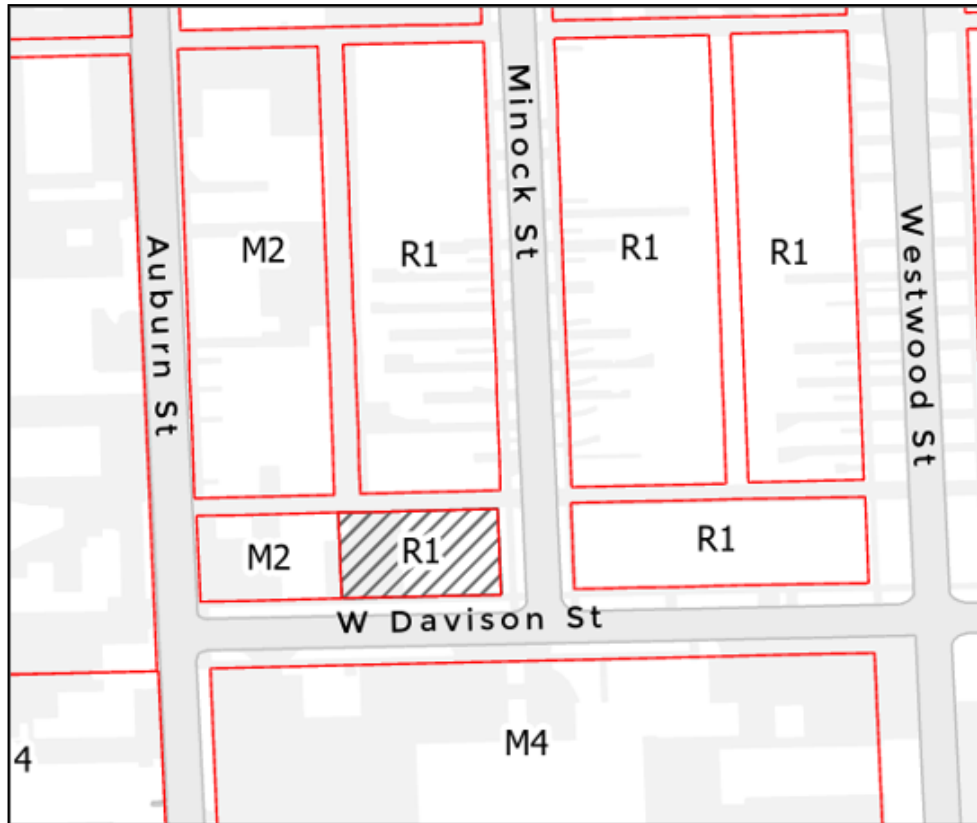
The City Planning Commission staff recommends **approval** of the request of Joseph Nikollaj and the Detroit City Planning Commission to rezone the property at 19500 W. Davison Street and a portion of the property at 19536 W. Davison from the R1 (Single-Family Residential) zoning district classification to the M2 (Restricted Industrial) zoning district classification.

### **BACKGROUND AND PROPOSAL**

The City Planning Commission (CPC) has received a request from Joseph Nikollaj to amend Article XVII, Section 50-17-78, District Map No. 76 of the 2019 Detroit City Code, Chapter 50, Zoning, to show a M2 (Restricted Industrial) zoning classification, where a R1 (Single-Family Residential) zoning classification is currently shown at 19500 W. Davison Street. The City Planning Commission via the staff is also initiating the proposed rezoning of a portion of the property located at 19536 W. Davison, generally bounded by Schoolcraft Street to the north, Auburn Street to the west, Minock Street to the east, and W. Davison Street to the south. The subject property is generally bounded by Schoolcraft Street to the north, Auburn Street to the west, Minock Street to the east, and W. Davison Street to the south.

The proposed map amendment is being requested to permit the existing commercial building located at 19500 W. Davison to be utilized as a Medical Marijuana Grow Facility. The existing R1 zoning classification does not allow for commercial uses, though the legal use of the property is currently listed as 'warehouse.' Additionally, the proposed map amendment is being requested for a portion of the property located at 19536 W. Davison, to create a uniformly zoned parcel. Most of the parcel is currently zoned M2 (Restricted Industrial), while a portion along the eastern most boundary of the property is zoned R1 (Single-Family Residential).

Significant renovations have taken place in the commercial building at 19500 W. Davison, to convert the building from a warehouse into a marijuana cultivation facility. The site has been inactive since April 2022, when the property was the subject of a Buildings, Safety Engineering, and Environmental Department (BSEED) inspection, at which time the site was found to be illegally operating as a marijuana grow facility, and subsequently ordered to close. According to the petitioner, Joseph Nikollaj, the illegal facility was operated by renters, not by the petitioners themselves. The property appears on a number of real estate websites as available for sale, with an asking price of \$1.8 million.



*Current zoning classification map, with subject area hatched.*

## **PUBLIC HEARING RESULTS**

On February 16, 2023, the City Planning Commission held a public hearing on this rezoning request. No public comments were made at the public hearing. At the time of the public hearing, no letters of support or objection were received by CPC staff.

During the public hearing, the Commission discussed the following:

- Concerns regarding increased commercial truck traffic due to increased intensity of uses allowed.
- Concerns regarding the impact on the community, including the emissions of odors.
- CPC staff was instructed to find the number of residences in the immediate area.
- Concerns regarding the opinion of the owner of 19536 W. Davison, as a portion of that property is proposed to be rezoned.
- Concerns regarding P&DD Master Plan Interpretation, which indicated that there is a possibility for increased commercial truck traffic when allowed uses intensify, and that the rezoning is “generally consistent” with the Master Plan. CPC staff was instructed to follow up with P&DD staff for further information.

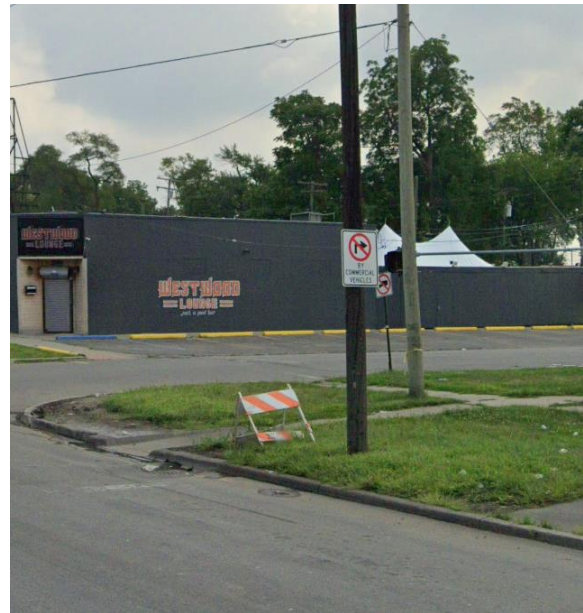
## PUBLIC HEARING FOLLOW UP

Based on the public hearing discussions, CPC staff offers the following follow-up information:

- CPC staff met with the owners of 19536 W. Davison on site. The owners expressed their strong support of the rezoning, and of the marijuana grow facility proposed for the adjacent parcel. The parcels mentioned, share a common parking lot. Ms. Patricia McDonald submitted a letter on behalf of McDonald Wholesale Distributor, further expressing their support.
- During discussion with the owners of 19536 W. Davison, and through on-site observations, CPC staff learned that truck traffic to and from the industrial uses on W. Davison and Auburn Streets does **not** use the residential streets as a means of access. The owners informed CPC staff that due to the parking of personal vehicles in front of residential properties, the residential streets do not have the space necessary for commercial trucks to easily utilize. Deliveries to the subject properties enter and exit through the same alley entrance on Auburn Street. CPC staff observed this practice while visiting the site.
- CPC staff found that there is a clearly marked truck route, directing trucks from Schoolcraft to turn onto Auburn Street. There are signs prohibiting trucks on all residential streets in the area. Examples of this signage can be seen in the images below.
- Neighboring business owners indicated that there was never an issue of odor when the site was previously operated as a marijuana grow facility.
- CPC staff contacted P&DD staff for further information on the possibility of increased commercial truck traffic occurring from increasing the intensity of uses allowed at the proposed rezoning location and the consistency of the rezoning with the Master Plan. P&DD staff provided the following information: *While the proposed zoning is industrial, the small scale of the rezoning likely mitigates against the most abrasive uses, especially with the auto related uses now removed. The potential noise from a bar or restaurant with outdoor seating could impact neighbors, as could truck uses.*



Sign on Westbound Schoolcraft directing trucks to travel south on Auburn St.



Signage on Eastbound Schoolcraft indicating that commercial vehicles cannot turn onto Westwood Street.



*Looking north from W. Davison on Minock, sign indicating that commercial trucks are not permitted on the residential street.*

## **STAFF ANALYSIS**

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

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

North:	R1 (Single-family Residential) – developed, single-family homes
East:	R1 (Single-family Residential) – vacant
South:	M4 (Intensive Industrial) – developed as industrial
West:	M2 (Restricted Industrial) – developed as commercial

### ***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.

- *Whether the proposed rezoning amendment corrects an error or meets the challenge of some changing condition, trend, or fact.* The proposed rezoning will create a uniformly zoned parcel at 19536 W. Davison, which is currently split between M2 (Restricted Industrial) and R1 (Single-family Residential). CPC staff believes that the split zoning was unintentional and should be corrected.
- *Whether the proposed amendment 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.* No adverse impacts are anticipated because of the proposed rezoning.
- *The suitability of the subject property for the existing zoning classification and proposed zoning classification.* The existing R1 (Single-family residential) does not allow for the existing commercial structure at 19500 W. Davison to be utilized as it is intended to be. The current legal use of structure is ‘warehouse’. M2 is a more suitable zoning classification, that will allow the existing structures and parking lot to be utilized as intended, and for the current legal uses of the properties.
- *Whether the proposed rezoning will create an illegal “spot zone.”* No spot zoning will be created, as the block face will become a uniformly zoned block face.

### ***Master Plan Consistency***

The subject properties are located within the Brightmoor area of Neighborhood Cluster 8 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows “RL – Low Density Residential” for the subject properties. The Planning and Development Department has reviewed this proposed rezoning and has determined that it is generally consistent with the Master Plan classification. The full report is attached.

### ***Community Input***

Community engagement for the proposed rezoning of 19500 W. Davison took place in September 2020. The petitioners met with the Plainview Block Club on September 24<sup>th</sup> and September 30<sup>th</sup>, 2020. Two additional meetings were had with the block club president, Ms. Conner, on September 30<sup>th</sup> and October 5<sup>th</sup>, 2020. Additionally, the petitioners walked through the area to engage with the community. Petition sheets in support of this rezoning were submitted, which included 65 signatures.

Following the public hearing, CPC staff met with the owners of the property at 19536 W. Davison. Again, the owners expressed strong support for the rezoning of both 19500 W. Davison, and the portion of their own property that currently shows an R1 zoning classification. They also sent CPC staff an email in support of the rezoning, which is attached.

### **CONCLUSION**

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

Attachment: PDD Master Plan Interpretation  
Letter of Support  
Petitions in Support

cc: Antoine Bryant, Director, P&DD  
Karen Gage, P&DD  
Greg Moots, P&DD  
David Bell, Director, BSEED  
James Foster, BSEED  
Conrad Mallett, Corporation Counsel  
Daniel Arking, Law Department