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# City of Detroit

## **CITY PLANNING COMMISSION**

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Brenda Goss Andrews Lisa Whitmore Davis David Esparza, AIA, LEED Gregory Pawlowski Frederick E. Russell, Jr. Angy Webb

February 14, 2019

## HONORABLE CITY COUNCIL

RE:

Request of Zaid Arabo on behalf of Jerry Pattah to amend the existing PD (Planned Development) zoning classification on District Map 6, Article XVII, of the 1984 Detroit City Code Chapter 61, 'Zoning' for the property located at 500 E. Warren Avenue generally bounded by St. Antoine Street, E. Hancock Street, Brush Street and E. Warren Avenue. (RECOMMEND APPROVAL WITH CONDITIONS)

#### **BACKGROUND AND PROPOSAL**

The City Planning Commission (CPC) has received a request from Zaid Arabo on behalf of Jerry Pattah requesting that the City of Detroit amend the provisions of the existing PD (Planned Development) zoning classification on District Map No. 6, Article XVII, of Chapter 61 of the 1984 Detroit City Code, 'Zoning,' for the property located at 500 E. Warren Avenue generally bounded by St. Antoine Street, E. Hancock Street, Brush Street and E. Warren Avenue. The site was rezoned from B4 (General Business) and R5 (Medium Density Residential) to PD in 1974.

The site is currently developed with a multiple tenant shopping center. The anchor tenant is a large supermarket and five smaller units containing restaurants and a nail salon.

# **Proposed Development**

The applicant proposes to build a one-story, 9,500 square foot building at the southeast corner of the site for a Secretary of State branch office. The exterior cladding would be burnished block for the lower four feet, topped by a 2" limestone sill and brick for the remainder. A five foot landscaped setback would separate the building from the public sidewalk.

No additional curb cuts are proposed; the existing curb cuts will be utilized. The parking lot will be reconfigured resulting in slightly fewer parking spaces. Several trees at the southeast corner of the site will be removed, but extensive new landscaping is proposed including street trees and landscaped islands in the parking lot to manage storm water runoff.

## PLANNING CONSIDERATIONS

Surrounding Zoning and Land Use

The zoning classification and land uses surrounding the subject area are as follows:

North: PD – Townhouses (3-story) and Multiple-Family Dwelling (7-story)

East: PD – Plymouth United Church of Christ

South: R5 – Hospital (4-story)

West: PD – Multiple-Family Dwelling (9-story)

# Analysis

Because this site was previously zoned B4, those standards are used as a benchmark for reviewing the PD proposal. The proposal meets the following standards:

- Use: Governmental service agency is allowed by-right
- Setbacks & maximum lot coverage: no requirements
- Minimum lot dimensions & area: no requirements
- Height: 35' maximum allowed; the tallest portion of the proposed building is 21.3' high
- Loading spaces: 3 required total; 4 existing
- Right-of-way screening: Requirement 5' wide strip with trees every 30' and 30"-36" high screen of vegetation, berm or masonry wall; existing landscape strip is 20' wide and has a berm, trees will be added every 30'

Several other standards are moderately deficient:

- Parking: Requirement 154 for existing building + 63 for new building = 217 total; 185 proposed, 32 deficient
- Interior landscaping: Requirement 4,070 sq. ft. (22 sq. ft. per parking space); existing about 1,120 sq. ft. with an additional 1,980 sq. ft. proposed, 970 deficient

## Approval Criteria

Section 61-3-97 of the zoning ordinance gives the criteria for whether a change to an existing PD development is minor or major. This proposal meets the criteria for a major change—specifically, an increase in gross floor area in excess of 5% and an increase in coverage by structure.

This proposal appears to meet the eight approval criteria for a map amendment listed in Section 61-3-80 of the zoning ordinance, specifically:

- The amendment will protect the health, safety, and general welfare of the public. The
  proposed Secretary of State office will provide a needed service to the surrounding
  community.
- The amendment will not have adverse impacts on the natural environment. The proposed landscaping improvements will greatly decrease the storm water directed to the city's sewer system and the planting of additional trees and shrubs will be positive for the natural environment.

It also meets the PD District design criteria in Section 61-11-15, specifically:

- Compatibility The proposed building is compatible with the existing structure and will complement the surrounding development.
- Parking & Loading The existing parking is drastically under-utilized and although the
  parking provided does not meet the requirements of the Zoning Ordinance, it is adequate for
  this particular site.
- Screening The improvements proposed as part of this project include an enclosure for an existing trash container adjacent to Hancock Street and upgrades to the landscaping which screens the parking lot from the right-of-way.

#### Master Plan Consistency

The subject site is located within the Lower Woodward area of Neighborhood Cluster 4 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows "Medium Density Residential" for the subject property. The Planning & Development Department has submitted a report stating that the proposed development is consistent with the Master Plan.

## City Planning Commission Public Hearing

Midtown Detroit Inc. spoke at the public hearing and submitted a letter, generally in support of the modification but concerned about several maintenance issues at the site including graffiti and landscaping. The Planning Commissioners had numerous concerns which were addressed with conditions.

#### REVIEW

The review of this proposal has been somewhat complicated and full of delays. Here is a brief timeline:

- June 2018 The architect submits for site plan review to the Buildings, Safety Engineering and Environmental Department. They are informed that site plan review is not required for the project despite the requirement of Section 61-3-113(8) of the zoning ordinance which specifies that projects in a PD zoning district do require site plan review.
- July 2018 The architect submits for the building permit. The application is routed to City Planning Commission as a reviewer as required by the PD zoning district. CPC staff informs the architect that site plan review is required including a PD modification which includes public hearings at both the City Planning Commission and City Council.
- August 2018 The application is submitted to CPC for the PD modification. The architect is informed about illegal signage at the site which needs to be removed or properly permitted.
- September 2018 The project is presented to the City Planning Commission prior to the scheduling of the public hearing. Several Commissioners raised concerns such as current maintenance of the site, lack of storm water mitigation features & landscaping, placement of the building and general building aesthetics. The Planning & Development Department also reviewed the proposed plans and suggested several improvements including better connections for the walkways, larger windows in the lobby and differentiating the entrance from the other facades. Midtown Detroit Inc. submitted a letter of support contingent on removal of graffiti and better maintenance of landscaping. The architect expressed intentions to change the location of the building and eliminate existing trees that were previously marked for preservation.
- Early October 2018 The public hearing at City Planning Commission is held on October 4.
   Although same day action was originally planned, lack of progress on previously discussed issues leads to a delay until the next meeting. A representative from the Secretary of State spoke via phone at the CPC hearing which was very helpful in answering Commissioners' questions. Renderings of the proposed building are presented which are unacceptable including blank walls, no landscaping, no signage, tinted windows and incompatible colors.
- Late October 2018 The project is again before the City Planning Commission at the 10/18 meeting. Despite advice to bring the site into compliance, illegal signage was still present and graffiti was being covered the morning of the meeting. However, based on improvements to the plans, staff recommends approval with several conditions and City Planning Commission voted to recommend approval also. The architect and property owner agree to improve the renderings and correct the violations at the site.
- January 2019 CPC staff visits the site in preparation for submitting the report to City Council. Illegal signage, trash and graffiti are still present. The architect and property owner are informed and agree to comply.
- February 2019 A permit application is submitted for the remaining illegal signage, but review is delayed due to the applicant not having a current sign erector license. Although the site is still not in compliance, the project is moved forward to avoid additional delays.

Your Honorable Body may wish to consider the above before advancing this matter further.

Throughout this extended process, Secretary of State staff have always been willing to answer questions and have been very helpful in encouraging the property owner to improve the site and bring it into compliance.

## RECOMMENDATION

On October 18, 2018, the City Planning Commission voted to recommend approval of this PD modification request with the following conditions:

- 1. That landscaping is installed and maintained as shown on the submitted Landscape Plan prepared by Zaid Arabo Design Build and last revised 10/17/2018.
- 2. That interior landscaping islands are designed and constructed to DWSD standards for storm water retention.
- 3. That all existing graffiti on the site is removed promptly and the site is maintained in a graffiti-free condition to the extent practicable in accordance with City Code.
- 4. That windows marked as "frosted or tinted glass" on the elevations are in fact frosted glass in order to better replicate the appearance of clear windows.
- 5. That the site continue to participate in the Project Green Light Program with the Detroit Police Department including any modifications made necessary by the new building.
- 6. That final site plans, elevations, lighting, landscape and signage plans be submitted by the developer to the staff of the City Planning Commission for review and approval prior to submitting applications for applicable permits.

The ordinance establishing the map amendment has been reviewed and approved as to form by the Law Department and is attached for your consideration.

Respectfully submitted,

ALTON JAMES, CHAIRPERSON

- Clawel R. F. Sty.

Marcell R. Todd, Jr., Director Jamie J. Murphy, Staff

Attachments: Rezoning Ordinance

PDD Master Plan Interpretation

District Map 6

CPC Public Hearing Notice Proposed Plans and Renderings

ce: Maurice Cox, Director, PDD
David Bell, Director, BSEED
James Foster, BSEED
Lawrence Garcia, Corporation Counsel
Arthur Jemison, Group Executive

# SUMMARY

An ordinance to amend Chapter 61 of the 1984 Detroit City Code, 'Zoning,' commonly known as the Detroit Zoning Ordinance, by amending Article XVII, Zoning District Map No. 6 to modify an existing PD (Planned Development District) zoning classification established by Ordinance 902-G on land bounded by East Warren Avenue to the north, St. Antoine Street to the east, Hancock Street to the south, and Brush Street to the west to allow a new building to be constructed at the existing shopping center.

I	BY COUNCIL MEMBER:		
2	AN ORDINANCE to amend Chapter 61 of the 1984 Detroit City Code, 'Zoning,'		
3	commonly known as the Detroit Zoning Ordinance, by amending Article XVII, Zoning District		
4	Map No. 6 to modify an existing PD (Planned Development District) zoning classification		
5	established by Ordinance 902-G on land bounded by East Warren Avenue to the north, St. Antoine		
6	Street to the east, Hancock Street to the south, and Brush Street to the west to allow a new building		
7	to be constructed at the existing shopping center.		
8	IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:		
9	Section 1. Chapter 61, Article XVII, of the 1984 Detroit City Code, 'Zoning,' commonly		
10	known as the Detroit Zoning Ordinance, is amended as follows:		
11	District Map No. 6 is amended to show a PD (Planned Development District) zoning		
12	classification as established by Ordinance No. 902-G currently shown on land described as:		
13	Land in the City of Detroit, County of Wayne and State of Michigan bounded by		
14	East Warren Avenue to the north, St. Antoine Street to the east, Hancock Street to		
15	the south, and Brush Street to the west.		
16	The Detroit City Council approves the 'Proposed Michigan Department of State' site and		
17	landscape plans and elevations as drawn by Zaid Arabo Design Build, and dated October 17, 2018,		
18	with the following conditions:		
19	1. That landscaping is installed and maintained as shown on the approved Landscape Plan.		
20	2. That interior landscaping islands are designed and constructed to DWSD standards for		
21	storm water retention.		
22	3. That all existing graffiti on the site is removed promptly and the site maintained in a		
23	graffiti-free condition to the extent practicable in accordance with City Code.		

1	4.	That windows marked as "frosted or tinted glass" on the elevations are in fact frosted
2		glass in order to better replicate the appearance of clear windows.
3	5.	That the developer consult with the Detroit Police Department to identify and implement
4		any changes to the Green Light Program cameras onsite as a result of the construction.
5	6.	That final site plans, elevations, lighting, landscape and signage plans be submitted by the
6		developer to the staff of the City Planning Commission for review and approval prior to
7		submitting applications for applicable permits.
8		Section 2. All ordinances or parts of ordinances in conflict with this ordinance are
9	repeale	ed.
10		Section 3. This ordinance is declared necessary for the preservation of the public peace,
11	health,	safety, and general welfare of the people of the City of Detroit.
12		Section 4. This ordinance shall become effective on the eighth (8th) day after publication
13	in acco	ordance with MCL 125.3401(6), and Section 4-118, paragraph 3 of the 2012 Detroit City
14	Charte	r.
15		
16	Appro	oved as to form:
17		
8	17	rence of Bareia
19 20		nce T. García
10	Corpoi	ration Counsel



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Mr. Marcell Todd City of Detroit Legislative Policy Division 208 Coleman A. Young Municipal Center Detroit, MI 48226

October 18, 2018

RE: <u>Master Plan of Policies</u> Review of a proposal to modify an existing PD (Planned Development) zoning classification for development at 500 E. Warren for a Secretary of State Facility

Dear Mr. Todd:

Pursuant to the City of Detroit's City Charter (Sections 6-202 and 6-204), the Planning and Development Department's (P&DD) Planning Division submits the following review of a proposed Planned Development District (PD) modification.

The petitioner, Zaid Arabo, has requested to modify the plans for the existing PD (Planned Development District) to construct a Midtown facility for the Secretary of State.

#### **Project Location:**

500 E. Warren

#### **Existing Site Information**

The subject site is zoned PD. The subject site is a 3.73 acre lot. The Master Plan Future General Land Use designation for the site is Medium Density Residential

## **Project Proposal:**

Project is seeking to construct a Secretary of State Facility in Midtown Detroit. The project proposes the new construction of a 9,500 SF structure on a 3.73 acre site. The subject parcel is zoned as Planned Development (PD), the project proposed will remain zoned PD. Project will offer off-street surface parking for 185 vehicles.

## Interpretation:

#### Impact on Surrounding Land Use

The proposed development will contribute additional "retail and local services" uses as allowed by PD development in the immediate site area.

#### Impact on Transportation

There are DDOT transit routes to the west along Woodward, to the south along Canfield and to the north along Warren. The Q-Line rail is also on Woodward Avenue.



Master Plan Interpretation:

The Master Plan Future General Land Use designation for the site is RM (Medium Density Residential)

Medium Density Residential areas should have an overall density of 16 to 24 dwelling units per net residential acre. The areas are often characterized by multi-unit apartment buildings with a common entrance and shared parking. The residential classifications allow for neighborhood-scale commercial development. For instance, in a Low/Medium Density Residential area, small scale commerce (e.g. convenience stores) should exist to serve residents's day-to-day needs.

The proposed Secretary of State Facility, currently zoned PD, will expand "retail and local service" offerings to area residents and Detroiters.

The development conforms to the Future General Land Use designation for the area.

Attachment: Future General Land Use Map: Map 4-5B, Neighborhood Cluster 4, Lower Woodward

Respectfully Submitted,

Esther Yang

Planning and Development Department

Maurice Cox, Director, P&DD

cc:

Alton James Chairperson Lauren Hood, MCD Vice Chair/Secretary

# City of **Betroit**

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#### NOTICE OF PUBLIC HEARING

A public hearing will be held by the City Planning Commission in the Committee of the Whole Room, 13<sup>th</sup> Floor of the Coleman A. Young Municipal Center, 2 Woodward Avenue, Detroit, Michigan 48226 on

# THURSDAY, OCTOBER 4, 2018 AT 5:15 PM

to consider the proposal of Jerry Pattah to modify the plans for the existing PD (Planned Development District) zoning classification on District Map No. 6, Article XVII of the 1984 Detroit City Code, Zoning, for the property located at 500 East Warren Avenue generally bounded by St. Antoine Street, E. Hancock Street, Brush Street and E. Warren Avenue. The subject property is indicated on the accompanying map.

The change in the existing PD district is being proposed to allow for the construction of a new building for a Secretary of State branch office.

The existing zoning district is generally defined by the Zoning Ordinance as follows:

# PD - PLANNED DEVELOPMENT DISTRICT

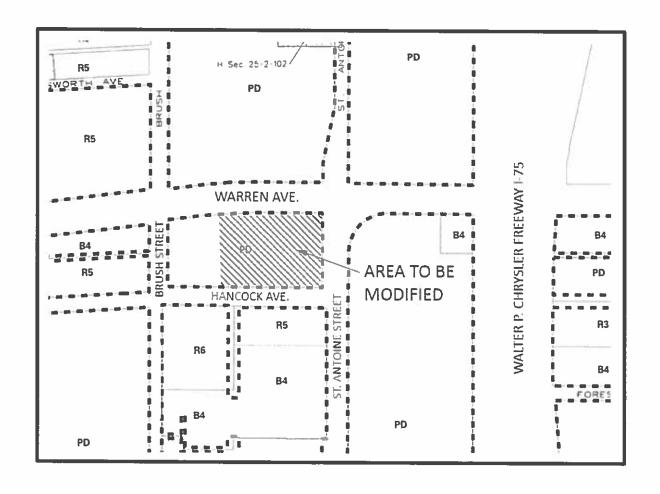
This district will permit planned developments throughout the City and will be particularly useful in urban renewal areas. Such planned developments shall be substantially in accord with the goals and objectives of the Master Plan, by having a major land use that corresponds to the most general category of land use, which are Residential, Public/Civic/Institutional, Retail/Service/Commercial, Manufacturing and Industrial, and Other, proposed in the Master Plan for the area involved. Such planned developments shall provide a desirable environment for the uses proposed and shall not be out of harmony with their general surroundings. The regulations of the district are designed to accomplish this by permitting flexibility in overall development while ensuring adequate safeguards and standards for public health, safety, convenience, and general welfare and, where applicable, encouraging historic preservation.

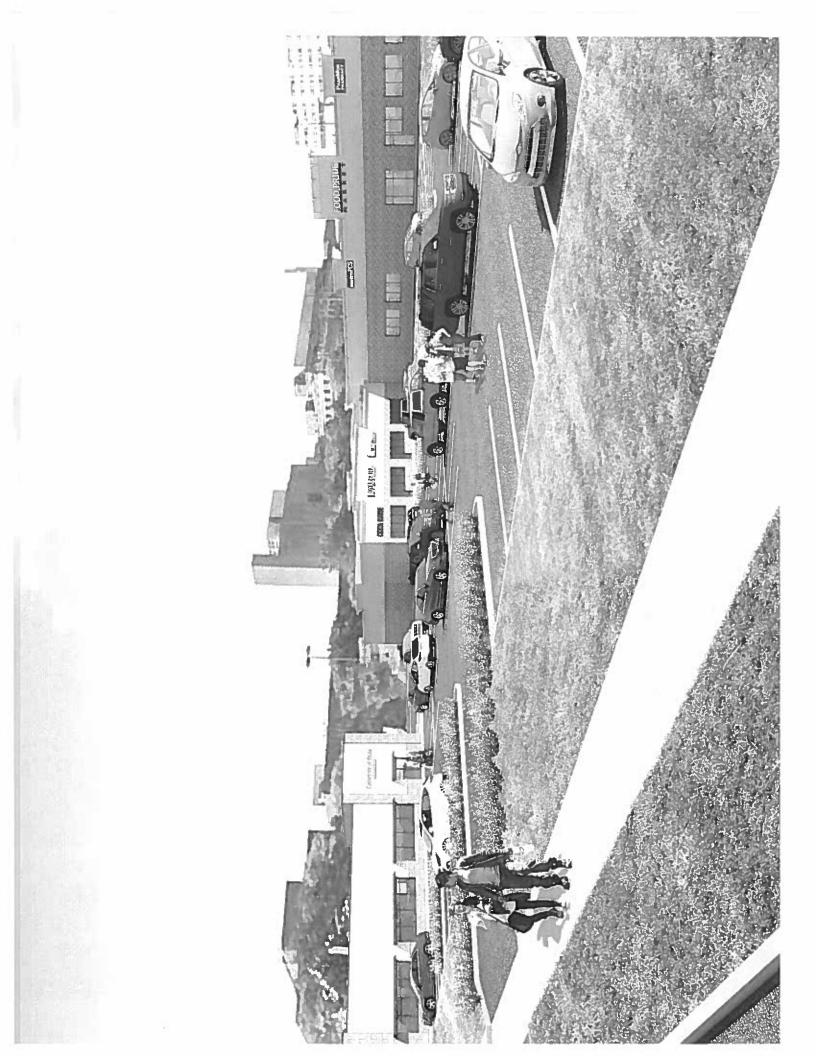
The proposed modification is being considered by the City Planning Commission in accordance with the provisions of Article III, Division 4 of the Detroit Zoning Ordinance. A major PD modification requires the approval of the City Council after a public hearing and after receipt of a report and recommendation by the City Planning Commission.

You may present your views on this proposal by attending this hearing, authorizing others to represent you, or by writing to this office, City Planning Commission, 208 Coleman A. Young Municipal Center, Detroit, Michigan 48226 (fax: 313-224-4336, email: <a href="mailto:cpc@detroitmi.gov">cpc@detroitmi.gov</a>). Because it is possible that some who have interest in this matter may not have been notified, it is suggested that you kindly inform your neighbors so that they too may express their opinions if they desire.

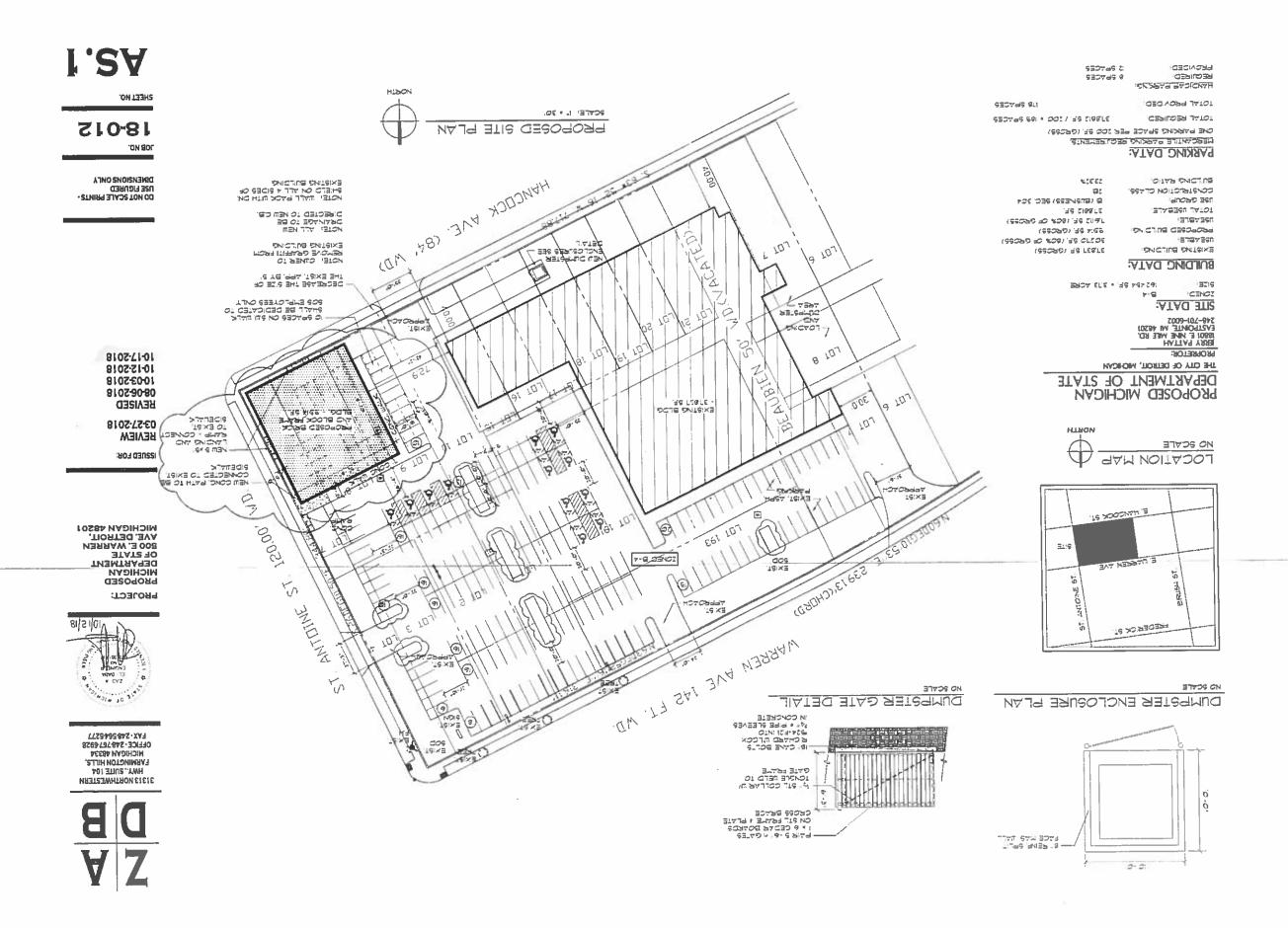
An interpreter for the hearing impaired will be present at the meeting if requested at least 48 hours in advance. If interpretation or translation services are needed please call The Department of Civil Rights, Inclusion & Opportunity, Ryan Crigle at (313) 224-1516 or (313) 224-4950.

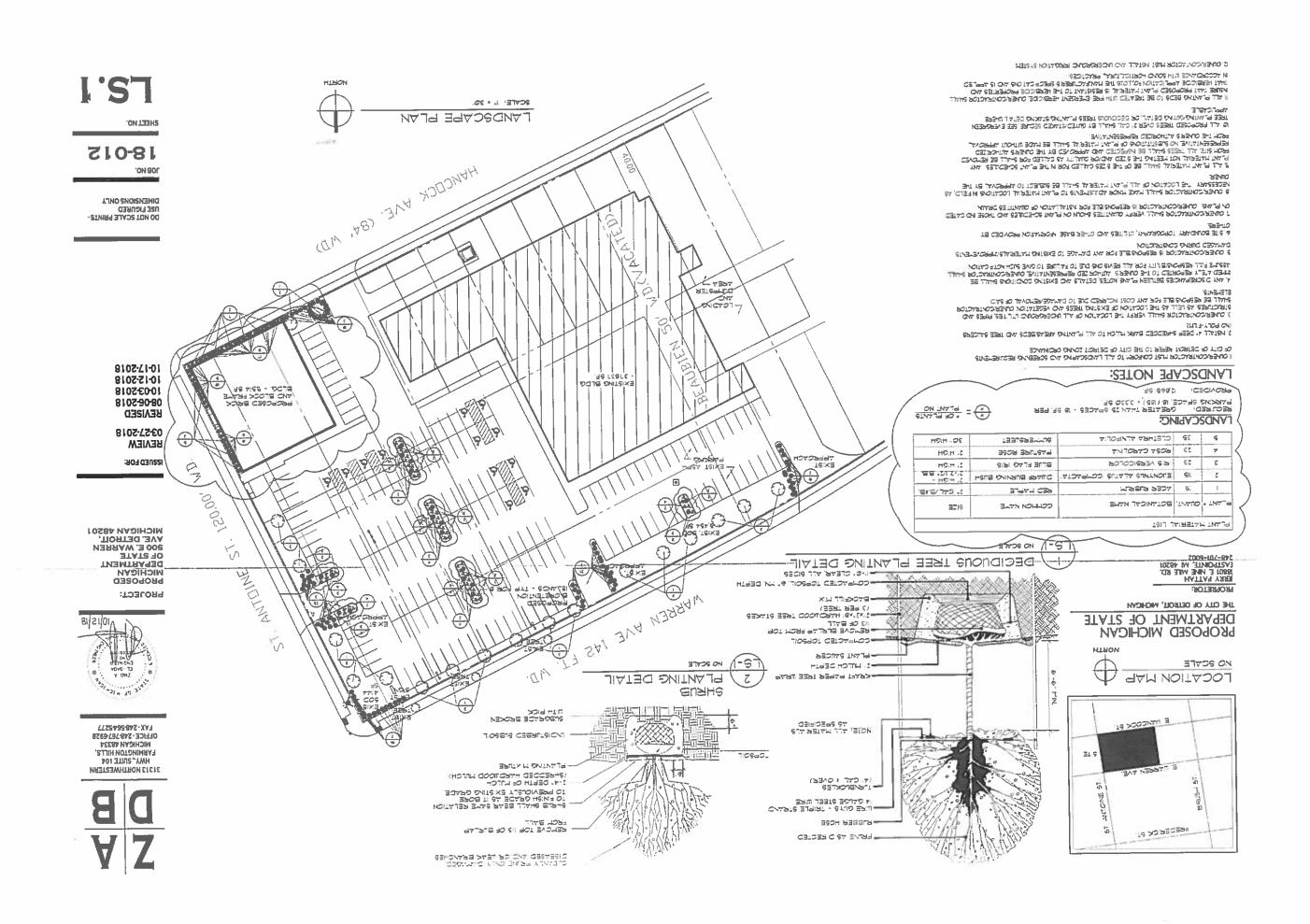
For additional information concerning this proposal or the scheduled hearing, please call 313-224-6225.













FAX - 248 564 5277 31313 NORTHWESTERN HWY, SUITE 10A MICHICAN 48334 OFFICE - 2487676928

PROJECT:

PROPOSED MICHIGEAT DEPARTMENT OF STATE SOO E. WERREN AVE. DETROIT, INICHIGEAU 48201

ISSUED FOR:

8102-72-60 **BEAIEM** 

10-12-2018 10-03-2018 08-06-2018 EEVISED

DIMENSIONS ONLY DO NOT SCALE PRINTS -USE FIGURED

18-012

SHEET NO.

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