

Lauren Hood, MCD  
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Vice Chair/Secretary

Marcell R. Todd, Jr.  
Director

# City of Detroit

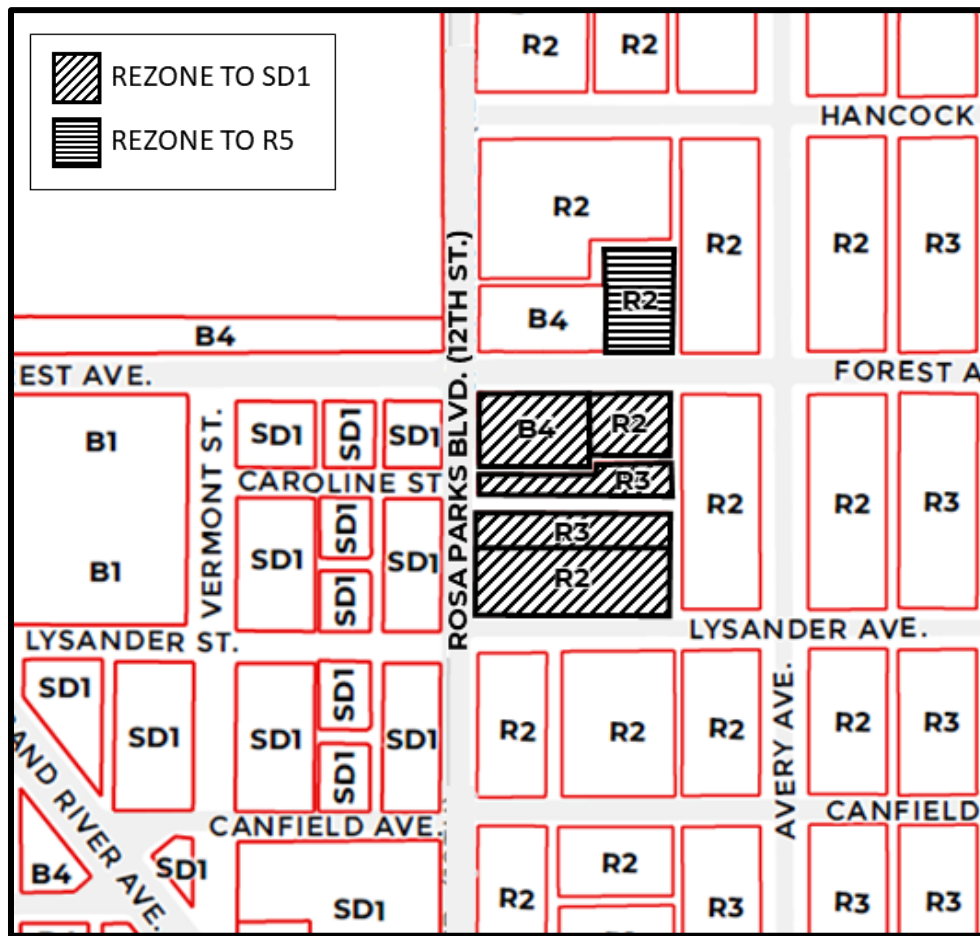
**CITY PLANNING COMMISSION**  
208 Coleman A. Young Municipal Center  
Detroit, Michigan 48226  
Phone: (313) 224-6225 Fax: (313) 224-4336  
e-mail: [cpc@detroitmi.gov](mailto:cpc@detroitmi.gov)

Brenda Goss Andrews  
Kenneth R. Daniels  
David Esparza, AIA, LEED  
Ritchie Harrison  
Gwen Lewis  
Melanie Markowicz  
Frederick E. Russell, Jr.

January 5, 2023

## HONORABLE CITY COUNCIL

**RE:** Request of R. Philip Lockwood on behalf of XYZ 20-02 RPF LLC and the City Planning Commission to rezone 22 parcels from the R2 (Two-Family Residential), R3 (Low Density Residential), and B4 (General Business) zoning district classifications to the SD1 (Special Development, Small-Scale, Mixed-Use) and R5 (Medium Density Residential) zoning district classifications. **(RECOMMEND APPROVAL)**



*Current Zoning Map with proposed rezoning hatched*

## BACKGROUND AND PROPOSAL

The City Planning Commission (CPC) has received a request from R. Philip Lockwood on behalf of XYZ 20-02 RPF LLC to amend District Map No. 5 of the 2019 Detroit City Code, Chapter 50, Zoning, by showing an SD1 (Special Development, Small-Scale, Mixed-Use) zoning district classification where R2 (Two-Family Residential), R3 (Low Density Residential), and B4 (General Business) zoning district classifications are currently shown for twenty-two parcels generally bounded by West Hancock Street to the north, Avery Street to the east, Lysander Street to the south, and Rosa Parks Boulevard to the west.

The proposed map amendment is being requested to permit a mixed-use development consisting of approximately 59 residential units and 7,500 square feet of commercial space on fourteen scattered parcels. The current R2 and R3 zoning does not allow commercial uses and requires substantial setbacks; the proposed SD1 district allows narrower setbacks and more walkable layouts in addition to small-scale, neighborhood-oriented commercial uses. The City Planning Commission is partnering on the request in order to include additional parcels to make the zoning of the entire block consistent.

The fourteen parcels proposed for redevelopment are currently owned by the Detroit Land Bank Authority. The applicant for the proposed rezoning won a Request for Proposals (RFP) that was released for the parcels to be developed. The applicant has a purchase agreement with the Land Bank that requires various milestones to be met before the property can be purchased (including this rezoning).



- Parcels proposed to be redeveloped
- Parcels included for uniformity of zoning



The site is located in City Council District 6 and measures about 3 acres. The area proposed for development is currently vacant land. The area proposed to be rezoned to maintain consistency is occupied by several vacant commercial buildings and a parking lot.



*Aerial view of proposed rezoning*

## **CPC MEETINGS**

### ***Public Hearing – April 21, 2022***

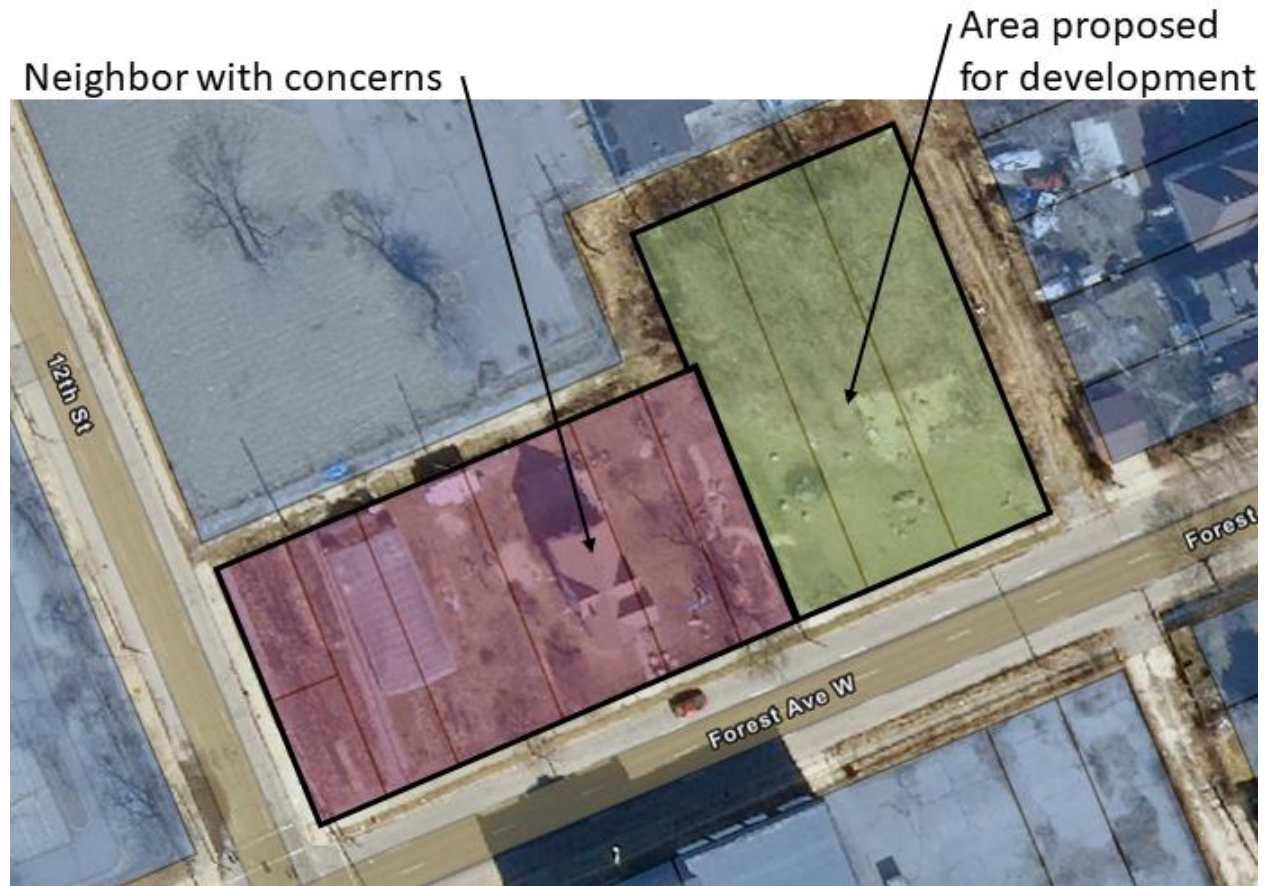
On April 21, 2022, the City Planning Commission held a public hearing on this rezoning request. The Commissioners asked questions about the timeline of construction, the community engagement strategy, the affordability of units, amount of parking provided, whether SD1 is the appropriate zoning district, and stormwater management plans. At the hearing, three members of the public spoke—one in opposition, one in support, and one with general questions.

The neighbor at 1764 W. Forest Avenue (directly adjacent to the north of Forest portion) spoke in opposition at the hearing and also submitted two letters in opposition to the northern portion of the rezoning. They support rezoning to a higher density district such as B2 or R5, but not to a district that permits no setbacks such as SD1. They feel that SD1 would be inconsistent with the existing development of the neighborhood as most structures in Woodbridge are not built to the lot line but have at least small setbacks. They also are concerned that the proposed building would increase issues with stormwater runoff and that a development on the lot line would impact their property—especially during construction. Please see the attached letters for the full details. At this time, the applicant does not want to change the request to accommodate this suggestion.

Sixteen letters in support of the rezoning have been submitted. Seven are from Woodbridge residents and several others are from neighborhood groups. Reasons for support included:

- The density allowed in the SD1 District is more similar to the rest of the neighborhood than that allowed by the R-Districts.
- The setbacks required by the R-Districts are too wide and the parking requirements are too high resulting in sprawling developments that don't fit the character of Woodbridge.
- The neighborhood stands to benefit from the new investment, new residents, and new businesses.
- The SD1 District has been successful in driving neighborhood revitalization in Midtown.
- Mr. Lockwood's planned inclusion of storm water infrastructure, native plantings, and affordable housing.

All of the letters are included as an attachment to this report.



#### ***CPC Recommendation & Action – May 19, 2022***

As a result of the directly-adjacent neighbor's opposition, CPC staff recommended that the three parcels north of Forest Avenue be rezoned to the R5 zoning district instead of the requested SD1 district. While the R5 district is not an ideal solution to the disagreement because it requires large setbacks, it addresses the concern of the neighbor by requiring a setback adjacent to their property. Unfortunately, the current zoning ordinance does not offer a zoning district that requires setbacks and heights similar to existing development in Woodbridge. The differences between the R5 and SD1 zoning districts fall into three categories:

- **Allowed Uses**  
Multiple-family dwellings: allowed by-right in both districts

Commercial uses: R5 allows 3 by-right and 21 conditionally; SD1 district allows 26 by-right and 18 conditionally<sup>1</sup>

Industrial uses: not allowed in R5; SD1 allows 18 by-right and 4 conditionally

- **Setbacks & Height**

Front Setback      R5 – 20'              SD1 – none

Side Setback      R5 – Formula A<sup>2</sup>

SD1 – Where adjacent to R1, R2, R3, R4: Formula A; otherwise none

Rear Setback      R5 – 30'

SD1 – single-story with alley: none; without alley: 10';

multi-story with residential or SD1 to the rear: with alley, 10'; no alley, 20'

multi-family: with alley, 10'; without alley, 20'

Height      R5 – no limit      SD1 – 35' max for single-use; 50' for mixed-use

Floor Area Ratio (FAR)<sup>3</sup>              R5 – 1.5 max      SD1 – no limit

- **Parking**

Most parking requirements are based on use and don't change based on the zoning district; the parking exceptions that are based on zoning district don't affect this location because it is located within ½ mile of a high-frequency transit corridor and is eligible for the same parking waivers regardless of the zoning district

CPC staff recommended approval of the remainder of the request to rezone the area bounded by West Forest, Rosa Parks, Lysander, and the alley to the SD1 district. The City Planning Commission voted 6-0 to accept staff's recommendation for both the north and south portions of the proposed rezoning.

## **STAFF ANALYSIS**

### ***Surrounding Zoning and Land Use***

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

North:              B4, R2 – Single-family dwelling with flower farm; vacant School

East:                R2 – Single- and Two-family dwellings

South:              R2 – Church; Single-family dwellings

West:                SD1 – Vacant land recently rezoned and proposed for mixed-use development

### ***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:

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<sup>1</sup> By-right uses require a permit and compliance with zoning ordinance requirements such as setbacks, parking, and landscaping. Conditional uses additionally require a public hearing at the Buildings, Safety Engineering and Environmental Department (BSEED) where property owners and occupants within 300 feet are notified and invited to comment. The use must also meet the 15 approval criteria found in Sec. 50-3-281 regarding the potential impact on neighboring properties.

<sup>2</sup> Formula A is calculated by adding the length of the building in feet to twice the height of the building, and dividing the resulting sum by 15. The result is that bigger, taller buildings require larger setbacks and smaller, shorter buildings require smaller setbacks. Sec. 50-13-229 of the zoning ordinance further explains the requirement and includes an illustration.

<sup>3</sup> Floor Area Ratio (FAR) determines the maximum amount of floor area which may be built on a zoning lot. It is calculated by multiplying the zoning lot area by the FAR factor and the result is the maximum permitted floor area permitted on the site. FAR is an alternate method of controlling the bulk of a permitted building and is often used instead of height restrictions. Further explanation and an illustration can be found in Sec. 50-13-237.



- Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend or fact. *Historically, zoning has encouraged separation of uses which is apparent in the current zoning of this site—B4 (General Business) District at the intersection of the major streets and R2 (Two-Family Residential) & R3 (Low Density Residential) Districts in the interior blocks. More recently, it has become apparent that mixed-use neighborhoods—residential uses combined with small-scale commercial uses—create a more walkable area and allow less reliance on automobiles. This proposal reflects that trend.*
- Whether the proposed amendment will have significant adverse impacts on other property that is in the vicinity of the subject tract. *Because this property has been vacant for an extended period, any development will bring increased activity and traffic to the site. The surrounding streets are designated as “major streets” and have unused capacity—Rosa Parks is 3 lanes (one way northbound) and West Forest is 4 lanes (one way eastbound). Bus routes also exist on Grand River and Rosa Parks. Significant adverse impacts to surrounding property are not likely. However, the adjacent neighbor on Forest has expressed opposition to allowing zero-lot line development due to concerns about storm water management, consistency with existing development, and lack of greenspace. As a result, R5 is recommended for that portion of the proposal as it requires a setback from the neighboring property.*
- Whether the proposed rezoning will create an illegal “spot zone.” *For the south of Forest portion of the rezoning, several blocks to the west across Rosa Parks Boulevard were recently rezoned to SD1 to permit a mixed-use development. This proposal will not create a spot zone, but will simply expand the SD1 area. For the north of Forest portion, the staff-recommended R5 District would not create a spot zone because it is similar to the R2 District in that both are residential with similar uses and setbacks. It will also create a buffer between the more intense B4 District to the east and the R2 to the west.*

### ***Master Plan Consistency***

The subject site is located within the Jeffries area of Neighborhood Cluster 4 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows “RL – Low Density Residential” for the subject property. The Planning and Development Department (PDD) has reviewed this proposed rezoning and determined that it is generally consistent with the Master Plan.

### ***Design Review***

Because the applicant is buying parcels from the Detroit Land Bank Authority, he is required to complete design review with PDD. After several meetings, PDD is supportive of the site plan and will continue to work with the developer on the façade designs. Preliminary plans with PDD comments are attached to this report.

### ***Community Input***

A community meeting was held via Zoom on January 28, 2021. Flyers were distributed to the 16 properties adjacent to the proposed rezoning. There were about six families in attendance (1-4 people each). Questions were asked regarding timeline, affordability, stormwater management, alley reactivation and construction-related disturbances.

## **CONCLUSION & RECOMMENDATION**

On May 19, 2022, the City Planning Commission voted to recommend approval of the rezoning request to amend Article XVII, District Map 5 of Chapter 50 of the 2019 Detroit City Code, *Zoning*,

to show an SD1 (Special Development, Small-Scale, Mixed-Use) zoning district classification where R2 (Two-Family Residential), R3 (Low Density Residential), and B4 (General Business) zoning district classifications are currently shown on the block bounded by Rosa Parks Boulevard to the west, Forest Avenue to the north, the north-south alley first west of Avery Street to the east, and Lysander Street to the south. Additionally, the City Planning Commission voted to recommend approval of the rezoning of three lots north of Forest Avenue commonly known as 1732, 1738, and 1746 West Forest from the R2 (Two-Family Residential) zoning district to the R5 (Medium Density Residential) zoning district.

Respectfully submitted,

LAUREN HOOD, CHAIRPERSON



Marcell R. Todd, Jr., Director  
Jamie J. Murphy, Staff

Attachments: Rezoning Ordinance  
Public Hearing Notice  
PDD Master Plan Interpretation  
PDD Design Review feedback & updated elevations  
Letters in support & opposition

cc: Antoine Bryant, Director, PDD  
Karen Gage, PDD  
Greg Moots, PDD  
David Bell, Director, BSEED  
James Foster, BSEED  
Conrad Mallett, Corporation Counsel  
Daniel Arking, Law Department