

# City of Detroit

## CITY PLANNING COMMISSION

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**Lauren Hood, MCD**  
Chairperson  
**Donovan Smith**  
Vice Chair/Secretary

**Marcell R. Todd, Jr.**  
Director

**Brenda Goss Andrews**  
**Kenneth R. Daniels**  
**Damion W. Ellis**  
**David Esparza, AIA, LEED**  
**Ritchie Harrison**  
**Gwen Lewis**  
**Frederick E. Russell, Jr.**

### Meeting Minutes March 17, 2022

#### I. Opening

- A. Call to Order – The meeting was called to order by Chairperson Hood at 5:13 p.m.
- B. Roll Call – Marcell Todd, Director, CPC, called the roll; a quorum was present.

Attendees: Andrews, Daniels, Esparza, Hood, Lewis and Smith

Excused: Ellis, Harrison and Russell

- C. Amendments to and approval of agenda

**Commissioner Daniels motioned to approve the agenda; seconded by Vice-Chairperson Smith**

- II. Minutes will be provided for review in time for your next meeting.

#### III. Public Hearings, Discussions and Presentations

- A. **PRESENTATION** – An update on the implementation of the Brush Park Form Based Code. Additionally, an introductory presentation for the modification to the existing PD (Planned Development District) zoning classification currently shown on land generally bounded by Mack Avenue, Beaubien Street, Wilkins Street, the Chrysler Freeway Service Drive, the Fisher Freeway Service Drive, Woodward Avenue, Erskine Street, and John R Street, excluding certain properties abutting Woodward Avenue. The proposed map amendment will modify the regulations of the Brush Park Form-Based Code.

Kimani Jeffrey, CPC staff, and Julio Cedano, PDD, staff, provided an update regarding the Brush Park Form Based Code and pending amendments. The Third Modified

Development Plan was adopted by the City Planning Commission and the City Council in 2002 which set density for fifty (50) units per acre. The Transit Oriented Development Plan (TOP) for the Woodward Corridor supported density increases in 2011. The Fourth Modified Development Plan was approved by the Commission in 2014 and was not legally adopted due to the Emergency Manager (EM) Order 36. The establishment of an ordinance initiated the implementation of the Fourth Modified Plan that regulated development through building form in 2017.

Brush Park was a Planned Development (PD) which allowed landowners varied uses through a negotiated process, regulating the development of the site. Brush Park was selected as a Pilot Neighborhood Form Based Zoning Project, a land development that encourages predictable build, resulting in a high-quality public realm and physical form rather than separation of uses. Form based focuses on building form relating to streetscape and adjacent use; mixture of land uses based on context of building form. It encourages mixed use; is friendlier to developers, giving them more leeway to build a unique residential project in a desirable location based on the number of units, height, and design rather than be limited to only commercial or high-rise development. Form based examples allow for five (5) different housing typologies; opportunities for every kind of resident (singles and families). It encourages walkable, friendly streets; no dead zones; and walkable distances to local retail. Interior buildings are scaled to fit within the context of the historic neighborhood; and allows more density and affordable options.

The presentation also included a request for code amendments: Add language to allow the CPC staff to waive ground floor elevation minimums; add language to allow CPC staff to authorize 50% of principal entrances to a building or structure to be located on a façade other than the front façade; lower the façade buildout minimum percent from 80% to 60% (lowering required building width); increase townhouse maximum unit width to 25 feet; change blank wall area standards to apply only to building facades that are street facing; eliminate 150% parking maximum; eliminate the 0.5 space per dwelling unit minimum for historic, single family and townhouses; and add a parking maximum of 1.5 to multiplex typologies.

Staff to present the code amendments request later.

#### **IV. Unfinished Business**

- A.** Consideration of the request of DTE Energy to amend Article XVII, Section 50-17-80, District Map No. 78 of the 2019 Detroit City Code, Chapter 50, Zoning, to modify the provisions of an existing PD (Planned Development) zoning district classification or to show a R5 (Medium Density Residential) zoning classification where that existing PD zoning classification is currently shown for one parcel commonly known as 7800 Pierson Street generally bounded by Tireman Avenue to the north, Braile Street to the east, Sawyer Street to the south, and Pierson Street to the west. The location of the proposed rezoning is indicated as the shaded area on the accompanying map.

On March 3, 2022, the City Planning Commission held a public hearing relative to the request of DTE Energy to modify provisions of an existing PD (Planned Development)

zoning classification for property located at 7800 Pierson. The existing PD district permits only the multiple family dwelling that previously occupied the site; the proposed R5 zoning district allows the trade school use by-right subject to development standards, such as parking and screening. The subject site is located within the Rouge Area of Neighborhood Cluster 7 of the Detroit Master Plan of Polices. The Future Land Use map shows RL-Low Density Residential. .

Staff Recommendation

The City Planning Commission staff recommends approval of the request of DTE Energy to rezone one parcel commonly known as 7800 Pierson Street from the PD (Planned Development) zoning district classification to the R5 (Medium Residential) zoning district classification.

**Commissioner Daniels motioned to accept staff recommendation to approve request; seconded by Commissioner Andrews. Motion approved.**

**V. New Business - None**

**VI. Committee Reports – None**

**VII. Staff Report**

The staff report consisted of an update on two text amendments by Dr. Rory Bolger, CPC staff and pending discussion about the master plan memo submitted by Council Member Johnson during the Planning and Economic Development Standing Committee.

Dr. Bolger provided updates on two text amendments that have been before the Commission. The first one dealt with the bulk solid materials facilities ordinance that came about because of concerns from former Council Member Raquel Castaneda- Lopez dealing with the storage of pet coke. Several years ago, there was a cloud of pet coke that had been blown from the West River front near Rosa Parks Boulevard; that concern led to the adoption of an ordinance in 2017 that provided significant regulations for facilities dealing with bulk solid materials, as well as carbonaceous bulk solid materials. The zoning ordinance companion to that regulatory ordinance never got passed.

There were two earlier attempts to promulgate a zoning amendment in both of those which had been approved by the Planning Commission. It came up before Council and the administration asked that Council not act on them until a refined version of the regulatory ordinance was passed.

During a public hearing in September the Commission voted to recommend adoption of this Chapter 50 text amendment. Former Council Member Castaneda-Lopez appeared before the Commission and recommended additional amendments that had three different parts; one was to amend the zoning ordinance to allow bulk solid material facilities to only be permitted in land zoned M4 and M5; that the existing provision that would allowed for facilities like that on lands zoned W1 which is waterfront industrial be repealed from the ordinance. The only property in the city of Detroit which is zoned W1 is Waterworks Park. The ordinance was eventually approved by the Law Department, was forwarded to the City Council, the ordinance has been introduced. The Great Lakes Water Authority, which now is the operator of the facility at Waterworks Park, asks that rather than repeal the provision that allows bulk solid materials facilities, they would like to retain that provision on the books. GLWA currently does not store bulk solid material carbonaceous or non-carbonaceous on the property but would like that provision to be on the books if in the future there may be a need for that.

Staff feels that the Great Lakes Water Authorities' wishes should be honored, and that Council should have the Law Department adjust the text of the ordinance; accordingly, based on this new information, the Commission may wish to make a motion in support of GLWA who proposed the change to the text amendment.

The second ordinance was prompted by the Mayor's Equity Council, and developed by the Buildings, Safety Engineering, and Environmental Department and the Detroit Economic Growth Corporation, referred to as the by-right ordinance because it looked at six different land uses: lofts; residential uses combined with permitted commercial uses; group day care homes; alcohol related uses, such as brew pubs, microbreweries; fast food restaurants that do not have drive-thru facilities; used goods facilities and secondhand stores. It was proposed that those land uses in certain zoning districts be permitted on a by-right basis, rather than on a conditional basis. The effect of that would be that the city would not have the responsibility to notify the nearby public that such a use was proposed. The public would not be part of a special land use hearing.

The Commission held a public hearing relative to this request on October 21, 2021 that raised concerns by the community prompting the Department of Neighborhoods to hold a virtual community meeting on November 8, 2021. CPC staff was able to go through the ordinance details to a broader audience. On November 20, 2021, staff convened a community meeting with the Esper Robert Block Club in the Aviation Subdivision where the participants expressed several concerns and opposition to the proposed changes particularly from the point of view that the community was looking for more information, more community engagement rather than less notification and less of a voice. Director Todd, Dr. Bolger and the Mayor's Equity Council have met on February 9, 2022 and February 23, 2022 to discuss the full scope of the ordinance and responses from the community. The sensitivities of the public were acknowledged and further discussion with BSEED is forthcoming to consider modifications to this ordinance before staff comes back with recommendations.

*Commissioner Esparza sought a copy of the correspondence regarding the Great Lakes Water Authority request and asked that the Commission hold off on taking action.*

*Commissioner Lewis requested more information on the underlying reasoning relative to the decision by the Authority to why the decision was made and how that change would impact the surrounding communities; wants clarity as to why the Authority would want to maintain piles of coke on that land.*

*Vice-Chairperson Smith sought clarity regarding secondary uses; referencing the current use as an accessory that is permitted; is that permitted if they need to.*

Dr. Bolger indicated that the accessory uses that are incidental to the current operation are permitted along with the principal use permit that you have, so if GLWA needed to store material that is just incidental and accessory to their current operation that does not require a second land use permit. If they wanted to take part of Waterworks Park and perhaps for revenue and enhancement reasons, section it off and allow a different party to store bulk solid material or carbonaceous bulk solid material there, that would be a principal use of the land, and that would trigger the need for a special land use hearing because it is a principal use as opposed to an accessory.

Marcell Todd, Director CPC, provided information relative to staff receiving an assignment from the City Council relative to a memorandum submitted by City Council Member Johnson, District 4, regarding the status of the Master Plan of Polices and the need to update the plan. The Commission was provided a copy of the memo which raised several questions about the status of the current Master Plan. Council Member Johnson has issued a second memo requesting a resolution calling for a comprehensive revision of the plan.

During the Planning and Development Department's budget hearing before the City Council, Antoine Bryant, Director of Planning and Development, indicated a preference toward continuing to work through the framework plans that the city has been undertaking for select neighborhoods across the city, recognizing the benefits.

*Chairperson Hood expressed interest in what benefits were cited under working through the current framework plans versus a comprehensive master plan.*

The intention was to have framework plans that would not only serve as a review and analysis assessment of current conditions and preparing a vision for the given area but also towards implementation in order to facilitate development, which is a key component for these framework plans, resulting in immediate implementation.

*Chairperson Hood indicated that when you operate from the framework plans there is no codification of what is suggested and therefore no means of holding anybody accountable. The master plan process would have a higher level of citywide community engagement and input.*

Director Todd indicated that the same sentiment was shared by several Council Members, further discussion was not held during the budget hearing and the master plan discussion was put into the executive session; specifically looking at potentially providing some funding and

direction. There will be further discussion and Commissioners may wish to weigh in with their respective Council members or discuss the matter further.

*Chairperson Hood sought clarity relative to the role of the City Planning Commission in the Master Plan process and engagement with it.*

Director Todd indicated that the Commission shares stewardship; the Planning and Development Department has the primary responsibility. The Commission is required by the Planning Enabling Act to do a five-year review.

*Commissioner Andrews questioned whether the review can be accomplished with the existing staff, or would there be a need for outside contractors and what does that look like actually?*

Director Todd stated that the department does not have the in-house capacity to conduct a comprehensive revision; but staff does regularly prepare amendments to the current plan which keeps it up to date; thirty-one amendments to this current master plan have been drafted and approximately twenty-three have been adopted and there are others that are still in process. A consultant would be required, based upon the lack of staff capacity to undertake such a project.

**VIII. Member Report - None**

**IX. Communications - None**

**X. Public Comment - None**

**Adjournment - The meeting adjourned at 7:25 pm**