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

Regular Meeting
June 18, 2020
Virtual Meeting via Video Conferencing

MINUTES

I. Opening

- A. Call to Order – The meeting was called to order by Vice-Chairperson Hood at 5:18 pm.
- B. Roll Call - Marcell Todd, Director CPC called the roll. A quorum was present.

Attendees: Andrews, Ellis, Esparza, Hood, Webb, Russell, Williams and James (5:20 pm)

Excused: Pawlowski

- C. Amendments to and approval of agenda

Commissioner Andrews motioned approval of the agenda for the June 18, 2020 meeting; seconded by Commissioner Williams. Motion approved.

II. Minutes

- A. Meeting minutes of February 20, 2020 and March 5, 2020, brought back from June 4, 2020 meeting.

Commissioner Hood motioned approval of minutes for February 20, 2020 and March 5, 2020 meetings and bring back the minutes of the June 4, 2020 meeting at a later date; seconded by Commissioner Webb. Motion approved.

III. Public Hearings and Presentations

- A. **Public Hearing** – to consider the request of the City Planning Commission staff and the Planning and Development Department, to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by amending Article XVII, *Zoning District Maps*, Section 5017-5, *District Map No. 4*, to establish two new PD (Planned Development) and modify two existing PD (Planned Development) in

Kimani Jeffrey, CPC staff, and Julio Cedano, Planning and Development Department, provided a summary of report dated June 15, 2020 regarding the request to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, Article XVII, *Zoning District Maps*, Section 50-175, *District Map No 4*. The proposed map amendment will allow for the adoption of the Brush Park Form-Based Code and includes the following:

Establishment of two (2) PD (Planned Development) zoning classifications where an SD2 (Special Development District, Mixed-Use) zoning classification and a B4 (General Business District) zoning classification currently exists;

Modifications of existing PD (Planned Development) zoning classification established by Ordinance Nos. 01-96, 25-96 and 39-07, as amended by Ordinance Nos. 07-16, 27-17, 26-18, 14-19 and 35-19; and Ordinance 30-07.

The proposed rezoning and adoption of the Brush Park Form Based Code Ordinance is consistent with the Planned Development approval criteria, Section 50-3-96 and the Master Plan. Primary outcomes resulting from the proposed ordinance will implement a long standing vision of the Brush Park Community; create a more predictable outcome for the neighborhood; reduce developer costs; set expectations for developers; provide projections for the amount of greenspace and parking needed; promote walkability; allow various housing options; and make zoning more user friendly.

Commissioner Andrews: Referenced the cost benefit analysis in the form based code presentation relative to the timeline and cost savings' this process can be in place, but if everyone is not on board and moving through it, the timeline will still be similar to the original trajectory.

Kimani Jeffery, CPC Staff: Staff is committed to approval within one to two months, depending on the community engagement and the developer's willingness to work with the community. Currently, the average time is four to six months. Many times, a PD project can take up to a year, but with form based code, three month results are a lot of savings.

Commissioner Williams supports the elimination of redundancies and burdensome regulations on developers. If there are issues with a developer and the citizens during the process, those issues should be brought to the Commission; based on this plan, the Commission will not necessarily be involved.

Kimani Jeffrey: Staff agrees with Commission Williams and is committed to

presenting issues to the Commission and the inclusion of conditions for approval.

Chairperson James: Clarified Commissioner Williams' comments, not to identify or to bring back the process but that to identify and if there is a problem, that it would be brought before the Commission to help mitigate.

Vice-Chair Hood: Requested clarity that the approval was just for Brush Park and replication will only be in PD zones; wants to make sure that if there is another neighborhood that is going to get form based code, there will be another process for approval that will come before this body.

Kimani Jeffrey: Yes, this only applies to the Brush Park Neighborhood. Vice-Chairperson Hood: Wanted assurance that if form based code is used in a different neighborhood, it will come before the Commission.

Julio Cedano, PDD staff: Indicated that if there is another form based code plan for another neighborhood, it would come through the Commission.

Vice Chairperson Hood: Appreciates the elimination of redundancies and the flattening of bureaucracy, however she wanted to acknowledge that she has never heard a resident say they need development to move faster and we have to understand who we are doing this for, the developer. She is leery about eliminating parts of the process for the Commission and their input. Brush Park is a special kind of situation and feels that form based code is applicable and still works in the services of the residents. Referenced Mr. Jeffery's comment regarding form based code will free up for staff to work on including equitable practices in other areas.

Marcell Todd, CPC Director: The thrust of the provisions come from the community to begin with the effort by the Brush Park CDC in support of the Fourth Modified Development Plan, which was not able to be enacted. It is the community's voice coming forward to say, 'this is what we want and this is how you are going to do it.' In the future, this can be replicated a little bit more across the city.

Chairperson James: Reiterated and clarified his request for more civic spaces; with the onset of Covid-19, it is important that planned developments include public spaces.

Public Comment

Brandon Tasco – Concerned with open space zone.

Anthony Tuzzolino – Concerned with parking spaces.

Staff Recommendation

CPC staff recommends approval of the Brush Park Form Based Code Ordinance with the following conditions:

That staff be allowed to work with the Brush Park community and the Law

Department to solidify final provisions of this ordinance and correct any errors that might be found before submitting to City Council for final action.

That staff be responsible for providing a periodic update to the Commission on Brush Park activities and the effectiveness of the ordinance after implementation.

Commissioner Russell motioned to accept staff recommendation of approval with conditions; seconded by Commissioner Webb. Motion approved.

- B. Public Hearing** – to consider the request of the Planning and Development Department to amend the Detroit Master Plan of Policies in the Neighborhood Cluster 5, West Riverfront Neighborhood area.

Chris Gulock, CPC staff, gave a PowerPoint Presentation relative to request from the Planning and Development Department to rezone Historic Fort Wayne controlled by the City of Detroit, General Service Department (GSD).

The Planning and Development Department requests the proposed Future Land Use map in the Master Plan of Policies be changed for the area generally bounded by the Detroit River, Rademacher St. (extended), W. Jefferson Ave., and Calvary St. (extended) from PR (Regional Park) to INST (Institutional). This amendment permits the rezoning of the property and the potential rehabilitation and leasing of the buildings to various entities. The open portions of the site and the start fort would remain unchanged under the jurisdiction of the city.

Staff Recommendation

CPC staff recommends approval of the Planning and Development Department request to amend the Master Plan of Policies from PR (Regional Park) to INST (Institutional) for Historic Fort Wayne.

Vice Chairperson Hood motioned to waive same day requirements; seconded by Commissioner Andrews. Motion approved.

Commissioner Russell motioned to accept staff recommendation to approve request to rezone Historic Fort Wayne; seconded by Vice Chairperson Hood. Motion approved.

- C. Public Hearing** – to consider the request of the City of Detroit General Services Department (GSD) to amend Article XVII, District Map Nos. 41 and 50 of the 2019 Detroit City Code, Chapter 50, Zoning, by showing a PD (Planned Development District) zoning classification where a R1 (Single-Family Residential District) zoning classification currently shown in and around Historic Fort Wayne which includes the following addresses, 6301, 6309, 6315, and 6325 West Jefferson Avenue, and generally located on the south side of West Jefferson Avenue between South Cavalry Street (extended) and South Rademacher Street (extended).

Chris Gulock, CPC Staff, Jennifer Reinhardt, HDAB Staff, and the General Services Department provided a summary of a report dated June 14, 2020 relative to request from the General Services Department to rezone the Historic Fort Wayne from an R1 zoning classification to a PD (Planned Development). The proposed map amendment would allow for adaptive reuse of existing buildings.

In 1940, Historic Fort Wayne, a former military facility, along with most of the west riverfront was zoned for heavy manufacturing; in the early 1950's, the Fort property was rezoned to R1, including the adjacent U.S. Army Corps of Engineers property which is not part of the subject Fort Wayne development proposal.

Beginning in 1948, the Fort property was deeded to the City of Detroit with 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. The request to rezone the site from R1 to PD will not change the site plan but will allow more flexible development. In 2016, Fort Wayne became a local historic district, subject to review and enforcement by the Detroit Historic District Commission.

In 2018, 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; and develop a strategy to revitalize vacant buildings. The site contains approximately forty (40) buildings. Ten buildings are occupied and 30 are vacant.

The General Service Department released a Request for Information in February 2020 to determine if there was interest from the private sector/3rd parties to lease one or more buildings at the site, renovate the buildings in exchange for reduced rent, and adaptively reuse the building for select uses. No new structures or demolition are proposed. Three inquiries were received. Existing buildings, open space, and sensitive archaeological sites will be subject to additional protections via a preservation covenant between the City and the State Historic Preservation Office (SHPO). GSD is requesting that allowable uses be limited to uses permissible by-right in either the SD1 (Special Development District, Small Scale, Mixed Use) or SD2 (Special Development District, Mixed-Use) zoning classifications.

Public Comments

Theresa Zajac – In favor of the amendment and proposal; member of the advisory board and on behalf of the community looking forward to seeing changes and moving forward.

Andrew Shelton, Army Corps of Engineer – Concerned that the Corps use may not match the adjacent use; request withdrawal from the rezoning, prefer to remain R-1 or M-3 Industrial.

Thomas Berlucchi – Member of Advisory Board, supports rezoning, concerned about the infrastructure due to past neglect.

Steven Rose, Army Corps of Engineer – Supports Mr. Shelton’s comments; request the opportunity to review any further proposed development that might limit access to property.

Commissioner Esparza: Has the city identified any need for site improvements or infrastructure improvements on projected uses and if so, identified a general sense of dollar value?

Meagan Elliott, GSD – The department wanted to go through this process before identifying any capital investments that we needed to make, because deferred maintenance on the site is a very large capital figure and we wanted to come out of this process with some very clear actionable items. Our first step was just identifying what were the major barriers for forts that are similar around the country; and that led us, through this process of trying to identify potential partners for the smaller buildings on site through the RFP process as well as the abrogation process for the three restrictive parcels that were mentioned in the presentation. We do know that will need to be paired with some intensive capital investment from the city side. We have focused first on the playgrounds and the recreation settings, knowing that is within our purview. We don't have an overall budget to share with you today.

Commissioner Esparza: The working group that the city's a part of, is there ongoing communication and relationships with the major project next door. The Gordie Howe project and ongoing Del Rey Framework Study?

Meagan Elliott, GSD – Yes, we are heavily involved in both of those projects; meeting with the Planning and Development Department regularly as part of the Del Rey Study and how the Fort Wayne plan features within that. As well as, the Gordie Howe in terms of construction coordination and site improvements that are promised as part of that negotiation to Fort Wayne.

Commissioner Russell: Wanted to make sure that the changes in the deed restrictions would allow for a bed and breakfast, athletic league or a team. I know they play soccer out there now. I think they play on the parade grounds and maybe even a concession or restaurant. Is that correct?

Meagan Elliott, GSD - The abrogation process is really allowing for more of those exact uses, the current restrictions were actually more restrictive than we'd like, even on the use of the fields for athletics and anything that would involve concessions or sales. So this is an attempt to relieve those restrictions and replace with a restrictive covenant. So we're protecting the historical assets on the site and under the ground but making sure that that we can have sustainable and vibrant and active future uses.

Commissioner Russell: You are requesting that this be all zoned PD, is there is another zoning classification that might suit Fort Wayne better; a second form based code;

every time they want to make an improvement or change or add something that they would not have to come back and have the expense of presenting.

Timothy Boscarino, Subject Matter Specialist: When you look at use, there might be some other zoning classifications that might work but use is only half of zoning and when you look at form and the dimensional sort of requirements, there is just no other zoning classification that would work with just the building dimensional characteristics that since we're trying to work with and the existing historic buildings and their setbacks and the street network and all that. So, so that's really the rationale for PD.

Commissioner Russell: Would there be like a generalized plan that could approve used and then that would allow future improvements to be approved by staff.

Chris Gulock, CPC staff, The PD, we like to use for unique mixed use projects that are sensitive areas, Fort Wayne being one of them. Staff felt that the PD would be the most appropriate to allow it to be redeveloped but also protect the assets that are there. With the PD, staff would craft an ordinance so that the ordinance and the site plan would govern the PD moving forward. In the ordinance we could refer to the site plan which shows the building footprints and also list the proposed uses that would be allowed. If further offers came forward in the future and the uses were on that list, they would not need to go to come before the Commission; it would be routed to our office for verification and approval.

Marcell Todd, CPC Director: Physical alteration on improvement to the site are going to be quite limited or be really basically none at all because of its historic nature. So we really are talking about use base proposals that would not to come back to the Commission.

Chairperson James: I'm very excited as I think that everyone is involved in this project after 35 years we're going to move something and that's very uplifting. I would like to make sure that as we move forward with this process that the Native American community is integrally involved, especially since we have burial grounds there. Perhaps one of the Commissioners might want to be involved, as a liaison, staying in contact with the community as it goes forward and progress, as a direct link to the Commission. Recommend that I think that it might be a good idea that if it gets passed you need to get some publicity out that we finally move something off the table for 35 years and making progress. I think that's a good sign for the city.

Staff Recommendations

CPC staff recommendation is to approve the PD rezoning with the following conditions:

That the allowed uses for the subject PD be finalized by CPC staff and included within the proposed ordinance; and

That the Army Corps of Engineer property be removed from the rezoning request; and

That all plan landscaping and modifications be submitted to CPC staff for review prior to being submitted for building permit with the Building Safety Engineering and Environmental Department (BSEED)

Commissioner Esparza motioned to waive same day requirements; seconded by Commissioner Russell. Motion approved.

Commissioner Esparza motioned to accept staff recommendation for approval with conditions; seconded by Commissioner Williams. Motion approved.

IV. Unfinished Business - None

V. New Business - None

VI. Committee Reports – None

VII. Staff Report

Marcell Todd, CPC Director provided a follow-up on the November public hearing regarding the Bel Air Shopping Center with discussion. The question has been raised about the status and in an attempt to get a meeting with Council Member Benson, who made the initial request, prompting the Commission to follow through, as well as with Mr. Arthur Jemison, the acting director of PDD, in order to discuss this proposal for a charrette and how to follow up on the request.

Mr. Michael Samhat, representing Crown Enterprises and the new owner was also present, with myself and Mr. Etheridge and staff from Mr. Benson's office. It was quite a robust conversation, very transparent. Mr. Chair, made it quite clear that he was concerned about the Commission's role and the ultimate impact on the community.

We wanted to be very upfront about what the community may want in terms of alternate use primarily, a retail center. After a good and healthy discussion, we did conclude that at a more appropriate time, than this summer or fall, we would enter into a visioning exercise, sometime in the beginning or maybe the Spring of 2021 of next year, with the assistance of the Planning and Development Department in order to bring the community and the developer together. Hopefully, at such time that the developer has had the opportunity to more develop a vision or plan for the site, which at present, they don't clearly have as there are ongoing concerns with the tenants that are there, whose agreements they need to honor. In the interim, there are some tenants whose agreements are shorter term or have already been terminated in one way or another, there are buildings that they would like to demolish to clear a portion of the site and we've asked that, if that's the case, that that be shared openly with the public, along with this idea to enter into a visioning exercise, a charrette, again at the beginning of 2021.

Chairperson James: My main concern at this point is twofold. Number one, it was discussed that Councilman Benson is the person who brought this petition to do the downgrading. He's now asked us to hold on to that and leave it open almost indefinitely. I am opposed to that action, simply because I don't think there's anything that needs to be sitting on our agenda into perpetuity. There is, no real clean delineation as to which way that the Councilman wants to go on this. So I think it would not be in our best interest to leave that sitting open just in as open item on the agenda.

Chairperson James directed staff to bring the item back on the next agenda to table the item after further discussion with the Law Department.

Marcell Todd, CPC Director: The sign ordinance was heard and adopted by City Council Tuesday before last. There are a number of changes which I believe I alluded to. Following the last meeting, following the continued public hearing when we received those documents today, so I will forward them on to you. I'm going to look at them and hope and make sure that there's a summary of what was changed. If not, we'll add that so that you don't have to read through it but you can see the additional changes that Mr. Benson and the Council adopted in response to a sum total of concerns. This past Tuesday, there was some thought that there might be some reconsideration of the matter. However, no Council Member reconsidered their vote and left the ordinance as originally written and approved the previous week.

VIII. Member Report - None

IX. Communications - None

X. Public Comment - None

Adjournment – Meeting adjourned at 8:40 pm