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April 24, 2025

HONORABLE CITY COUNCIL

**RE: The initiative of the City Planning Commission to amend Article XVII, Section 50-17-49, District Map No. 47 of the 2019 Detroit City Code, Chapter 50, Zoning firstly to show an R3 (Low Density Residential District) zoning classification where a PD (Planned Development District) zoning classification is currently shown for sixteen lots on Yosemite Avenue and Riviera Avenue in the vicinity of Chapel Hill Missionary Baptist Church on Joy Road near Grand River Avenue, and secondly to show an R2 (Two Family Residential District) zoning classification on two lots on Humphrey Avenue where a PD (Planned Development District) zoning classification is currently shown in the vicinity of St. Paul AME Zion Church on Dexter Avenue between Lawrence and Humphrey.
(RECOMMEND APPROVAL– ORDINANCE INCLUDED TO SET A PUBLIC HEARING)**

RECOMMENDATION

The City Planning Commission (CPC) recommends that Your Honorable Body APPROVE the Planning Commission-initiated proposal to rezone 16 lots from the PD District zoning classification to the R3 District zoning classification located on Yosemite Avenue and Riviera Avenue in the vicinity of Chapel Hill Missionary Baptist Church on Joy Road near Grand River Avenue, namely 9230, 9231, 9236, 9237, 9243, 9251, 9255, 9261 and 9267 Yosemite and 9238, 9248, 9256, 9266, 9276, 9286, and 9320 Riviera, and to rezone two lots from the PD District zoning classification to the R2 District zoning classification in the vicinity of St. Paul AME Zion Church on Dexter Avenue between Lawrence and Humphrey, namely 3761 and 3767 Humphrey Avenue.

BACKGROUND—The “PD Project”

As City Council will note from the CPC’s previous presentations for Zoning Ordinance map amendments, some 403 locations in the city of Detroit are zoned in the Planned Development (PD District) classification. Because the authorizations for those PDs have a limited “shelf life,” the CPC has been identifying those locations that do not comport with the current provisions of

Chapter 50 of the 2019 Detroit City Code, *Zoning*, and for which a rezoning may be needed. This has resulted in numerous rezonings of late:

In 2023, the “lapsed PD” on zoning district Map No. 44 in District 6, the Salvation Army property (Selden, 18th, Magnolia, and Humboldt Streets), was rezoned from PD to a more appropriate R5 District classification (Ord. No. 2023-44). Likewise, Conner Avenue property opposite City Airport on zoning district Map No. 26 in District 4 was rezoned from PD to R2 (Ord. No. 2024-20). More recently in 2024, industrial land in the former Research Park West urban renewal area on zoning district Map Nos. 5 and 7 in District 5, was downzoned from M4 and PD to M2 and SD2 (Ord. No. 2024-31). The PD for the Perfecting Church site on zoning district map No. 62 at Woodward and W. 7 Mile in District 2, was replaced, updated, and expanded by Ord. No. 2024-38.

The CPC staff continues to audit the existing PDs for appropriate rezonings, including a multi-site initiative in far northwest Detroit on zoning district map No. 71 in District 1. In this report, Map No. 47 in District 7 presents two opportunities to reconcile Chapter 50’s zoning maps with the vision of future general land use envisioned in the Master Plan.

Faith-based Housing Planned Development Initiatives

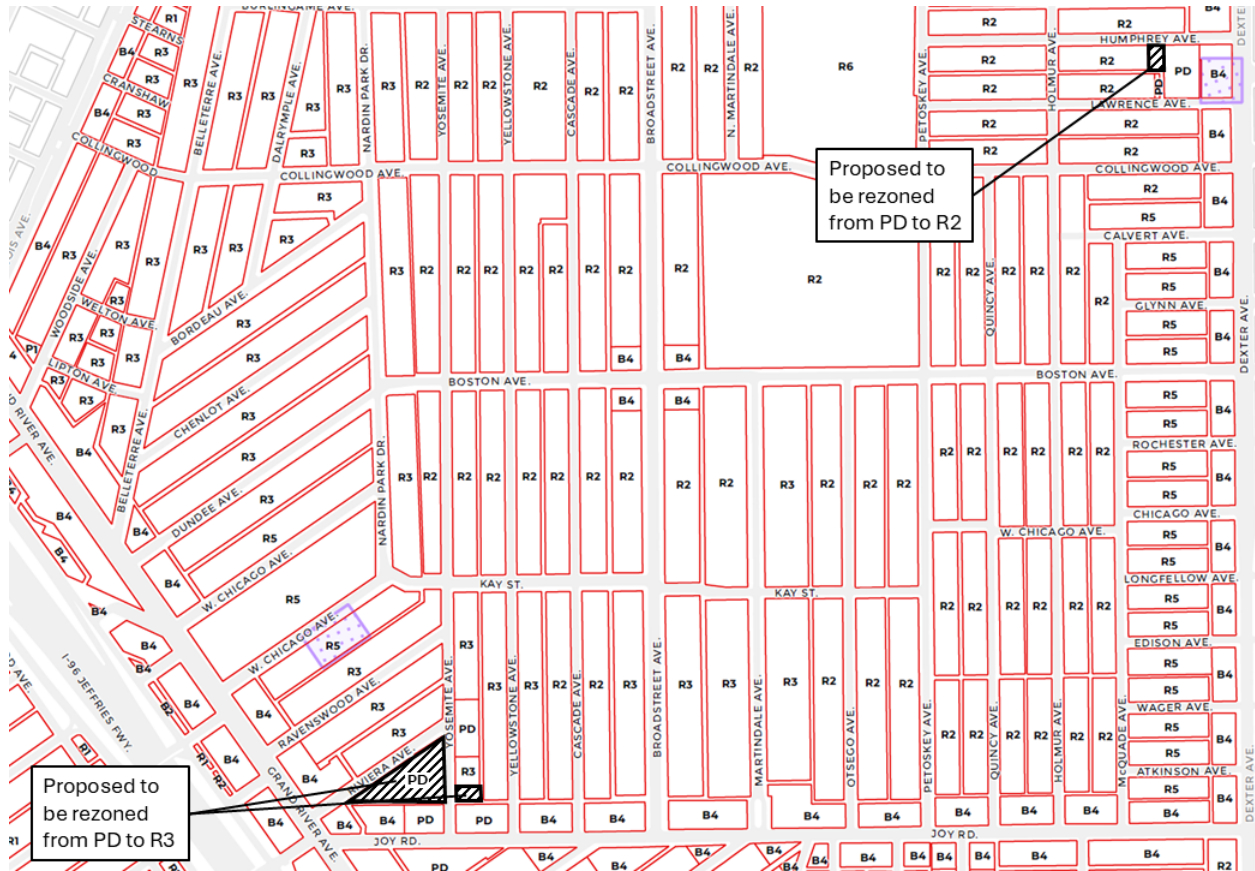
Two unrelated locations on zoning district Map No. 47 in Council District 7 on the near west side of Detroit were rezoned for Planned Development residential development by sponsoring churches. At both locations, land which is currently zoned PD (Planned Development District) is proposed to be rezoned to zoning classifications consistent with the Master Plan. The locations are indicated on the map below.

Location 1

Sixteen undeveloped lots in the vicinity and under the control of Chapel Hill Missionary Baptist Church, currently zoned PD, are proposed to be rezoned to R3 (Low-Density Residential District) in the vicinity of Joy Road and Grand River, namely 9230, 9231, 9236, 9237, 9243, 9251, 9255, 9261, and 9267 Yosemite Avenue and 9238, 9248, 9256, 9266, 9276, 9286, and 9320 Riviera Avenue.

Location 2

Two lots which are currently zoned PD are proposed to be rezoned to R2 (Two-Family Residential District), namely 3761 and 3767 Humphrey Avenue. The subject properties are found on the block bounded by Humphrey on the north, Dexter on the east, Lawrence on the south, and Holmur to the west in the vicinity of St. Paul AME Zion Church on the west side of Dexter Avenue between Lawrence and Humphrey Avenues.



Zoning History of Subject Properties

Location 1

Ordinance No. 27-02 went into effect on December 19, 2002 for the purpose of rezoning twenty-seven parcels at the intersections of Yosemite and Joy Rd, and Yosemite and Riviera, 16 of which are the subject of the proposed rezoning. The original PD called for the development of a 58-unit senior housing complex, seven townhomes, a charter school and parking lots with 233 spaces. The PD was modified in March 2004, specifically for the subject parcels of this rezoning, to allow for 12 townhomes rather than the 58-unit housing complex. The townhomes were not constructed, and today the land remains undeveloped, prompting the reason they are proposed for rezoning.

Location 2

Ordinance No. 550-G went into effect on October 6, 1970 for the purpose of rezoning land at 11421 Dexter, 3760 Lawrence, and 3761 and 3767 Humphrey Avenues from R2 to PD for the development of a high-rise senior residential housing tower. A 12-story apartment building was constructed on the Dexter property and the Lawrence Avenue lot was used for associated parking. The two lots on Humphrey Avenue, however, were never acquired by the church or included in the senior housing development. Those two lots contain single-family dwellings which predate the PD development plan and are inconsistent with the PD plan; for that reason, they are proposed to be rezoned.

PLANNING CONSIDERATIONS

Surrounding Zoning

Current Zoning PD – Planned Development District

The PD district will permit planned developments throughout the City and will be particularly useful in urban renewal areas. Such planned developments shall be substantially in accord with the goals and objectives of the Master Plan, by having a major land use that corresponds to the most general category of land use, which are Residential, Public/Civic/Institutional, Retail/Service/Commercial, Manufacturing and Industrial, and Other, proposed in the Master Plan for the area involved. Such planned developments shall provide a desirable environment for the uses proposed and shall not be out of harmony with their general surroundings. The regulations of the district are designed to accomplish this by permitting flexibility in overall development while ensuring adequate safeguards and standards for public health, safety, convenience, and general welfare and, where applicable, encouraging historic preservation.

Proposed Zoning R2 – Two-Family Residential District (proposed for Location 2, Humphrey)

The R2 Two-Family Residential District is designed to protect and enhance those areas developed or likely to develop with single- or two-family dwellings. The district regulations are designed to promote a suitable environment for homes and for activities connected with family life. The only principal uses permitted by right are single- and two-family dwellings and family day care homes.

R3 – Low-Density Residential District (proposed for Location 1, Yosemite and Riviera)

The R3 Low Density Residential District is designed as a low-density multi-family district intended to be used primarily along local thoroughfares. The district regulations are designed to promote and encourage a suitable environment for family life. Permitted by right uses include single- and two-family dwellings, townhouses, multi-family dwellings, and community facilities necessary to serve a residential district.

Surrounding Land Use

The zoning classification and land uses for nearby properties are as follows:

Location 1 (Yosemite and Riviera).

North: R3 - single-family dwellings and vacant land

East: R3 – single-family dwellings

South: B4 and PD – commercial and religious use

West: B4 – multi-family residential and commercial

Location 2 (Humphrey).

North: R2; vacant land and single-family dwellings

East: PD; senior housing tower

South: R2; vacant land and single-family dwellings

West: R2; vacant land and single-family dwellings

MASTER PLAN

Master Plan Consistency

Both locations on Map No. 47 are found within Neighborhood Cluster 6 in the Winterhalter subsector.

Location 1 (Yosemite and Riviera). The future general land use classification for the parcels on Riviera and Yosemite are “Thoroughfare Commercial” and “Low-Medium Density Residential.” Prior to the current PD zoning, the parcels had been zoned R3 and B4. Since the historic Riviera Theater was demolished, the commercial designations for the surroundings seem less appropriate.

Location 2 (Humphrey). The future general land use classification for the two lots on Humphrey Avenue is “Low-Medium Density Residential,” a classification which aligns with the proposed R2 zoning district. Prior to the 1970 PD rezoning, 3761 and 3767 Humphrey had been zoned R2.

The Planning and Development Department will report on its determination of Master Plan consistency of the proposed rezonings as this recommendation is taken up by the Planning and Economic Development standing committee.

OUTREACH

All properties within 300 feet of the two locations were mailed notifications about the Planning Commission’s public hearing on October 3rd. Taxpayers of record for all affected lots were informed in advance over the past year regarding this upcoming rezoning initiative.

Location 1 All subject parcels are owned by Chapel Hill Missionary Baptist Church. CPC staff contacted Reverend Lamont Smith from Chapel Hill MBC and had multiple communications with him regarding the rezoning. Staff investigated the church’s future plans for the land and were informed that there are no plans to develop multi-family housing as described in the PD in the foreseeable future. Rev. Smith expressed the following concerns to staff (staff responses are in italics):

1. Will the rezoning impact Chapel Hill MBC’s ownership of the subject parcels?

Rezoning of the property will in no way change the ownership status of the property.

2. Will the current way in which Chapel Hill MBC utilizes the subject parcels continue to be permitted?

Chapel Hill MBC has continued to utilize the subject parcels as they did prior to the PD designation, there should be no issue in continuing said uses. Additionally, multi-family housing is permitted in the proposed R3 zoning. After receiving clarification to the above questions and concerns, Rev. Smith stated that Chapel Hill MBC does not oppose efforts to rezone the 16 parcels.

Location 2 Neither of the taxpayers of record on Humphrey Avenue has responded to indicate support or opposition, nor have they sought clarification regarding the proposed rezoning. One house is owner-occupied, while the owner of the other house resides elsewhere in the city. Because the 12-story apartment building has been vacant for a number of years, it was unclear whether the PD for 11421 Dexter should also be considered for rezoning. Fortunately, a developer has received State approval of Low-Income Housing Tax Credits (LIHTC) for rehabilitation of the senior building and anticipated a closing during the Fall of 2024. Icon Heritage Partners is the developer. The lone property on Lawrence Avenue is owned by the Detroit Land Bank Authority (DLBA) and has not been included in this proposed rezoning given the housing developer's intent to acquire that property from DLBA for inclusion in the to-be-re-occupied PD.

PUBLIC HEARING RESULTS

On October 3, 2024, the City Planning Commission held the statutory public hearing regarding the subject properties. Three persons spoke at the public hearing. Two sought clarification about the original development plans and the current surrounding conditions; one person, a St. Paul AME Zion trustee, indicated "no opposition" to the Humphrey Street rezonings. Commissioners moved to immediately vote in support for the rezoning initiative.

ZONING ORDINANCE APPROVAL CRITERIA

Section 50-3-70 of the Detroit Zoning Ordinance lists eight approval criteria on which zoning map amendments must be based. Following are the relevant criteria with CPC staff's analysis in italics:

- Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact. *Because the current Zoning Ordinance, Chapter 50 of the 2019 Detroit City Code, specifies a three-year authorization period for Planned Developments, these rezonings cure the lapsed PDs by replacing them with Master Plan-appropriate zoning classifications.*
- Whether the proposed amendment will have significant adverse impacts on other property that is in the vicinity of the subject tract. *The proposed rezonings are not anticipated to have any adverse impact on nearby property.*
- Whether the proposed rezoning will create an illegal "spot zone." *No spot zone would be created by the rezonings and the new zoning district classifications will be newly consistent with the city's Master Plan for future general land use.*

CONCLUSION

Based on the above information and analysis, the CPC finds that the proposed rezonings satisfy the approval criteria of Chapter 50, Article III, Division 3, Sec. 50-3-70 of the 2019 Detroit City Code. On October 3, 2024, the CPC voted to recommend **approval** of the Map No. 47 rezoning of the 16 lots on Yosemite and Riviera and the two lots on Humphrey Avenue. The Chapter 50 map amendment ordinance has been reviewed, approved, and signed by the Corporation Counsel

and is attached for review and discussion by Your Honorable Body preceding introduction and the Charter-mandated public hearing.

Respectfully submitted,

DONOVAN SMITH, Chairperson

A handwritten signature in blue ink, reading "Marcell R. Todd, Jr." in a cursive script.

Marcell R. Todd, Jr., Director

Timarie Szwed, City Planner

M. Rory Bolger, City Planner

Attachments:

Notice of CPC Public Hearing
Ordinance
Updated Zoning Map No. 47

cc: Alexa Bush, Director, PDD
Karen Gage, PDD
Greg Moots, PDD
David Bell, Director, BSEED
Daniel Arking, Law Department

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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, OCTOBER 3, 2024 AT 5:15 PM

The hearing is being held to consider the City Planning Commission's proposed rezoning of two unrelated locations found on District Map No. 47 of the 2019 Detroit City Code by amending Article XVII, Section 50-17-49 of the Detroit Zoning Ordinance:

Location 1

To show an R3 (Low-Density Residential District) zoning classification where a PD (Planned Development District) zoning classification is currently shown for sixteen lots on Yosemite Avenue and Riviera Avenue in the immediate vicinity of Chapel Hill Missionary Baptist Church on Joy Road near Grand River Avenue, namely 9230, 9231, 9236, 9237, 9243, 9251, 9255, 9261, and 9267 Yosemite and 9238, 9248, 9256, 9266, 9276, 9286, and 9320 Riviera.

The City Planning Commission is proposing the map amendment for Location 1 consistent with Sec. 50-3-98 of the 2019 Detroit City Code, which notes that the authorization for a Planned Development lapses upon abandonment of the project or three years from the effective date of approval of the PD where the development has not been completed. This PD became effective through Ordinance No. 27-02 on October 13, 2002. A proposed townhouse development was built on numerous lots on the east side of Yosemite but the remainder of the development has not been realized.

Location 2

To show an R2 (Two-family Residential District) zoning classification where a PD (Planned Development District) zoning classification is currently shown at 3761 and 3767 Humphrey Avenue in the immediate vicinity of St. Paul AME Zion Church on Dexter Avenue between Lawrence and Humphrey Avenues.

The City Planning Commission is proposing the map amendment for Location 2 consistent with Sec. 50-3-98 of the 2019 Detroit City Code, which notes that the authorization for a Planned

Development lapses upon abandonment of the project or three years from the effective date of approval of the PD where the development has not been completed. This PD became effective through Ordinance No. 550-G on October 6, 1970. The proposed 12-story St. Paul Elderly housing apartment building was constructed at 11421 Dexter Avenue, however the two lots on Humphrey Avenue were never developed as part of the site and have remain privately occupied as single-family dwellings.

The locations of the two proposed rezonings are indicated as the shaded area on the accompanying map.

The pertinent zoning district classifications are described as follows:

Location 1

PD – PLANNED DEVELOPMENT DISTRICT

The PD district will permit planned developments throughout the City and will be particularly useful in urban renewal areas. Such planned developments shall be substantially in accord with the goals and objectives of the Master Plan, by having a major land use that corresponds to the most general category of land use, which are Residential, Public/Civic/Institutional, Retail/Service/Commercial, Manufacturing and Industrial, and Other, proposed in the Master Plan for the area involved. Such planned developments shall provide a desirable environment for the uses proposed and shall not be out of harmony with their general surroundings. The regulations of the district are designed to accomplish this by permitting flexibility in overall development while ensuring adequate safeguards and standards for public health, safety, convenience, and general welfare and, where applicable, encouraging historic preservation.

R3 – Low Density Residential District

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.

Location 2

PD – PLANNED DEVELOPMENT DISTRICT

[As described immediately above]

R2 – Two-Family Residential District

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.

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. These Zoning Ordinance map amendments are 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.

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.

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Location 1