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October 18, 2019

HONORABLE CITY COUNCIL

RE: Request by the City Planning Commission staff to rezone several blocks/properties on Zoning Map No. 52 near I-75/Fisher Freeway and Pleasant Street in the 48217 zip code/Boynton Area generally to show R2 (Two-Family Residential District) and M2 (Restricted Industrial District) zoning classifications where B4 (General Business District) and M4 (Intensive Industrial District) zoning classifications are currently shown (RECOMMEND APPROVAL)

The City Planning Commission (CPC) staff is requesting to rezone several blocks/properties on Zoning Map No. 52 near I-75/Fisher Freeway and Pleasant Street in the 48217 zip code/Boynton Area. The change in zoning is being requested in order to make the area's zoning more consistent with the City's Master Plan of Policies and to limit the influence of intensive industrial uses on nearby residential uses. Please see Attachment A for a map of the proposed rezoning.

Background and Proposal

In 2010, then Council Member Kwame Kenyatta spearheaded a Southwest Community Task Force to look at various issues impacting Southwest Detroit. At these Task Force meetings, community members expressed concerns about the large number of industrial uses in their community, especially ones with significant air emissions. In response, the Detroit City Council requested that the CPC staff review areas in Southwest Detroit that could be rezoned, beginning with properties within the 48217 zip code. In February 2013, the City Planning Commission held a public hearing and voted to rezone numerous parcels. However, with the City operations disrupted by the bankruptcy proceedings, the subject down zoning was never forwarded to City Council for consideration.

In late 2017, Council Member Castaneda-Lopez asked the CPC staff to revisit the past 48217 down zoning initiative. Council Member Castaneda-Lopez's office hosted, in the past two years, four community meetings in the 48217 area to analyze and discuss potential rezonings.

CPC staff researched the previous 2013 request, studied existing land use patterns, analyzed the Detroit Master Plan of Policies, and processed feedback from the community meetings. Based on this analysis, CPC staff is proposing to downzone 16 addresses north of Pleasant Street and 49 addresses (seven blocks or parts thereof) south of Pleasant Street. In general, the proposed amendments would:

- Rezone the industrial land bounded by the rail corridors on the north, Detroit City limits on the east, Pleasant Street on the south, and South Fort Street on the west from a M4 (Intensive Industrial District) zoning classification to a M2 (Restricted Industrial) zoning classification; and
- Rezone land on the south side of Pleasant Street from the Fisher Freeway to just east of South Liddesdale Street and from South Beatrice Street to South Ethel Street from a B4 (General Business District) zoning classification to a R2 (Two-Family Residential) zoning classification.

The subject south side of Pleasant Avenue contains very few buildings and is primarily vacant. However, the south side of Pleasant Avenue between Ethel and Bassett Avenues is developed with an operating welding shop; as a result, this block was not included in the proposed downzoning from B4 to R2. When land is proposed to be rezoned, sometimes the land uses permissibility changes in the new district. The attached table (Attachment B) lists each of the addresses that are part of the subject rezoning, including permit/land use info, proposed zoning change, and any land use impacts from the proposed rezoning. There are a few properties that appear to have zoning violations – they do not have permits to use the land as currently zoned. From this research, it appears, the proposed rezoning would not render any current legal land uses as nonconforming.

Public Hearing Results & Follow-up

On February 21, 2019, the City Planning Commission held a public hearing on the subject rezoning request. Prior to the hearing, one letter of support from area an resident, one email of support from an area resident, and one memorandum dated February 21, 2019 in opposition from Corrigan Oil Company were submitted. For public comment, two representatives of Corrigan Oil, two representatives of Goch and Sons Towing, and one representative of Industrial Fence Co. spoke in opposition. Three area residents spoke in support. For a summary of the comments made at the hearing, please see Attachment C. In response to this proposal, Corrigan Oil submitted petition #719 opposing the proposed rezoning and requesting City Council be required to pass the rezoning by a minimum of three-fourths of the City Council. After the hearing, Goch & Sons submitted a letter and Corrigan Oil submitted an additional letter dated May 2, 2019 opposing the rezoning. Below are responses to some of the questions posed at the public hearing.

The Commission asked, beyond the required notifications, was there any one-on-one communication with property owners to determine their position?

In the past two years, Council Member Castaneda-Lopez’s office held at least four community meetings in the 48217 area to analyze and discuss the potential downzonings. CPC staff understands that primarily area residents were invited to these meetings; however, some of these meetings were attended by area businesses, as well.

The Commission asked if M2 gave the greatest amount of protection that could be given to the community and why it couldn’t be taken to M1?

CPC staff research shows that the proposed downzoning would not render any current legal land uses as nonconforming. In particular, truck terminals (Corrigan Oil) and contractor yards (Industrial Fence) are by-right in both M4 and M2; tow yards (Goch & Sons) are conditional in both M4 and M2. In M1, contractor yards are also by-right and tow yards are also conditional, however, truck terminals become conditional in M1. Additionally, CPC staff conducted a more thorough analysis of the differences between the M1, M2, and M4 districts. Staff found (either

by-right or conditional) that M1 allows 189 specific types of uses, M2 allows 198 types of uses, and M4 allows 341 types of uses.

The Commission asked whether industrial or residential was developed first in the area.

A review of records show in 1922 Detroit annexed Oakwood Heights/Oakwood Village. Sanborn maps from the 1920s, prior to the construction of I-75, show the outline of long strips of ribbon farms leading from the Rouge River. There were also several rail lines leading to the Detroit River or southwest Detroit. Besides the railroads, the area shows little industry, but there was some, including the Salt Mine to the northeast and Detroit Edison. It appears, many of the houses built in the area north and south of Pleasant Street were built in the 1920s. The industrial areas of Corrigan Oil and Goch Towing appear to still be vacant ribbon farms. In summary, most of the land in the 1920s was residential adjacent to rail corridors and rural land. The Marathon refinery to the north was not established until 1930 by the then Aurora Gasoline Company.

The Commission had concerns about the problems of truck traffic in the area.

CPC staff reported at the hearing, it appeared that Pleasant Street was used by a number of trucks exiting I-75 at Schaefer and then proceeding to South Fort Street to Pleasant Street. It appears from State, Wayne County, and City truck maps that some of the primary designated truck routes leading to industrial areas to the south near West Jefferson Avenue are in the subject area (i.e. I-75, Fort Street and Schaefer Avenue). It appears trucks use Pleasant Avenue to access industrial lands north of Pleasant Avenue or as a route to access industrial lands to the south.

The Commission raised concerns about the air quality and water quality in the area, asked about feedback from the MDEQ/EGLE, and wondered if the subject rezoning would cause the air quality to get worse or better.

It is often cited that the 48217 area is one of (or the most) polluted zip codes in Michigan. While the west/south end of Boynton is primarily low density residential, the east/north end has numerous industrial uses, including the Marathon Oil Refinery. Furthermore, Boynton is surrounded by River Rouge, Ecorse, Lincoln Park, Melvindale, and Dearborn, all of which have significant industrial facilities nearby. As noted in the City's Master Plan of Policies, "Boynton economy and quality of life is tied to that of the adjacent communities. Its residential areas are surrounded by heavy industrial facilities". Within a three mile radius of the 48217 zip code are some very large industrial uses, including the Marathon Refinery, Detroit Wastewater Treatment Plant, US Steel on Zug Island, DTE EES Coke, and the DTE River Rouge power station. CPC staff spoke with several Michigan Department of Environment, Great Lakes and Energy (EGLE) staff members about air quality issues and trends in southwest Detroit. EGLE staff indicates the subject area and downriver are a nonattainment area for sulfur dioxide (those that have concentrations over the National Ambient Air Quality Standards) and Ozone. EGLE staff indicate in the past few years it has partnered with community residents in the 48217 area to better monitor air quality issues and to provide better enforcement.

Analysis

Surrounding Zoning and Land Use

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

- North: M4; the area north of the rail corridor is developed with intensive industrial uses, including indoor scrap metal processing and outdoor bulk petroleum storage
- East: Industrial uses within the City of River Rouge
- South: R1 and R2; developed with a residential neighborhood

West: M4 and R2 (across South Fort Street); developed with rail lines, Marathon Oil properties, Detroit Salt Mine, and largely vacant Oakwood Heights neighborhood

Proposed & Existing Zoning Districts

The B4 zoning classification currently exists on the south side of Pleasant Street with R2 beyond. The B4, in general, provides for business and commercial uses of a thoroughfare-oriented nature. The R2 designation is designed to protect and enhance those areas developed or likely to develop with single- or two-family dwellings. The R2 district regulations are designed to promote a suitable environment for homes and for activities connected with family life. Presently, the Master Plan of Policies does not designate Pleasant Street as a secondary or major street. The south side of Pleasant Street is primarily vacant and has very little commercial development, except the aforementioned welding shop.

The M4 district currently exists on the north side of Pleasant Street. The M4 district, in general, permits uses which are usually objectionable and, therefore, the district is rarely located adjacent to residential districts. A broad range of uses is permitted in this district. The M2 district is designed for a wide range of industrial and related uses which can function with a minimum of undesirable effects. Industrial establishments of this type provide a buffer between residential districts and intensive industrial districts.

Impact on Existing Land Uses

As stated earlier in this report, it appears, the proposed rezoning would not render any current legal land uses as nonconforming. In particular, truck terminals (Corrigan Oil) and contractor yards (Industrial Fence) are by-right in both M4 and M2, and tow yards (Goch & Sons) are conditional in both M4 and M2. Therefore, these existing land uses are treated the same from the current and proposed zoning districts.

Corrigan Oil, in its letter dated 2-21-19 opposing the rezoning, states (footnotes not included):

“By contrast, the residents to the south also purchased their properties on notice of the industrial uses to the north, as well as the M4 zoning attendant to those uses. In their case, however, they seek to realize a windfall. They, too, purchased their residential property at a market price reflecting the realities of location, in their case proximity to heavy industrial zoning, and likely paid a reduced price for their property accordingly. In requesting the present restrictions, the residents have followed the similar path well-trodden by those who move to a nuisance – moving in with full knowledge of their neighbors and then objecting to them. As preserving the present zoning protects the investment backed expectations of the industrial owners, and only denies the owners of the residential properties a windfall . . .”

The CPC objects to the notion that the residents to the south seek to realize a windfall from the proposed rezoning. The CPC disagrees with the notion that the residents moved with full-knowledge to neighborhood near heavy industry, etc. This argument ignores the possible impacts in this residential neighborhood of factors such as segregation, environmental injustice, and redlining.

Zoning Ordinance Criteria

Section 61-3-80 of the Detroit Zoning Ordinance lists eight approval criteria on which zoning

map amendments must be based. The CPC finds that the present request meets the criteria for the following reasons:

1. *Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend or fact.*

There is no error in the current zoning map which the proposed amendment would correct. However, it does meet the challenge of a changing condition or trend for the south side of Pleasant Street. Over the years, most of the buildings on the south side Pleasant Street have been removed and the land is primarily vacant. Also, several of the parcels, north of Pleasant Avenue, along the rail corridor are vacant as well.

2. *Whether the proposed amendment is consistent with the Master Plan and the stated purposes of this Zoning Ordinance.*

The subject site is located within the Boynton Area of the Neighborhood Cluster 5 of the Detroit Master Plan of Policies. The Future Land Use map shows Low Density Residential for all of the property on the south side of Pleasant Street and Light Industrial for all of the property on the north side of Pleasant Street and south of the rail line. The Planning & Development Department (P&DD) submitted a memo dated February 19, 2019 concluding the proposed rezoning conforms to the Master Plan of Policies.

Within the Master Plan, there are listed specific Issues, Goals, and Policies for the Boynton Area. This section includes the following five Goals for Boynton:

- GOAL 1: Reinforce sound neighborhoods
- GOAL 2: Increase the vitality of neighborhood commercial thoroughfares
- GOAL 3: Increase the vitality of neighborhood commercial areas
- GOAL 4: Reduce conflicts between industrial and residential areas
- GOAL 5: Increase open space and recreational opportunities

For Goal 1 to “Reinforce sound neighborhoods,” the CPC maintains the proposed rezoning would limit the impact of thoroughfare-oriented business and intensive industry on the adjacent residential area. For Goal 4, Policy 4.2 states, “Buffer the negative impacts of industrial land uses upon residential areas in the northeast”. The CPC maintains the proposed rezoning would reduce conflicts between industrial and residential areas by limiting intensive industrial uses that could develop.

A broader goal of the Master Plan, under Environment and Energy, Goal 2 states, “Ensure environmentally healthy neighborhoods,” with Policy 2.3 stating, “Examine “down-zoning areas” (less intensive zoning designation) where there are land use conflicts and/or are in transition from industrial to residential uses to protect residential areas from more intensive uses”. The CPC maintains downzoning the subject M4 and B4 areas would help lesson conflicts between residential uses and intensive industrial and general business uses.

A broader goal of the Master Plan, under Industrial Centers, Goal 3 states, “Minimize conflicts between industrial centers and residential areas”. The CPC maintains that reducing potential high intensity industrial uses so close to a residential area would be beneficial.

Corrigan Oil in its 2-21-19 letter points out that within the Master Plan, under Industrial Center, Goal 1 is to “Enhance the economic potential of industrial centers,” with Policy 1.1 to “Develop a coordinated method to clear title, assemble land, and sell industrial parcels”,

and Policy 1.3 to “Support the demolition of obsolete industrial structures”. Corrigan maintains that the policy of downzoning conflicts with the Master Plan’s goal of encouraging reinvestment and cleanup of industrial land. The CPC notes that this subject broader goal is one of the many more general goals listed in the Master Plan. The CPC appreciates Corrigan’s redevelopment of an abandoned parcel to meet its business needs, however, the CPC does not agree that downzoning land from Intensive Industrial (M4) to Restricted Industrial (M2) inherently conflicts with the goal of encouraging industrial reinvestment.

Within the Master Plan, under Boynton, Industrial Centers, it states, “Issues. Industrial disinvestment is prevalent in the north and northeast areas. In some cases industrial uses encroach upon adjacent residential areas”. Corrigan maintains that this disinvestment may have been the case previously, and is the case no longer with the investment of Marathon, Corrigan, Goch, etc. The CPC acknowledges there has been some investment by some industries in the Boynton area, but the impacts of disinvestment remain. Furthermore, the investment by some industries, does not negate the need to buffer the negative impacts of industrial land uses upon residential areas.

3. *Whether the proposed amendment will protect the health, safety, and general welfare of the public.*

It is the CPC’s determination that the proposed amendment will protect the health, safety, and general welfare of the public. Downzoning the subject area to R2 and M2 would limit the impacts of potential future general business and intensive industrial uses in close proximity to residential areas.

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.*

Not applicable.

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 stormwater management.*

It is not anticipated the proposed rezoning will have significant adverse impacts on the natural environment.

6. *Whether the proposed amendment will have significant adverse impacts on other property that is in the vicinity of the subject tract.*

The proposed amendment will not have significant adverse impacts on property in the vicinity of the subject tract. Land to the north is developed with rail lines and industrial uses; land to the east is developed with a rail line and industrial uses; land to the south is developed with residential uses; land to the west is developed with the I-75 freeway and industrial uses.

7. *The suitability of the subject property for the existing zoning classification and proposed zoning classification; and*

The land on the south side of Pleasant Street, while currently zoned B4, is primarily vacant. The Master Plan calls for this land to be redeveloped as low-density residential. The land north of Pleasant Street (of the subject rezoning), while zoned M4, is developed currently

with uses that are allowed in M2. The Master Plan calls for this area to be designated Light Industrial.

8. *Whether the proposed rezoning will create an illegal "spot zone."*

The proposed rezoning will not create an illegal spot zone, because there exists industrial land to the north and residential land to the south.

Conclusion and Recommendation

The Boynton area of Detroit (the 48217 zip code) is the southernmost part of the city with a mix of residential neighborhoods, commercial areas, and large and small industry, surrounded by downriver communities on 3 sides. The Detroit Master Plan of Policies recommends the subject area, on the south side of Pleasant Street, be developed as low density residential and, the north side of Pleasant Street, be developed as light industrial. The proposed rezoning is more consistent with the Master Plan and seeks to limit the potential impact of intensive industrial and commercial uses on nearby residential areas. The proposed rezoning does not render any of the legally existing uses as nonconforming.

Based on the above analysis and consistent with the approval criteria of Sec. 61-3-80 of the Zoning Ordinance, the City Planning Commission recommends **APPROVAL** of the proposed rezoning request. The ordinance approved as to form, is attached for Your consideration.

Respectfully submitted,

Alton James, CHAIRPERSON



Marcell R. Todd, Jr., Director

Christopher J. Gulock, Staff

cc: Karen Gage, P&DD
Esther Yang, P&DD
Greg Moots, P&DD
Lawrence Garcia, Corp. Counsel
Kim James, Law Dept.
Daniel Arking, Law Dept.
Arthur Jemison, Chief of Services and Infrastructure

SUMMARY

An ordinance to amend Chapter 50 of the 2019 Detroit City Code, '*Zoning*,' by amending Article XVII, District Map No. 52 to show R2 (Two-Family Residential District) and M2 (Restricted Industrial District) zoning classifications where B4 (General Business District) and M4 (Intensive Industrial District) zoning classifications are currently shown for the property generally bounded by the Consolidated Rail Company railroad right of way to the north, the Norfolk Southern railroad right of way to the east, the alley first south of Pleasant Street to the south, and South Fort Street to the west.

1 **BY COUNCIL MEMBER _____ :**

2 **AN ORDINANCE** to amend Chapter 50 of the 2019 Detroit City Code, ‘Zoning,’ by
3 amending Article XVII, District Map No. 52 to show R2 (Two-Family Residential District) and
4 M2 (Restricted Industrial District) zoning classifications where B4 (General Business District)
5 and M4 (Intensive Industrial District) zoning classifications are currently shown for the property
6 generally bounded by the Consolidated Rail Company railroad right of way to the north, the
7 Norfolk Southern railroad right of way to the east, the alley first south of Pleasant Street to the
8 south, and South Fort Street to the west.

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

10 **Section 1.** Chapter 50 of the 2019 Detroit City Code, ‘Zoning,’ is amended as follows:

11 (a) Article XVII, District Map No. 52 is amended to show an R2 (Two-Family
12 Residential District) zoning classification where a B4 (General Business District) zoning
13 classification is currently shown for the properties located at 11903-11953, 12003-12053, 12325-
14 12343, 12401-12441, 12507-12543, 12605, and 12627 Pleasant, all more specifically described

15 as:

16 11903-11953 Pleasant – The area bounded by West Pleasant Street, South Ethel Street,
17 the east/west alley first south of West Pleasant Street, and South Deacon Street

18 12003-12053 Pleasant – The area bounded by West Pleasant Street, South Deacon Street,
19 the east/west alley first south of West Pleasant Street, and South Beatrice Street

20 12325-12343 Pleasant – Land located at W PLEASANT 1, 2, 3, 4, & 5 WELCH &
21 O Briens Oakwood PK Sub L32 P88 Plats, W C R 20/415

22 12401-12441 Pleasant – The area bounded by West Pleasant Street, South Liddesdale
23 Street, the east/west alley first south of West Pleasant Street, and South Liebold Street

1 12507-12543 Pleasant – The area bounded by West Pleasant Street, South Liebold Street,
2 the east/west alley first south of West Pleasant Street, and South Patricia Street

3 12605 Pleasant – Land located at W PLEASANT S 60 FT OF E 115 FT LYG W & ADJ
4 PLEASANT AVE & N & ADJ PATRICIA AVE PC 61 20/-- 60 X 115

5 12627 Pleasant – Land located at W PLEASANT N 32.68 FT OF S 92.68 FT ON W
6 LINE BG N 25.14 FT OF S 85.14 FT ON E LINE OF W 33 FT OF E 115 FT OF THAT
7 PT OF PC 61 LYG W & ADJ PLEASANT N & ADJ PATRICIA 20/--- 954 SQ FT

8 (b) Article XVII, District Map No. 52 is amended to show an R2 (Two-Family
9 Residential District) zoning classification where an M4 (Intensive Industrial District) zoning
10 classification is currently shown for the property located at 11731 Pleasant, more specifically
11 described as:

12 11731 Pleasant – Land located at W PLEASANT 1065 MARION PK NO 3 L56 P1
13 PLATS, W C R 20/457 95.9 IRREG

14 (c) Article XVII, District Map No. 52 is amended to show an M2 (Restricted
15 Industrial District) zoning classification where an M4 (Intensive Industrial District) zoning
16 classification is currently shown for the properties located at 855, 861, and 865 South Fort, 717,
17 751, and 802 Patricia, 12501 Sanders, 11800, 12000, 12030, 12082, 12100, 12110, and 12220
18 Pleasant, 754 North Deacon, and 750 South Deacon, all more specifically described as:

19 855 & 861 S. Fort – Land located at S-S FORT W 20 FT 12, 13, 14, 15 & 16 AND VAC
20 ALLEY ADJ BURKE & OBRIENS SUB L23 P45 PLATS, W C R 20/406

21 865 S. Fort – Land located at S-S FORT A TRIANG PT OF 1 BG W 102.37 FT ON S
22 LINE & S 86.14 FT ON W LINE S 86.14 FT ON E LINE BG S 113.82 FT ON W LINE
23 OF 2 S 113.82 FT ON E LINE BG S 136.62 FT ON W LINE OF 3 S 101.62 FT ON E

1 LINE BG S 126.86 FT ON W LINE OF 4 5 EXC TRIANG PT BG E 4.66 FT ON N
2 LINE & N 3.92 FT ON E LINE 6 THRU 11 E 10 FT 12 & VAC ALLEY ADJ BURKE
3 & O BRIENS SUB L23 P45 PLATS, W C R 20/406 52,098 SQ FT
4 717 Patricia – Land located at 3 EXPIRING 12/30/2013. PROPERTY EXEMPT FROM
5 AD VALOREM TAXES AND ASSESSED PURSUANT TO PA 261 OF 2003
6 EXPIRING 12/30/2013. S PATRICIA 23&24 EXC TRIANG PT BG E 11.35 FT ON S
7 LINE & S 20.37 FT ON E LINE D G RIOPELLES SUB L19 P6 PLATS, W C R 20/404
8 ALSO THAT PT OF PC 118 LYG S OF WABASH & MCRR R/WS & N OF FISHER
9 FREEWAY 20/--- 42,333 SQ FT
10 751 Patricia – Land located at S PATRICIA A TRIANG PT OF 26 THRU 32 BG W
11 117.24 FT ON N LINE N 210 FT ON W LINE ALSO S 40 FT OF VAC PATRICIA
12 AVE LYG BTW SANDERS AVE 45 FT WIDE & THE N LINE OF THE FISHER
13 FWY D G RIOPELLES SUB L19 P6 PLATS, W C R 20/404 22058 SQ FT
14 802 Patricia – Land located at N PATRICIA THAT PT OF P C 61 DESC AS BEG 61.22
15 FT N ON E LINE OF BURKE & O BRIENS SUB FROM INTSEC OF N'LY LINE OF
16 PLEASANT AVE 66 FT WD & E LINE OF SD SUB TH N ALG E LINE OF SD SUB
17 589.3 FT TH N 71D 12M 44S E 198 FT TH S 57D 59M 46S E 28.04 FT TH S 32D 00M
18 14S W 314.4 FT TH ALG CUR TO L 451.12 FT CH S 53D 51M 41S W 745.48 FT TO
19 P O B ALSO THE N 40 FT OF VAC PATRICIA AVE LYG BTW SANDERS AVE 45
20 FT WD & N LINE OF FISHER FWY 20/-- 81,452 SQ FT
21 12501 Sanders – Land located at E SANDERS THAT PT OF PC 118 LYG S ELY OF
22 FISHER FREEWAY BETW SANDERS & MCRR 20/--- 138,083 SQ FT
23

1 11800 Pleasant – Land located at E PLEASANT 7, PT OF 6 ARTHUR H HILLS
2 ROUGE DEVELOPMENT L62 P68 PLATS, W C R 20/471 ALSO PT OF PC'S 75, 669
3 DESC AS BEG AT INT OF WLY COR SD LOT 6 & NELY LN PLEASANT AVE 66
4 FT WD TH N 31D 10M 10S E 501.69 FT ALG NWLY LN 6 BG SELY LN DEACON
5 AVE 60 FT WD TH S 15D 17M 1S E 358.02 FT ALG WLY LN DT&I R O W 100 FT
6 WD TH N 31D 10M 10S E 55.19 FT ALG WLY LN SD PC 75 BG ELY LN SD PC 669
7 TH S 15D 17M 1S E 445.11 FT TH N 59D 14M 51S W 322.63 FT ALG NELY LN SD
8 PLEASANT AVE TO A POINT LY ON SD WLY LN PC 75 TH N 59D 5M 51S W
9 259.50 FT ALG NELY LN PLEASANT AVE TO P O B 20/- - 3.39 AC Split/Combined
10 on 03/21/2017 from 20017708.003L, 20017710.001, 20017710.002L, 20017711.001
11 12000 Pleasant – Land located at E PLEASANT E 40 FT AT RA TO R R OF 6
12 ARTHUR H HILLS ROUGE DEVELOPMENT L62 P68 PLATS, W C R 20/471 W 40
13 FT OF P C 669 LYG E & ADJ LOTS 6 & 7 OF SD SUB 20/--- 14,442 SQ FT
14 12030 Pleasant – Land located at N DEACON 1 THRU 3 ARTHUR H HILLS ROUGE
15 DEVELOPMENT L62 P68 PLATS, WCR 20/471 400X259.5 103,800 SQ FT
16 12082 Pleasant – Land located at E PLEASANT THAT PT OF PC 125 DESC AS FOLS
17 BEG AT A PTE IN W LINE BG ALSO IN N LINE OF PLEASANT AVE 66 FT WD
18 TH N 29D E 846.78 FT TH S 61D E 127.65 FT TH S 60D 20M E 280.14 FT TH S 28D
19 58M 40S W 840.55 FT TH N 61D 25M W 408.02 FT TO P O B 20/-- 344,334 SQ FT
20 12100 Pleasant – Land located at E PLEASANT THAT PT OF PC 125 DESC AS FOLS
21 BEG AT A PTE IN N WLY LINE BG ALSO IN C L OF SANDERS AVE 30 FT WD
22 TH S 61D E 80 FT TH N 29D E 313.65 FT TH S 39D 30M E 143.36 FT TH ON
23 CURVE TO L 325.20 FT RAD 1462.70 FT CHORD S 7D 46M 40S E 324.53 FT TH S

1 28D 58M 40S W 22.73 FT TH N 60D 20M W 280.14 FT TH N 61D W 127.65 FT TH N
2 29D E 18.30 FT TO P O B 20/-- 69,787 SQ FT

3 12110 Pleasant – Land located at E PLEASANT REAR N 80 FT OF W 345.16 FT ON N
4 LINE BG W 313.70 FT ON S LINE LYG E OF CENTERLINE SANDERS AVE EXT
5 OF PC 125 20/--- 0.605 ACRES

6 12220 Pleasant – Land located at W PLEASANT THAT PT PC 125 DESC AS COMM
7 AT INTSEC NLY LINE OF SANDERS AVE 30 FT WD AND WLY LINE PC 125, TH
8 ALG WLY LINE N 29D 0M 0S E 185.03 FT TO SLY LINE OF MCRR R/W; TH ALG
9 SD R/W ON A CUR TO RIGHT 88.18 FT, RAD 1106.28 FT, CENT ANG 4D 34M 01S,
10 CH BRG S 64D 46M 56S E TO WLY LINE OF DETROIT & TOLEDO SHORELINE
11 RR R/W (60 FT WD); TH ALG SD WLY LINE 302.69 FT ALG CUR TO LEFT , RAD
12 1463.00 FT, CENT ANG 11D 51M 15S CH BRG S 04D 28M 27S W; TH N 39D 30M
13 06S W 229.34 FT TO POB 20/-- 30,672 SQ FT OR 0.704 AC

14 754 N. Deacon – Land located at N DEACON 4 ARTHUR H HILLS ROUGE
15 DEVELOPMENT L62 P68 PLATS, WCR 20/471 100X259.5 25,950 SQ FT

16 750 S Deacon – Land located at N DEACON 5 ARTHUR H HILLS ROUGE
17 DEVELOPMENT L62 P68 PLATS, W C R 20/471 1.428 AC

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

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

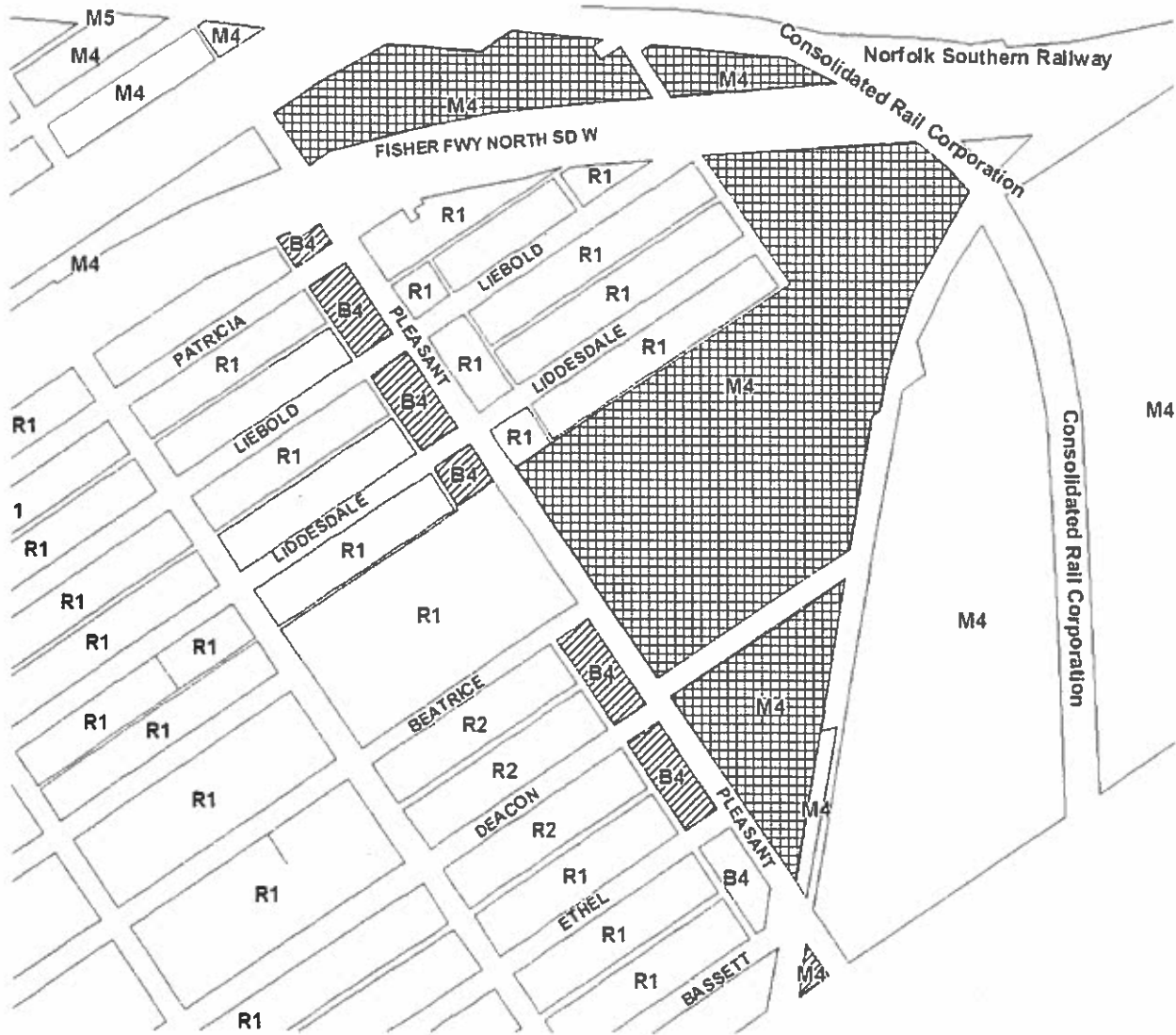
1 **Section 4.** This ordinance shall become effective on the eighth (8th) day after publication
2 in accordance with Section 401(6) of Public Act 110 of 2006, as amended, M.C.L. 125.3401(6)
3 and Section 4-118, paragraph 3, of the 2012 Detroit City Charter.

Approved as to Form:



Lawrence T. Garcia
Corporation Counsel

ATTACHMENT A



 Rezoning to R2

 Rezoning to M2

Address	Street	Taxpayer	Current Use	Current Permit	Current Zoning	Proposed Zoning	Allowed under current zoning?	Allowed under proposed zoning?	Comments
North Side Pleasant Ave.									
11800	Pleasant	Pleasant and Deacon LLC	Truck Repair Shop	Truck Terminal (BLD2016-07448)	M4	M2	R *	R	
12000	Pleasant	City of Detroit	vacant		M4	M2	na	na	
12030	Pleasant	Fulmer, George & Joann	Industrial Fence Co.	Storage (#30916 1/22/1969)	M4	M2	R	R	contractor yard
750 S. Deacon		Goch Properties LLC	Tow Yard	Towing Service Storage Yard (BLD2016-00468)	M4	M2	C **	C	
754 N. Deacon		Goch Properties LLC	Tow Yard	Towing Service Storage Yard (BLD2016-00468)	M4	M2	C	C	
12082	Pleasant	DWSD	Oakwood CSO	Waste water treatment plant (BLD2011-02852)	M4	M2	R	R	
12100	Pleasant	Wolverine Pipeline	vacant	Pipeline Station/gas regulator station	M4	M2	R	R	major utility - water works
12110	Pleasant	DPW	vacant		M4	M2	na	na	
12220	Pleasant	DWSD	vacant		M4	M2	na	na	
12501	Sanders	Bimini Properties II, Inc	vacant		M4	M2	na	na	
751	Patricia	JJ Curran Crane	crane sales	Demo permit 2011; 865 S. Fort expansion	M4	M2	R	R	contractor yard
802	Patricia	JJ Curran Crane	crane sales	Storage	M4	M2	R	R	contractor yard
55/861/865 S. Fort		JJ Curran Crane	crane sales	Storage (#58405 5/14/1979)	M4	M2	R	R	contractor yard
717	Patricia	Dome Pipeline Corp.	vacant		M4	M2	na	na	
South Side Pleasant Ave.									
11731	Pleasant	ITC	utility tower	no permit	M4	M2	R	R	
11903	Pleasant	SBS Buildings, LLC	storage yard	no permit; violation 10/2017	B4	R2	na	na	violation issued
11919	Pleasant	Michael James Goch	fenced yard	no permit; violation 11/2017	B4	R2	na	na	violation issued
11925	Pleasant	Michael James Goch	fenced yard	no permit; violation 11/2017	B4	R2	na	na	violation issued
11929	Pleasant	Michael James Goch	fenced yard	no permit; violation 11/2017	B4	R2	na	na	violation issued
11933	Pleasant	Michael James Goch	fenced yard	no permit; violation 11/2017	B4	R2	na	na	violation issued
11937	Pleasant	Michael James Goch	fenced yard	no permit; violation 11/2017	B4	R2	na	na	violation issued

Address	Street	Taxpayer	Current Use	Current Permit	Current Zoning	Proposed Zoning	Allowed under current zoning?	Allowed under proposed zoning?	Comments
11941	Pleasant	Michael James Goch	fenced yard	no permit; violation 11/2017	B4	R2	na	na	violation issued
11945	Pleasant	Michael James Goch	fenced yard	no permit; violation 11/2017	B4	R2	na	na	violation issued
11949	Pleasant	Michael James Goch	fenced yard	no permit; violation 11/2017	B4	R2	na	na	violation issued
11953	Pleasant	Michael James Goch	fenced yard	no permit; violation 11/2017	B4	R2	na	na	violation issued
12003	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12009	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12013	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12017	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12021	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12025	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12025	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12027	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12031	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12035	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12039	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12043	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12047	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12053	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12325	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12327	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12333	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12337	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12343	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12401	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12407	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12411	Pleasant	DWSD	vacant		B4	R2	na	na	
12415	Pleasant	DWSD	vacant		B4	R2	na	na	

SUMMARY OF LAND USES

Address	Street	Taxpayer	Current Use	Current Permit	Current Zoning	Proposed Zoning	Allowed under current zoning?	Allowed under proposed zoning?	Comments
12425	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12429	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12433	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12441	Pleasant	Land Bank	vacant		B4	R2	na	na	
12507-1251	Pleasant	Ulysses	inoperable vehicle lot	no permit for storage	B4	R2	na	na	appears car storage illegal
12519	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12525	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12531	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12535	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12539	Pleasant	City of Detroit/PDD	vacant		B4	R2	na	na	
12543	Pleasant	ITS	vacant		B4	R2	na	na	
12605	Pleasant	Geraldine Hanke	vacant	no permit	B4	R2	na	na	
12627	Pleasant	ITC	utility tower	electrical permit	B4	R2	R	R	

* by-right use

** conditional use

ATTACHMENT C.

Summary of the February 21, 2019 Public Hearing Comments

On February 21, 2019, the CPC held a public hearing on the subject rezoning request. The following is a summary comments from the public hearing.

- ***Commissioner Esparza asked beyond the required notifications, was there any one-on-one communication with property owners to determine their position.*** CPC staff indicated, in the past two years, Council Member Castaneda-Lopez's office held four community meetings in the 48217 area to analyze and discuss the potential downzonings. CPC staff did not reach out one-on-one to business on the north side of Pleasant. Corrigan Oil contacted CPC staff a few days prior to the public hearing, and CPC staff discussed the proposal in detail.
- ***Commissioner Hood asked if M2 gave the most amount of protection that could be given to the community and why it couldn't be taken to M1.*** CPC staff explained the differences between the various industrial zoning categories. CPC staff said it would look at the differences between M1 and M2.
- ***Commissioner Hood asked additional questions about the former residential area west of the DWSD CSO Control Facility & Pump station – why was it left out.*** CPC staff provided additional info about this area, but offered to do more research.
- ***Commissioner Webb questioned whether eminent domain prompted the removal of housing (with regard to the development of the Oakwood CSO Control Facility & Pump Station).*** CPC staff offered to provide follow-up information about whether or not eminent domain was used.
- ***The Commission asked whether industrial or residential was developed first in the area.*** CPC staff assumed it was concurrently, but would have to do more research. ***Commissioner Russell wanted to know what is the best buffer separating industrial from residential.*** CPC staff discussed how this area evolved prior to zoning with residential being developed near industrial. CPC staff indicated the proposed rezoning would comply with the existing Master Plan.
- ***Commissioner Pawlowski asked whether the prior Task Force looked at health implications, including air quality, traffic, noise nuisance, etc.*** CPC staff indicated it was not sure of all issues looked at by the previous Task Force, but was currently focusing on just land use issues. ***Commissioner Pawlowski asked if there were any findings from PDD of how this land might be used.*** CPC staff indicated it did not receive any specific feedback from PDD on this area. ***Commissioner Pawlowski asked if any groups had plans for land in the area.*** CPC staff indicated it did speak with Marathon Oil, but they did not indicate any specific plans for the subject area.
- ***Commissioner Hood wished there was some way to regulate the air.*** CPC staff indicated the downzoning to M2 could provide a buffer for residents complaining about air quality.
- ***Commissioner Webb asked if there was supposed to be a plan for why we want to rezone and would the air quality get worse or better with the proposed rezoning.*** CPC staff responded that the Task Force from the past and the existing Master Plan are guiding the proposal. CPC staff indicated downzonings could prohibit some intensive uses that could impact the neighborhood.

- **Commissioner Andrews indicated she worked in the area in 1980s; and that a lot of the problems today with trucks, Marathon, and air quality existed back then. Will this proposed rezoning make any difference?** CPC staff responded the proposed rezoning is in compliance with the Master Plan. Staff thinks while the M2 is better than the M4, all of the problems in the area will not be solved.
- **Commissioner Hood asked again if M1 might be better suited for the subject area.**
- **Chairperson James asked if Corrigan Oil would be grandfathered in.** CPC staff indicated that Corrigan Oil is a truck terminal and does truck repairs. Both M4 and M2 allow these uses. CPC staff understood that Corrigan Oil felt the downzoning would diminish the value of their property.
- **Commissioner Pawlowski asked about Corrigan Oil's operation – do they refuel trucks, have fuel storage, etc.?** CPC staff would have to ask Corrigan for more details about its operation.
- **Commissioner Pawlowski asked is it possible to talk to the State of Michigan or Federal Government to by-pass Pleasant Street to get to Buckeye Terminal.** CPC staff indicated the City is updating its truck route map and recommended waiting for the City's truck analysis to be completed. CPC staff indicated it could talk with businesses to determine the routes of their trucks.
- **Commissioner Pawlowski was concerned about the air quality and water quality in the area.**
- **Commissioner Pawlowski asked why the City doesn't have control of its air quality.** Director Todd indicated there are federal guidelines which govern water and air quality. **Commissioner Pawlowski asked is it possible to get the Michigan Department of Environmental Quality (MDEQ) to attend a meeting.**
- **Commissioner Webb indicated that air quality and impact on the environment influences her decision.** CPC staff agreed to further research the proposed issues relative to her concerns. CPC staff recommended separating the air and water issues from the land use issues.
- **Commissioner Russell indicated that the Commission can only deal with zoning which can protect citizens. He indicated there has been a battle between neighborhoods and industry in this area for a long time and indicated the CPC could ask the City Council to pursue enforcement of air quality issues. He said the M2 might be the middle of the road – M2 keeps all of the businesses legally in operation - it doesn't make them nonconforming uses. Commissioner Russell requested staff to provide information regarding the Commissions' concerns to the community and with Council Member Castaneda-Lopez's office.**
- **Commissioner Esparza requested clarification regarding the 'grandfathering' of the current zoning, as it relates to the business owners' concerns, and consider having the Law Department provide clarification.**
- **Chairperson Jones said we needed to see the differences between M4 and M2. He clarified the proposed downzoning could limit future deleterious effects.**

For public comment, two representatives of Corrigan Oil spoke, two representatives of Goch and Sons Towing, and one representative of Industrial Fence Co. spoke in opposition. Three residents spoke in support.

Corrigan Oil indicated it made a large investment in the area and the downzoning runs counter to that investment. Corrigan indicates it primarily delivers gas to local gas stations in the Michigan, Ohio, and Indiana. Since 2014, it invested over \$2.4 million at 11800 Pleasant Street, and in making this investment, Corrigan was helping to effectuate the Master Plan goal to enhance the economic potential of industrial centers. Corrigan made that investment based on its ability to make other uses of its site in the future, and asserts that changing the zoning would counter the goals of the Master Plan and counters the investment in the area, which is contrary to the 2009 characterization of a disinvestment of industry in this area.

Goch Towing indicated the downzoning would diminish property values. Goch indicates one goal of Zoning Ordinance is to maintain property values. To change to M2 eliminates possibilities of what can be done with the property, which would affect the sale price of the property down the road. This greatly affect the financial value of the property. If rezoned to M1, they question how that might affect the business. Lastly, when it was purchased, it was M4, if changed, then the rules of the game are changing. When Goch moved in the area, it put a lot money into clean it up. One was unable to be drive down Deacon by two cars side by side. Goch said it hired a street sweeper to keep it clean, and it would be disservice to change, because it would diminish property value. Neighbors work hard to clean up> There is no need to change to M2. The area looks much better than the past. Don't confuse uses with Marathon – Goch and others don't put out pollution.

Industrial Fence said the area is much improved, and the downzoning would reduce property values. This is a property value issue. The company moved to the area 15 years ago, because it provided space. Industrial Fence said to change zoning now would be a disservice.

One resident said there is too much pollution and trucks in the area, and that the downzoning will help address this issue. The resident said they had been there since 1954 and that the change in zoning will not really improve anything, but not make it worse. The resident supported changing to M2 or maybe M1 and supported changing to R2, because of the resident's health and property values. The resident did not want hurt business that were there, but the area doesn't need any more pollution or trucking. There is too much as it is. The resident said thank you for being concerned about this.

One resident voiced support for downzoning, noting concern about trucks and contaminated land in the area. The resident said his family bought his house back in the early 1950s. He was concerned about the quality of life and about their business. The resident said the City needs to address the nearby contaminated site where a school used to be, that trucks go up and down street all day, and, if the City keeps M4, then he wants to be bought out. The resident said it is not fair – the houses were there before all the companies came in.

One resident supported the downzoning and raised concerns about the air quality. She thought about the air quality, livelihood of businesses, and schools that used to be in the area. She suggested the various uses need to work together to improve the quality of life, health and quality of business in the area.

