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Brenda Goss Andrews
Damion W. Ellis
David Esparza, AIA, LEED
Gregory Pawlowski
Frederick E. Russell, Jr.
Angy Webb
Henry Williams

**City Planning Commission
Regular Meeting
February 20, 2020**

MINUTES

I. Opening

- A. Call to Order – The meeting was called to order by Chairperson James at 5:27 pm.
- B. Roll Call - Marcell Todd, Director called the roll. A quorum was present.

Attendees: James, Andrews, Hood, Esparza, Pawlowski, Russell and Williams

Excused: Ellis and Webb

- C. Amendments to and approval of agenda

Commissioner Andrews motioned to approve the agenda with amendments; seconded by Commissioner Williams. Motion approved.

II. Minutes

- A. Meeting minutes of January 16, 2020 and January 23, 2020

Commissioner Russell motioned to approve the minutes of January 16, 2020 seconded by Commissioner Pawlowski. Motion approved.

The meeting minutes of the January 23, 2020 will be presented for approval at a later date.

III. Public Hearings and Presentations

- A. **PRESENTATION** – Andrew Brisbow, Executive Director, State of Michigan, Marijuana Regulatory Agency

Andrew Brisbow, Executive Director, Marijuana Regulatory Agency, State of Michigan, provided a Power Point Presentation and overview relative to the establishment of the agency by Governor Whitmore’s 2019 Executive Order. The agency regulates Adult Use Marijuana Facilities; Medical Marijuana Facilities;

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Licensing; Medical Marijuana Program (Patients/Caregivers) and Social Equity relative to Adult Use Marijuana in accordance with the Marijuana Regulation and Taxation Act (MRTMA). The agency's email is Marjuan@Michigan.gov; 517-284-8599.

B. PRESENTATION – The redevelopment of the former Joe Louis Arena Site

Chris Gulock, CPC staff, gave a presentation relative to the request from the Detroit Planning and Development Department to amend Article XVII, District Map No. 1 of the 2019 Detroit City Code, Chapter 50, Zoning, by showing a B5 (Major Business District) zoning classification where a PC (Public Center District) zoning classification exists on the former Joe Louis Arena Site.

The B5(Major Business District) zoning classification is designed to provide adequate regulations within the Central Business District Area, and may be successfully utilized in other regionally oriented shopping and office areas; the PC (Public Center District) includes areas used or to be used for governmental, recreational and cultural purposes of particular or special civic importance.

Raymond Diggs, Jobs and Economy Team (JET), Mayor's Office, summarized the history of the property which had been under the City's ownership for 40 years. The Financial Guaranty Insurance Corporation (FGIC), a New York based, City lender, acquired the future rights to the property as a result of the City's 2013 bankruptcy.

Gotham Motown Recovery, LLC, a subsidiary of FGIC, had a June 15, 2021 deadline to submit a development plan for the property. The deadline changes to January 15, 2020 under the terms of a mediated settlement reached between FGIC and the City in February 2018. The Sterling Group, a privately held investment and real estate firm, acquires the rights to the JLA property and the garage, through an agreement with FGIC.

In 2019, the Sterling Group purchases certain development rights, through an agreement with the City for \$14.1 million (\$2 million for the garage and \$12.2 million for the arena property). The City Council approves the purchase agreement for the site and garage by resolution on November 5, 2019. The city comments to rezoning the site to a B5 (Major Business District) allowing for future development of the site without the encumbrances of the PC zoning classification. The B5 classification is consistent with a 2018 Master Plan Study completed by the Downtown Development Authority in collaboration with various stakeholders in the area.

Commissioner Williams requested clarification about the purchase price; specifically the demolition portion.

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Raymond Diggs, Mayor's Office - Demo costs were internalized and estimated to be between \$3 and 6 million and the purchase price was adjusted for that consideration.

Commissioner Pawlowski wanted to know what type of development is being considered for that space; proposed tenants for the pending development. Access to westside park.

Eli Torgow, Chief Executive Officer, The Sterling Group, hope's to have office tenants and residential; access will be an asset to the City.

Commissioner Esparza - Referenced copies of the referenced studies; and during the public hearing on March 5th will conceptual site plans and visuals be provided?

Raymond Diggs, Mayor's Office - Copies of studies submitted to staff and no conceptual site plans and visuals will be available for public hearing.

Commissioner Russell sought clarification on easement to the River Walk and the included parking lot to the northwest?

Raymond Diggs, Mayor's Office - There is an easement for parking structure; and the owner is working with the Conservancy to development access for the privately owned surface parking lot

Commissioner Hood what is the process for finding tenants. How would you find local retailers? Provide your outreach strategies relative to local tenants.

Eli Torgow, Chief Executive Officer, The Sterling Group – Formal process of looking at the market place and look at tenants that we feel are best suited for that site, both national and local. Develop marketing material and engage with the community and local brokers.

Chairperson James – High rise development; looking at condos rentals, selling; expansion of docking? In March please provide additional information regarding other developments the company has in the City.

Eli Torgow, Chief Executive Officer, The Sterling Group - The agreement only goes to Yzerman Drive; no plans right now regarding rentals, etc.

C. PRESENTATION – MotorCity Casino Art Project Update

Marcell Todd, CPC Director, highlighted the Motor City Casino Art Installation Oversight Committee Report dated February 18, 2020.

On August 1, 2019, the Commission approved a minor modification of the SD5

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(Special Development District, Casinos) with conditions. This approval will allow for the construction of an eight (8) level, (700 space) parking deck with an art installation. Citizens and Commission concerns regarding the overall mass of the structure determined that the introduction of an art installation would break up the mass of the structure.

A seven (7) member committee was established to review parameters for the art installation and to offer guidance. The committee was comprised of CPC members, representatives from the City of Detroit Entertainment Commission; the Director of Planning and Development Department staff representative; the Director of the City's Arts and Culture Department, Rochelle Riley and Marcell Todd, the CPC Director. The committee meet on six (6) occasions from September to December and reviewed the project, the possibilities and the extent of the art installation, the media and means of display. A projected image presented the greatest flexibility but was cost prohibitive and a more traditional, direct application or original artwork was not feasible. The application of art prepared offsite or reproduced on a series of panels, applied to the substrate affixed to the parking deck was preferred.

The Committee recommends a two dimensional solution, utilizing a canvas formed by the precast panels of the parking garage, without utilizing metal mesh or some other substrate, facilitating a maximum flow of air and light throughout the structure.

The casino accepted the recommendation and is developing a "call to artists" program. Cheryl Scott-Dube, Legal Council, Motor City Casino, indicated that after final approval from CPC staff, this will be a great opportunity for local artists. The selected art will remain on the structure for 3 to 5 years and a the casino will issue another open call after that period.

Commissioner Andrews - who picks the artist and can a member of the community participate in the final determination.?

Cheryl Scott-Dube – The owners makes the final determination; will discuss the Commissioner's suggestion with the owners.

D. PRESENTATION – The future of Fort Wayne, General Services Department, Recreation Division

Megan Elliott, Chief Parks Planner and Tim Boscarino, General Services Department provided an overview of the pending request from the General Services Department to rezone the Historic Fort Wayne from an R1 zoning classification to a PD (Planned Development) that would allow for more flexibility and uses on the property.

Tim Boscarino provided an historic overview of the facility, identifying buildings and specific locations. Historic Fort Wayne, a former military facility, was deeded to the City of Detroit beginning in 1948 with restrictions; deed restrictions relating to

historic preservation, public preservation; restrictions on the ability to generate revenue; restrictions relative to entering into agreements with third parties; and limitations to certain outdoor activities. These restrictions have impaired the City's ability to enhance the site and initiate improvements. Historic Fort Wayne is historically significant, loved by the community and under utilized.

The National Park Foundation and the Kresge Foundation approached the City with grant funding to undertake a planning process to develop a sustainable restoration process for Fort Wayne. Parts of the planning process are to renegotiate the Federal deed restrictions, replacing it with a manageable historic preservation covenant; developing new recreation offerings and historic interpretations. The City has cut the grass, boarded up vacant buildings, making the facility safer and more attractive; and developed strategies to revitalize vacant buildings. The site contains approximately forty (40) buildings. Ten buildings are occupied and 30 are vacant.

Demolition is not an option, the City cannot afford to rehabilitate the structures; the only option is to identify third parties willing to adapt these buildings to new uses appropriate for the site. The department has issued a RFI (Request for Information) which is similar to an RFQ but not binding. These requests are due by March 10, 2020. In 2015 the State of Michigan did a study to identify community support for adaptive use. Community engagement has generated support. The request to rezone the site from R1 to PD will not change the site plan but will allow more flexible development.

The rezoning request will be presented to the Commission on March 10, 2020.

IV. Unfinished Business

- A.** Consideration of the request of Henry Ford Health Systems to amend Article XVII, District Map 7, of the 2019 Detroit City Code Chapter 50, 'Zoning' by showing a PD (Planned Development) zoning classification where an R3 (Low Density Residential) zoning classification currently exists on 26 parcels generally bounded by Pallister Street, John C. Lodge Freeway, Seward Street and Poe Street

Jamie Murphy, CPC staff, provided a summary of report dated January 6, 2020 relative to request of the Henry Ford Health Systems for zoning amendment showing a PD (Planned Development) zoning classification where a R3 (Low Density Residential) zoning classification for twenty-six (26) parcels generally bounded by Pallister, John C. Lodge Freeway, Seward and Poe Streets.

The Henry Ford Health Systems (HFHS) proposes to build and operate a new parking structure for employees who currently park in surface lots several blocks away and are shuttled to the main hospital. The proposed garage would consist of seven levels and accommodate 2,034 vehicles.

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On June 20, 2019 the City Planning Commission (CPC) held a 5:15 P.M. public hearing on the subject rezoning. Four members of the public spoke, all in opposition; expressing concerns regarding air pollution, blockage of sunlight and views, increased taxes, decreased property value, security and storm water management. HFHS held several community meetings to inform nearby residents about the project and to address concerns. In response to those concerns, HFHS made some changes to the proposal and offered other benefits to the surrounding neighbors.

The subject site is located within the Rosa Parks area of Neighborhood Cluster 6 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows “Institutional” & “Low-Medium Density Residential” for the subject property. The Planning & Development Department submitted a formal Master Plan interpretation that the proposed rezoning conforms to the Future General Land Use characteristics of the area.

RECOMMENDATION

Sections 50-3-70 and 50-3-96 of the Detroit Zoning Ordinance lists approval criteria on which zoning map amendments must be based and with the information currently available and the analysis, CPC staff recommends denial of the map amendment request. CPC staff also recommends the following as this matter advances to City Council or if HFHS returns before the Commission with this or a similar request(s):

1. The petitioner prepares and provide a comprehensive vision and master plan for the entire hospital campus and all the properties under their control and that of their development partners in order to provide the City with the proper documentation to evaluate and consider the hospital’s needs and corresponding requests;
2. That the petitioner prepares and provide a corresponding parking study establishing current and projected parking demands and exploring the means by which to address them;
3. The petitioner provide the appropriate as corresponding traffic study reflecting the current and projected future needs of the hospital exploring street closures and other options to segregate traffic and protect the surrounding neighborhood;
4. That the petitioner redesigns the proposed parking structure to be lower in height, stepping down to the meet the neighborhood, to ensure ample intake capacity at the southern entrance as well proper traffic flow along Pallister, and
5. That the petitioner work with the City Planning Commission, the Planning and Development Department, other appropriate City agencies, the immediately impacted members of the community and area community groups in pursuit of the above items.

Commissioner Williams motioned to reject staff recommendation for denial and to accept request by the Henry Ford Health Systems to amend Article XVII, District Map 7, of the 2019 Detroit City Code Chapter 50, ‘Zoning’ by showing a PD (Planned

Development) zoning classification where an R3 (Low Density Residential) zoning classification currently exists on 26 parcels generally bounded by Pallister Street, John C. Lodge Freeway, Seward Street and Poe Street; with the following standard conditions:

- 1. That the developer work with the immediately adjacent community to minimize disruption to the neighborhood during construction and address impacts that may arise;**
- 2. That final site plans, elevations, lighting, landscape and signage plans be submitted by the developer to the staff of the City Planning Commission for review and approval prior to submitting applications for applicable permits**

Motion seconded by Commissioner Esparza. Motion approved, 6-1 (Hood-No)

V. New Business - None

VI. Committee Reports – Make note of member report

Vice Chair/Secretary Hood **motioned to include member reports to agenda; seconded by Commissioner Williams.**

Vice Chair/Secretary Hood directed staff to reach out to FCA regarding art on barrier wall invite the artists who submitted a petition relative to the art installation, the residents of Beniteu and the Director of Arts and Culture Department to come before the Commission to give a presentation regarding the status of the process. Commissioner Williams included the CREO to attend to assure that the communities needs are being met.

VII. Staff Report

Two reports submitted on behalf of Commission to the Planning and Economic Development Standing Committee (PED) for March 5, 2020 public hearing regarding Chapter 50 - Zoning and Chapter 4 and 40. No changes to Chapter 50. Revisions were made to Chapter 4 by Council member Benson; noted that the Commission approved a prior iteration of Chapter 4 on January 21st. CPC staff provided a report to City Council noted the version approved by the Commission. Staff did note the changes and indicates that this does not cause a conflict.

Commissioner Andrews motioned to change venue of City Planning Commission Meeting, Thursday, March 5, 2020 to the BelAir Luxury Cinema, 10100 E. 8 Mile Rd., Detroit, MI 48234 at 5:00 pm; seconded by Commissioner Russell. Motion approved.

VIII. Communications - None

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- IX. Public Comment – Peter Rhodes; Marcea Spivey. Matthew Able and Richard Clements**

- X. Adjournment - The meeting was adjourned at 9:49**