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Brenda Goss Andrews
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Gregory Pawlowski
Frederick E. Russell, Jr.
Angy Webb
Henry Williams

City Planning Commission
Regular Meeting
June 4, 2020 at 5:00 PM
Virtual Meeting Via Video Conferencing

MINUTES

I. Opening

A. Call to Order – The meeting was called to order by Chairperson James at 5:08 PM

B. Roll Call - Marcell Todd, Director CPC called the roll. A quorum was present.

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

Excused: Andrews and Elliss

C. Amendments to and approval of agenda

Commissioner Vice Chairperson Hood motioned approval of the agenda for the June 4, 2020 meeting; seconded by Commissioner Russell. Motion approved.

II. Minutes

A. Meeting minutes of February 20, 2020 and March 5, 2020.

Commissioner Williams motioned to allow the minutes for February 20, 2020 and March 5, 2020 meetings to be brought back at the next June 18, 2020 meeting; seconded by Commissioner Webb. Motion approved. Motion approved.

III. Public Hearings and Presentations

A. **Presentation** – Revised proposal of Form Based Code Regulations for the Brush Park Community

Kimani Jeffrey, CPC staff and Juilo Cedano, PDD staff provided a revised proposal of the Form Based Code Regulations for the Brush Park Community. The City Planning Commission originally approved this in 2019. Staff, in collaboration with the Planning and Development Department and the Law Department, concluded that a map amendment was necessary to effectuate this ordinance versus a text amendment. A public hearing regarding these amendments will be held on the June 18, 2020. This presentation provided the general principles of the form based code; the goals; what it will implement and amendments to the ordinance and the Detroit City Codes relevant to this issue.

The code was built off of the Third Modified Development Urban Renewal Plan; the Transit Oriented Development Plan, adopted in 2002; and the Fourth Modified Development Plan. Staff held several community engagement meetings, including participation with, the chair of the Brush Park CDC, Sue Mosley from Midtown Detroit Inc., Karen Gage from the Planning and Development Department, the Board of Zoning Appeals and the Historic District Commission. The draft version was reviewed by the Law Department, and is pending approval as to form and signature of the corporation counsel. There has been overwhelming support from the Brush Park Community.

The majority of Brush Park is zoned as a planned development plan, which is a negotiated type of zoning where a developer makes a proposal. PD zoning gives some flexibility where developers make a proposals and work with the city and the community to negotiate standards. The goal of the form based code is to produce a product that can render more predictable results within the built environment; what can be achieved; and what can be built in that neighborhood; dividing development by residential uses, commercial uses, industrial uses, etc. Form based zoning tries to get to a more predictable pattern of development so that the community is already aware of what is possible. It cuts down on contention and hostility during the development process; reducing processing, with better results and conformity in the area.

Julio Cedano, PDD staff – Form based code defines the form of the building; that means setbacks and massing; allowing the developer, architect and the design team to define the aesthetic or the aesthetic translation of the final product. This is done in line the Brush Park Historic District guidelines. This form based code for Brush Park identifies six (6) typologies of buildings that can be developed throughout the neighborhood; including single family housing typology (based on feedback from City Council members); which provides opportunities for those who want to have the ability to a build a single family home.

The full ranges include single family, mid-rise, mixed use buildings that allow for retail at the ground level, carriage houses or use homes that access the buildings to the principal building, additional units and additional uses above the parking garage structures, increasing the density of some of those parcels throughout the neighborhood. The different housing typologies create walkable and mixed use neighborhoods; allowing more flexibility for residents.

The *City Modern Project* was the first to implement form based code in the area. Bedrock utilized the code principals when designing the building. The City Planning Commission initiated this effort, staff worked with the Office of Financial Planning to identify cost and prepare a cost benefit analysis relative to the use of the code, which is proposed to reduce the reviewing process time by two (2) to five (5) months; saving fifty-six (56) hours of staff time; saving approximately \$37,000. The current process for a PD is approximately four (4) to six (6) months, including thirteen (13) steps. The form based code will cut that time down to three (3) months and will identify what builds are allowed in the neighborhood; allow residents to know what to expect; and developers to know the terms of developments in the area.

Kimani Jeffrey, CPC Staff – The current draft ordinance amendments included the removal of the public realm standards. Staff’s original goal was to adopt public realm standards that bring the private realm into uniformity with the public realm which includes everything within the public right-of-way. The Law Department removed those standards because they fall under what was Chapter 50 in the Detroit City Code and is governed by the Department of Public Works (DPW). The intent and the spirit of this ordinance is largely the same. Items 1-5 have been amended.

Developers submit preliminary plans for review according to the standards in the ordinance; if appropriate the developer proceeds to the Historic District Commission for review and final review is performed by CPC staff. There are six (6) non-conforming and saving provisions; saving provisions save those projects that have been approved.

Commissioner Hood – Referenced a slide in the presentation that indicated how many people understood form based code at a basic level; how many residents have a comprehensive understanding?

Kimani Jeffrey, CPC Staff indicated that this was a three (3) year process and there were several different types of meetings with several attendees; developers and residents who understood the code.

Commissioner Hood referenced the two slides that showed the condensed process where eleven (11) steps were reduced down to three steps or four steps; where does engagement enter into to those four (4) steps, is it at every level, is it at the beginning, where do you have to start talking to people?

Kimani Jeffrey, CPC staff - That will be codified, the developer is still required to meet with the community. The goal of this is to codify standards so that if a developer meets the standards, they will be approved on a by-right basis. The developer will have to go through the Historic District Commission as it relates to design.

Commissioner Hood - With form based code on a by right basis, developers can skip community based engagements.

Kimani Jeffrey, CPC staff - They still have to meet with the community.

Commissioner Hood - The head of the Brush Park CDC is a developer. So whenever you say community in Brush Park, she is also part of the development community, as well as a resident.

Is there a precedent for codifying racial equity at all, in particular when we have proposals dealing with the public realm; are there things that we can write into the code to ensure a better outcome; selecting developers too, is that something within our purview; can we look at their past development records. I know when they come before us, we examine their past record and look at developments, they have done.

Kimani Jeffrey, CPC staff - I think there are a lot of legal challenges to that. I think some of those types of ideas might be more appropriate for policy versus ordinance.

Julio Cedano, PDD staff – The City has control over land owned and can choose developers and push for affordable housing, etc.

Commissioner Russell – Requested clarity on a part of the presentation relative to where fifteen (15) stories are allowed on what streets; indicating that it was a good idea to have taller buildings along the freeway

Kimani Jeffery, CPC staff – During a discussion regarding the sale of property to Bedrock, the City Council asked for taller buildings to respect what was originally in Brush Park. Original buildings were fourteen (14) to fifteen (15) stories.

Commissioner Williams – Once the body approves this form based code in Brush Park, developers will not have to come before the body again for approval?

Kimani Jeffrey, CPC staff - That is the correct analysis of the proposal. This body approves the provisions that go into the district. The Buildings, Safety, Engineering and Environmental Department (BSEED) carries out the administration of it. So people come they submit application. BSEED the reviews the proposal to make sure that it is in accordance with the provisions of that district; it can be approved by right or conditionally based on where falls on the use list. CPC and PDD staff will perform the final review and approval based on compliance of the code.

Commissioner Pawloswki – Is this because of the influx of project coming through.

Commissioner Williams – If citizens in the Brush Park area have a concern of a disagreement with a particular development, even though the developer is following the guidelines, will it be the policy that staff will bring those issues back to this body or if residents want to come and speak to this body will they be able to do so?

Kimani Jeffrey, CPC staff – Anyone can still come and speak to this body. Staff believes that after three (3) years and community feedback the code reflects what the community wants. The developer still has to go before the Historic District Commission for approval.

Commissioner Pawlowski - Expressed concern regarding the new Bedrock proposed project and their master plan; not wanting to have potential problems for the body. The Commission should be a part of the on-going discussion, rather than presenting it later. Also, would there be a potential problem regarding property under the conservancy and protesters not being able to use proposed local park space.

Julio Cedano, PDD staff - Anyone can protest on public property not private.

Kimani Jeffrey, CPC staff – Staff has had this discussion with the Housing and Revitalization Department and will continue the discussion about the development agreement to sell land to the Detroit Housing Commission. The civic space is planned to be for public use, staff can follow up to make sure that the language is specific that the public is allowed in the civic space even though it is privately held.

Commissioner Esparza – Is staff aware of property owners or developers awaiting this to be in place so they can move forward?

Kimani Jeffrey, CPC staff - Yes. There are several developers and that list is growing, growing by the month that are waiting.

Commissioner Esparza – Are we looking at other parts of the city to consider applying this in those area; is that progressing or where is that actively?

Kimani Jeffrey, CPC staff - We are looking at elements of form based code to be applied throughout the city through the Zone Detroit effort that's currently underway. It will not be as specific as Brush Park.

Julio Cedano, PDD staff – The Planning and Development Department does look at form based guidelines for planning studies in some areas and for some industrial uses, in terms of part of zoning in a larger scope, more funding is needed.

Commissioner Esparza – Based on our current situation with Covid 19, has there been any impact on development and proposals as it relates to density? Based on what we are learning, especially in the private sector, there is a large percentage of individuals and staff workers that can continue to work from home and more than likely will; are any of those factors being considering regarding this; the actual physical development, the form and layout and a lot of the thinking that that has gone into shaping what's being proposed with the form based code?

PDD Staff-Julio Cedano, PDD staff - I think it might be a little too early to determine anything. And we still have to really see how things play out with Covid- 19 and how spaces begin to change over the next six months to a year. Density is not really the problem. I think the problem is access to public space and more open space to allow for people to spread out and have outdoor space to enjoy. The form based code tries to do some of that by requiring some outdoor minute spaces within some of these topologies.

Vice Chairperson Hood - If form based codes spreads, it would seem that a lot more development can happen without the input and oversight of City Planning Commission; and streamlined to the point where there is no Community oversight and the Commission is taken out of the process. As we talk about coming out of Covid-19, is there a way that we can codify some kind of public space square footage based on a developer's building square footage. If we are trying to increase the amount of public space. If you have a development that takes up this much

space, you have to offer this much public space as a part of it. Can we make somebody put in a certain square footage of green space with a built project.

Kimani Jeffrey, CPC staff - There are a certain amount of the space requirements in the ordinance.

Chairperson James – In the beginning of the presentation, community engagement and input was mentioned, when you got feedback from those who participated initially, the feedback indicated that there was one person who understood; but there were six people who did not think that it was clear. After ten (10) meetings is the purpose of this effort clear. The residents understand it; they support it but they are not sure what the purpose is.; there may be a need to do some more upfront clarification. A developer is going to come in, they are going to understand it but for the general public it's not clear. I think we just need to make sure that we are making it clear for the average person and not just for a developer; try to steer the boat so that everybody can understand it. Another concern is regarding the process and steps in the flow chart. In the flow chart it indicates that the developer needs to communicate and inform the public. If I'm a developer and I look at that, I think that all I need to do is inform the community; I can send a letter and say I am getting ready to do this project and I am using this form based code and it's coming.

Kimani Jeffrey, CPC staff – Staff did want to point out that you do have to have to meet with the community within the ordinance language; on the CPC application we require petitioners actually meet with the community.

Chairperson James - It may require a little more flushing it out so you do not into the any issues.

Marcell Todd, CPC Director – The Congress of New Urbanism will be holding their conference virtually and will tackle the issue of Covid; very intrigued to see what comes out of it as they been promoting increasing densities and still maintaining walkability.

B. Presentation – Zone Detroit Project staff update.

Chris Gulock, CPC staff presented a status report relative to the Zone Detroit and then a timeline for moving forward. Originally, this was a two-year process which started in August of 2018 and was to be completed in July of 2020. The consultant is asking for a one-year extension that would start in July of this summer and go through June of 2021. The project has been delayed in party by the Covid Pandemic. The consultants prepared a website, ZoneDetroit.com that has all the past work that has been done and updates for the project.

Since September of 2018, we've done a lot of community outreach with the consultant. Thirty-two meetings have been held between September of 2018 to September of 2019. Staff created the advisory group Zag which includes stakeholders from different walks

of life to give us feedback on different issues usually once a month, before the pandemic.

Staff has been working with the consultants to develop what needs to be fixed in the Zoning Ordinance. The website shows the different public meetings held, often with stakeholder interviews throughout the city. We created the zoning game which we presented several times with participation from teenagers and community groups. Staff has been invited to different workshops; created a lot of educational material, handouts and prepared a mapping analysis with the consultants; culminating with the zoning and analytics released in September of 2019 as a draft that summarizes all the work to date.

The analytic contains the different issues that were heard and gives recommendations for how the consultant thinks they should move forward on this comprehensive rewrite of the zoning ordinance. Public meetings were held relative to the analytic. In January 2020 the consultants presented the final draft of the analytic to the Commission in which a discussion was held regarding parking; exploring the possibility of removing parking minimums citywide. The final analytic was released in March of 2020. It gives a summary to date and a roadmap for how the consultant wants to approach this project and it's available on the website.

Once the analytic was released in September, staff held eighteen (18) community meetings; currently trying to get feedback on that document. In the analytic there are four main sections where the consultant would like to address: make the Zoning Ordinance easier to reduce some of the complexity, make it easier to understand; second is to work with the neighborhoods, expanding housing options, suggested adding accessory dwelling units and single family neighborhoods; auto related uses that are affecting the neighborhoods; third main area is commercial areas and the creation of more mixed uses; looking at parking and whether we should eliminate parking citywide or in certain areas; whether to create parking maximums for certain users also a design review; how to Add standards for making development look good; and the fourth is job creation, how to redevelop areas that have a lot of vacant land or undeveloped, adding more home base occupations and neighborhoods, how to make it easier to reuse vacant buildings.

Community engagement did come to a halt, with the March 2020 shut down but staff was able to get a lot of the community engagement done last year. The consultant is asking for a year extension, but not asking for additional funding. The consultants are starting to draft a lot of the language for the districts and the uses to go within those districts. The City of Detroit now has twenty-nine districts. The consultants will to consolidate some, remove some that are not used well; adding some residential and commercial districts; taking away some industrial districts and adding some where needed. This draft language will be based on feedback and will be shared with the entire department, a working group, the Law Department and the Planning and Development Department. Within the next 6 months, hopefully staff will have a final to present to the Commission. Staff will start to roll it out for more intense public feedback and hope to

have the Commission and Council approve and adopt the amended zoning ordinance by June of 2021.

Commissioner Pawlowski - Regarding some of the plans for multiple apartment usages and lots, will the consultants address the covid issue of how to best use social distancing and how they should best articulate the HVAC or heating regarding the circulation of air?

Chris Gulock, CPC Staff - Some of that will be dealt with in building code, zoning usually doesn't get involved, that is a BSEED issue, but zoning could get involved with open space outside of the building on that particular property. Staff can have the consultants develop standards for moving forward in this new reality, but a lot of building conditions, will probably be dealt with at a state level through the building codes.

Vice-Chairperson Hood – Feel that we have to find a way to adjust to these current conditions the best we can; does not know what that looks like. We have to address code issues and somehow racial equity issues that lead to protest. We can ask our consultants, if we have them for a bit more to do some investigation on how they can account for current issues in this rezoning process because it is such a big opportunity to upgrade zoning. What if it could include all these concerns?

Chris Gulock, CPC staff - We can communicate that request to them. We assume they're going to release some draft material to staff first after we receive it we may share the draft with some other city department to get their feedback after staff review we will bring some summaries to the Commission at the end of August.

Commissioner Pawlowski motioned to give staff, the authorization to write a letter of support on the Commission's behalf to show our support for approval to extend the contract of _____ for another year to complete the Zone Detroit project; seconded by Commissioner Williams. Motion approved.

IV. Unfinished Business - None

V. New Business - None

VI. Committee Reports – None

VII. Staff Report

George Etheridge, CPC staff - This item was last before your animal body on March, the fifth of this year. And at that time, it was requested that a meeting be conducted between the Chair and Arthur Jemison who was attempting to facilitate a charrette. Mr. Samhat, represents Crown Enterprises as well as Council Member Scott Benson who initiated the original request to down zone the Bel Air Shopping Area, the date for that

meeting has been set for next week, Wednesday, June 10, 2020 at 2:30 pm. I've received confirmation from the chair, as well as from Council Member Benson. I'm awaiting confirmation from the Mr. Jemison; did speak with Mr. Samhat on yesterday. However, he has not yet accepted the invitation for next week, Wednesday. I do anticipate there being full participation at next week's meeting in regards to next steps moving forward, and hopefully we'll come up with a zoning recommendation which is favorable for all parties involved.

A public hearing for the proposed rezoning for the Chipotle Restaurant was held last week and was approved during the City Council Formal Session this past Tuesday.

The public hearing on the sign ordinance with proposed amendments to Chapter 50 - Zoning and Chapter 4 – Advertisement, as well as related changes in Chapters 40 and 43 of the City Code, all four of those items were addressed in separate continued public hearings held in the City Council's Planning and Economic Development Standing Committee. This matter will go to the Formal Session next Tuesday to be considered by the full body for approval. If approved after the effective date, it will take six months for the Building, Safety, Engineering and Environmental Department and others to ramp up for implementation of these new provisions.

Commissioner Williams - Requested updates on the Henry Ford project

Marcell Todd, Director - We are still waiting on the legal description to be approved by the survey bureau of the Department of Public Works. They have begun to work through the backlog, which has allowed City Council to begin to get moving on some of the CPC items I believe this is one of two legal descriptions that are still in the department, Ms. Murphy will check on the status. We've been waiting to get the legal description from them in order to complete the ordinance and get the ordinance to the Law Department for approval as to form. We have been in constant conversation with Henry Ford, we did have a meeting with them last month.

VIII. Member Report – None

IX. Communications – None

X. Public Comment – None

XI. Adjournment – The meeting adjourned at 7:23 pm