

City of Detroit

Donovan Smith
Chairperson
Melanie Markowicz
Vice Chair/Secretary

Marcell R. Todd, Jr.
Director
Christopher Gulock, AICP
Deputy Director

CITY PLANNING COMMISSION
208 Coleman A. Young Municipal Center
Detroit, Michigan 48226
Phone: (313) 224-6225 Fax: (313) 224-4336
e-mail: cpc@detroitmi.gov

Adrian-Keith Bennett
Kenneth R. Daniels
David Esparza, AIA, LEED
Ritchie Harrison
Gwendolyn A. Lewis, MBA
Frederick E. Russell, Jr.
Rachel M. Udabe

December 20, 2024

HONORABLE CITY COUNCIL

RE: The request of 5807 Toledo LLC to rezone the property located at 5807 Toledo where an R2 (Two-Family Residential) zoning classification is shown to an R3 (Low Density Residential) zoning classification. **(RECOMMEND APPROVAL)**

The City Planning Commission (CPC) has received a request from 5807 Toledo LLC to rezone its property to change the status of an existing 10-unit building's use from legally nonconforming to conforming. More specifically, the request amends Article XVII, Section 50-17-43, District Map No. 41 of the 2019 Detroit City Code, Chapter 50, Zoning, to show an R3 (Low Density Residential) zoning classification where an R2 (Two-Family Residential) zoning classification is shown at 5807 Toledo Street. The subject property is generally located at the southwest corner of Toledo and Campbell Streets.

BACKGROUND AND REQUEST

The building at 5807 Toledo Street has been owned by 5807 Toledo LLC since February 2020. Constructed in 1923, the 10-unit building predates the City of Detroit's zoning code. When the zoning code was established, the property became a legal nonconforming use due to its location in an R2 zoning district. The R2 zoning presently allows multifamily units with no more than eight units on a conditional basis.

Currently, the units in this building are rented at market rate, using a 35-55% Area Median Income (AMI) to determine rental rates. Presently, nine of the ten units are occupied, while the unoccupied unit is undergoing renovations to address wear and tear. No significant changes to the site are anticipated at this time, aside from routine unit renovations and appliance upgrades aimed at maintaining the building as it ages.



Existing building as viewed from the corner of Campbell and Toledo (looking southwest).



Existing building as viewed from an aerial perspective.

The proposed map amendment is requested to establish the appropriate zoning classification for the current 10-unit multi-family dwelling located at 5807 Toledo Street. In the Zoning Ordinance, the current use is classified as a by-right residential use in the R3 district (“multiple-family dwellings with fewer than 50 percent of the units in the structure being efficiency units”).

The existing 10-unit property is located in an R2 (Two-Family Residential) zoning district. Under current zoning regulations, the building cannot be rebuilt with its 10 units if it were to experience significant property damage, as R2 zoning only allows up to 8 units. Although the use is considered a legal nonconforming use, the property owner faces difficulties with refinancing and insuring the building, prompting the request for rezoning. While this scale of this building is not permitted in R2, it is allowed by right in other residential districts such as R4 (Thoroughfare Residential), R5 (Medium Density Residential), and R6 (High Density Residential) and by right/conditional in R3 (Low Density Residential).

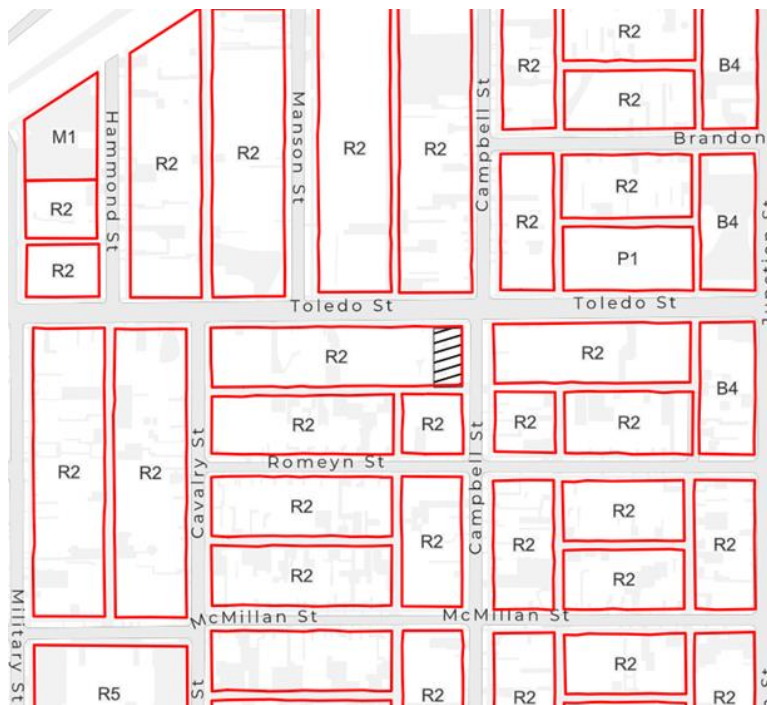
PLANNING CONSIDERATIONS

Surrounding Zoning and Land Use

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

- North: R2; appears to be developed as multi-family with commercial on the first floor
- East: R2; developed as a multi-family dwelling with 5 units
- South: R2; residential vacant land
- West: R2; developed as single-family homes

The parcels located to the north, east, south, and west of the subject parcel are zoned two-family residential (R2). The surrounding area is primarily residential with a few blocks on Junction designated as B4 General Business.



Zoning Map

COMMUNITY OUTREACH AND PUBLIC HEARING RESULTS

On September 19, 2024, the City Planning Commission held a public hearing regarding the petitioner's request. Prior to the hearing, the petitioner engaged the surrounding community through door-knocking efforts, informing residents on Toledo, Campbell, and Romeyn streets about the proposal.

Additionally, the petitioner received one letter of support from Congress of Communities (COC) on July 1, 2024. COC's headquarters and Youth Driven Community House are located approximately 0.7 miles, or a 2-minute drive, from the proposed rezoning site.

CONCLUSIONS

Zoning Ordinance Criteria

Section 50-3-70 of the Detroit Zoning Ordinance lists eight approval criteria on which zoning map amendments must be based. The following are the relevant criteria with CPC staff analysis.

- *Whether the proposed amendment is consistent with the Master Plan and the stated purposes of this chapter.* The Master Plan designates the site as "Low-Medium Residential (RLM)." The rezoning to an R3 (Low Density Residential) classification aligns with this designation. The Planning and Development Department found the proposed rezoning to be **consistent** with the Master Plan of Policies Future Land Use designation for the subject parcel.
- *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 that the proposed rezoning will have significant adverse impacts on the natural environment.
- *The suitability of the subject property for the existing zoning classification and proposed zoning classification.* The proposed rezoning is suitable for the subject property and is consistent with the adjacent properties and others in the immediate vicinity. The existing R2 zoning designation is not appropriate due to the 10-unit building predating the City of Detroit's zoning code resulting in its current legal nonconforming use.
- *Whether the proposed rezoning will create an illegal spot zone.* The proposed rezoning will not create a spot zone. Residential uses in R2 and R3 are treated similarly, with single-family homes, duplexes, and multi-family housing allowed in both districts. Aligning with the Master Plan the proposed upzoning will not be introducing an incompatible or disruptive land use.

Master Plan Consistency

The proposed rezoning site is designated as Low-Medium Density Residential (RLM) in the current Master Plan. The Planning and Development Department provided a Master Plan Interpretation, stating that the rezoning is **consistent** with the Master Plan.

RECOMMENDATION

Based on the above analysis and consistent with the approval criteria in Section 50-3-70 of the Zoning Ordinance, the CPC voted at its meeting on September 19, 2024, to recommend approval of the rezoning request. The approved-as-to-form Ordinance is attached for Your consideration.

Respectfully submitted,

Donovan Smith, CHAIRPERSON



Marcell R. Todd, Jr., Director
Dolores Perales, City Planner

Attachments: Public hearing notice
Updated Zoning Map 41
Proposed Ordinance
Letter of Support
PDD Master Plan Interpretation

cc: Dara O'Byrne, Deputy Director, P&DD
Karen Gage, P&DD
Greg Moots, P&DD
David Bell, Director, BSEED
James Foster, BSEED

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NOTICE OF PUBLIC HEARING

A public hearing will be held by the Detroit City Planning Commission in the Committee of the Whole Room, 13th Floor, Coleman A. Young Municipal Center, 2 Woodward Avenue, Detroit, Michigan 48226 at the date and time listed below. Both in-person and virtual attendance are options to participate. Pursuant to public health guidelines and limited room capacity, if anyone has cold, flu, COVID symptoms or other contagious condition, virtual attendance is strongly encouraged. To attend the meeting virtually, please use the link toward the end of this notice.

THURSDAY, SEPTEMBER 19, 2024, AT 6:00 PM

The public hearing is to consider the request of 5807 Toledo LLC to amend Article XVII, Section 50-17-43, District Map No. 41 of the 2019 Detroit City Code, Chapter 50, Zoning, to show an R3 (Low Density Residential) zoning classification where an R2 (Two-Family Residential) zoning classification is shown at 5807 Toledo Street. The subject properties are generally bounded by Toledo Street to the north, Campbell Street to the east, Romeyn Street to the south, and Cavalry Street to the west. The proposed rezoning is indicated as the shaded area on the accompanying map.

The proposed map amendment is being requested to change the status of a current 10-unit building from legally nonconforming to conforming. Under the existing R2 zoning classification, the building cannot be rebuilt with its current 10 units if it were to suffer property damage, as R2 zoning only permits up to 8 units in this district.

R2 – Two-Family Residential

This district is designed to protect and enhance areas developed or likely to be developed with single- or two-family dwelling units. This district promotes a suitable environment for homes and for activities with family life.

R3 – Low Density Residential

This district is designed to promote and encourage multi-family dwelling such as terrace house developments and garden apartments. This district is primarily used on local thoroughfares to encourage a suitable environment for family life. Uses permitted include two-family dwellings, multi-family dwellings, and community facilities necessary to serve a residential district.

Zoning Ordinance amendments require approval by the City Council following a separate public hearing conducted by the Council. The Council considers the matter upon receipt of a report and recommendation from the City Planning Commission. This Zoning Ordinance map amendment request is being considered consistent with the provisions of Article III, Divisions 2, 3 and 4 of Chapter 50 of the 2019 Detroit City Code, the Detroit Zoning Ordinance.

All interested persons are invited to be present and be heard as to their views. Persons making oral presentations are encouraged to submit written copies, for the record, to the City Planning Commission via U.S. Mail at the above address or e-mail at cpc@detroitmi.gov. Public comment/testimony may be given at the appropriate times when called for during the meeting. If you desire to speak and are attending the meeting online, press the “raise your hand” icon at the bottom of the screen or press ALT-Y for a PC or OPT-Y for a MAC to raise your hand virtually. If attending by phone press *-9 to raise your hand.

If interpretation or translation services are needed, including for the hearing impaired, call the Department of Civil Rights, Inclusion & Opportunity at (313) 224-4950. For further information on this proposal or the public hearing, please call (313) 224-6225.

To participate virtually in the CPC meeting, please use the following options:

Online:

<https://cityofdetroit.zoom.us/j/96355593579?pwd=TTloMzN5M3pmU1RKNXp1MjJlczN3UT09>

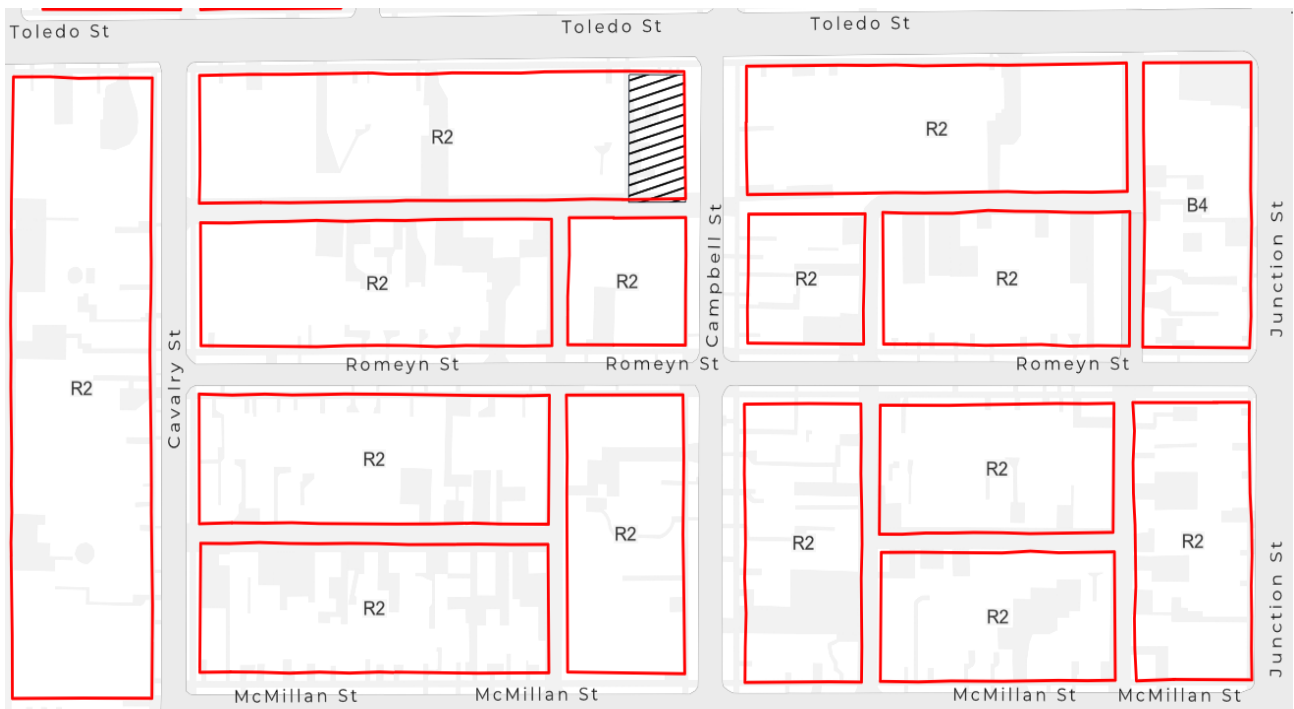
Or iPhone one-tap:

US: +12678310333,96355593579# or +13017158592,96355593579#

Or by Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 267 831 0333 or +1 301 715 8592 or +1 312 626 6799 or +1 213 338 8477 or +1 253 215 8782 or +1 346 248 7799 Webinar ID: 963 5559 3579



Highlighted area is proposed to be rezoned from R2 to R3



**PLANNING AND
DEVELOPMENT DEPARTMENT**

Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 808
Detroit, Michigan 48226

Phone 313•224•1339
www.detroitmi.gov

TO: Mr. Marcell Todd, Director, City Planning Commission
FROM: Greg Moots, Planning and Development
RE: Master Plan Interpretation for **Rezoning**
DATE: September 19, 2024

RE: **Master Plan of Policies review of the request of 5807 Toledo LLC to show an R3 (Low Density Residential) zoning classification where an R2 (Two-Family Residential) zoning classification is shown at 5807 Toledo Street.**

Dear Mr. Todd:

Pursuant to the City of Detroit's City Charter (Sections 6-202 and 6-204), the Planning and Development Department (P&DD) submits the following review of the proposed rezoning. The proposed map amendment is at the request of 5807 Toledo LLC.

Location

The site is generally bounded by Toledo Street to the north, Campbell Street to the east, Romeyn Street to the south, and Cavalry Street to the west. It is located in what is known as the Central Southwest neighborhood.

Existing Site Information

The site contains a nonconforming apartment building which predates the zoning ordinance. The site is approximately 0.2 acres in size.

Surrounding Site Information

North: Mixed residential-commercial

East: Residential

South: Vacant land

West: Single family residential

Project Proposal

The rezoning is being requested to change the status of a current 10-unit building from legally nonconforming to conforming. Under the existing R2 zoning classification, the building cannot be rebuilt with its current 10 units if it were to suffer property damage, as R2 zoning only permits up to 8 units in this district.

Interpretation

Impact on Surrounding Land Use

The proposed upzoning permits multi-family residential development on a matter-of-right basis instead of the current requirement for a special land use hearing for similar smaller (up to 8 units) developments under than the current R2. This potential for larger multi-family residential buildings should have minimal impact on the surrounding uses, as similar uses are permissible under either classification, with some additional institutional uses permitted under the higher classification. Large developments are not possible on this site, given its small size.


Impact on Transportation

The upzoning permits substantially the same uses as the current zoning classification, albeit potentially larger. The small size prevents a development large enough to have a significant impact on transportation. Toledo Street has adequate capacity for potentially larger developments, as there is a substantial amount of vacant land.

Master Plan Interpretation

The area to be rezoned to R3 is located in the Vernor - Junction neighborhood. It is designated Low-Medium Density Residential (RLM). Such areas "... should have an overall density of 8 to 16 dwelling units per net residential acre. The areas are often characterized by two or four family homes with small yards, on- street parking, or garages with alley access. The residential classifications allow for neighborhood-scale commercial development." The proposed rezoning to the R3 classification is **consistent** with the RLM designation.

Respectfully Submitted,



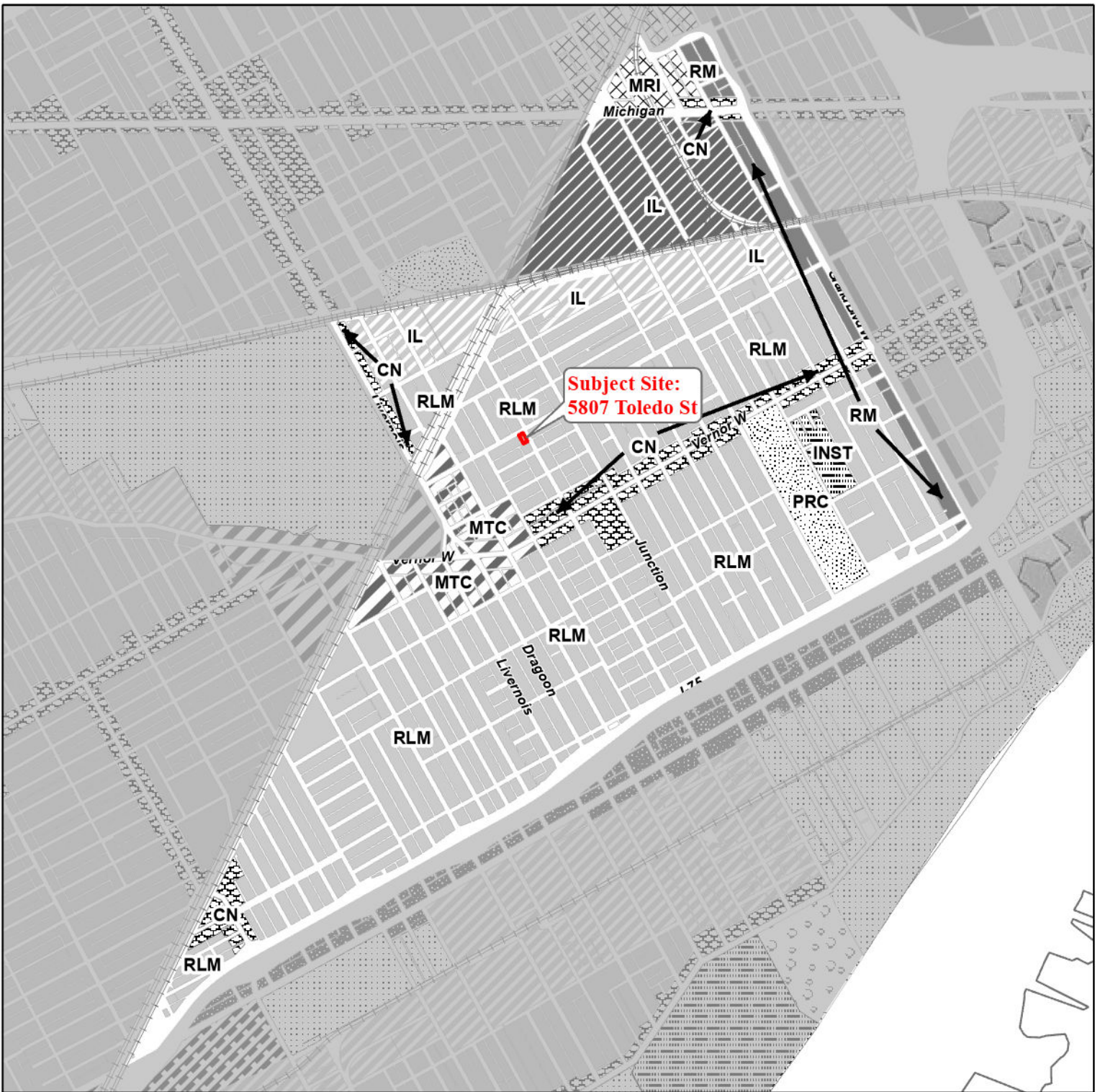
Gregory Moots

Planning and Development Department

Attachments

Future General Land Use Map: Map 5-6B, Neighborhood Cluster 6, Vernor - Junction

CC: Karen Gage
Antoine Bryant, Director



Map 5-6B

**City of Detroit
Master Plan of
Policies**

**Neighborhood Cluster 5
Vernor / Junction**



Future Land Use

Low Density Residential (RL)	Thoroughfare Commercial (CT)	Mixed - Town Center (MTC)
Low / Medium Density Residential (RLM)	Special Commercial (CS)	Recreation (PRC)
Medium Density Residential (RM)	General Industrial (IG)	Regional Park (PR)
High Density Residential (RH)	Light Industrial (IL)	Private Marina (PRM)
Major Commercial (CM)	Distribution / Port Industrial (IDP)	Airport (AP)
Retail Center (CRC)	Mixed - Residential / Commercial (MRC)	Cemetery (CEM)
Neighborhood Commercial (CN)	Mixed - Residential / Industrial (MRI)	Institutional (INST)



SUMMARY

This ordinance amends Chapter 50 of the 2019 Detroit City Code, *Zoning*, by amending Article XVII, *Zoning District Maps*, Section 50-17-43, *District Map No. 41*, to revise the zoning classification for one parcel generally located at the southwest corner of Toledo and Campbell Streets, commonly known as 5807 Toledo Street, from an R2 (Two-Family Residential) zoning classification to an R3 (Low Density Residential) zoning classification.

BY COUNCIL MEMBER _____ :

1 AN ORDINANCE to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by
2 amending Article XVII, *Zoning District Maps*, Section 50-17-43, *District Map No. 41* to revise
3 the zoning classification for one parcel generally located at the southwest corner of Toledo and
4 Campbell Streets, commonly known as 5807 Toledo Street, from an R2 (Two-Family Residential)
5 zoning classification to an R3 (Low Density Residential) zoning classification.

6 IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT
7 THAT:

8 Section 1. Chapter 50 of the 2019 Detroit City Code, *Zoning*, Article XVII, *Zoning District*
9 *Maps*, Section 50-17-43, *District Map No. 41*, is amended as follows:

10 CHAPTER 50. ZONING

11 ARTICLE XVII. ZONING DISTRICT MAPS

12 Section 50-17-43. District Map No. 41.

13 For the property generally identified as 5807 Toledo Street, generally located at the
14 southwest corner of Toledo and Campbell Streets, and identified more specifically as:

15 S TOLEDO 1166&1167 E 10 FT 1168 SUB OF WALTER CRANE FARM L5 P29
16 PLATS, W C R 16/9 60 X 123

17 the existing R2 Two- Family Residential District is revised to the R3 Low Density Residential
18 zoning classification.

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

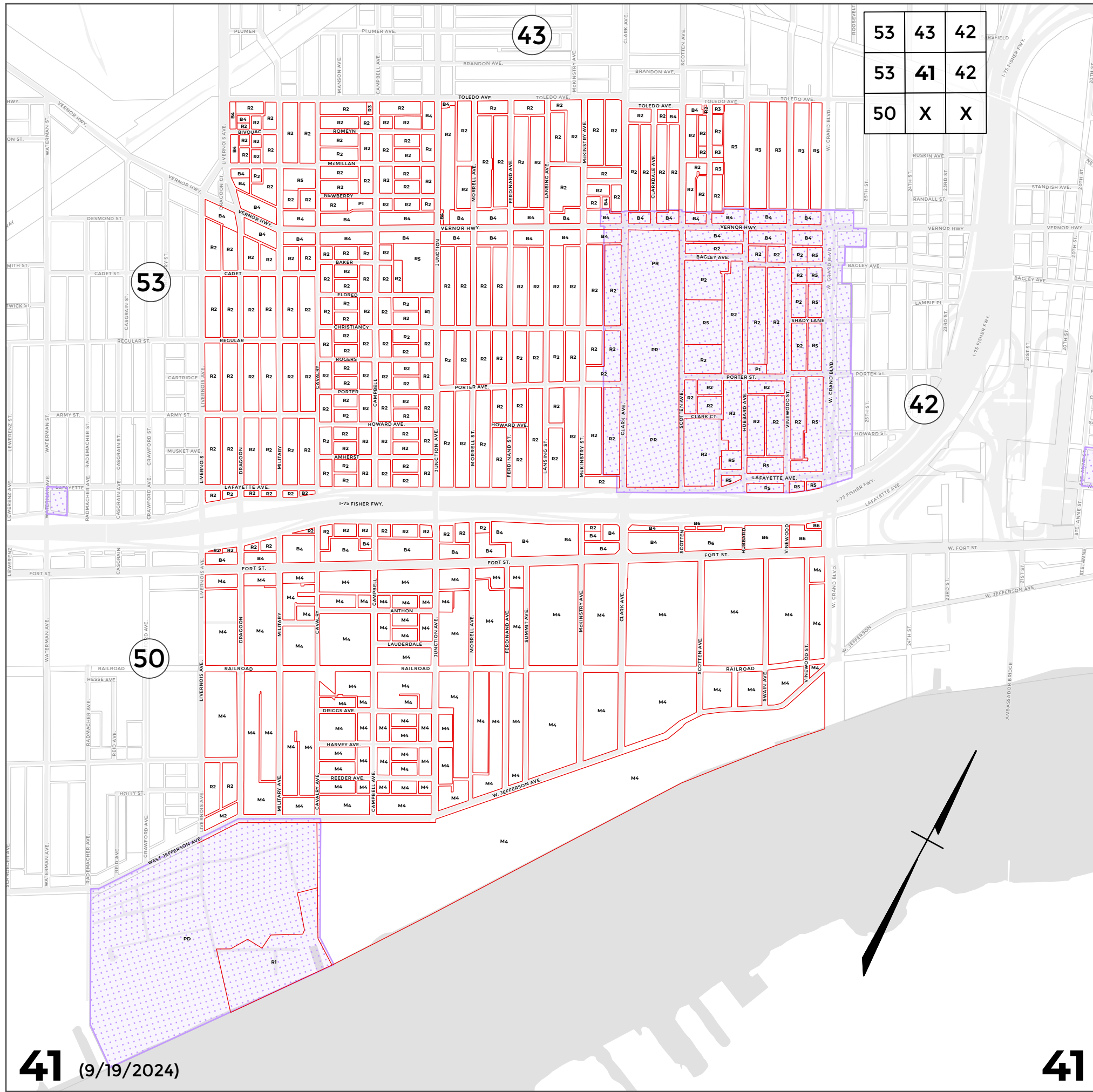
21 Section 3. This ordinance is declared necessary for the preservation of the public peace,
22 health, safety, and welfare of the people of the City of Detroit.

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:



Conrad L. Mallett
Corporation Counsel





Congress of Communities of Southwest Detroit Neighborhoods

July 1, 2024

City of Detroit Zoning Board and whom it may concern,

We are writing this letter on behalf of Century Partners who reached out to us requesting support for their zoning request. Century Partners owns a property located at 5807 Toledo, Detroit MI 48209. The apartment building is located close to the Congress of Communities Youth-Driven Community House and headquarters. After reviewing their request and weighing the impact on the local residents and community members, Congress of Communities would like to offer their support for the rezoning change from R2 to R3 for the building located at 5807 Toledo, Detroit MI 48209. If you have any further questions please feel free to contact us. .

In Unity,

Maria Salinas
Executive Director
Congress of Communities,
4870 Saint Hedwig St. Detroit, MI 48210
Office: (313) 914-5315

maria@cocswdetroit.com

You can donate at <https://www.congressofcommunities.com/donate>

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