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TO: City Planning Commission

FROM: Kimani Jeffrey, Staff

RE: The request of the City Planning Commission staff, the Greenway Heritage Conservancy and the Midwest Civic Council of Block Clubs Association to amend Chapter 50 of the 2019 Detroit City Code, Zoning by amending Article XVII, *Zoning District Map*, Section 50-17-57, *District Map 55* of the Detroit Zoning Ordinance to show R3 (Low Density Residential District), B2 (Local Business and Residential District), B4 (General Business District), M1 (Limited Industrial District) and PR (Parks and Recreation) zoning classifications where the B4 (General Business District), M3 (General Industrial District), and M4 (Intensive Industrial District) zoning classifications currently exist.
(RECOMMEND APPROVAL)

DATE: May 14, 2021

CONCLUSION AND RECOMMENDATION

Due to the amount of engagement and study it takes to implement the Master Plan, CPC staff looks for opportunities to bring about the goals of the MP when possible. In this case, the community strongly desires to implement the vision of the MP and improve the future quality of life of the neighborhood by prohibiting future intensive industrial uses as well as certain commercial uses that may have a negative impact on residential areas.

The support of the District 6 Council Member Castañeda-López, the several neighborhood organizations and many residents that have voiced support through meetings or signed the petition, demonstrate that there is strong approval of the rezoning put forth. Therefore, CPC staff **RECOMMENDS APPROVAL** of the rezoning as proposed.

BACKGROUND

At Your Honorable Body's May 6th public hearing, the City Planning Commission (CPC) heard the request of CPC staff, the Greenway Heritage Conservancy and the Midwest Civic Council of Block Clubs Association for a rezoning in the Tireman and Livernois area.

The location of the proposed rezoning is shown on the accompanying map. In general, the proposed amendments would:

- Rezone land adjacent to Tireman Avenue between Greenlawn Street and Livernois Avenue from an M3 and B4 to a B2 zoning classification;
- Rezone land generally bounded by Tireman Avenue, the north/south alley first east of Bryden Street, Warren Avenue and Central Avenue from an M3 to a R3 zoning classification;
- Rezone land bounded by Majestic Street, McDonald Street, Central Avenue and the alley first north of Warren Avenue from an M3 to an R3 zoning classification;
- Rezone land north of Warren Avenue between American Street and McDonald Street from an M3 to the B4 zoning classification;
- Rezone land bounded by Tireman Avenue on the north, Majestic Street, McDonald Street, Central Street on the east, Warren Avenue on the south and Dearborn City Limits on the west from M4 to an M1 and PR zoning classification.

PUBLIC HEARING RESULTS AND ENGAGEMENT

At the public hearing, 7 letters in support, a petition with 101 signatures in support and one letter in opposition were submitted.

During the public hearing five people spoke. Three of those people spoke in support of the rezoning. One citizen raised questions about Americans with Disabilities Act (ADA) compliance, and a fifth speaker spoke in opposition to their property being rezoned. Council Member Castañeda-López also joined the meeting and spoke in strong support of the rezoning effort.

As stated in staff's previous report, prior to the public hearing, there were three community wide meetings held via Zoom to discuss this proposal. Additionally, there was a business focus group meeting held. Other outreach methods included door-to-door canvassing, posted signage, e-mail blasts, and a U.S. Postal service mailing.

Mr. Larry A. Cooper is the individual that spoke in opposition to the rezoning of property during the public hearing. The subject property that Mr. Cooper owns is shown below at 7569 Tireman. During the public hearing Mr. Cooper's attorney stated that the building is used as a medical office and that the rezoning would cause an economic hardship. In a letter submitted by Mr. Cooper's attorney, it states that there would be a hardship if the property is rezoned to R3 (Low Density Residential District).

However, this is a misunderstanding, as the public hearing notice actually identifies Mr. Cooper's property as a parcel that is proposed to be rezoned to a B2 (Local Business and Residential District), which will still allow a medical or dental clinic as a by-right use.



Photos of the 7569 Tireman property owned by Mr. Cooper

ANALYSIS

The City Planning Commission staff, Midwest Civic Council of Block Clubs Association (Midwest) and the Greenway Heritage Conservancy (GHC) have initiated this rezoning in order to bring their properties under a residential zoning classification. In addition, CPC staff found numerous opportunities in the area to update the neighborhood's zoning to align with the Master Plan of Policies. The Office of Council Member Castañeda-López and the Department of Neighborhoods (DON) have also provided their support for this effort.

In general, the impact that the proposed rezoning will have is to prohibit future intensive uses. In the B2 District, "high-traffic generating and traffic-oriented uses are restricted because of their obvious undesirable influence on adjacent residential areas." There are approximately 36 auto-related and industrial uses (auto repair, garage, scrapyards etc.) within the area bounded by Tireman, Livernois, Warren and the Dearborn City Limits. Of those 36 establishments, approximately 23 are in the footprint that is proposed to be rezoned. This rezoning would have the effect of barring future uses, while grandfathering the existing legal establishments.

It should also be noted that the community members have worked with the Buildings, Safety Engineering, and Environmental Department to identify violations at some of the properties. There were 80 violations in total at some of the 36 uses previously mentioned. Those violations include lack of business license, non-compliance violations, debris, illegal storage of cars, etc. Tickets have been issued for those violations.

Other impacts are as follows:

- **Impact of M4 to M1** – The M4 District allows approximately 62 industrial uses, some of which are very intense such as junkyards, hazardous waste facilities, sewage disposal plants, and outdoor storage yards. The proposed M1 Limited Industrial District on the land west of Central Avenue would allow 28 less intensive industrial uses which will curtail the impact to the surrounding area.
- **Impact of M3 to R3** – The M3 District permits approximately 47 industrial uses such as chemical materials blending or compounding, containerized freight yard, contractor yard, landscape or construction, and tank storage of bulk oil or gasoline. The area between

Central Avenue and the alley first east of Bryden currently has homes or is adjacent to homes. Rezoning it to R3 will only permit residential or institutional uses such as multiple-family dwellings, lofts, town-homes and single family dwellings as a matter-of-right. This would protect residents from any future abrasive uses coming into their community by eliminating the possibility of industrial uses in this boundary.

- **Impact of M3 to B4** – The rezoning of M3 to B4 on the parcels abutting Warren Avenue would reduce the permitted industrial uses while continuing to permit commercial uses and low scale industrial uses, typically on a conditional basis.
- **Impact of B4 to B2** – The proposed rezoning of B4 to B2 along Tireman Avenue primarily eliminates auto-centric uses. Major auto repair and some of the small industrial uses allowed in B4 would no longer be permitted. Drive-through uses such as fast food restaurants would no longer be permitted, but the District would instead allow restaurants without drive-through facilities such as walk-up and sit-down restaurants. The goal of the district is to create a walkable area that serves the day-to-day needs of the community and encourages pedestrian activity.
- **Impact of M4 to PR** – The rezoning of M4 to PR would disallow all industrial or commercial activity and only permit recreational uses. PR-zoned areas are intended to be preserved as open space. The restrictions of this classification are intended to encourage preservation of these lands and to permit development in keeping with the natural amenities of the area.

According to Sec. 50-3-70, Approval criteria, recommendations and decisions on an amendment of a zoning map in Article XVII shall be based on consideration of all of the following criteria:

- (1) *Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend or fact;*

Yes, the proposed amendment does meet the challenge of changing conditions. Ordinance 171-D of the 1940 Detroit Zoning Ordinance (Detroit’s first zoning ordinance) shows that the area between Tireman Avenue, the alley east of Bryden, Warren Avenue and Central Street (that is proposed to be rezoned from M3 to R3) was classified as industrial. This indicates that at the adoption of the first zoning ordinance, the City likely saw the area transitioning from residential to industrial.

However, that direction changed as a result of the community engagement and direction of the City when the current Master Plan was adopted in 2009, the City’s vision is that the area will transition back to residential and be down-zoned to a more pedestrian friendly character. The proposed rezoning on Tireman, Warren and the land west of Central also aligns with the City’s Master Plan.

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

The subject site is located in the Tireman Neighborhood Area of Neighborhood Cluster 6, of the Master Plan (MP). The current future general land use designations are Low/Medium Density Residential (RLM), Neighborhood Commercial (CN),

Thoroughfare Commercial (CT), Light Industrial (IL), and Parks and Recreation (PR). In general, the MP indicates that the subject areas should transition to less intensive zoning classifications. The triangular portion of the M4-zoned land to the west that is owned by the City of Detroit is less than 10 acres and is being proposed to transition to PR due to its designation as a portion of the Joe Louis Greenway. The PR designation is proposed in order to protect this portion of the greenway over time. The proposed rezoning is generally consistent with the MP future land use map designations.

- (3) *Whether the proposed amendment will protect the health, safety, and general welfare of the public;*

This entire rezoning is spurred by the deleterious impact that certain industrial and commercial uses in the area are having on residents and their quality of life. The amendment is meant to prohibit certain industrial and high-traffic generating activity from being established in the identified properties.

- (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;*

Since the permitted uses that would be allowed under the proposed zoning districts are currently permitted or less intensive than what is currently permissible, this rezoning should have no impact on public facilities or services.

- (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;*

The proposed rezoning is anticipated to have significant positive impacts on the environment in the long-term. As future business that will be permitted will be less intensive, it will help the air, soil and vegetation of this neighborhood.

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

The proposed rezoning is expected to have a positive impact as it may spur future investment in the area. If adopted, no further heavy industrial uses will be permitted, and new development that is more appropriate with the residential homes in the area may be developed. The nearby greenway will also play a part in drawing interest as it is planned to be an amenity for the area.

- (7) *The suitability of the subject property for the existing zoning classification and proposed zoning classification; and*

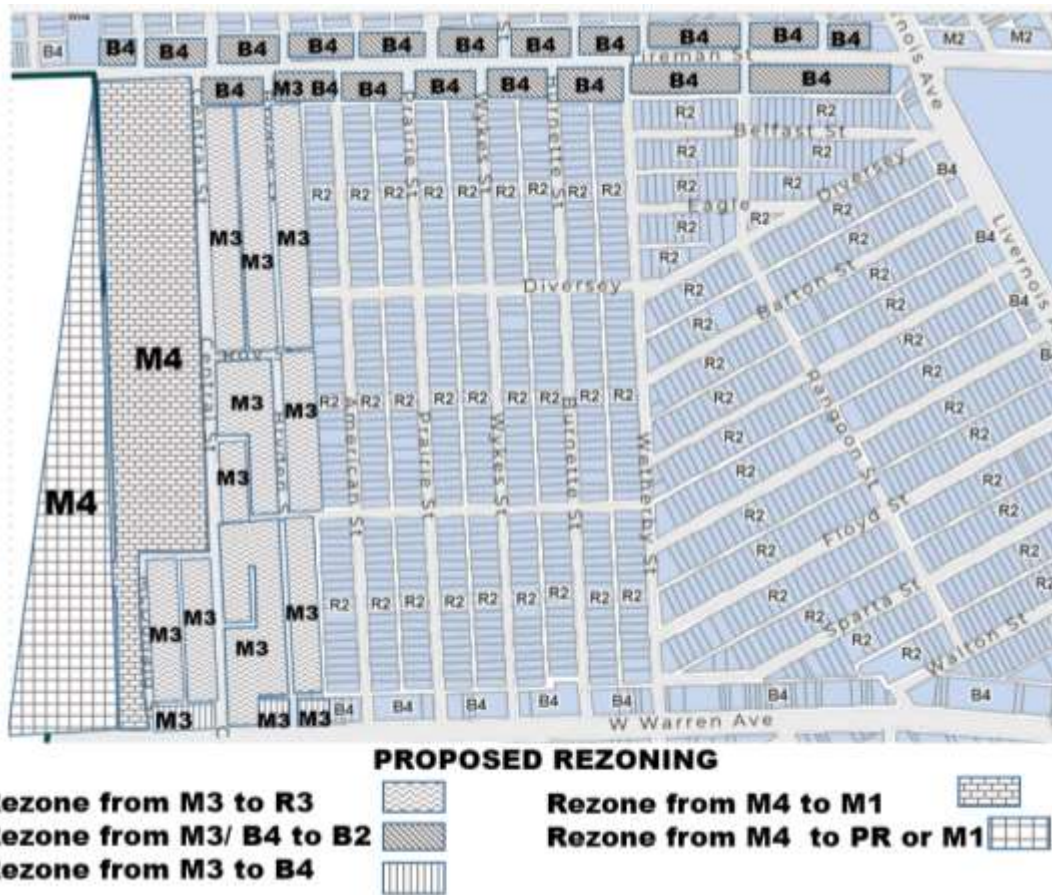
The existing zoning classification is no longer, and likely was never suitable for the area. This is probably the reason that we see the City changed its policy direction in the most recent MP. The zoning classifications being proposed will be more complimentary to a residential neighborhood with lower scale commercial activity. The proposed zoning still retains industrial zoning; however, M1 is the most limited industrial district, which will provide some protections as there are a small number of by-right industrial uses permitted.

The proximity to the Joe Louis Greenway that is soon to begin construction, may also spur more development activity that will be suitable under the proposed zoning classifications.

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

The proposed rezoning will not create an illegal spot zone.

- Cc: Katy Trudeau, PDD Acting Director
Karen Gage, PDD
Greg Moots, PDD
David Bell, Director, BSEED
Lawrence Garcia, Corp. Counsel
Donald Rencher, Group Executive for Housing, Planning and Development



SUBJECT MAP AMENDMENT AREA