

City Planning Commission Regular Meeting

NOTE: These minutes do not represent a verbatim transcription of the meeting.

CITY PLANNING COMMISSION
REGULAR MEETING
March 6, 2014

APPROVED

I. Opening

Call to Order

The meeting was called to order by Chairperson Carr in the City Council Committee of the Whole Room on the 13th Floor of the Coleman A. Young Municipal Center at 5:02 p.m.

Roll Call

Commissioners Carr, Goss-Andrews, Gage, Russell and Williams were present. Commissioners Whitmore-Davis, Simons and Christensen were absent (excused).

Amendments to and Approval of the Agenda

Commissioner Goss-Andrews moved approval of the agenda as distributed. Commissioner Russell second the motion. Motion carried.

A point of privilege was granted Mr. Todd for the purpose of introducing Katrina Orcino, a U of M Graduate student who was shadowing Mr. Moots for the day. Ms Orcino greeted the Commission and the meeting continued.

II. Minutes

Approval of minutes of the Regular Meeting of December 5, 2013

Commissioner Goss-Andrews moved to approve the minutes of the meeting of December 5, 2013. Commissioner Russell second the motion.

Approval of minutes of the Regular Meeting of February 6, 2013

Commissioner Williams moved to approve the minutes of the meeting of February 6, 2013 with typographical errors corrected. Commissioner Andrews second the motion. Motion carried.

III. Public Hearings and Presentations

- A.** PRESENTATION - Design revisions to the proposal of the Midtown Project, LLC to modify the plans for the existing PD (Planned Development District) zoning classification on District Map No. 4, Article XVII of the 1984 Detroit City Code, for properties at 3750, 3780 and 3800 Woodward Avenue generally located on the east side of Woodward Avenue between East Alexandrine Avenue and Mack Avenue for the construction of a four-story medical office building and a 3 ½ level parking structure.

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Present: Marcell Todd, Legislative Policy Division

Legislative Staff Member, Marcell Todd gave a brief overview of the report dated February 19, 2014, distributed along with the meeting materials. The City Planning Commission held a public hearing on May 16, 2013. On August 1, 2013 the matter returned before the Commission with revisions to the design. Before the Commission today are changes to the design representing an increase in parking, a change in the number of floors, design changes to the office building, and changes to the façade on the northwest corner (glass and metal façade). Staff recommends approval of the Midtown Project LLC's revised request to modify the approved plans for the existing PD zoning classification.

ACTION: Commissioner Williams moved to accept the recommendations of staff.
Commissioner Andrews second the motion. Motion carried.

B. PRESENTATION - Plan of Adjustment proposed transfer of CPC and HDAB staff to the Planning and Development Department.

Present: Marcell Todd, Legislative Policy Division (LPD)

Legislative Policy Division staff member Marcell Todd reported to the Commission

Two weeks ago the Emergency Manager (EM) filed a Plan of Adjustment (POA). The plan includes a change to the Legislative Body; the transfer of the City Planning Commission (CPC) and the Historic Designation Advisory Board (HDAB) to the Planning & Development Department (P&DD). A closed session with the Emergency Manager is scheduled for Tuesday, March 11, 2014 to review the POA. On Monday, December 13, 2013, LPD staff was presented with a draft version of the Plan of Adjustment, and was aware of the possible transfer. Conway Mackenzie and Ernest and Young, consultants for the EM, composed the plan to obtain more efficiency in government. The question is what provisions will be made for the City Council for checks and balances, if the EM accepts removal of staff from the Legislative Branch of government. P&DD is an Executive Branch agency. What would be left for Council in terms of checks and balances? Consultants work seems to be dismissive of that effort of the government.

Commissioner Williams stated that the reason for the Commission being here was for balance in the first place. Is that allowed? Is that legal?

Marcell Todd indicated that Council President Jones recommended that the Commission prepare a letter to the Emergency Manager to express the Commission's concerns. We can take this opportunity for the Commission to direct staff on your statement. The Charter says that P&DD should be the Commission's staff and the Planning Commission already does direct P&DD. The Commission has subpoena power to compel agencies to come before the Commission. The Planning Enabling Act gives final authority to the Planning Commission, but there is a provision in the **act that may ...**

Commissioner Williams said that it is legal if you put the Commission in charge of City Planning.

Marcell Todd said in Grand Rapids the city directs the Planning Commission. Detroit, having a **strong mayor...** Staff has indicated this conflict of interest to Mr. Lewand, the Group Executive, and Mayor Duggan. Trisha Stein is acting as the Director of P&DD and I have indicated this to her. Mayor Dugan would have to share and the staff would be subordinate to the Commission. I

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have asked the Law Department to take a look at it and the state law. Like with the Historic Designation Commission, we would be a dedicated staff within P&DD that the Commission can direct. The new Administration just wants the staff.

Commissioner Carr said it is a concern whether CPC staff is under P&DD or LPD. Don't think it is uncommon we have a subject person to do one thing.

Marcell Todd said we had to inform Council that they would not have power to ...

Commissioner Carr said that opinion should be included in the letter. That it is Charter mandated; although does say we *may* though.

Marcell Todd said that within Planning, Zoning Enabling Act supports that the Planning Commission has its own dedicated staff. The Commission can request to have their own dedicated staff.

Commissioner Russell said this Body edits the zoning law and the Mayor and P&DD enforces that law. The Commission writes the law because we change the zoning text. Is there anybody else that does that?

Marcell Todd responded no. There is staff in the P&DD who used to work at the Commission.

Commissioner Russell said when the City adopts a Master Plan from State law this Body has to approve it. State law gives the City the power to have a budget.

Marcell Todd added that it gives the Commission the power to appropriate.

Commissioner Russell said you prepared a list, a chart last year that about CPC and P&DD. I want to look at that. Maybe the Commission should ask for a budget to fund those tasks that were listed.

Marcell Todd said that the Zoning Ordinance does supply a corresponding rule. Checks and balances. PC, PCA, PD, SD4 and SD5 makes provisions for P&DD staff to weigh in, to provide the opinion for P&DD.

Commissioner Russell stated that there needs to be a dollar amount for doing those tasks and persons doing those tasks.

Marcell Todd responded that the report you are referencing was issued April or May of last year in response to Conway Mackenzie.

Commissioner Carr said those things should be mentioned in the report or letter you are preparing for Council.

Commissioner Andrews asked what has been in Council response.

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Marcell Todd responded staff met with the Council President and the Law Department last Tuesday. The Council President recommend that LPD, the Law Department and the Auditor General prepare an analysis and report. Council President Jones expressed her concern and asked that LPD prepare report in addition to the letter City Council will send to the Emergency Manager and the Administration.

Commissioner Andrews asked what the time frame is.

Marcell Todd responded we are trying to get the letter together tomorrow for the Council President.

Commissioner Williams stated that what is being ignored is that the Emergency Manager will not be here permanently. Council controls the budget and what goes into the budget. There has to be some understanding that the Council is losing something that today they will be wishing to come back tomorrow.

Marcell Todd said the new dynamic in the districts. One other thing is maybe the Commission should make Mr. Beckett aware that the Zoning Enabling Act may conflict with the expertise needed. The closed session is scheduled for next week. Timeline for implementation is not known, but is known that P&DD will move to the 8th floor of the Coleman A. Young Building shortly.

Commissioner Carr stated that the discussion between CPC and HDAB are separate issues. The issues are not the same. The letter to the Council should go into why we need zoning, why we are here.

Commissioner Williams said it should include the differences between inefficiency and balance of power.

Marcell Todd added that we have tried to maintain separate budgets. Council members have stopped referring to HDAB, and now just refer to CPC.

Commissioner Carr said I am thinking zoning cases that we are eliminating if there is no zoning. A letter should include both because that is not the same; but, separate sections.

Marcell Todd added similar to the letter in July. Right now we are not officially your staff. Technically, P&DD is your staff; but, because it never made it in the budget there is nothing that communicates this.

Commissioner Carr said that the Charter says we can function without staff, as it says *may* appoint a staff.

Marcell Todd said here the Charter is secondary; you can back on the State law.

Commissioner Williams said there does need to be a separation, but these are the only 2 or 3 bodies of Council where there is staff. Are you taking away so many staff that you are creating a

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situation where the Council does not appear to do what it needs to do? It is a matter of the efficiency versus balance of power. If you have taken away enough staff then you have taken away the balance of power.

Commissioner Russell said that the letter written by CPC was dated May 16th. Staff should review sale of real estate, maybe amendment and zoning. If the City wants to do some of the things they want to do then we need paid, competent staff.

Commissioner Andrews asked is there any way we can qualify, by saying to do this then it creates an efficiency and the efficiency would cost this dollar amount.

Marcell Todd said some might say the Mayor and the EM believe we are getting efficiency by having it streamlined. CPC can try to look at the Legislative Branch's response. LPS is understaffed. It is not just injured, it is a break. When you make a recommendation for the Zoning Ordinance we staff send it to the DPW, then it goes to the Law Department; and, there is only one person at DPW working to do the review. The Law Department has also had cuts and there is no one else with the same expertise to take their place. We have trouble with the time it takes to process rezoning.

Commissioner Gage added that when you are a developer you don't understand because there are no funds for additional staff. That is a dollar amount.

Commissioner Carr asked what the argument to bring it to Legislative side is.

Marcell Todd said it goes back to that this is a legitimate divide of power. The EM and Mayor's Office has not had a meeting with the Commission, nor have they asked to have small meeting to even address the Council.

Commissioner Carr said are Charter mandates are being meet by bringing P&DD over here.

Marcell Todd said there are two provisions that relate directly to the Charter provision. Provisions Mr. Beckett was referring to. I think we are now looking at one communication directed to the Council asking them to consider and advise and another letter to the Council president. I want to address:

- Functions unique to CPC (State Law, Charter, Code)
- Chart reference in May letter
- Dollar value of efficiencies
- Staffing (retention of current structure, support consolidation, P&DD subordinate to the Commission)
- Checks and balances
- Council's role in overview

Commissioner Williams said we are concerned about having power but who we advise.

Commissioner Carr added that Detroit will not always be under the Emergency Manager.

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Commissioner Gage said that the Commission does not want to run P&DD.

Commissioner Russell stated that to do some of these zonings is a legal requirement, if the City wants to retain its power to rezone.

Marcell Todd said there must be adequate staff and support to do what is required of the Commission.

Commissioner Williams replied that the direction the City is going in is a different direction from what the Charter requires. The Commission is trying to give recommendation to those individuals we report to.

Marcell Todd added that Mr. Beckett said, given the Commission came into existence in the 1984 Charter, we are grandfathered in; there, it calls the Zoning Commission to be appointed by the Council and the Planning Enabling Act calls for the Commission to be appointed by the Mayor. Only raise it because we feel the grandfather we exist under could be separated by the Emergency Manager.

Commissioner Carr asked if there were anything else to add to the letter and there was no response.

Marcell Todd said staff will provide the Commission with copies.

IV. Unfinished Business

V. New Business

VI. Committee Reports

VII. Staff Report

VIII. Communications

IX. Public Comment

John Law

Stated he is concerned about the arena deal. It is unconscionable to inflict this on the people. Mr. Law distributed information to the Commission regarding the property plan on the area. He was

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upset by the sale because Mr. Illich buys property and lets them rot.

Commissioner Carr asked if Mr. Law owns property in the area.

John Law responded he does not. His only interest is for the betterment of the City. This is just the wrong thing at the wrong time for the community and it is not the area to put it. Only Mr. Illich profits from the arena. It will be a total mess. I want to come and make you aware of what is taking place before it comes before the Committee.

Cindy Darrah

I would like you to formally put in a challenge to the Bankruptcy Court if they are trying to eliminate the City Planning Commission.

A building in my neighborhood is structurally sound but is included in the dangerous buildings report. It was before Council today. Why do they want to tear down something that may be repairable? I want us to save our housing structure. Owner occupancy is critical. This building is damaged but we are going to look at it to see if it can be repaired.

In terms of the arena, they have not even promised how many people they will hire. The City receives no property taxes, they go to the DDA.

X. Adjournment (anticipated at 6:50 PM)

NOTE: An interpreter for the hearing impaired will be present at the meeting if requested at least 48 hours in advance. To request an interpreter, please call 313-224-4946.

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