

City Planning Commission Regular Meeting

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

CITY PLANNING COMMISSION
REGULAR MEETING
January 9, 2014

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 5:10 p.m.

Roll Call

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

Amendments to and Approval of the Agenda

Commissioner Simons motioned approval of the agenda. Commissioner Andrews second the motion. Motion carried.

II. Minutes

Approval of minutes of the Regular Meeting of October 24, 2013

Commissioner Russell motioned to approve the minutes of October 24, 2013 as distributed. Commissioner Simons second the motion. Motion carried.

Approval of minutes of the Regular Meeting of December 5, 2013

Minutes of the meeting of December 5, 2013 will be distributed at the next meeting.

III. Public Hearings and Presentations

- A. 5:00 PM PUBLIC HEARING** - to consider the request of the Detroit Recreation Department to show an SD4 (Special Development District, Riverfront Mixed Use) where a PR (Parks and Recreation District) zoning classification is shown on Map #3 and #29 of Chapter 61, Article XVII of the 1984 Detroit City Code, Zoning, for the eastern portion of Chene Park and portions of the area, including a portion of Mt. Elliott Park, at the intersection of Wight Street and Mt. Elliot Street. The locations are more commonly known as 2200 E. Atwater (Map 3), 3414 Wight Street, 301 Mt. Elliot Street and 110 Mt. Elliot Street (Map 29)

Present: Gregory Moots, Legislative Policy Division
Alicia Minter, Recreation Department
Will Taminga, Detroit Economic Growth Corporation
Andrea Haas, Detroit Economic Growth Corporation

City Planning Commission Regular Meeting

Legislative Policy Division staff member Gregory Moots, gave a brief overview of the report dated January 3, 2014, distributed with the meeting materials. A public hearing on the matter was held on July 18, 2013. Following the Commission's action, when the draft ordinance was submitted to the Law Department for approval as to form, it was brought to staff's attention that the public hearing notice incorrectly listed one of the maps that would be changed; therefore, a new hearing is required. Nothing has changed since the Commission first considered this matter. At the July 18, 2013 public hearing, three (3) Commissioners had questions and three (3) members of the public spoke during public comment. Staff recommends approval.

There were no public comments. Public Hearing concluded at 5:26 p.m.

ACTION: Commissioner Russell motioned to accept staff recommendation. Commissioner Andrews second the motion. Motion carried.

- B. 5:30 PM PUBLIC HEARING** – to consider the request of Jacob Isaac and Marcus LLC, on behalf of US Ice Corp. to show a B4 (General Commercial District) where a B2 (Local Business and Residential District) zoning classification is shown on Map No. 61 of Chapter 61, Article XVII of the 1984 Detroit City Code, Zoning, for the properties on the south side of Eight Mile Road West between Manor and Pinehurst Streets.

Present: Greg Moots, Legislative Policy Division
Asad Aboe, US Ice Corp. Inc.

Legislative Policy Division staff member, Gregory Moots, gave a presentation on the report dated January 3, 2014, distributed along with the meeting materials. There was a discussion on creating a cul-de-sac on Monte Vista, but that proposal is not moving forward. The current zoning of B2 does not allow the ice manufacturing, whereas that use is allowed as a conditional use in the proposed B4 district. That is what necessitates the rezoning. It seems most appropriate to rezone the existing building as well as the other related parcels and the adjacent parking as opposed to the applicant seeking an expansion of a non-conforming use from the Board of Zoning Appeals (BZA).

Commissioner Carr asked if they already had a variance.

Gregory Moots responded that the building, I believe, received one many years ago to be there, but if they want to expand they would have to go to the BZA for the expansion of the non-conforming use. The parking for the use could stay in the B2. It seemed to staff most appropriate just to rezone all the parcels owned by US Ice Corp. The current use can be continued in perpetuity under the BZA grant as nonconforming, but now we can con making the use conforming across all properties with the change in the zoning. A meeting was held with the adjacent property owners regarding the proposed rezoning and the expansion of US Ice Corp. operation. That was also in conjunction with the proposed cul-de-sac so we are hoping that those issues will be able to be separated out. A letter of support has been received from the Eight Mile Boulevard Association and I will be happy to provide you a copy of it formally in your packet when this matter comes back for a recommendation.

Commissioner Carr asked if there were any B4 properties in the area.

Gregory Moots responded not on this part of Eight Mile Road. This was a part of the west side down-zoning from B4 to B2 which took place about 25 years ago.

City Planning Commission Regular Meeting

Commissioner Simons sought confirmation that ice manufacturing is not allowed in the B2 or the B4 and if it was a conditional use in the B4?

Gregory Moots answered that after the zoning is approved he would immediately be able to request his conditional land use hearing with the Buildings & Safety Engineering & Environmental Department (BSEED). The only thing that would allow ice manufacturing as a matter of right would be one of the Industrial Districts and that did not seem appropriate for this portion of Eight Mile or a PD. It seemed the rezoning to a B4 was one of the least intensive ways to allow the operation to continue as a conforming use and to expand. If the Commission were interested in something else, it can be discussed.

Commissioner Williams asked if the actual expansion of the building is going to be where the internal parking is located.

Gregory Moots responded it will be to the west. The existing building is on the eastern portion of the site, between Monte Vista and Pinehurst. The building that was recently demolished is on the west and that is where the expansion is to take place. The building is taking place on the same zoning lot as the current building and the parking will be across the Monte Vista to the west.

Asad Aboe of US Ice Corp. said that they purchased their property in 1992 and received rezoning approval to put in an ice plant at that time. The expansion is to move the office from the east to the west side; separating the customers and putting in an addition, mostly offices, on the other side. Keeping the plant in the same building where it exists now. We used to be on Fitzpatrick by the 6th Precinct for eight years and we moved to expand and bought this property on Eight Mile and built it in 1992. We moved in in 1994 and have been operating out of there since then.

Commissioner Simons ask about the company and its operation, i.e., number of trucks coming and going, noise, etc.

Asad Aboe said US Ice Corp. manufactures and bags the ice and the trucks load and distribute the ice to gas stations and supermarkets. Loading is done on one side and all the ice making is in the old existing building. The hours of operation will not change. In the summertime there are more hours. Winter time hours are 9:00 a.m. to 5:00 p.m.

Greg Moots added that the trucks are fairly small trucks, the size of a small U-Haul truck.

Commissioner Russell asked if the walk-in customers will be located on the new part and is the parking on the west of Monte Vista going to be for employees and walk-in customers. Have you been working with the neighborhood group on the cul-de-sac project?

Asad Aboe said that he asked the neighborhood if they could close the road and put a cul-de-sac there and make the whole parking lot a part of the building. Some residents were for it and some were against it. I had decided that if everyone was not for it, I will not do it.

Commissioner Russell asked are the alleys between Pinehurst and Monte Vista still functioning or have they been abandoned.

Asad Aboe responded they received approval from the City to close the alleys and there is just a gate there so utilities can be accessed.

Commissioner Russell asked if the rest of the alleys are open.

City Planning Commission Regular Meeting

Greg Moots said that the alley to the east of Pinehurst, behind the adjacent auto repair, does show as open on the City's records. It has not been vacated. Whether it has been closed with a fence does not show up on a parcel map, but it is still right-of-way. Vacated means all utilities have been removed and you are allowed to build on it. Closed means the utilities are still there and you cannot build on it, but you are allowed to close it, park on it or drive on it, but it can be dug up at any time because there are still utilities under there. So, if you build on it they will demolish the building.

Commissioner Russell asked if there is any vehicular traffic to the west, behind and to the south of this property.

Gregory Moots responded that the alley is closed.

Commissioner Russell asked about the façade program in the letter from the Eight Mile Boulevard Association and the US Ice Corp. participation in that program.

Asad Aboe said Detroit Inc., Inc. is re-facing the entire new and existing buildings.

Commissioner Russell asked if the Association has a Design committee that approves the designs.

Greg Moots added that he is on the Design Committee.

Commissioner Gage asked if façade improvements include landscaping and fencing improvements?

Greg Moots said that the façade improvements are to improve the site. It can be improvements to the parking lot, the screening, the building itself, signage, etc.

Public Hearing

Barbara Hunt said she was confused about the zoning. She had previously attended a meeting that the petitioner had about the property some time ago. It was her understanding at that time there would be no more construction for the ice company on that property because the Zoning Board said they could not do any more building of the ice company onto the property that they had. The only thing that was supposed to be going on for that property was what was already zoned for and they could not add anything. The trucks were not supposed to be on a certain part of that property, only the customers were allowed to park in there. That did not happen. It makes a lot of noise. I am one of the closest properties, about 2 yards away from the property. The owner installed a type of washing machine that made so much noise I could not sit on my deck. Then he built his property upwards. Is there a rule that they can only go so far up? That blocked out a lot of sunlight. Also, he put ice generators on top of the building, which also made a lot of noise. They do not close at 5:00 p.m. That noise in going on sometimes until 11:00 p.m. I do not have a problem with him building the new building. I just do not want him to build the new building and then all of a sudden it starts changing, like it did before. He starts adding what he wants to add and then the noise factor goes up. That is my main concern. What does the zoning really mean?

Gregory Moots said that the current B2 zoning is a low density zoning classification. It is a commercial classification; it is a local business and residential district. The proposed zoning district is B4 which is a general business district. The parking on the west side is allowed in the current B2 zonings. That does not have to be rezoned. The ice manufacture use is not allowed in the current B2 zoning. It sounds like he went to the Board of Zoning Appeals (BZA) twenty years ago and got what would have been a Use Variance to allow ice manufacturing that piece of property, a use you normally could not do. The addition of height and things like that, because he is on a wide street, I am assuming that is why he was able to get a permit for what is taller than

City Planning Commission Regular Meeting

you could normally do in a B2 zone. If it were just adding something in I am not sure residents would have to be notified. It would depend on what the conditions of the Board of Zoning Appeals grant, which would limit what he can do. When Mr. Aboe went in for his building permits, I am hoping that BSEED checked to see if it was something the BZA grant allowed, the current zoning allowed, and that they reviewed it. To your point, as to if he can do something in the future, once the property is zoned B4 he could add ice manufacturing as opposed to the office use. It would be conditional. That means if he changed that use, he would have to go to BSEED for a conditional land use hearing. Everyone within 300 feet would be notified; the same mailing list that we used for this hearing. I would have to see what the exact threshold is if he wanted to add ice manufacturing instead of office to the western side, where that building used to be that he demolished. I can look at tell you at the next meeting.

Commissioner Carr asked if currently his ice manufacturing is operating legally.

Greg Moots responded, I am not aware of any BSEED violations. It sounds like Mr. Aboe went to the BZA 20 years ago for a use variance to establish the ice manufacturing use. I am not aware of any violations for operating without a permit or illegal expansions. I would be happy to check for you for the next meeting. Current ice operation, because of the BZA grant, allows the use to continue forever. He is here because he wants to expand. His other option would be to go back to the BZA and request the expansion of a non-conforming use. It seemed easier to make it a conditional use instead of always having to go back to the BZA. Staff tries to view going to the BZA as a last resort instead of as a part of the process.

Barbara Hunt said that because of this expansion the property values have gone down, drastically.

Commissioner Carr responded to be fair, in the last 15 years it is not just because of the ice manufacturing.

Barbara Hunt said she was going to make that stipulation. But, a lot of the residents have tried to sell our property and the number one thing that the realtor says is that you have that ice company on the corner and you cannot get the value for the home. That has been said each time. The business does not stop after 5:00 p.m. I just do not want him to expand to the point that I do not have a life any more. He hires riff-raff. The neighborhood is full of winos and prostitutes and a lot of them work at the ice company.

Commissioner Carr asked what the purpose of the building was before it was demolished.

Marcell Todd said transmission repair.

Greg Moots added there is also a collision shop immediately to the east of there, which I've asked BSEED to check on because the B2 use normally doesn't allow collision shops so maybe they also got a BZA grant 20 years ago to establish that business.

Everett King said that when he received the notice of public hearing it appeared that US Ice Corp. wanted to join the parking lot and the building together. That was the impression that I got because you used the word adjacent. When you were adjacent, you put it together. That was my interpretation. Now that he explained that it is not going to be joined, I have a better understanding. I am not opposed to him staying on the property that he purchased. I just do not want the street closed.

Waymond Fordham said he does not object to Mr. Aboe adding to the building as long as he does not close Monte Vista off. At the first meeting we had Mr. Aboe was discussing the cul-de-sac. Now I understand it will not happen, I do not object.

City Planning Commission Regular Meeting

Tami Salisbury, Eight Mile Boulevard Association, said they are the ones facilitating the façade improvement program. The Association has renovated over 20 facades and intend to renovate 20 facades in 2014. When Mr. Aboe came to us and said he wanted to expand his business we were really excited because, unfortunately when people need to expand, they vacate Eight Mile Road and find another location. The Association is in the process of doing conceptual renderings of how the exterior of the building would look. The Association recommended the cul-de-sac for the community as something that the residents may want. We overwhelmingly heard the residents. They do not want a cul-de-sac. We are not pursuing that. The Association is in support of this and we are going through a conceptual design review process. Mr. Moots is Chair of our Design Review Committee.

Everett King suggested Mr. Aboe clean the snow off the streets on each side and in the front. Citizens cannot walk through there and would appreciate if it were cleaned up.

Greg Moots responded that City Code requires all sidewalks be removed and cleared of snow within 24 hours of the snow fall. He should be doing that already.

Commissioner Carr added that since you are here with the owner, maybe you can talk to him after the meeting.

Commissioner Williams said in this area and in many planning arenas the cul-de-sac would be desirable because it would reduce crime. In this particular case, you might solve some of your problems in relationship to crime. Folks do not rob cul-de-sacs as much, basically because they only have one way to get away. Think about it.

Dorothy Bledsoe lives next to US Ice Corp. on Monte Vista. Barbara Hunt has already stated how much noise comes out of it. Because my house is the very first one, I get the brunt of all the noise. I was not clear if he wants to build his second structure the same as the first with the towers or generators that he has, which would double not only the noise coming from the generators but also double the noise as far as the PA system, especially in the summertime. In the summertime, there is rainwater coming in my back yard, because of the water that comes out of the towers. It looks like it is raining in my yard. I was not clear about this second structure. Is he going to build it just like the first?

Commissioner Carr said that it is only one structure. He is expanding the one he has. He has said he will make that one the offices and customer/commercial use. He will be able to do whatever he wants if he has a conditional use with it.

Gregory Moots added that presently any use allowed in a B2 zone is allowed on that property. If he wins \$100 million and moves to Florida tomorrow, he can do any use that the zoning allows there now and if it is rezoned to B4 and he wins the lottery and moves to Florida and the ice business closes, any use allowed in the B4 could go on that property. We cannot just look at his proposal. This is not a district where only the exact proposal that is shown can be built.

Dorothy Bledsoe stated that Mr. Aboe wants to change it from a B2 to a B4, what is the reason for that?

Gregory Moots answered that because the ice manufacturing use is not allowed in the B2 zone. He went to the Board of Zoning Appeals, it sounds like, 20 years ago to get a use variance which says you cannot do that but we will allow you to do this specific thing on this specific piece of property. That use can stay there forever. Staff thought it would make more sense to make that use a conforming use, where it is called conditional at BSEED. If he is expanding that use, he now has to go to the BSEED after the rezoning is approved. He could then go to BSEED and say

City Planning Commission Regular Meeting

I would like to add an ice manufacturing use on the east side of Monte Vista where there used to be a transmission shop. BSEED would then hold a hearing, notifying everyone within 300 feet. Residents could come voice their opinions and BSEED, because it is a conditional hearing, can approve it with conditions. They are allowed to put conditions onto the request. You would have the chance to come and speak and BSEED would have the chance to put conditions upon it.

Dorothy Bledsoe asked if there was anything she could do about the noise?

Gregory Moots responded that unless it constitutes a nuisance of some sort under City Zoning, I would not think so. Unless there is something that Mr. Aboe can install on the cooling towers on the roof that would screen the noise and make it quieter, I do not know.

Commissioner Carr asked if Ms. Bledsoe has talked to Mr. Aboe, because he is here and I am sure he would want to be a good neighbor if he could. Try that after the meeting.

Carolyn Ivory (speaking on behalf of herself and her husband, James) wanted to understand the rezoning. Would it change their zip codes or things like that? There is an alley behind where the transmission shop was, is that his property as well? She is also concerned because previously there was a spill in the neighborhood and the Fire Department asked residents to please close their windows and stay in. You could smell the ammonia. I am concerned about that as far as where the towers are. Also, is Mr. Aboe going to build his new building higher than the older building?

Gregory Moots responded that the black areas of the map on the public hearing notice are the areas proposed to be rezoned. He wants to expand where the transmission shop used to be. He wants to build an office building. He wants to use the property on the other side of Monte Vista for parking. The only thing that the City Planning Commission is looking at tonight is that area. Nothing else changes at all. Mr. Aboe does not own the alley, the City has given him permission to close the alley to people driving through it, but it is not a vacated alley. It is not his property. He can put in a fence, but the fence has to have a gate. Utility companies have to be able to get to the water and power lines that run there.

Asad Aboe responded that the new building will be a little bit higher than the one that used to be there. They are putting a two-story building there, but it is a lower two-story building because the old building used to be 20 feet high and the new building, we are making two-stories, will be 28 to 30 feet high.

Commissioner Simons asked Mr. Todd if he could check with BSEED and BZA to find out what took place 20 years ago when Mr. Aboe received the permit.

Commissioner Carr asked that he include the information in the next meeting.

Marcell Todd agreed.

Public hearing ended at 6:20 p.m.

Commissioner Williams asked if the building being built is structured so that Mr. Aboe can put towers there at some point.

Asad Aboe responded not at this time. I do not think I should be expanding the machinery any more. The equipment that I have over there now is pretty much what I will have. If I do expand, it will probably be in a different location.

City Planning Commission Regular Meeting

Commissioner Williams asked Mr. Aboe, if he has heard of the breathing problems in the past or the noise problem.

Asad Aboe response was yes; noise in terms of cooling towers. They have them in hotels and supermarkets. I would aim it toward Eight Mile to try to minimize the noise. When the customers come in we call out the orders to the customers through the P.A. System. I could try to play with it a little to minimize it. Direct it towards Eight Mile Road. We have to have some kind of P.A. System to call out things.

Commissioner Williams said that it would be helpful as a good neighbor if you would try to do that.

Asad Aboe said he will work on that. I heard that and want to make sure. I have been there for 20 years and I do as much as I can to work with everybody.

Commissioner Williams added if Mr. Aboe can do what he can to tweak the P.A. System.

Asad Aboe responded, I will work on that.

Commissioner Russell asked about the hours of operation and how long does the manufacturing of ice take.

Asad Aboe responded it is mostly 9-5 or 5:30 pm maybe, this time of year. In the summertime, depending on the weather, we do work longer hours. Usually, we close to the public and then loading the trucks (towards Eight Mile). You can hear the machines inside the building. It is very rare you can hear the machines outside the buildings.

Commissioner Russell said that the noise the residents spoke of was not the cooling towers but the loading of the trucks with the ice.

Asad Aboe said it is the noise of the fan running the cooling towers. Loading the trucks is not much noise.

Commissioner Russell said that the cooling towers are only on when you are manufacturing ice. When you stop manufacturing ice; the noise stops. Is it possible for you to limit the hours you actually manufacture the ice?

Asad Aboe responded we try to limit it as much as we can, but it depends upon demand.

Commissioner Russell asked about the height of the new building, 28 feet, which is less than your existing manufacturing building, and the height of the cooling towers. In the new design, the façade and landscape design can use landscape to mitigate sound. On the southern edge of your property, is that something you would look at including like tall pine trees or even some building materials that could buffer the sound and be more aesthetically pleasing.

Commissioner Carr added that maybe the Eight Mile Association can help you research it to see what the cost would be.

Asad Aboe responded he has no problem looking at it to see if there is something he can do about it. None of my blowers are facing the back. The noise is usually directed towards Eight Mile, away from the neighborhood.

City Planning Commission Regular Meeting

Commissioner Russell said that when Eight Mile was originally laid out, I would think the original use, the zoning was B4 or maybe more intense along there and then it was all downgraded. It is B2 now and the neighbors that are there need some consideration.

Asad Aboe said that what he is requesting will not add in any way to what he has been doing the past twenty years. As a matter of fact, he is beautifying the whole building. The majority of my employees are from the neighborhood.

Commissioner Carr said it is always good to hear about businesses that are doing enough to want to expand at this time. Let us hope you can hear the complaints today and work towards improving where you can.

Asad Aboe added when I build the new building I will see if I can do anything about the intercom system.

Commissioner Carr said maybe some digital sign that flashes the numbers.

Commissioner Russell asked if there is a community group or block club in that area.

Gregory Moots said yes. They previously met with Mr. Aboe early December to go over both the proposal and the cul-de-sac. The cul-de-sac portion did not happen because the community expressed their concerns.

Commissioner Russell asked if the new building was presented at that time. Are the Eight Mile Boulevard Association Design Committee meetings open and would the neighborhood groups be invited to that meeting.

Gregory Moots replied that the Eight Mile Boulevard Association is not a public agency. The Design Review Committee is made up of representative/planners from six (6) or eight (8) Eight Mile communities. Generally it is not a public meeting. If the City has Design Review, i.e., Southfield, the designs developed would be presented to the City for their review. Once the designs are developed Mr. Aboe could come to the community meeting and present it. We could certainly request that he present them once they are completed in the near future, before construction begins.

Commissioner Russell said, he knows it is not something that can be required, but if you share something with your neighbors it will get you down the road a little smoother.

Asad Aboe added that the expansion is going to add 6-10 more employees; hopefully, locally from the area.

Gregory Moots said he anticipates bringing this back at the Commission's next meeting for a recommendation. We will be able to get the information you requested from Buildings & Safety Engineering Department and the Board of Zoning Appeals prior to that, as well as develop a recommendation.

Commissioner Carr said that we will hear more information about what happened in the past and make a recommendation for the future.

Public hearing ended at 6:30 p.m.

City Planning Commission Regular Meeting

IV. Unfinished Business – (none)

V. New Business – (none)

VI. Committee Reports – (none)

VI. Staff Report

Legislative Policy Division staff member, Marcell Todd, discussed the draft of the City Planning Commission meetings scheduled for 2014. Commissioner Russell noted that November 22 is a Saturday and should be corrected to November 20, 2014.

Commissioner Andrews asked if there would be evening community meetings, which should be guided by staff and agenda items that will be of interest to the community.

Marcell Todd responded that staff would facilitate and secure the necessary venue when appropriate. The scheduled can be amended at that time.

Commissioner Carr added that in the past the Commission just assigned a different venue for an already scheduled meeting. She also requested that September 4, 2014 be eliminated from the draft schedule unless there are agenda items that are required. She also noted the letterhead used for the draft schedule is the old letterhead and should be corrected.

ACTION: Commissioner Andrews motioned to omit the September 4, 2014 meeting and otherwise accept the schedule as presented. Commissioner Russell second the motion. Motion carried.

Marcell Todd reported to the Commission that LPD staff will request the new City Council to resume taping City Planning Commission meetings.

Marcell Todd reported that when the Water Subcommittee of the Green Task Force presented its Detroit Water Agenda at the December 5, 2013 City Planning Commission, the Commission wanted to convey support of the Green Task Force to the City Council, along with expressions for continuation of the Green Task Force. Direction was given at that time for a letter to be drafted by Commissioner Russell and Kathryn Underwood. When I spoke with Ms. Underwood she informed me that a resolution, distributed to the Commission today, was passed in 2012 in order to initiate this effort and authorize the subcommittee's work underneath the Task Force. Newly elected Council Member Scott Benson from District 3 will be taking over the work of the Task Force, so it will continue. What that will necessitate is an action by City Council to re-establish that Task Force. Staff recommends that this resolution be reaffirmed. If there is anything you would like to add to this resolution, we can do that, as well as the accompanying letter from the Commission indicating its specific support of what was presented. Staff is looking for clarification of the action that the Commission previously took.

Commissioner Carr said it will be efficient if the Commission includes items such as the commission of Citizen's Review Committee, and other issues that we regularly see put aside for a few years and then come back up. Just give a "this is what we've seen has worked" letter. If you think it is better to have each item on different letters that is fine.

City Planning Commission Regular Meeting

Marcell Todd said given what we have seen already from the new City Council this week, they expressed their interest in getting a very clear understanding as to how the Council operates, some desired changes and a very clear desire to better understand its staff, Boards and Commissions. We will be looking to invite the President and all the Council Members, certainly the Council Members who are part of the Planning & Economic Development Planning Standing Committee. Council Member Gabe Leland, who represents District 7 is the Chair of the Committee. Council Member Scott Benson is the Vice Chair and he represents District 3. Council Member Mary Sheffield, who represents District 5, is the third member. There are a number of items still within your rules that need to be addressed both with respect to the Planning Enabling Act, the Zoning Enabling Act, as well as the Charter. As staff has been reviewing the two Acts, we have found things that both CPC staff and the Law Department has missed over the last 6-7 years. Minor, but they are now leaping off the page to us. Staff can present those items to you at your next meeting or the meeting thereafter.

Commissioner Williams asked if the new Council has decided to keep the same structure as it relates to the Committees.

Marcell Todd answered, that is correct. In that Committee Structure was established pursuant to the provisions of the previous Charter, the (New) Charter actually recognizes and has codified that structure. That was one of the issues presented earlier this week by Council President Pro Tem Cushingberry. They are looking to make some changes, so they will be looking at their rules and they will be looking at the applicability of Charter provisions and other provisions within the Home Rule Cities Act to see where they have latitude. Council is looking to do as much streamlining as they can in order to improve their operations.

Commissioner Andrews asked if Mr. Todd can have a list of all the Council Members, their e-mail addresses and telephone numbers and then the list the Committees that they are on or Chair.

Marcell Todd answered that normally we would have been able to provide you with that today, but some of the other Charter changes have resulted in a delay in reconciling things such as the space in the chambers Council Members occupy. The previous Charter indicated that the top two vote getters would be President and President Pro Tem. The succession of votes also tied, in some instances at least, to the parking space that a council person would be assigned to, the office, etc. That no longer being the case, those things could not be addressed until their first meeting. In some instances, Council Members and their staff do not even have telephone numbers, office space or e-mail yet. Hopefully, the information will all be available on January 23rd.

Commissioner Andrews asked how the Citizens Review Committee and CDBG will be addressed.

Marcell Todd answered that the leadership at Planning & Economic Development Department (PEDD) is in the process of being changed. Mr. Anderson resigned effective the end of the year. He was not asked to stay. Unfortunately, Ms. Winters was let go. With that, the Block Grant, along with a number of other things, stands in limbo. Staff is unsure when CDBG will happen because nothing has been done and authorized by the Emergency Manager's Office in order to finalize a process in order for staff to prepare the RFP and to set up workshops and submission dates.

Commissioner Andrews asked if Mr. Todd if he could keep the Commission apprised of the status.

Marcell Todd responded yes. Dr. Bolger is back working with the Legislative Policy Division (LPD). It does not appear that we will bring on anyone else to provide additional clerical assistance. The LPD, working with the Internal Operations Committee which is now Chaired by Council Member Spivey, will once again request that they address the vacancy on the Commission. Council Member Benson, District

City Planning Commission Regular Meeting

3, which is the district that is currently vacant on the Commission, has identified an individual and a resume has been submitted. I am waiting for him to formally submit that to the City Council. Hopefully, that is something that can be rectified shortly.

Commissioner Carr asked if LPD can take interns.

Marcell Todd replied that he has discussed it with Mr. Whitaker. There have been two individuals who have come forward and presented themselves as candidates who would take on responsibility without compensation. We have two problems with that, and one is office space. Analine Powers, formally with the Research and Analysis Division as a Parliamentarian, came back on a part-time basis.

Commissioner Williams asked who else is on your (CPC) staff at this point.

Marcell Todd answered that would be myself, Mr. Moots and Ms. Underwood, Ms. Chapman and Ms. Braynon from Historic Designation, and now Dr. Bolger. The six contractual positions that were previously set aside for the former CPC and HDAB staff are now filled. However, in Dr. Bolger's case it is only filled 20 hours a week.

Commissioner Carr said that you have room for 20 hours. Maybe you can get a student, especially for the clerical work.

Marcell Todd said I will see what we can do. We will attempt to do that.

Mr. Todd continued with his report noting that at the end of October, Commissioner Simons reported some concerns with 8222 Joy Road, the location of zoning that the Commission acted on in early 2013. It was a rezoning from B2 to B4 in order to provide for the establishment of an Adult Foster Care (AFC) in a former school building. Commissioners will recall the community concerns, issues with the petitioner, etc. Mr. Simons reported that his neighbors had noticed some activity taking place. At his and the Commission's request staff did ask BSEED to go out and inspect the property. BSEED's initial findings found that no permits had been pulled. It is clear that none of the work that was anticipated or necessary to establish an AFC had been done and no occupancy permit had been issued to allow for anything to take place there. BSEED did inspect in late November and found an illegal operation. They were issued a notice to vacate the premises on December 6th. BSEED will go out to see if in fact they have done so and they will follow-up with appropriate action going forward. If that is what they want to establish, they will still have to go through the proper procedures and go through another conditional hearing process.

Commissioner Simons said that the petitioner came before the Commission and had two meetings in the community; one meeting at the location. She was so sure she was going to have an Adult Foster Care. She came to this Board and we approved it. I said to her at the time to make sure you follow the rules of the neighborhood so you will be happy there. She did everything but that. Now, she is opened up a half-way house. I wish you would take this information back to Council for me.

Commissioner Williams asked do we rezone it for a half-way house?

Marcell Todd answered, as Mr. Moots gave the explanation about B2 or B4 rezoning, we cannot rezone it to a specific use.

Commissioner Williams asked if a half-way house in the zone.

Marcell Todd responded that it is conditional.

City Planning Commission Regular Meeting

Commissioner Russell said that the Commission took those properties from a B4 to a B2, so we made it less intensive, because in a B4 they could have done that without condition. It is a good thing that we did rezone it because now you can shut them down because it is conditional.

Marcell Todd reported that City Council came back on December 20, 2013 to deal with the Catalyst Project, which was before the Commission in September. The Catalyst Project is the requested amendment to the DDA boundary and the revision of the TIFA in order to facilitate the events center for the Red Wings north of I-375 and west of Woodward Ave. The matter was delayed in that it was originally supposed to be heard and acted upon in November, was delayed because of concession agreement between the DDA and Olympia Development of Michigan (ODM) who would be operating the facility needed to be ironed out. City Council did act to approve the amendment to the DDA boundaries to include this expansion and also the TIF. The third item, which was necessary for the matter to move forward, the transfer of city-owned land, was held and referred to the new City Council in order to address Council's primary concern, the lack of commitment in job creation opportunities for Detroiters. In the past, there was proposed a minimum commitment of 30%. For the casinos we got a 51% commitment as a minimum and the casinos have been able to meet that. In this case ODM was not willing to make any specific commitment for a minimum number of jobs for Detroiters. They have the general language in there, minus a specific number. As a result of that primary issue and I think a number of other concerns for community benefits in general or maybe a community benefits agreement and a number of other concerns raised by Council Members and the public that spoke. The matter was held in order that a working group might be formed among the City, DDA, the developer and community members to begin to talk about some of these issues. We had an initial meeting today. It did not include community representatives, but did include City staff (Law and Planning & Development Departments, Legislative Policy Division) the developer as well as three Council Members, at one point, the Council President Brenda Jones, Council Member Casteñeda-López from District 6 and Council Member Sheffield along with their staff and staff representatives from other City Council offices were present. It was quite a productive and thorough discussion. There is clear agreement that some sort of community advisory groups should be formed that could not only advise this project through construction, but maybe even through operation, in order that there would be a community voice. This would be purely advisory and voluntarily. It would not supplant the DDA requirement for the downtown CDC to play that sort of role officially.

Commissioner Gage asked who agreed to that.

Marcell Todd said that no one agreed, there was consensus that is the direction that should be taken. To put it in the context of one of the representatives, Greg Solomon with Motor City Casino, what we were having were the same sort of discussions that we are having about the casinos. We presented issues to them that are the sorts of things that will have to be dealt with the zoning and the design review. Issues that were previously laid out by the community in public comment and are the sorts of things that were addressed by the casinos. We still left room to talk about commitment to jobs, for youth programs and things of that nature. We are trying to set a context wherein the dialogue can occur and we are hoping at the next meeting that we will have commitment, at some level, of the things that they will be willing to work with and establish a minimum baseline that the community can go with. That understanding will be part of the conditioning of the land transfer so that it can move forward. February 4, 2014 has been identified as the date for the land transfer to be acted upon. They are more willing to talk about these things now because it is getting to crunch time. They will be at risk of losing the window for the bond market. As they said they have opened up the doors in the community meetings that they have had. But in spite all of the groups that came forward and spoke on the 20th, there is only one group, The Corridor Alliance, has actually presented them with anything. Council Member Casteñeda-López has taken the lead and will work with staff and have a community meeting next week. That completes the staff report.

City Planning Commission Regular Meeting

Commissioner Andrews said that she knows the Law Department is transitioning once again. There were a number of items like the Golf Club that is two-years old now. Do you need to reintroduce that to the Law Department? How do we get resolution on those things?

Marcell Todd responded the new Corporation Counsel, Mr. Butch Hollowell, is meeting with everyone across the board. Legislative branch of government, and not just with Directors, he is meeting with staff. He wants to get a full handle. He gave, what some has termed, one of the best interviews that an appointee has ever given the City Council, because he came in prepared. Mr. Hollowell did come and speak with myself and Mr. Whitaker. He would like to sit down and talk about those issues. With respect to the Golf Club, I have mentioned it to Mr. Beckett and Mr. Gerald Hudson. Given the passage of time, once we finally get it out of the agency, it will make sense to bring it back for the Commission to reaffirm its action and then forward it on to the new Council. That is one of the things that Mr. Hollowell would like to talk about as well as the other items that you have acted upon and we have yet to convey to the Law Department for approval as to form. He wants to get an understanding what the process has been, where the problems have been and see what can be done to streamline.

Commissioner Andrews said that my concern is that people have not heard anything in so long that some of them may go on operating anyway because they feel there is no real checks and balances and no one is enforcing anything.

Marcell Todd said that, while I agree with the Commissioner's remarks, I will remind you that about a year ago BSEED did begin its SWAT operations and it is what has actually boosted business to CPC and the BZA, because they are doing the work that they should be doing. Geni Giannotti, former Director of BSEED under the Archer Administration, has been brought back by Mayor Dugan and has relieved Mr. Bell who was Acting Director. Mr. Bell is going to be Executive Manager and continue to be the building official, as he is the person with the credentials to hold that title. Letting people know that the City is serious, turning a new leaf and trying to clean up the City to the benefit to those businesses that do operate properly and those residents and other citizens of this City can know they and others are being held to the same measure in order for us all to operate underneath the same set of applicable regulations.

VIII. Communications – (none)

IX. Public Comment – (none)

VIII. Adjournment (meeting adjourned at 7:10 p.m.)

ACTION: Commissioner Simons moved to adjourn the meeting. Commissioner Russell second the motion. Motion carried.

/ss

J:\COMMON\JOANN\CPC Minutes\2014\January 9, 2014 CPC Minutes.docx