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May 10, 2024

HONORABLE CITY COUNCIL

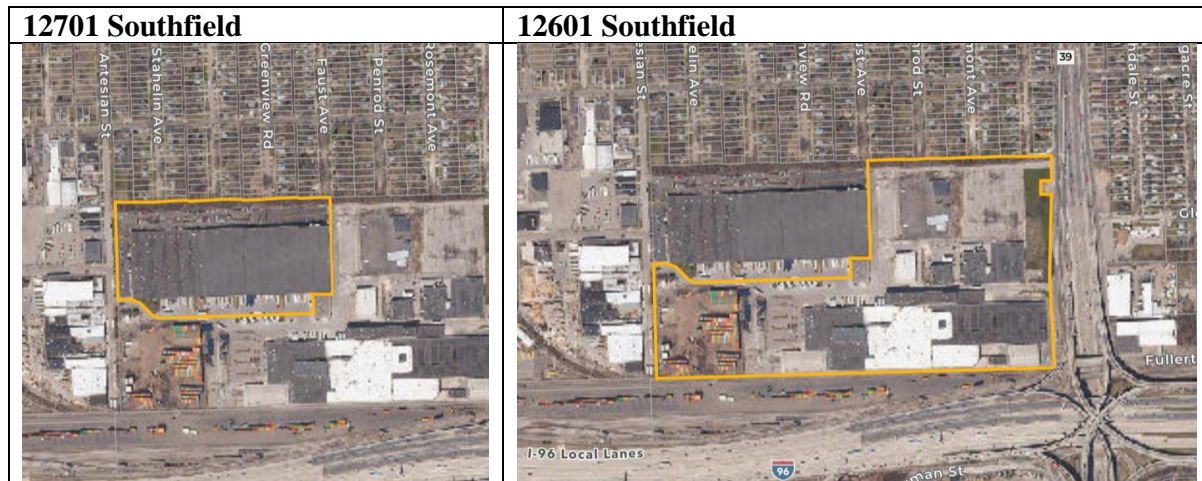
RE: Request of Innovo to modify the existing Planned Development zoning classification established by Ordinance No. 6-90 on Zoning Map No. 67 generally located west of the Southfield Freeway and north of the I-96 Expressway to allow for the modification of an existing greenbelt (RECOMMEND APPROVAL WITH CONDITIONS)

The City Planning Commission (CPC) has received the request of Innovo to modify the existing Planned Development (PD) established in 1990 by Ordinance No. 6-90 by amending Article XVII, Section 50-17-69, District Map No. 67 of the 2019 Detroit City Code, Zoning, located on the northern edge of two addresses known as 12601 and 12701 Southfield Road. The subject property is more specifically located between the Southfield Freeway and Artesian Street north of the I-96 Expressway. The PD modification is being requested to allow Innovo to change the site plan for the existing greenbelt.

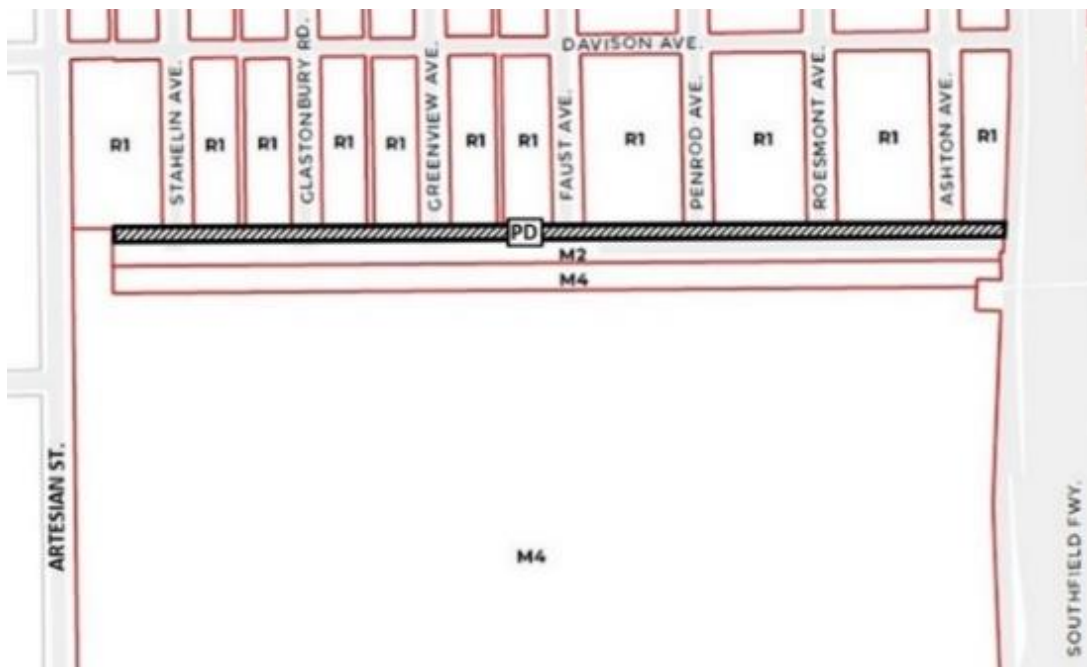
BACKGROUND

Location and Current Zoning

The subject site includes two separate addresses, shown below, referred to as the Gateway Industrial Complex. Innovo, which purchased the site in 2019, has been renovating the property and recently completed the construction of a 426,500 square foot light industrial building on the northeast corner of the site. At 12701 Southfield, there is an existing industrial building rented from Innovo by Detroit Manufacturing Systems (DMS), a certified minority business enterprise.



The subject site currently has three zoning categories shown below: the majority of the site is M4 (Intensive Industrial), there is a strip of M2 (Restricted Industrial) zoned land along the northern portion of the site, and there is a strip of PD zoned land at the northern property line. The northern PD buffer measures about 35 ft wide and 2,250 ft long.



History of the Site – Past Board of Zoning Appeals (BZA) Variance

In the past, 170 ft of the north end of the site was zoned R1 (Single-Family Residential). In 1976, the then owner, Massey-Ferguson, asked the BZA permission to use this primarily vacant R1 land for employee parking, storage of truck/trailers, and finished tractors. At the time, there were about 153 houses in the neighborhood directly north. The BZA granted the request with the following conditions:

- The unpaved area along the north property line shall have a minimum dimension of 35 ft.
- The appellant maintains the existing fence (a minimum of 7 ft in height with 3 strands of barbed wire).
- The appellant shall install and properly maintain a continuous triple row of upright Arborvitae or other approved species, each a minimum of 7 ft in height, planted a maximum of 4 ft on center along the entire length of the north edge of the parking area.

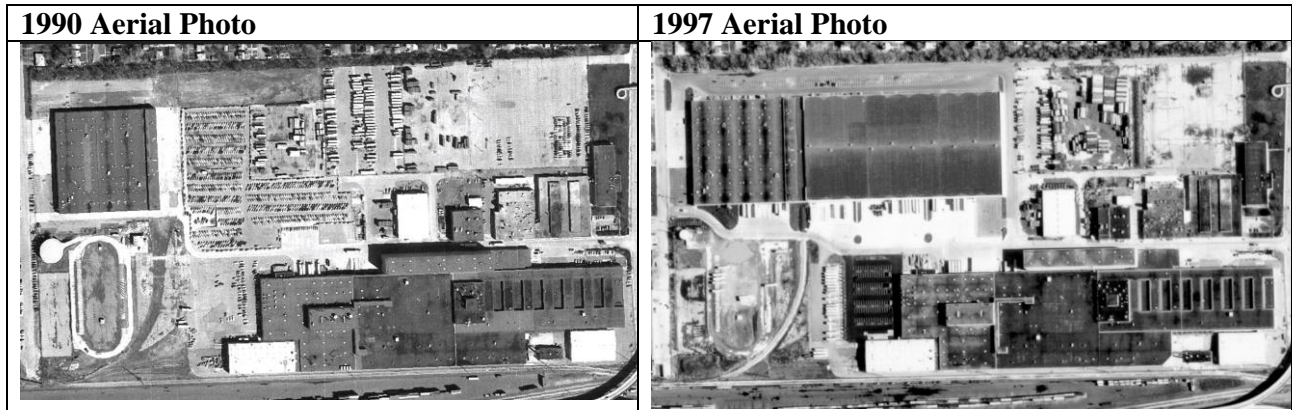
History of the Site – the 1990 PD Ordinance

In 1990, the G.V. Detroit Corp. bought the site and requested the City Council rezone the 170-foot-wide northern part of the property from R1 to PD (35 ft wide), M2 (65 ft wide), and M4 (70 ft wide). The PD portion included the continuation of the landscaped buffer in line with the 1976 BZA approval. The City Council approved the rezoning request as Ordinance No. 6-90. The 1990 approved site plan includes the following notes for the PD buffer:

- existing: “dense screen of native shrubs, understory trees, canopy trees and vines”, and
- proposed: “total quantity: a row of 469 arborvitae shrub 4 ft on center, 3 to 4 ft height at planting and 20 ft height at maturity”.

History of the Site – Recent Past

Over the past 33 years, industrial activity at the subject property has changed with different owners, tenants, and site renovations. As shown in the photo below, sometime in the 1990s, an addition to the building at 12701 Southfield more than doubled its size. The addition to the building included a reworking of the site, moving the truck docks and loading to the south side of the building and the employee parking to the smaller area north of the building. 12601 Southfield was primarily used as an outdoor staging and storage area.



Furthermore, over the past 33 years, some of the houses in the neighborhood to the north were demolished – there remain about 92 houses. Over the years, the buffer filled in with dense vegetation, but was not well maintained. It is unclear if the landscaping plan from 1976 or 1990 was ever actually specifically planted. The photos below from 2019 show the buffer as it existed looking southward toward the Gateway complex from the residential area to the north.



PD MODIFICATION REQUEST

In 2021, when Innovo applied for a building permit to construct the new warehouse at 12601 Southfield, the Buildings and Safety Engineering Department (BSEED) failed to route the PD plans to CPC staff for review and issued a building permit. A contractor for the project then proceeded to remove the entire buffer, installed a 12-foot-high chain link fence with barbed wire. In 2023, Innovo completed the new building, a parking lot with 317 spaces, and a 35-foot modified landscaped buffer.

In the past few years, the DMS operation at 12701 Southfield has experienced increased business and is running 3 shifts, 6 days per week resulting in the need for additional employee parking. Parking for approximately 392 employee vehicles currently exists on the north side of the DMS building – however, about 40 of these spaces cannot be used, because the spaces are adjacent to one active loading dock at the northeast corner of the building. There are also 87 existing employee parking spaces on the west side of the DMS building. While Innovo was constructing the new building to the east, DMS hired its

own contractor who created a temporary gravel parking lot on 25 ft of the former greenbelt. This request was routed to CPC staff who indicated any major change to the PD needed City Council approval.

Innovo has since taken over seeking approval for modifications to the entire PD buffer and is requesting approval from City Council for the following modification to the 1990 site plan:

- For the 12601 Southfield location:
 - Continuation of the 35-foot-wide PD buffer
 - Within the buffer, the installation of new stormwater treatment and new landscaping consisting primarily of evergreen trees, with some trees and shrubs
 - A 12-foot-high chain link fence with barbed wire along the northern property line
- For the 12701 Southfield location:
 - Reduction of the buffer to approximately 10 ft in width
 - Within the buffer, the installation of new landscaping consisting primarily of evergreen trees
 - Installation of 25-foot-wide paved parking area consisting of 98 parking spaces, 10-foot-wide drive aisle and some interior landscaping
 - A 12-foot-high fence with barbed wire along the north property line

PUBLIC HEARING AND COMMUNITY OUTREACH

On April 6, 2023, the CPC held a public hearing for the PD modification. Before and after the public hearing, Innovo indicates that it accomplished the following:

- After acquiring the site in 2019, Innovo removed approximately 40 dumpsters of trash and debris from the PD buffer and neighborhood to the north.
- In January 2023, Innovo representatives attended Council President Pro Tem Tate's District 1 monthly meeting to discuss primarily the new warehouse being built.
- In March 2023, Innovo indicates they engaged with members of the Grandmont Rosedale Improvement Association, Grandmont 1 Neighborhood Improvement Association, and the Schoolcraft Improvement Association to explain the project.

At the hearing, the Planning Commission received the following public feedback:

- One resident from adjacent Rosemont St. stated concerns regarding dust during construction, noise, trucks, and stating the barbed wire on the fence looked bad.
- One resident from Rosedale Park stated the impact on the neighborhood is immense with the removal of the trees; residents look right at the building; the newly installed trees are very far apart; it needs more dense mature landscaping; there should be a 6-foot-high wall.
- One resident of adjacent Faust St. stated they had no problem with redevelopment, but with the removing of the trees, there is noise and dust, trucks come down W. Davison, and water floods basements.
- CPC staff indicated prior to the hearing, it received an email raising concerns about the impact on families and that houses would be destroyed.

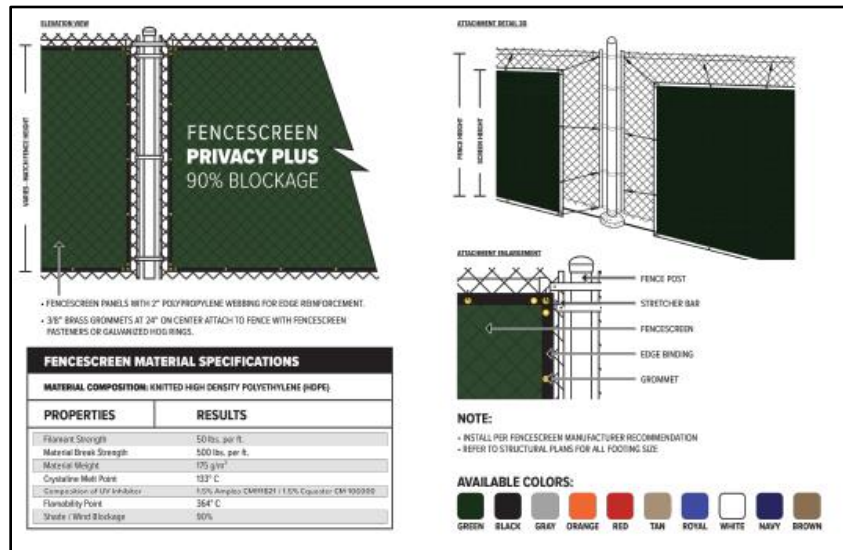
At the hearing, the Commission was primarily concerned about the following (please see Attachment A for a detailed summary of the Commission's comments and questions):

- The Commission asked for more clarity regarding the parking issues. *A DMS representative stated 65% of its workforce is from Detroit, some employees have to park out on nearby Artesian St. including during the winter and at night.*
- One Commissioner was very concerned the Commission wasn't involved earlier and the request to legalize actions that already occurred. *CPC staff stated one of the goals was to bring the work into compliance. Innovo clarified all truck traffic was on the south side of the DMS building and the subject parking was needed for employees.*

- One Commissioner was concerned that it had not been informed; the City erred in not recognizing the PD and should the contractor be held accountable or penalized for the error - the question is how to protect the community and assist the developer?
- One Commissioner asked that the landscaping be upheld to the previous PD district standard, but there may need to be some leniency for drainage, etc. It was asked if barbed wire was permitted. CPC staff clarified the PD would allow barbed wire; however, the current Zoning Ordinance does not allow barbed wire abutting single-family housing. Innovo clarified there was barbed wire on the old fence that was replaced.
- One Commissioner asked for more detail on the landscaping plan including type and number of trees and comparison to previous requirements. Innovo clarified its new landscaping plan will grow to conform to the previous buffer requirements.

After the April 6th public hearing, Innovo accomplished the following:

- Innovo spearheaded weekly cleanups of vacant lots in this area, as well as engaged with the Department of Neighborhoods and the Detroit Land Bank Authority to secure vacant houses in an effort to create affordable workforce housing.
- In November 2023, Innovo representatives went door to door to the 6 residential properties immediately adjacent to the site. Contact was made with 3 of the 6 owners. Each was informed of the proposed changes to the PD portion of the property, as well as the pending consideration of the CPC. Of those contacted, all were in support of the proposed changes.
- Innovo provided a more detailed site plan for 12701 and 12601 Southfield showing the improvements to the eastern portion of the site that was previously approved by BSEED and a newly created site plan showing the western portion of the site.
- Innovo proposed to affix green mesh screening (shown below) along the fence line to both obscure the view of the facility from the adjacent residential community until the trees mature and to prevent any fugitive dust or debris.

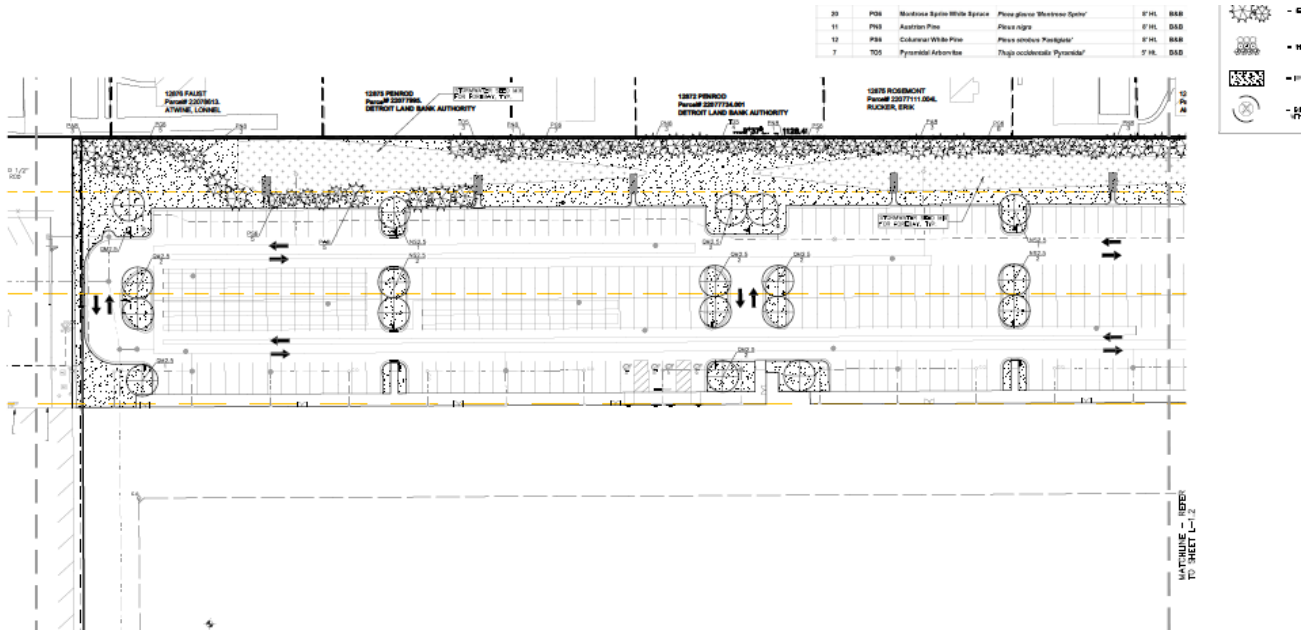


COMMISSION ANALYSIS

Summary and Analysis of Landscaping Proposed After the Public Hearing

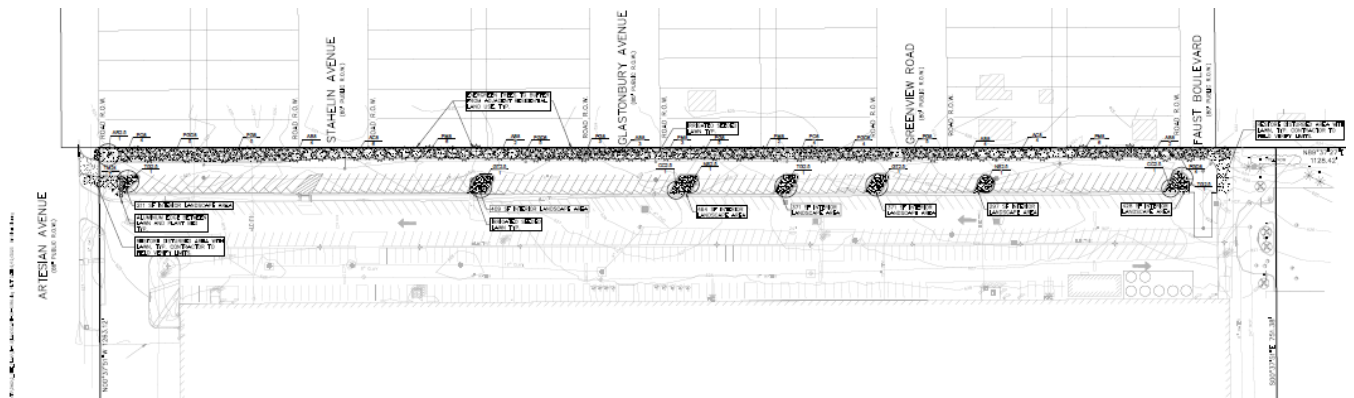
The more detailed landscape plan submitted for 12601 Southfield after the hearing shows the following:

- 95 evergreen trees (including some arborvitae, in the buffer along the fence)
- 10 shrubs adjacent to the entrance from the service drive
- 5 deciduous trees (66 additional deciduous trees in the non-PD area)



For 12701 Southfield, the plan submitted after the hearing shows the following:

- 86 evergreen trees (no arborvitae) in the buffer along the fence
- 7 shrubs adjacent to the entrance off of Artesian St.
- 7 deciduous trees primarily in the new parking lot islands
-



After receiving more detailed plans after the hearing, CPC staff reached out to other City departments to receive input and feedback. The following is a summary of comments received:

- The plans look like an adequate screen planting for a parking lot that would perform year-round.
- For 12701 Southfield, the proposed planting arrangement would satisfy the screening requirement, provided they are using appropriate species to be so close. It is recommended the plan would call out the spacing directly on the plan to better verify spacing is ok based on the variety of evergreen trees being proposed.
- For 12601 Southfield, the plan should include tree spacing on the plan itself, especially when alternating species.
- Recommend additional trees be on the site where Ashton Street ends.
- Overall, the proposed landscape plan is good and will accomplish the goal. The landscape firm should confirm the spacing of the evergreens along the residential properties.

Surrounding Zoning and Land Use

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

North: R1 (Single-Family Residential District) – Residential
East: Right of Way - Southfield Freeway
South: M2 (Restricted Industrial District) – Parking
West: M4 (Intensive Industrial District) – Industrial

Fencing

As noted earlier in this report, the previous buffer from the 1976 BZA case had a 7-foot-high black chain link fence with 3 strands of barbed wire. As noted, this fencing was removed and replaced with a 12-foot-high chain link fence with barbed wire. Below are images of the current fence.



The CPC would have preferred the fencing to be shorter; unfortunately, BSEED issued a permit allowing the 12-foot-high fence. As a result, the CPC supports keeping the new fence and the petitioner's request to add the green privacy screen with 90% blockage. If over time, the proposed landscaping is able to provide adequate buffering, the CPC recommends the property owner petition the CPC to remove the green privacy screen. The CPC recommended the barbed wire on the fence be removed.

Parking

The revised plans for 12701 Southfield show a paved and striped parking lot with some interior landscaping for 98 vehicles. The CPC supports the new parking area being properly striped, drained and hard surfaced.

ZONING ORDINANCE MAP AMENDMENT APPROVAL CRITERIA

Section 50-3-70 of the Detroit Zoning Ordinance lists eight approval criteria on which zoning map amendments must be based:

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. However, the proposed PD modification meets the challenge of a changing condition. The industrial land to the south is being developed with a new building at 12601 Southfield, and the building at 12701 Southfield in the 1990s was doubled in size.

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 Cervený-Grandmont Area of Neighborhood Cluster 9 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows Light Industrial (IL) in the Master Plan. The Planning and Development Department (P&DD) reviewed the proposed modifications and determined it was generally consistent with the Master Plan.

3. *Whether the proposed amendment will protect the health, safety, and general welfare of the public.*
The proposed modification is made to serve the city's industrial base while working to protect the residential area to the north.

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.*

It is assumed the City can provide adequate public facilities to the site.

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 proposal addresses storm water issues on part of the site by adding storm water management features.

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

The proposed buffer, landscaping and screening would help to limit significant adverse impacts on property in the vicinity.

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

The subject property is suitable for the existing PD zoning classification, because it gives the City via City Council more particular jurisdiction over the site plan for buffering between an industrial parking area and residential area.

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

The PD District is designed as a flexible zoning district that is required to be compatible with its surroundings. It does not constitute an illegal spot zone.

ZONING ORDINANCE PD AMENDMENT APPROVAL CRITERIA

In addition to Section 50-3-70, Section 50-3-96 of the Detroit Zoning Ordinance lists ten approval criteria on which PD zoning map amendments shall be based:

1. *Whether the subject site:*

- a. *Covers a minimum of two (2) acres of contiguous land under the control of one (1) owner or group owners. However, upon determining that an adequate development can be accomplished on a parcel of lesser size, the City Planning Commission may waive this requirement; and*
- b. *Is capable of being planned and developed as one integral unit, except in unusual circumstances.*

The subject criteria are met.

2. *That no other zoning district classification would be more appropriate.*

PD was deemed appropriate for the redevelopment of the site in 1990. The PD District is designed as a flexible zoning district that is required to be compatible with its surroundings.

3. *That the development will result in a recognizable and substantial benefit to the ultimate users of the project and to the City, where such benefits would otherwise be unfeasible or unlikely to be achieved. The benefits can be accomplished through a higher quality unified design that would be required by the typical regulations of this Zoning Ordinance. These benefits shall be demonstrated in terms of preservation of natural features, unique architecture, extensive landscaping, special sensitivity to land uses in the immediate vicinity, particularly well-designed access and circulation systems, and/or integration of various site features into a unified development.*

The proposed development with proper design, location, and landscaping would allow the existing industrial area to continue while working to protect the residential area to the north.

4. *Whether the location of the proposed Planned Development district is appropriate.*

In 1990, the PD zoning classification was deemed appropriate for the continued marketing and development of the existing industrial area; modification of the PD is being requested to allow for the industrial area to continue to be developed while protecting the adjacent residential area.

5. *Whether the proposed Planned Development substantially responds to the intent of Section 503 of the Michigan Zoning Enabling Act, being MCL 125.3503, to:*

- a. *Permit flexibility in the regulation of land development.*
- b. *Encourage innovation in land use and variety in design, layout, and type of structures constructed.*
- c. *Achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities, encourage useful open space; and*
- d. *Provide better housing, employment, and shopping opportunities that are particularly suited to the needs of the residents.*

The subject PD allows a buffer to be established which includes fencing, landscaping, and screening.

6. *That the proposed type and density of use shall not result in an unreasonable increase in traffic or the use of public services, facilities and utilities, that the natural features of the subject site have the capacity to accommodate the intended development, and that the development shall not place an unreasonable burden upon surrounding land or landowners.*

The proposed development is not expected to generate an unreasonable increase in traffic; however, it will bring increased parking; the proposed buffer, fencing, and screening should not place an additional burden on surrounding land.

7. *That the proposed Planned Development is consistent with the Master Plan, as determined by the Planning and Development Department.*

See analysis above.

8. *Whether uses and structures that are planned for the Planned Development district comply with all applicable site design standards and use regulations in the Zoning Ordinance.*

The CPC has reviewed the PD Design Criteria in Section 50-11-15 and found that the criteria are met with the recommended conditions listed above.

CONCLUSION AND RECOMMENDATION

In conclusion, based on the public hearing, above analysis, and review of approval criteria listed in Sec. 50-3-70 and Sec. 50-3-96 of the Zoning Ordinance, the CPC voted at its meeting on February 1, 2024 to recommend **APPROVAL** of the request of Innovo to modify the existing PD established by Ordinance No. 6-90 by amending Article XVII, Section 50-17-69, District Map No. 67 of the 2019 Detroit City Code, Zoning, located on the northern edge of two addresses known as 12601 and 12701 Southfield Road with the following conditions:

1. The existing 12-foot-high chain link fence may remain, but the barbed wire must be removed, and a green privacy screen with 90% blockage must be installed and maintained. Once the landscaping required herewith is able to provide adequate buffering, the property owner may petition the City Planning Commission to remove the green privacy screen;
2. That the landscaping plan within the PD zoning district must include evergreen trees with the spacing 10 to 15 ft apart dependent on species, 5 ft apart for arborvitae, and additional plantings where feasible, with the final landscaping plan subject to review and approval by City Planning Commission staff; and
3. That the final site plans, elevations, lighting, landscaping, and signage plans for any improvements within the PD zoning district must be submitted to the staff of the City Planning Commission for review and approval prior to making application for applicable permits.

The approved-as-to-form Ordinance is attached for Your consideration.

Respectfully submitted,

DONOVAN SMITH, CHAIRPERSON



Marcell R. Todd, Jr., Director
Christopher J. Gulock, AICP, Staff

Attachments: public hearing notice and ordinance

cc: Bryan Coe, Law Dept.
Dave Bell, BSEED
Antoine Bryant, P&DD
Greg Moots, P&DD

At its April 6, 2023 public hearing, the City Planning Commission members had the following specific comments and questions:

- A question was asked about the tanks adjacent to the DMS building. DMS responded that the tanks are silos for injection molding.
- The Commission asked how the roof of the facility is drained for storm water. Innovo responded that the newer building is diverted from downspouts to the underground stormwater management system, and the DMS building drains off the roof to gutters to the city drain.
- The Commission asked how the proposed 10-foot setback matched new setback draft regulations. CPC staff indicated it would provide the information in a follow-up report (covered later in this report).
- The Commission asked for more clarity regarding the parking issues. CPC staff clarified that DMS was growing and having parking problems. A DMS representative stated 65% of its workforce is from Detroit, some employees have to park out on nearby Artesian St. including during the winter and at night.
- The Commission asked if there were plans to have additional outreach with the community? Innovo responded yes it has ongoing plans for community engagement; it planned to be actively involved with 3 community groups previously mentioned and having its workforce grow from the community.
- One Commissioner was very concerned the Commission wasn't involved earlier and the request to legalize actions that already occurred; the Commissioner was very concerned with the loss of the buffer and a lot more work needs to be done regarding the buffer; more info was requested about what was being done on site including number of shifts, truck traffic etc. CPC staff stated one of the goals was to bring the work into compliance. CPC staff clarified BSEED failed to recognize the existing PD and issued some permits without CPC staff review. Innovo clarified all truck traffic was on the south side of the DMS building and the subject parking was needed for employees.
- One Commissioner was concerned that it had not been informed; the City erred in not recognizing the PD and should the contractor be held accountable or penalized for the error - the question is how to protect the community and assist the developer?
- One Commissioner asked that the landscaping be upheld to the previous PD district standard, but there may need to be some leniency for drainage, etc.; it was noted the neighborhood may benefit from the new higher fence and stormwater systems. It was asked if barbed wire was permitted. CPC staff clarified the PD would allow barbed wire, however, the current Zoning Ordinance does not allow barbed wire abutting single-family housing. Innovo clarified there was barbed wire on the old fence that was replaced.
- One Commissioner asked for more detail on the landscaping plan including type and number of trees and comparison to previous requirements. Innovo clarified its new landscaping plan will grow to conform to the previous buffer requirements.
- One Commissioner stated the trees will mature, but the added aisle will bring more noise and more public discussion was needed.
- One Commissioner asked for more info on examples of denser landscaping and type of wall treatments and additional community engagement.