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September 11, 2023

HONORABLE CITY COUNCIL

RE: The request of Joseph Nikollaj and the Detroit City Planning Commission to show a M2 (Restricted Industrial) zoning district where a R1 (Single-family Residential) zoning district is currently shown for the parcels commonly known as 19500 and 19536 W. Davison Street, generally located on the north side of W. Davison Street, bounded by Schoolcraft Street to the north, Minock Street to the east and Auburn Street to the west.
(RECOMMEND APPROVAL)

BACKGROUND AND PROPOSAL

The City Planning Commission (CPC) has received a request from Joseph Nikollaj and initiated a corresponding proposal to amend District Map No. 76 of the 2019 Detroit City Code, Chapter 50, *Zoning*, to show a M2 (Restricted Industrial) zoning district where a R1 (Single-family Residential) zoning district is currently shown for the properties located at 19500 and 19536 W. Davison Street, generally bounded by Schoolcraft Street to the north, Minock Street to the east, W. Davison Street to the south, and Auburn Street to the west. The sites are in Council District 1.

19500 W. Davison

19500 W. Davison measures approximately 0.3 acres in size and contains a commercial building. The current legal use of the site is 'warehouse,' despite the R1 (Single-family Residential) zoning classification.

The proposed map amendment is being requested to permit the existing commercial building located on the site to be utilized as a medical marijuana grow facility. The existing R1 zoning classification does not allow for commercial uses of any kind, though the legal use is listed as 'warehouse.' The medical marijuana grow facility use is permitted as a conditional use and would require a Special Land Use hearing.

19536 W. Davison

19536 W. Davison measures 0.2 acres in size and contains a commercial building. The site is owned by McDonald, George (Trust) and is home to McDonald Wholesale. The proposed map amendment is being requested for a portion of the site to create a uniformly zoned parcel. Most of the parcel is currently zoned M2 (Restricted Industrial), while a portion along the eastern most boundary of the property is zoned R1 (Single-family Residential).



Aerial view of parcels proposed for rezoning.

CPC MEETINGS

Public Hearing – February 16, 2023

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

Following the public hearing, CPC staff was able to meet with the owners of 19536 W. Davison. The owners expressed their support of the rezoning. A letter was submitted to CPC staff on behalf of McDonald Wholesale Distributor, further expressing their support.

STAFF ANALYSIS

Surrounding Zoning and Land Use

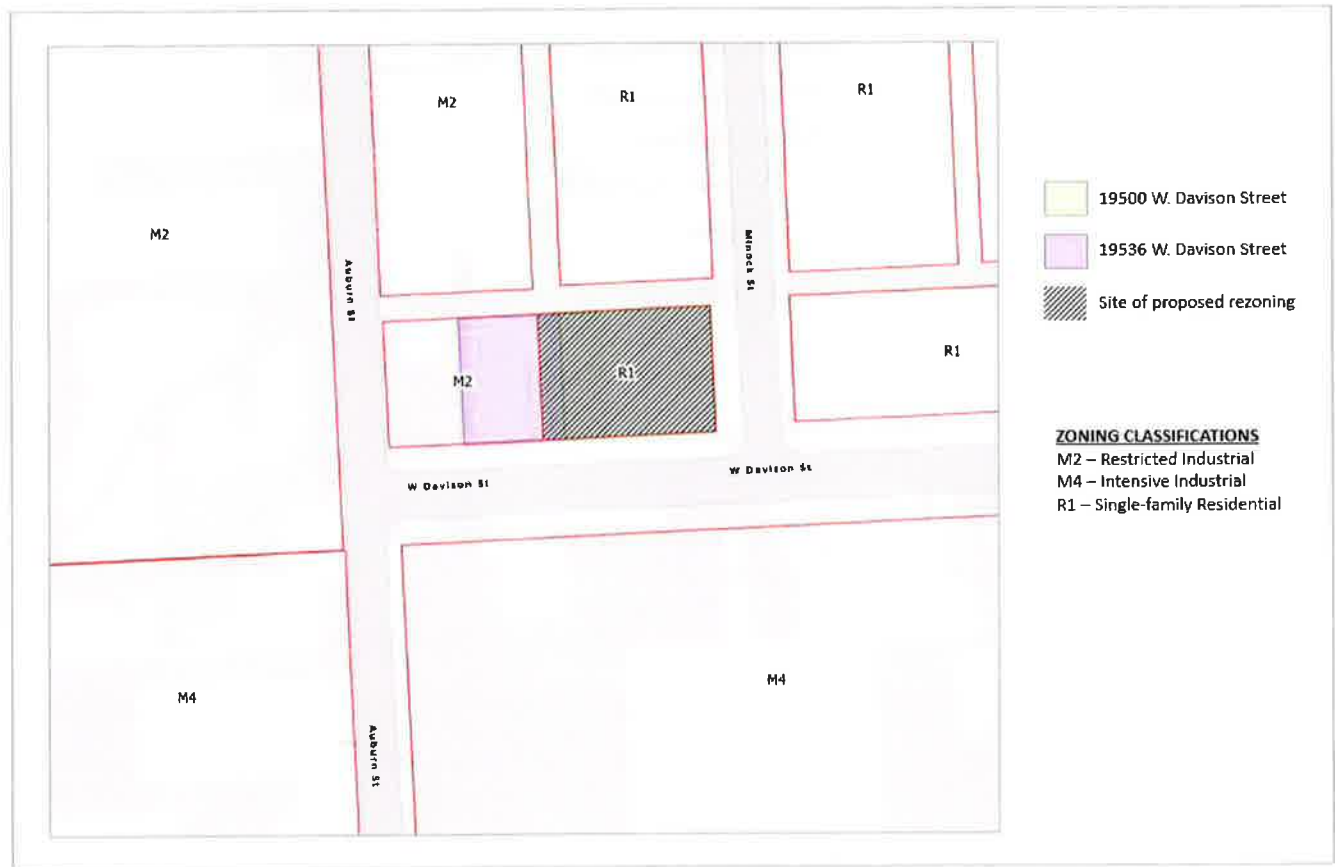
The zoning classifications and uses surrounding the subject parcels are as follows:

North: R1 (Single-family Residential) – developed, single-family homes

East: R1 (Single-family Residential) – vacant

South: M4 (Intensive Industrial) – developed as industrial

West: M2 (Restricted Industrial) – developed as commercial



Current zoning classification map, with site proposed for rezoning hatched, and parcels identified.

Zoning Ordinance Approval Criteria

Section 50-3-70 of the 2019 Detroit City Code lists eight approval criteria on which zoning map amendments must be based. Following are the relevant criteria with CPC staff’s analysis:

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

Master Plan Consistency

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

Community Input

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

Following the February 16, 2023, public hearing, CPC staff met with the owners of the property at 19536 W. Davison. The owners expressed strong support for the rezoning of both 19500 W. Davison, and the portion of their property that currently shows an R1 (Single-family Residential) zoning classification. They further expressed their support for the proposed medical marijuana grow facility and the owners of 19500 W. Davison. A letter was sent to CPC staff on behalf of McDonald Wholesale Distributor, further expressing their support. The letter of support is attached.

RECOMMENDATION

On May 4, 2023, the City Planning Commission voted to recommend approval of the rezoning request of Joseph Nikollaj and the Detroit City Planning Commission to amend Article XVII, Section 50-17-78, District Map 76 of Chapter 50 of the 2019 Detroit City Code, *Zoning*, to show a M2 (Restricted Industrial) zoning classification where a R1 (Single-family Residential) zoning classification is currently shown for the properties at 19500 and 19536 W. Davison Street.

Respectfully submitted,
LAUREN HOOD, CHAIRPERSON



Marcell R. Todd, Jr., Director
Timarie Szwed, City Planner

Attachments: Rezoning Ordinance
PDD Master Plan Interpretation
Updated District Map 76
Letter of Support from McDonald Wholesale Distributor
Petition in support of rezoning of 19500 W Davison

Cc: Antoine Bryant, Director, PDD
Dara O’Byrne, Deputy Director, PDD
Karen Gage, PDD

Greg Moots, PDD
David Bell, Director, BSEED
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