

City Planning Commission Regular Meeting

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

CITY PLANNING COMMISSION
REGULAR MEETING
November 7, 2013

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 5:26 p.m.

Roll Call

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

Amendments to and Approval of Agenda

ACTION: Commissioner Simons moved to removed item 4A from the agenda and discuss under staff report. Commissioner Russell second the motion. Motion carried.

ACTION: Commissioner Simons moved to approve the agenda with the amendment. Commissioner Andrews second the motion. Motion carried.

II. Minutes

Approval of minutes of the Regular Meeting of July 18, 2013

Minutes of the meeting of July 18, 2013 were distributed today so they will be reviewed and brought back at the next meeting. Commissioner Andrews noticed her name was not in the roll call.

III. Public Hearings and Presentations

- A. 5:00 PM PRESENTATION** – request of Matt Ward owner of Lahser Tire Inc., to amend Article XVII, District Map No. 73 of Chapter 61 of the 1984 Detroit City Code, Zoning, by rezoning properties Generally bounded by Grand River Ave., Cooley, Willmarth, Lahser and Redford from the current B3 (Shopping District) zoning classification to a B4 (General Business District) zoning classification. The subject properties are more specifically known as 22100, 22116, 22120, 22124, 22132, 22200, and 22250 as well as 17425

Present: Marcell Todd, Legislative Policy Division staff

Legislative Policy Division staff member, Marcell Todd, gave a brief presentation of Lahser Tire Center request to rezone. This general area (Grand River and Lahser) was one of six or so sites across the City

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that in the 70's received a Commercial Strip Improvement, typified in this instance by heavy concrete planters and benches and corresponding light figures. The B3 district currently in place is indicative of the desire to have a true shopping district created around this intersection. There are B4 districts in the area as well. One of the reasons the B3 is there is to lessen the occurrence of auto intensive uses. Unfortunately, there has not been success in creating the shopping district at this particular location.

This petitioner, Matt Ward, has come forth to legalize this use. The store has been in operation for almost six years, but not in compliance with the zoning. The petitioner is requesting the zoning changed to B4 in order to allow them to be legalized. BZA can no longer issue use variances, so rezoning is the only option. Staff has looked at the possibility of only doing a portion of the site, because the B3 that is there today extends to cover the entire area as shown on the map intruding into the residential neighborhood. Staff will provide you an evaluation of the potential impact of the entire parcel going to B4 and a couple of variations on how it could be approached. Even if the B3 is appropriate, given that it might be land locked by its adjacencies, the B4 also post questions.

Commissioner Carr asked if the petitioner continued business in the new location.

Marcell Todd responded they have been operating at the location for the past six years. They previously operated out of a B4 property to the north. The former Comerica Bank site (now the site of the auto repair and tire retailer) at the corner (of Grand River and Redford) was recently cited for violation of the Zoning Ordinance. The petitioner still owns that abandoned property to the north. Staff is not aware of the current status of that property.

Commissioner Russell asked if they still own the property on Willmarth and Lahser, if the taxes are current and if there are any violations at either location.

Staff responded the only one he is aware of is the zoning violation at the new location. Staff will check if BSEED has raised any issues at the other site. On observation, the former site has not been neatly kept. They may be using it for storage; there is equipment on site that they may be utilizing from time to time. Lahser Tire, Inc. is a tire center and are also doing minor auto repair.

Commissioner Russell asked what are the by-right uses?

Marcell Todd responded that you're looking at 130+ by-right uses. The B4 is where you're going to get your commercial uses including auto related as a conditional use. It is those uses, particularly tire shops, that have been coming in seeking relief once BSEED has gone out and found them to be out of compliance with zoning. This deficiency (at Lahser Tire Center), not realized until now, is certainly a question since they are each supposed to be inspected annually BSEED.

Commissioner Andrews asked if the B3 shopping district gives you more retail.

Marcell Todd responded yes. We are getting into heavier service activities such as auto service, auto repair. The B3 would include the items that are available in the B2, such as cleaners and those neighborhood and local service related commercial activities. This, the B3 was intended to highlight and create a shopping district.

Commissioner Andrews said that area is sort of artsy type trying to move towards a Soho feel. If it moves to the B4 that takes the walkable community with boutiques and restaurants away.

Marcell Todd added that much of what you're talking about is taking place within B4. The B4 zoning is what is lining Lahser at this point.

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Commissioner Andrews stated that Mr. Ward is operating his business as a B3. I'm just always concerned not to have more of that used car vibe in the community.

Marcell Todd responded that maybe it is only the Grand River frontage that is rezoned.

Commissioner Carr added, if this zoning doesn't happen. You would rather it be a business than vacant.

Commissioner Davis asked if the green on the map was someone's backyard?

Marcell Todd responded that's right. Even the shopping district presents a problem, as parking in the rear to serve businesses on the frontage abuts residential. Maybe changing it to a parking district with a fully developed rezoning scheme for the area would be an appropriate way to go. They are occupied and there is a partial fence at the rear lot line. As the parking lot and the B3 come out to the street to the north there is actually a lone residential single-family home that encroaches into the parking lot. We believe it is zoned R1, but it actually encroaches into the physical field of that lot. It crosses the line from the other residences and at that point there is no fence. It appears they access their rear yard from that B3 parking lot.

Commissioner Davis stated that this has gotten past all parties concerned. What has been done in the past when this has happened?

Marcell Todd said unfortunately, this is not the first time. We're seeing more similar requests. This one is not just the out of compliance use that is making the request; but, there are clearly some other adjacencies, a failure in zoning scheme to a certain extent. I think it is an opportunity for us to come up with the right scheme. I regret not including the site of their former lot in this. Had it been included it could be something else we could also be working with. The petitioner is only asking for something that will affect the change in zoning of that Grand River frontage for the auto use. There probably is additional study that is needed. We could come back and discuss on a slightly larger scale the things that are lifted up in Detroit Future City. From talking with the owner of the Tire Center I know that the individual who owns the vast majority of that B3 has no plans for it. He has done nothing to improve it. Most of that is a paved lot that is going to gravel.

Commissioner Simons said that this business has been operating for approximately 6 years. Did it have a Certificate of Occupancy as a used car lot, a tire store?

Marcell Todd responded he believes they have been given a Certificate of Occupancy in the past, but is not sure what happened at the inspection that resulted in the violation. Whatever may have been done wrong in the past, there is an attempt to correct it now.

Commissioner Simons asked how often does BSEED inspect properties?

Marcell Todd replied BSEED is supposed to provide annual inspections, but given the capacity shortage, they have not been able to do so regularly.

Commissioner Russell asked what does the Master Plan call for in that area. That area has seen a lot of improvement and I would want to do something that encourages it.

Marcell Todd said as a result of what we're seeing coming from BSEED's code enforcement initiative, the B2 study that resulted in many of the B4 properties being down-zoned to B2 is now becoming an issue. Where interested parties would like to rebuild the commercial strips, they cannot, because of the

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divide in what's allowed in the B2 vs the B4. This was recognized in part in Detroit Future City, which notes the restrictive nature of the B2. Staff would like to take another look at the Business Districts to see if a different arrangement of the provisions in the text is where we need to go. As Detroit Works is essentially saying, the City of Detroit needs to re-think its zoning scheme in general and in more specific terms in some districts; that would address situations like we have here and elsewhere in the City, immediate and projected, in terms where Detroit Works sees the City going.

Commissioner Russell said that there are an exceptional number of used car facilities on Grand River all the way to Telegraph.

Marcell Todd said that most of them pre-exist the problem that was created with the auto downturn, although there has an increase in used car facilities over the last 3-4 years.

Commissioner Gage asked if the zoning is changed to B4 would it be a by-right or conditional use?

Marcell Todd responded this would be by-right.

Commissioner Carr asked if it would be too much for staff to return with information on similar businesses in the area to have a clear visual of what we're accepting.

Marcell Todd replied staff can get that information. The public hearing on this matter is scheduled for November 21st. Staff will come back with that additional information and take the opportunity to think out the scheme a bit further in terms of the land uses that are there, what is available in terms of the subject property as denoted on the map and the public hearing notice, and the potential in terms of text amendments in the future.

Commissioner Gage asked if the Commission has any standing to look at the petitioner's other properties when considering rezoning amendments such as this one?

Marcell Todd responded that whenever someone is in violation with the City, whether back taxes or an infraction of the City Code, it can be raised it is enough grounds for the City Council to ultimately withhold action on a given item waiting for someone to come into compliance. Those provisions are more specifically spelled out and directed at any contractual arrangement.

Commissioner Carr said that the focus should be more on the global uses that would happen with the rezoning.

Commissioner Gage asked if there are any infractions at this location and are they in compliance of all the other city codes and regulations?

Marcell Todd replied that staff will go back and verify. Since there are three or four adjoined buildings at this location, we'll check on the others as well.

- B. 5:20 PM PRESENTATION** – proposed text amendment to the Chapter 3 of the 1984 Detroit City Code deleting Sec 3-4-1 to remove the prohibition of projecting signs over Woodward Ave. and the request of Midtown Inc. to amend Chapter 61 of the 1984 Detroit City Code, Zoning, by revising the provisions of the SD1 (Special Development District—Residential/Commercial) and the SD2 (Special Development District, Commercial/Residential) zoning district classifications.

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Present: Greg Moots, Legislative Policy Division staff

Legislative Policy Division staff member, Greg Moots, gave a brief presentation on the report dated October 30, 2013, distributed with the meeting materials. Staff will e-mail you the complete amendments to the report well before the public hearing. One change is that many more service and retail districts are allowed in both districts. Another substantive change is that both of them allow low-intensity industrial uses, limited 4,000 square feet in the SD1 and 5,000 square feet in the SD2, and require the inclusion of a retail component. We're looking for low-intensity industrial uses where someone is selling what they make on site. That was in response to a focus group we had with several manufactures. These districts are envisioned in areas designated as traditional main streets. Many of those districts would be appropriate.

Section 3-4-1 has been on the books since the 60's, it is regarding the prohibition of projecting signs over Woodward Ave. between Grand Blvd. and the Detroit River. The proposal before you is to delete that Section. It does not seem necessary or appropriate at this time. Historical pictures of Woodward show many projecting signs along Woodward. Staff has been in contact with M-DOT, who has jurisdiction of that portion of Woodward from Grand Blvd. to Adams, and with the Department of Public Works and neither have any objection to the removal. In recent years staff has received several requests for projecting signs over Woodward.

Staff had proposed that no new single-family residential developments be permitted in the district while the existing single or two-family developments would not be considered non-conforming, but we've been advised by the Law Department that a use is either conforming or non-conforming. We are probably going to make the single-family uses a conditional use in the SD1. We don't anticipate new ones coming in, but we don't want the ones there to be non-conforming. The ordinance today, in the list of non-conforming uses allows single-family homes which are damaged to be reconstructed without having to go to the Board of Zoning Appeals.

Commissioner Carr asked for the definition of projecting signs.

Greg Moots responded any sign which projects perpendicular to the building over the right-of-way. That's not an awning or a theatre marquee. No projecting signs can extend past the edge of the curb. This ordinance does not deal with the video signs, a static image not changing more frequently than eight (8) seconds; they would be a part of the comprehensive sign review. Animated signs are to be allowed only within the Central Business District and only as a conditional use.

Commissioner Andrews what do you call the check advance places?

Greg Moots replied those are financial service centers, a conditional retail service and commercial use in the SD1 district and SD2 district. Because it is conditional, there should be a Certificate of Zoning Grant Conditions, which is required.

Commissioner Andrews asked to see how the existence of that could be limited, curtailed, or eliminated.

Greg Moots responded that, unfortunately, in Detroit's zoning structure, uses are almost always allowed in the higher districts, their allowed in the lower.

Commissioner Andrews said that goes back to what Mr. Todd was saying in terms of reviewing all of the zoning classifications to move Detroit forward.

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Commissioner Gage asked what are the other uses allowed under financial service center. Does it fit well with residential uses and if it could be conditional in the SD2.

Greg Moots read the definition, “financial service center is a facility other than a bank, savings and loan association or credit union, that was the principle businesses service to the public for check cashing, the sale of money orders, the transfer of funds for wire, cable or electronic medium or similar financial services”. Staff would have to review the notice that was sent out to check and see if that specific use was mentioned. If the Commission would prefer, staff could remove that from the SD1 district. At the hearing next week the Commission could recommend approval with the condition that this be removed.

Commissioner Russell said this came up once before with the check cashing and he thought there was a requirement for distance between them in certain areas. The Commission didn’t want to deny anyone the right to do business, but limit how many there were. Is there a space requirement for the check cashing facilities?

Mr. Moots said that any deferred presentment center, commonly known as a payday lending center or a check advance center, is required to obtain or maintain a license from the State of Michigan and insurance services as a condition for its buildings safety permit. Check cashing services shall be permitted as an accessory in any establishment that exceeds 15,000 square feet. There is no spacing requirement today for check cashing or financial service center.

Commissioner Russell said 15,000 was so they could have centers inside a grocery store. I thought there was a spacing distance for pawn shops and that sort of thing.

Greg Moots replied that for pawn shops there are, but for financial service center it is not classified today in the same category as a regulated or a controlled use; who, primarily, have the spacing requirements. Staff could undertake looking at how financial service center uses could be added to the list of regular controlled uses or should there be a spacing requirement placed on that specific use. The Commission will have the full ordinance to review prior to the public hearing in two weeks.

- C. **6:00 PM PRESENTATION** – request of Norstar Development USA, L.P (developer) and the Detroit Housing Commission to modify the plans for the existing PD (Planned Development) zoning district presently shown on land comprising the central portion of the former Herman Gardens Housing Complex now known as Gardenvue Estates, which is generally bounded by Joy Road, Tireman Street, Asbury Park Avenue, and the Southfield Freeway. The request would modify the existing PD created by ordinance #15-10 of 2010 and amend Article XVII, District Map No. 40 of Chapter 61 of the 1984 Detroit City Code, Zoning.

Present: Marcell Todd, Legislative Policy Division staff

Legislative Policy Division staff member, Marcell Todd, gave a brief presentation regarding the zoning district request to modify existing PD. The Detroit Housing Commission (DHC) informs LPD staff that they are waiting for funds to be freed up by Housing & Urban Development Department (HUD) to formally bring on a consultant who will complete an analysis of the site in order to determine what changes of direction are necessary. At this point in time, the only change is concerning the area as denoted as Phase 4 on that plan. They are looking to move away from the single-family detached, market rate housing scheme that was previously proposed for this site. In 2010, the Commission and City Council authorized single-family detached homes on 60 and 45 foot lots, resulting in the variety of the lot patterns for seven different single family housing types, with variations of materials, dormers or sheds. The Housing Commission now wants to move away from that. What DHC currently wants to do with the

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Phase 4 site is to bring an attached housing scheme that is similar to the buildings that flank the senior buildings to the north of the site. They are single-story townhomes or patio homes; housing that fits the requests of some empty nesters, seniors or disabled persons who are not willing to move into elevator buildings and want a more traditional home setting. Housing Commission would like to introduce more housing types, but as rental offering as opposed to market-rate, for sale homes.

This request is to amend or modify the PD zoning district, which currently allows only single-family detached homes on 60 and 45 foot lots, would add the option of doing these townhomes as well as other multi-family options. From the standpoint of land use, it will be an available option, but HUD will still be required to come before the Commission going through this same process in order to get site plan approval. On Monday, MSHDA informed HUD that they were awarded funds for this Phase 4.

Commissioner Carr asked what is the occupancy for the other Phases?

Marcell Todd replied it is over 90%. Norstar is just completing the senior buildings and have had a number of individuals come to view them. They are hoping to have an open house on this soon. These townhouses will be rental properties.

Commissioner Carr asked if any of the styles have covered parking.

Marcell Todd said Norstar is looking at having a shed. That's one of the afterthoughts. I'll talk to Norstar to make sure that is included.

Commissioner Andrews asked if this was low-mod and subsidized. Are they going to have some housing left to develop?

Marcell Todd responded, yes. Norstar has purview over what you see developed on this site at this point and have only been given this Phase 4. DHC feels, since they know the rental has been successful, and maybe it could have bearing on what would happen with the rest of the site in terms of what type of multi-family rental is allowed to go forward. DHC is committed to do some form of home ownership with single-family detached housing on the site. The original total projected units on this site was 750, of that 200+ were to be single-family detached. Now we will be looking at something significantly less. A significant number of Neighborhood Stabilization dollars were shifted to this project from items that Andre Wallace, former director of the Detroit Land Bank had previously presented to both the Commission and the City Council for the Land Bank.

Commissioner Davis said that she supports home ownership opportunities, but just looking at the age and community, the style of home will allow people to age in place. The homes are attractive to an active 70 year old and will allow them to continue to age in place if their ability levels change. There are not a lot of this style of homes in Detroit.

Commissioner Russell asked if the Commission has a right to comment and request changes to the layout and the look of the plan presented. The one and two bedroom units need the same type of entry as the three bedroom units, so that the wind won't blow right in the home. In addition, the front and back need a larger porch area and not just two-feet above the ground so that people can utilize the spaces. The deck in the rear should also be covered. There should be more brick and the Commission should review the material for the siding. When you have something that looks nice and lasts for a long time, it makes the neighborhood desirable.

Commissioner Carr asked if the Commission is to approve both the plan and style of the housing at the same time.

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Marcell Todd responded, only for this phase (at this time).

Commissioner Russell stated Detroit Housing Commission should finish the curb and maintain the property, even though they are not building on it. They need to set an example for everyone around.

Marcell Todd said that, unfortunately, they were probably looking to lean upon a continued under construction environment in order to not have to do certain things until the development was complete.

Commissioner Carr asked can we attach some present day pictures?

Commissioner Russell said that where they have finished, the curbs need to be put in place and repaired.

Commissioner Carr said that this Phase 4 was not senior designated, it's just attractive to seniors.

Marcell Todd said they are looking to market broadly. Staff will make sure all comments from the Commission are relayed to the developer and the architect tomorrow by e-mail and by telephone. Another thing when you look at the long expanse is roof venting. They will do a long ridge vent, but it does not break up the façade.

IV. Unfinished Business

- A. Consideration the request of Henry Ford Health Systems, to amend Article XVII, District Map No. 7 of Chapter 61 of the 1984 Detroit City Code, Zoning, by rezoning properties located south of Marquette Avenue and north of the Grand Trunk Railroad on the east and west sides of Hecla Avenue and the west side of Avery Avenue from the current M3 (General Industrial District) zoning classification, and R2 (Two-Family Residential District) zoning classification to a M2 (Restricted Industrial District) zoning classification.

Present: Marcell Todd, Legislative Policy Division staff

Legislative Policy Division staff, Marcell Todd, reported that the representatives from Henry Ford are at stalemate with the community. Henry Ford was not happy with the document that was returned to them from the community. The community feels slighted for what they perceive as disingenuous actions on behalf of Henry Ford. The Henry Ford representation now feel that the community is totally unreasonable and can't even follow the directions that they've asked for. This is why I think we're at a stalemate. I mentioned to both parties, Henry Ford and Ms. Robbins, that when the meeting is set up, if it meets the Commission's desires, staff will try to play the mediator role to resolve the key points. Even if that does not end in resolution of all the issues associated with the Letters of Agreement, hopefully we can help to foster a context where a genuine dialogue can begin. Henry Ford is ready to move the project forward, but they don't seem to be ready to talk to the community.

Commissioner Carr asked if Mr. Habitz from Henry Ford Health Systems was here.

Marcell Todd responded, no, he spoke with Mr. Habitz earlier today and gave him the option to attend. Mr. Habitz felt that since there was no progress to report and that it probably would not work well.

Commissioner Russell asked what is the time for the Belle Isle meeting?

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Marcell Todd said that it will be taking place in Lansing; he does not know when or the specific location yet. He indicated that he would find out by the Commission's next meeting on November 21st.

V. New Business (none)

VI. Committee Reports (none)

VII. Staff Report

Legislative Policy Division staff, Marcell Todd, requested the Commission receive the items presented today understanding that they are scheduled for public hearing at the November 21, 2013 meeting. Tonight, it was staff's desire to facilitate a working session where we were able to present each item, get your feedback and hopefully be able to address issues and concerns you have this evening and incorporate those with whatever may come up at the public hearings on the 21st in the hopes that same day action can be realized. Hopefully, City Council will come back in December so these items can be addressed in this calendar year.

The Loan Review Board called an emergency meeting for next Tuesday at 2:00 p.m. City Council directed LPD staff to attend and answer question they may have about City Council's Alternative Financing Proposal. This is the first time the provision of Act 436 will be invoked, where the EM has put forth one proposal and Council has turned it down and presented an alternative. The Board has to make a selection between the two.

City Council has not formally set its recess, but there are items coming forward and they may reconvene after their last session, which is expected to be Tuesday, November 25, 2013. LPD staff will know by the next Commission meeting. There will be an orientation for the incoming Council members, tentatively set for the first week of December at Wayne State University. LPD staff will find out the expectations for the Commission and will let you know as we get the information.

VIII. Communications (none)

IX. Public Comment

Mildred Hunt Robbins said the West Grand Boulevard Community Collaborative Coalition (WGBC3) has not heard directly from Henry Ford Health System (HFHS). She sent an e-mail to Henry Ford to them a week before last and asked them to provide 3-4 dates they might be available to meet. Last week I received an e-mail saying they would check into that and get back with me. The Coalition has gone over Henry Ford's document and there are many things they feel they can live with. If Henry Ford can pull out anything from the Coalition's document, they will be ready to go. On another front, HFHS is unwilling to share information with the Coalition. Henry Ford said the provided information on their rezoning application at the public meeting, which they did not do. The Coalition asked for specific information about their funding from taxpayer dollars and have not gotten a response. The Coalition filed a Freedom of Information (FOIA) request in September. Henry Ford responded through their Senior Corporate Counsel stating they are not subject to FOIA and the information we were asking for had already been presented at public meetings. I e-mailed her back and requested they compile the information and send a copy to the WGBC3. Henry Ford replied that they didn't have the information at hand and would be checking with Kirko (developer) of Cardinal (tenant) and see what she could find out.

The WGBC3 is having a public meeting Saturday, November 9, 2013 at the Gamma Phi Delta

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Sorority House on West Grand Blvd at 9:00 am. Lawrence Technological University is doing a Master Plan for us. Dr. Kim and his Masters of Architectures students will be there. Henry Ford knows about this and we are hoping that they will attend the meeting. This will give Henry Ford the opportunity to give us the information we requested about funding and rezoning. I will be sending out reminder notices tomorrow and will specifically send one out to the members of the Henry Ford team with the hope that they will come and give information to the Master Plan process.

Candace Green said that she is not satisfied with Henry Ford's community response. She feels Henry Ford has been disrespectful to the community and the process has been designed to fail. She is discouraged about the people's inability to obtain a loan, grants, or anything to help assist them. She feels Henry Ford is pushing the people out of the community while getting tax breaks.

Chris Evans is a resident of 16th Street and owns a small grocery store that she's planning to open soon. As a relatively new resident there, she has been welcomed so warmly and openly by people in the neighborhood. She is uneasy about going from a Community Benefits Agreement to simply a Letter of Agreement. Where are the people in that? These are not just residents and types of dwellings but homes, history and families. Henry Ford has refused to make any respectful gesture toward the community except hostility and disrespect. City Council originally decreed that Henry Ford was to come to a Community Benefits Agreement with the West Grand Boulevard Collaborative. That has fallen by the wayside. We want to be respected as the primary people, the primary neighbors who live in this area and not be pushed aside for, as Henry Ford refers to, "potential residents".

Public Comment concluded at 7:25 p.m.

X. **Adjournment** (anticipated at 7:28 PM)

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