

City of Detroit

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TO: City Planning Commission

FROM: Dolores Perales, City Planner

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.**

DATE: September 17, 2024

On September 19th, 2024, the City Planning Commission (CPC) is scheduled to hold a public hearing on 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 property is generally located at the southwest corner of Toledo and Campbell Streets.

The proposed map amendment is being requested to change the status of the current 10-unit building's use 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.

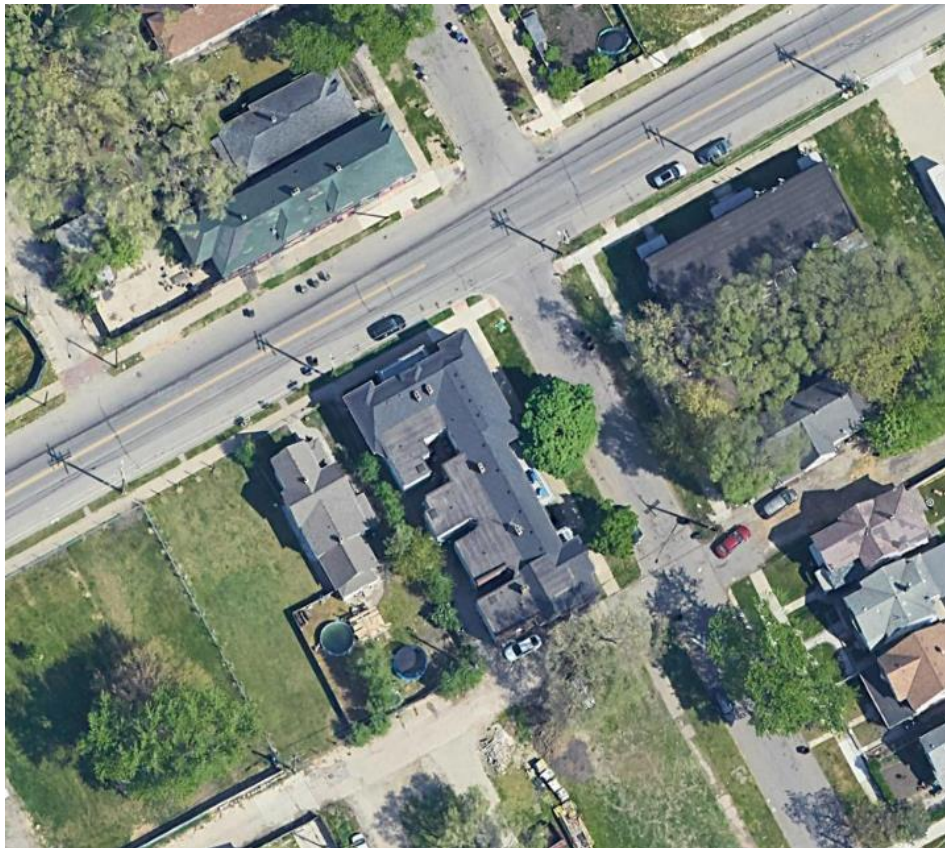
BACKGROUND AND REQUEST

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 an 80% 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 location of the proposed rezoning is indicated on the zoning map below:



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”) and conditional in the district (“multiple-family dwellings where 50 percent or more of the units are 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).

Zoning Ordinance Land Use Table

Sec. 50-12-22. Household living.

Regulations regarding household living uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)					
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	PC	TA	TR	W1	MKT		S1	S2	S3	S4	S5
Household living	Loft			R	R	R	R	C	C/R	C/R	C/R	R	C	C	C	C	C	L								R	R	R	R					Sections 50-12-157, 50-12-159
	Mobile home park						C												L															Section 50-12-160
	Multiple-family dwelling		C	C/R	R	R	R	C	C	C	C	R/C							L										R	C/R	R			Sections 50-12-157, 50-12-161, 50-12-162
	Residential use combined in structures with permitted commercial uses						R	R	C	C/R	C/R	C/R	C	C	C	C	C	L										R	R	R				Section 50-12-159
	Residential use combined in structures with permitted commercial or industrial uses																									C								Section 50-12-159
	Single-family detached dwelling	R	R	R	R	R	C	C	C		C									L									C					Sections 50-12-157, 50-12-159
	Single-room-occupancy (SRO) housing, non-profit				C	C	C	C	C	C	C	C								L								C	C					SPC; Section 50-12-166
	Townhouse		C	R	R	R	R	C	C	C	C	C								L								C	C	R				Sections 50-12-157, 50-12-167
	Two-family dwelling		R	R	R	R	C	C	C	C	C									L								C						Sections 50-12-157, 50-12-159
	All other				C	C	C	C	C	C	C	C																C						Sections 50-12-157, 50-12-159

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.



Comparison of R2 vs. R3

CPC staff conducted an analysis comparing the uses allowed in R2 and R3 zoning districts. Both districts share similarities in residential, and public, civic, and institutional uses, with some distinctions in retail, service, and commercial uses.

Residential uses in R2 and R3 are treated similarly, with single-family homes, duplexes, and multi-family housing allowed in both districts. However, multi-family dwellings are more restricted in R2, where a maximum of eight units is allowed by conditional use, while R3 offers greater flexibility. Similarly, townhouses and religious residential facilities require conditional approval in R2 but are permitted by right in R3.

Public, civic, and institutional uses show some discrepancies between R2 and R3. Most uses, such as educational institutions, religious facilities, group daycare homes, residential-area utility facilities, and cemeteries, are conditionally allowed in both districts. A major distinction is the treatment of neighborhood centers, outdoor art exhibition grounds, adult daycares, outdoor recreational facilities, religious institutions, and schools (elementary, middle, and high) which are conditional in R2 but allowed by right in R3. Additionally, R3 allows adult day care centers,

childcare centers, libraries, and museums to be established on a by right basis where R2 does not permit these uses.

In retail, service, and commercial uses R2 and R3 are significantly restrictive, limiting such uses primarily to parking lots or areas and adaptive reuses of school buildings. The only distinction between R2 and R3 is the addition of youth hostel/hostel as a conditional use in the R3 district. Additionally, neither district permits industrial uses.

Overall, while R2 and R3 share similar allowances in residential and commercial uses, R3 provides greater flexibility for public uses.

Zoning Classifications

The pertinent zoning district classifications are described as follows:

R2 – Two-Family Residential

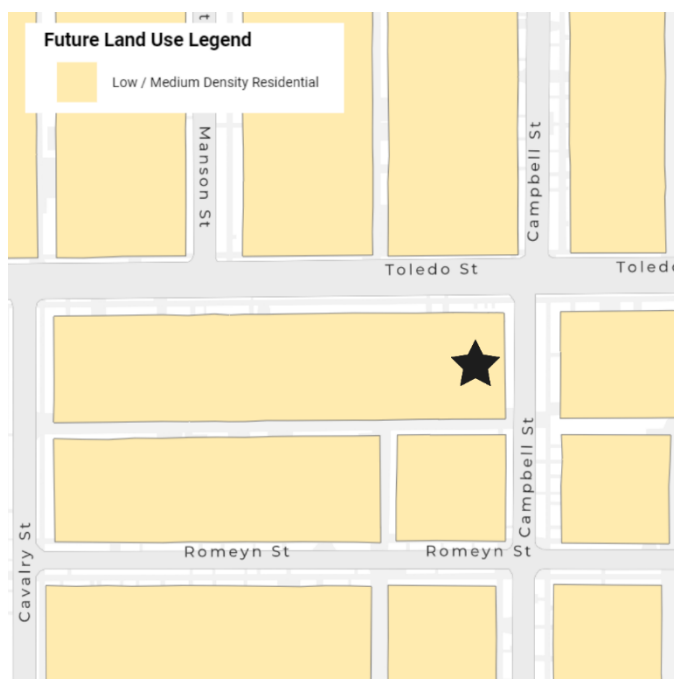
This district is designed to protect and enhance areas developed or likely to be developed with single- or two-family dwelling units. This district promotes a suitable environment for homes and for activities with family life.

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.

Master Plan Consistency

The proposed rezoning site is designated as *Low / Medium Density Residential* in the current Master Plan, as seen on the map below. A Master Plan interpretation will be provided by the Planning and Development Department prior to CPC staff submitting a recommendation regarding the proposed rezoning.



Community Input

The subject rezoning is located within City Council District 6. The petitioner indicates it has reached out to the following:

- Congress of Communities
- Livernois 2 Clark Block Club
- Scotten-Vernor Block Club

In addition, the petitioner received a letter of support from Congress of Communities (COC) on July 1st, 2024. COC's headquarters and Youth Driven Community House is located approximately 0.7 miles or 2 minutes away (driving) from the proposed rezoning.

CONCLUSION

Staff will provide a recommendation including results from the public hearing at a future meeting.

Attachments: Public Hearing Notice
Application for Zoning Change
R2 and R3 Comparison
Congress of Communities Letter of Support

cc: Antoine Bryant, Director, P&DD
Karen Gage, P&DD
Greg Moots, P&DD
David Bell, Director, BSEED
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