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TO: City Planning Commission

FROM: M. Rory Bolger, City Planner
Kimani Jeffrey, City Planner
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RE: **Proposed map amendment to Chapter 50, Zoning, Article XVII, Section 50-17-6 and Section 50-17-8, Map Nos. 5 and 7, to show an M2 (Restricted Industrial District) and an SD2 (Special Development District, Mixed-Use zoning classification where a PD (Planned Development District) and an M4 (Intensive Industrial District) zoning classification are currently shown in the industrial portion of the former Research Park West Rehabilitation Project area bounded by the railroad on the north, Trumbull Avenue on the east, Edsel Ford Freeway on the south, and Rosa Parks Boulevard on the west (RECOMMEND APPROVAL)**

DATE: September 1, 2023

RECOMMENDATION

The City Planning Commission (CPC) staff recommends APPROVAL of the Planning Commission-initiated proposal to rezone 28 lots on Zoning District Map Nos. 5 and 7—to be rezoned from the PD (Planned Development District) zoning classification and the M4 (Intensive Industrial) zoning classification to the M2 (Restricted Industrial District) zoning classification and the SD2 (Special Development, Mixed-Use District) zoning classification.

BACKGROUND

As noted in staff's report of July 6, 2023, the subject area is part of what had been the Research Park West Rehabilitation Project (Mich 4-88). It was one of numerous "urban renewal areas" established and for which a development plan was adopted to guide the redevelopment of a distressed area. Much of the land in Research Park was rezoned to the PD zoning classification.

During Detroit's municipal bankruptcy, the state-appointed emergency manager repealed the authorization for 25 "district areas," among them, Research Park (Ordinance No. 34-14). As noted in Section 50-4-4 of the Zoning Ordinance, that same Emergency Manager's Ordinance also implicitly repealed the 38 development plans that were linked to the urban renewal districts and that had been adopted and amended between June 18, 1957 and December 16, 2009, including Research Park West. These extinguished development plans were the underpinnings for the Planned Development (PD) zoning.

During the pandemic, CPC staff identified and visited some 403 locations in the city of Detroit that are zoned in the Planned Development (PD District) classification. Because the authorizations for those PDs may have a limited “shelf life,” among other factors, staff is identifying those locations that do not comport with the current Chapter 50 of the 2019 Detroit City Code, *Zoning*, and for which a rezoning may be needed either to the zoning district classification that preceded the PD or to a more appropriate zoning district classification.

In a July 2, 2020 communication, the Law Department advised CPC staff,

“All PD Districts that are not associated with any development regulations should be either (1) modified to adopt development regulations that are relevant to existing or proposed development projects located in the PD District, or (2) eliminated and rezoned to the most appropriate non-PD zoning classification.”

Twenty of the 28 lots in the subject area are currently zoned PD. This proposed rezoning of the PD-zoned industrial property in the former Research Park West area is meant to comply with that advice. The remaining eight lots in the subject area are zoned M4; the impetus for rezoning those eight lots is for consistency with the Master Plan.

MASTER PLAN

The subject area is located in Cluster 6, the Rosa Parks subsector. The Future Land Use map for this subsector identifies the area between the Edsel Ford Freeway and the railroad and between Trumbull and Rosa Parks Boulevard as “Light Industrial.” The current M4 zoning of the eight lots in the subject area is not consistent with the Master Plan. The proposed rezoning to M2 would bring the zoning into compliance with the city’s Master Plan for this area.

In its letter of July 17, 2023, the Planning and Development Department provided its Master Plan Interpretation, indicating “The proposed rezoning is **consistent** with the Master Plan designation.”

Surrounding Zoning and Land Use

The zoning classification and land uses for nearby properties are as follows:

North: M4 (Intensive Industrial), Railroad, active industrial.

East: PD (Planned Development, Residential) loft conversions, townhouses, apartment building.

South: Edsel Ford Freeway; R3 (Low-Density Residential) and R2 (Two-Family Residential) houses, vacant land and SD2 (Special Development District, mixed-use) commercial and vacant commercial in Woodbridge across the freeway.

West: M4 (Intensive Industrial), vacant land, vacant commercial.

PUBLIC HEARING RESULTS

On July 20, 2023, the CPC held the statutorily mandated public hearing to consider the rezoning of the 28 lots in the industrial portion of the former Research Park area. Two members of the

public spoke—both in support of the proposed down-zonings. One of the speakers lives directly across Trumbull Avenue in an industrial building that had been converted to residential lofts; she welcomed the prospect of additional historic industrial buildings, like 5757 Trumbull proposed for SD2, being preserved for residential conversion. The other speaker felt that changing the focus of the industrial land from heavy industrial to light industrial was desirable and appropriate.

Discussion among commissioners touched on whether having residential in the proposed SD2 would present a concern given the nearness of land zoned M4 directly north; further discussion clarified that the M4 to the north was separated (and buffered) from the Research Park rezoning area by the significant rail line.

A question was also raised whether allowing new residential so close to the I-94 freeway might be problematic given the noise levels produced by passing traffic. Staff notes that living next to an Interstate probably is not for everyone, yet it is not uncommon. Directly east of the rezoning site, Trumbull Crossing and Elijah McCoy Homes were intentionally and successfully developed as part of the PD rezoning that includes the area west of Trumbull. Not far to the west at 4100 West Warren and the Ford Freeway, is the Detroit Housing Commission’s multi-story apartment building. Most of the land abutting the West Edsel Ford service drive between Livernois and Addison Avenue (near the City of Dearborn) is zoned residential. Outside of the city we see examples of new, pricey market-rate vertical housing right at I-696 and Woodward Avenue.

Staff would have greater concern over freeway noise impacts on 5757 Trumbull if the building were closer than the 800 feet that it is set back from the edge of the freeway. Also, unlike stretches of M-39, the Southfield Freeway, the Ford Freeway is grade-separated from surface streets, meaning that some of the traffic noise is absorbed or deflected by the “trench” that the freeway runs in and the noticeable landscaping along the slopes.

In response to a commissioner’s query about possible nonconformities that would be created by the proposed rezonings, staff notes that 5757 Trumbull appears to be the only property where the current use, medical records warehousing, would be prohibited by the proposed zoning, SD2. However, the taxpayer of record for that property specifically supported SD2 and anticipated a possible residential future for that building when and if the current use discontinues; until such time, the warehousing can continue as a legal nonconforming use, regardless of ownership.

Commissioners asked for a run-down of ownership of the 28 lots in question in the industrial portion of the former Research Park. That information is displayed in the following table:

Taxpayer of Record	# of Lots	Location
LeCom, Inc.	6	5641, 5647, 5651, 5659, 5663, and 5667 Commonwealth
Lentine, Lentine, Tedesco\, Sam et al	1	5671 Trumbull (The LeCom building)
Hecla Warehouse LLC	9	5483, 5617, 5621, and 5635 Commonwealth; 5457 Avery 5437, 5456, 5460, 5470 Hecla

Johnstons Enterprises LLC [shared legal representation with Hecla Warehouse LLC]	3	5463 Avery 5400, 5450 Rosa Parks
5757 Trumbull Detroit Partners LLC	5	5703, 5707, 5715, 5757 Trumbull 1510 Stanley
Detroit Land Bank Authority	2	5465, 5611 Commonwealth
City of Detroit P&DD/Detroit Building Authority	1	5625 Commonwealth
Detroit Housing Commission	1	5462 Avery

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. *Because the current Zoning Ordinance, Chapter 50 of the 2019 Detroit City Code, requires Planned Developments to include an approved development plan and site plan, the repeal of such plans by the emergency manager for the Research Park industrial properties make it appropriate for these properties to be correctly zoned in a classification in which the parameters of development are clearly specified. Additionally, the proposed rezoning will correct the current "checkerboard" zoning in the subject area where different zoning classifications exist on the same block, rendering property owners' landholdings subject to different regulations.*
- Whether the proposed amendment will have significant adverse impacts on other property that is in the vicinity of the subject tract. *The proposed down-zoning from M4 to M2 is expected to minimize potential adverse impacts.*
- Whether the proposed rezoning will create an illegal "spot zone." *No spot zone would be created by this contiguous, 16.92-acre rezoning; all parcels in the subject area will be newly consistent with the city's Master Plan for future general land use.*

CONCLUSION

Based on the above analysis, CPC staff finds that the proposed rezoning satisfies the approval criteria of Chapter 50, Article III, Division 3, Sec. 50-3-70 of the 2019 Detroit City Code and recommends approval of the rezoning of the 28 lots in the Research Park West industrial area as indicated below and as depicted on the following map:

- That Zoning District Map No. 5 be rezoned from the PD District zoning classification to the M2 District zoning classification at the following 16 locations:
 - 5457 Avery
 - 5462 Avery
 - 5463 Avery
 - 5465 Commonwealth
 - 5611 Commonwealth
 - 5625 Commonwealth
 - 5641 Commonwealth

- 5647 Commonwealth
 - 5651 Commonwealth
 - 5659 Commonwealth
 - 5663 Commonwealth
 - 5437 Hecla
 - 5456 Hecla
 - 5460 Hecla
 - 5470 Hecla
 - 5671 Trumbull
- That Zoning District Map No. 5 be rezoned from the M4 District zoning classification to the M2 District zoning classification at the following seven locations:
 - 5483 Commonwealth
 - 5617 Commonwealth
 - 5621 Commonwealth
 - 5635 Commonwealth
 - 5667 Commonwealth
 - 5400 Rosa Parks
 - 5450 Rosa Parks
- That Zoning District Map No. 7 be rezoned from the PD zoning district classification to the SD2 zoning district classification at the following four locations:
 - 1510 Stanley
 - 5703 Trumbull
 - 5707 Trumbull
 - 5715 Trumbull
- That Zoning District Map No. 7 be rezoned from the M4 zoning district classification to the SD2 zoning district classification at the following one location:

cc: Antoine Bryant, Director, PDD
 Karen Gage, PDD
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 Conrad Mallett, Corp. Counsel
 Bruce Goldman, Law
 Dan Arking, Law
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LOCATION MAP

