

Alton James
Chairperson

Lauren Hood, MCD

Vice Chair/Secretary

City of Detroit

CITY PLANNING COMMISSION

208 Coleman A. Young Municipal Center

Detroit, Michigan 48226

Phone: (313) 224-6225 Fax: (313) 224-4336

e-mail: cpc@detroitmi.gov

Brenda Goss Andrews
David Esparza, AIA, LEED
Alton James
Gregory Pawlowski
Frederick E. Russell, Jr.
Angy Webb

March 15, 2019

HONORABLE CITY COUNCIL

RE: Request of Shamrock, LLC to approve site plans and elevations for an existing Planned Development (PD) zoning classification shown on Article XVII, District Map No. 4, of the 1984 Detroit City Code, Chapter 61, Zoning, for the development on residential property commonly referred to as 30 Alfred Street (**INFORMATIONAL REPORT NO ACTION REQUIRED**).

BACKGROUND

In 2000-2002, a development known as Crosswinds and also known as Woodward Place at Brush Park Town Homes were approved and developed on the site that currently exists just across from the Little Caesar's Arena in the Brush Park Historic District. The original plan spanned from Woodward on the west to Brush Street on the east and from the alley just north of Adelaide on the north to the Fisher Freeway on the south.

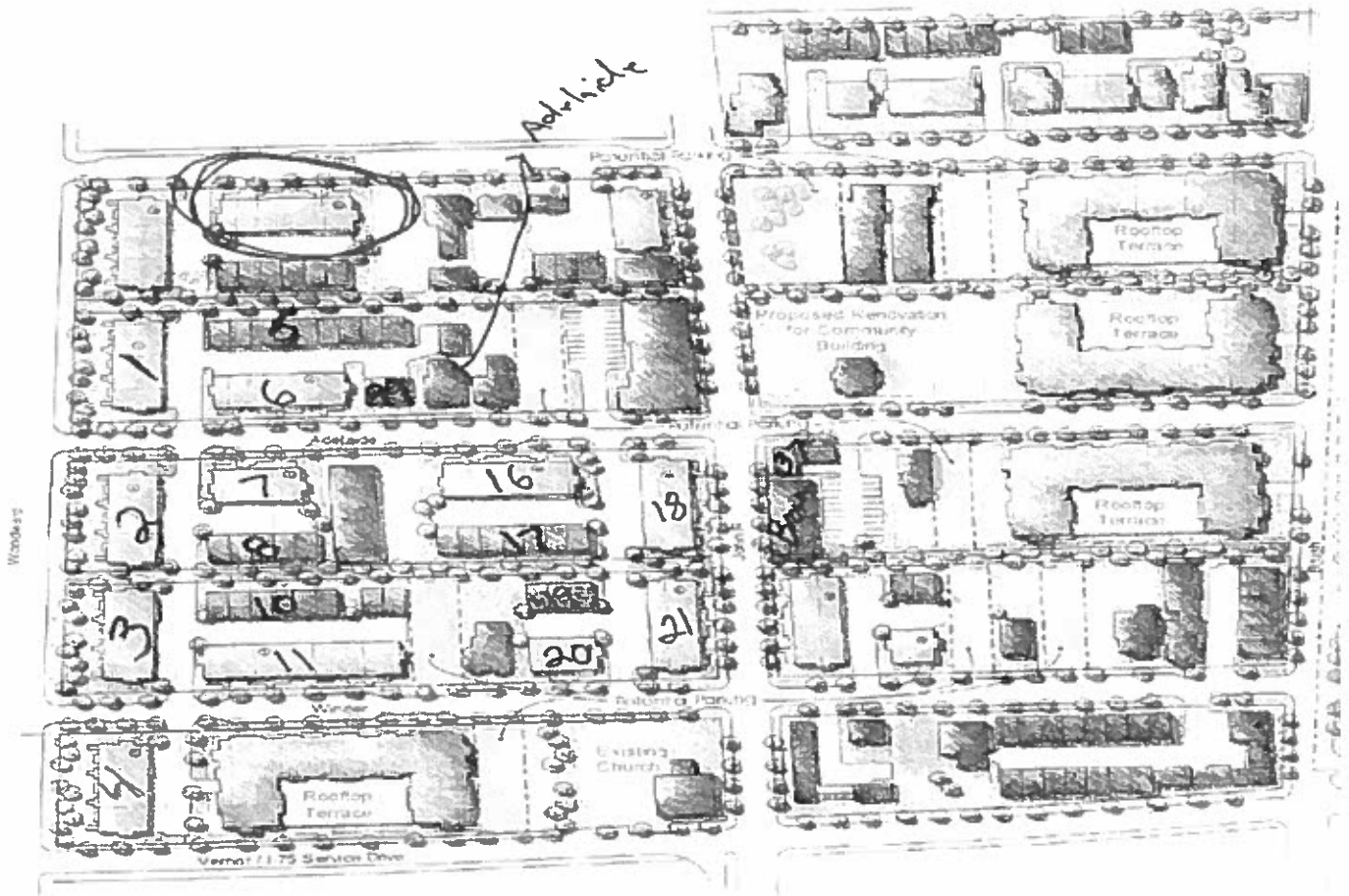
Only a portion of this plan came into a fruition and now exists as the Woodward Place at Brush Park townhomes which primarily lie between Woodward Avenue, Alfred Street, John R. Street, and the I-75 Fisher Freeway.

PROPOSAL

The proposal that is currently before Your Honorable Body is for plans to further fulfill the original master plan that was never fully completed due to market conditions and other factors of that time.

The developer for this project originally explored options for a new design for the townhome buildings, but eventually decided to keep to the originally approved drawings as the Woodward Place at Brush Park Condo Association has strongly requested the developer to maintain the current aesthetic.

The current proposal plans to build infill townhomes on Alfred Street between Woodward Avenue and John R. Street on a property that is currently vacant and exists as grassland. The project would be for 12 new townhomes in building 13 of the development. The project plans to replicate the same design of the rest of the townhomes that currently exist. Parking would be provided for each unit, in a garage that is incorporated on the ground-floor of the building.



Original proposed master plan of development

Historic District Criteria

In accordance with Chapter 25 of the Detroit Zoning Ordinance, the Historic District Commission (HDC), is tasked with reviewing development proposals to determine if the project is consistent with the historic district criteria and maintains the character of the designated area. HDC staff has communicated that this project has received a Certificate of Appropriateness for its original 2000-2002 design and that the original approval is still in good standing since the design being proposed remains the same.

PLANNING CONSIDERATIONS
Surrounding Zoning and Land Use

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

North: PD: Residential home and underutilized parcels

East: PD: Residential home

South: PD: Residential townhomes

West: PD: Residential townhomes

ANALYSIS

This project is generally in conformance with the Brush Park Third Modified Development plan

and is also in conformance with the PD District design criteria of Sec. 61-11-15 of the Zoning Ordinance.

In regard to criterion (b) which speaks to *scale, form, massing, and density* and also criterion (c) which speaks to *compatibility*; this project seeks to construct the same design of building as what is existing in the entirety of the Woodward Place at Brush development. While staff originally desired to see a design that takes into account the pedestrian realm and incorporates more appropriately scaled stoops and doors and front façade that is lowered. However, the building will complete the original project and design. The additional building will be compatible with the existing buildings thus meeting this criterion.

Criterion (e) mandates that *Parking and Loading* should allow for adequate vehicular off-street parking facilities. This project will have adequate parking onsite for each unit.

Since this project is generally consistent with the Third Modified Development plan and zoning provisions for the site, it qualifies for Site Plan Review and does not require a PD modification.

COMMUNITY INPUT

The Brush Park II Condo Association provided a letter to the developer providing support for this project and also alluding to possible legal action if the developer deviates from the original design for the buildings. The association is strongly in support that the design remain what the developer currently plans consistent with originally approved plans for the site.

The Brush Park CDC has submitted a letter supporting the plan being proposed while also providing commentary.

RECOMMENDATION

On March 7th, the City Planning Commission, after much debate over appropriateness of the old design, voted to approve the proposal of Shamrock, LLC with the following conditions:

1. That the developer work with the immediately adjacent community to minimize disruption to the neighborhood during construction and address impacts that may arise; and
2. 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.

This is an informational report of an action taken by CPC consistent with the original PD approval of this project. No further action is required by Your Honorable Body.

Respectfully submitted,



Marcell R. Todd, Jr., Director
Kimani Jeffrey, City Planner

Attachment:

- Resolution
- Location map
- Letters
- Elevations

Cc: Maurice Cox, Director, PDD
Arthur Jemison, Director, HRD
David Bell, Director, BSEED





234 Winder Street • Detroit, MI 48201 • www.BrushParkCDC.org • BrushParkCDC@Gmail.com

January 30, 2019

Shamrock Acquisitions, LLC
13910 Simone Drive
Shelby Township, MI 48315
Matthew Duffield
mduffield@shamrock-acq.com

Re: Brush Park CDC Response for Brush Park II - Building 13 (Alfred/Woodward)

Brush Park Community Development Corporation (the "CDC") forwards this letter to indicate our support for the Brush Park II - Building 13 (the "Project").

The Project was presented before the CDC and the Brush Park community at a public meeting held on Tuesday, January 15, 2019. Feedback from the community was mixed. Many residents expressed disappointment that a more modern design was not chosen for this project site. Residents also expressed concerns about the cheap materials that were used by Crosswinds, as evidenced by the current state of disrepair of several of the existing buildings. One member of the community who lives on Alfred Street stated that he was in favor of the design as it is more sympathetic to existing historic structures in the neighborhood. Your team explained to the community that the design of the building is being driven by the Brush Park II Condo Association, who own the rights to develop the project site and are insisting that the site be filled in with a design that mirrors the existing buildings in the condo association. You also expressed that while the project will look the same as existing structures, the quality of the materials for Building 13 will be better than those used for the existing structures.

Much consideration was given to the Project by the CDC Board. By a vote of 5 in favor, 2 objections and 1 abstention, the Board voted to support the Project. Please see Attachment A, which contains the opinions offered by the Board during the voting process for your consideration; please note, the opinions have no bearing on the Board's vote and are included for your information only.

We thank you for your commitment to Brush Park and making a positive impact in our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Karissa Holmes", is written over a faint, circular stamp or watermark.

Karissa Holmes, Secretary

Cc: City of Detroit Planning & Development

Attachment A: Poll Comments for "Crosswinds Building 13"

Below are the opinions submitted by CDC Board Members during the voting process for reference and consideration. Please note, the opinions have no bearing on the Board's final vote and are included for reference only.

Comment 1

I am not comfortable with the continuity of design that relates to the existing/adjacent properties..... Also, the quality of materials and privacy partitions between units.

Comment 2

This feels like a step backward for Brush Park. The sameness of Crosswinds is already a negative aspect and it contributes to the feeling that Crosswinds is its own neighborhood rather than part of a larger neighborhood; adding more of the same would only perpetuate these points. It would be cohesive to Crosswinds but not to the Brush Park neighborhood which offers variety, quality, and richness. I think the City and the developer could take the CDC's points back to the condo assoc. and find a compromise.

While I do not support this project as presented, the urban form is one acceptable component. However, one area of concern is the front stair which is such a large mass it feels like it should be considered part of the building and therefore is rather inconsistent with established setbacks of the existing historic home on the block to the east as well as the homes across the street.

Comment 3

I support the design of this project, echoing the support of the neighbors directly adjacent to this property, that this design is more in line with historic homes and existing condos completely encircling this property. I commend the developers on their promise to use higher quality materials and standards than the existing condos utilized at the time of their construction.

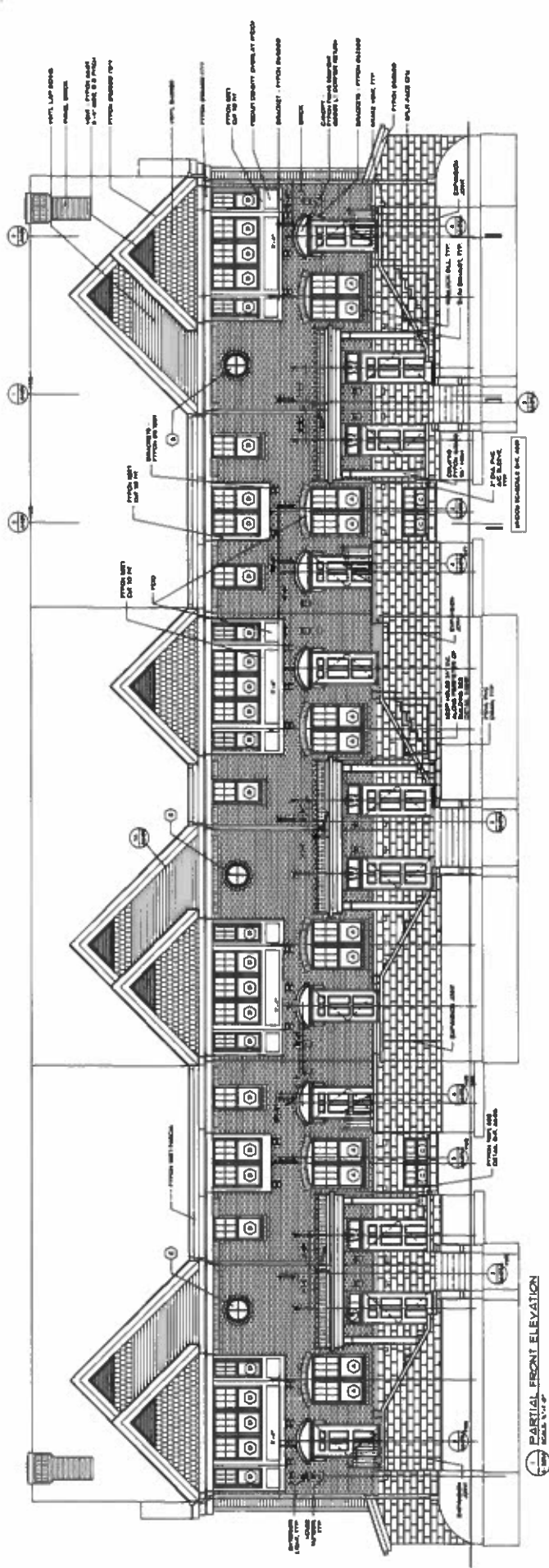
Comment 4

It would have been nice to have a letter from the condo association supporting the project and the design. But if what the developer says is true-- that the association will not allow variation in design from what was originally intended-- I do not think the CDC should interfere by suggesting a newer, fresher design. Sounds like an expensive legal rabbit hole...

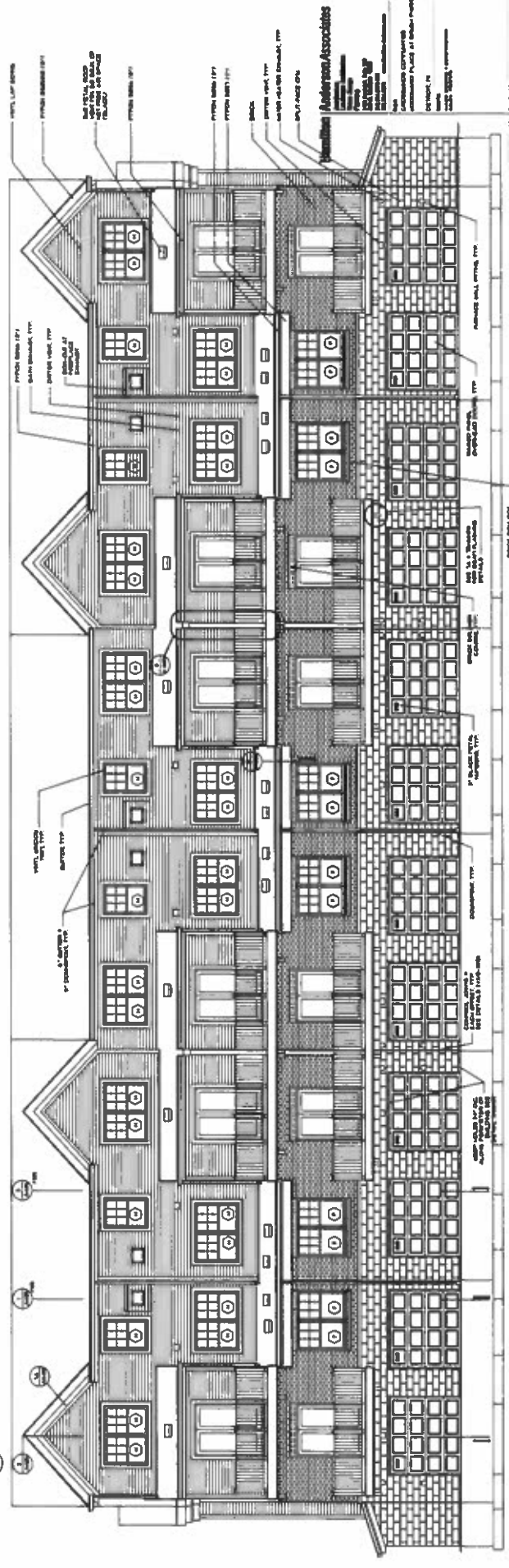
Comment 4

For cohesiveness of the Woodward Place development, I support continuing the same design. I am glad that the developer will use better materials to avoid the interior and exterior quality issues that are plaguing the current buildings and units.





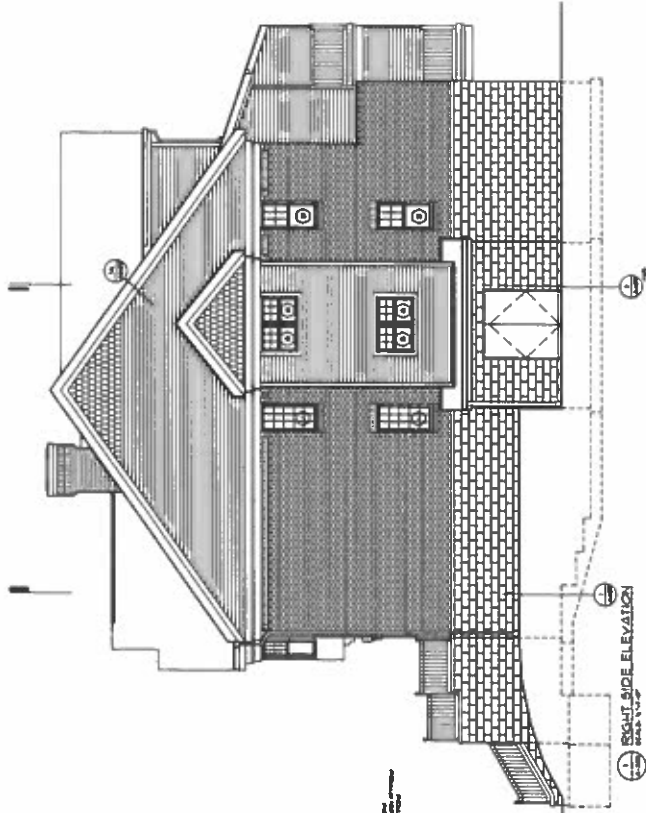
PARTIAL FRONT ELEVATION
SCALE 1/4" = 1'-0"



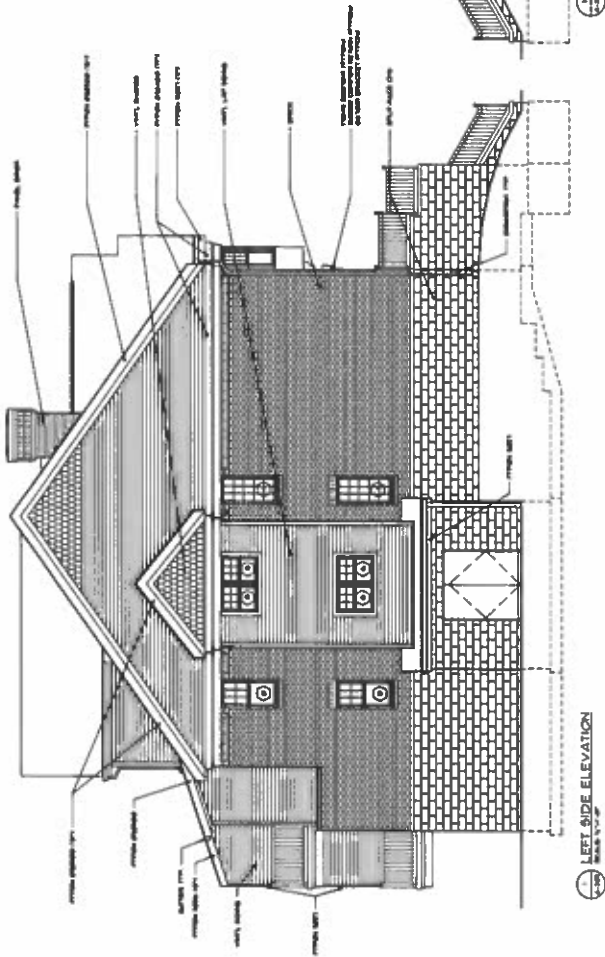
PARTIAL REAR ELEVATION
SCALE 1/4" = 1'-0"

Anderson Associates
 ARCHITECTS
 100 N. W. 10th St., Suite 100
 Miami, Florida 33136
 Phone: (305) 571-1111
 Fax: (305) 571-1112
 Website: www.anderson-associates.com

A-301



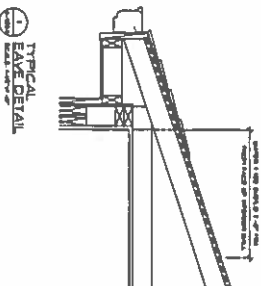
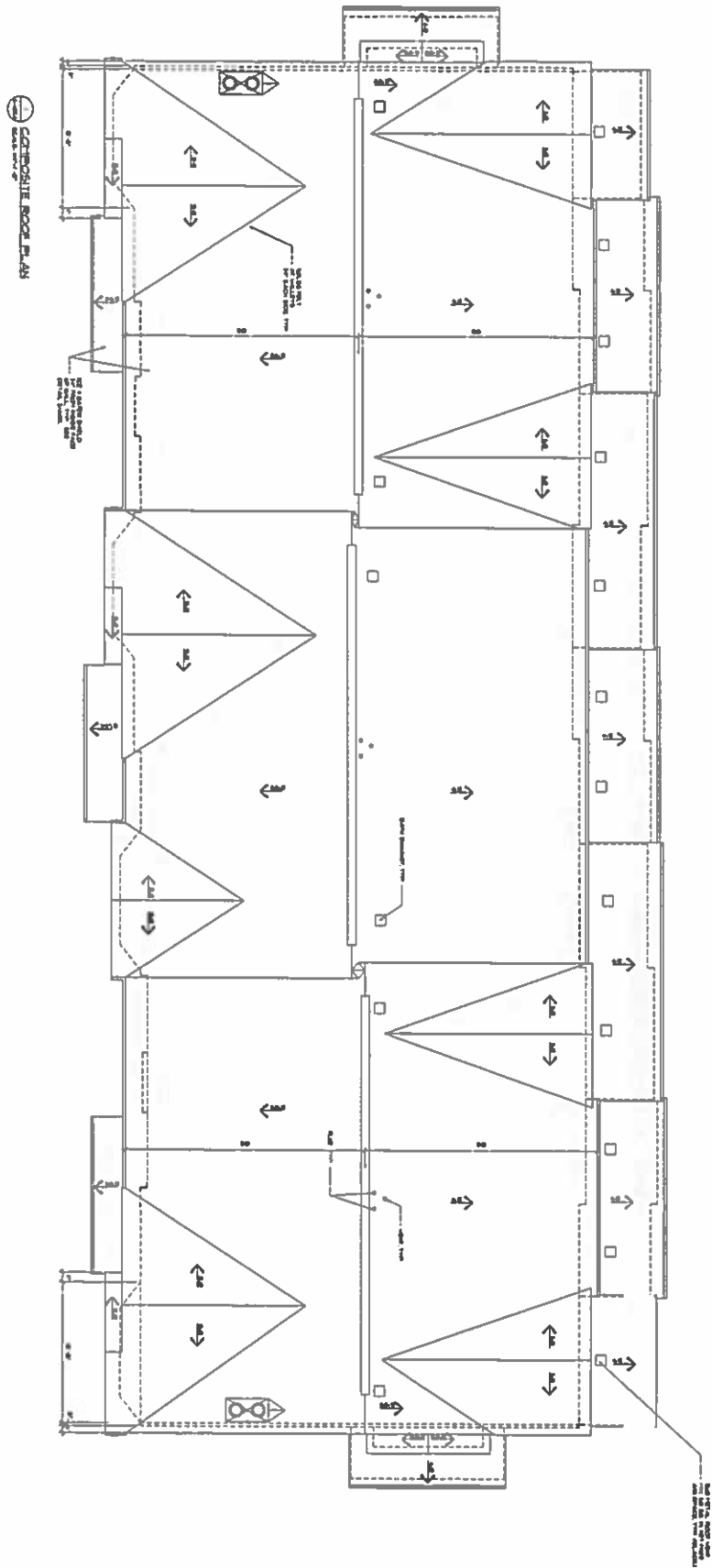
RIGHT SIDE ELEVATION
SCALE 1/4" = 1'-0"



LEFT SIDE ELEVATION
SCALE 1/4" = 1'-0"

Headlines Addressed Associates
 1000 N. 1st St.
 Suite 100
 Phoenix, AZ 85004
 Phone: (602) 254-1100
 Fax: (602) 254-1101
 Website: www.addressed.com
 Copyright © 2014 Addressed Associates
 All Rights Reserved

A-302

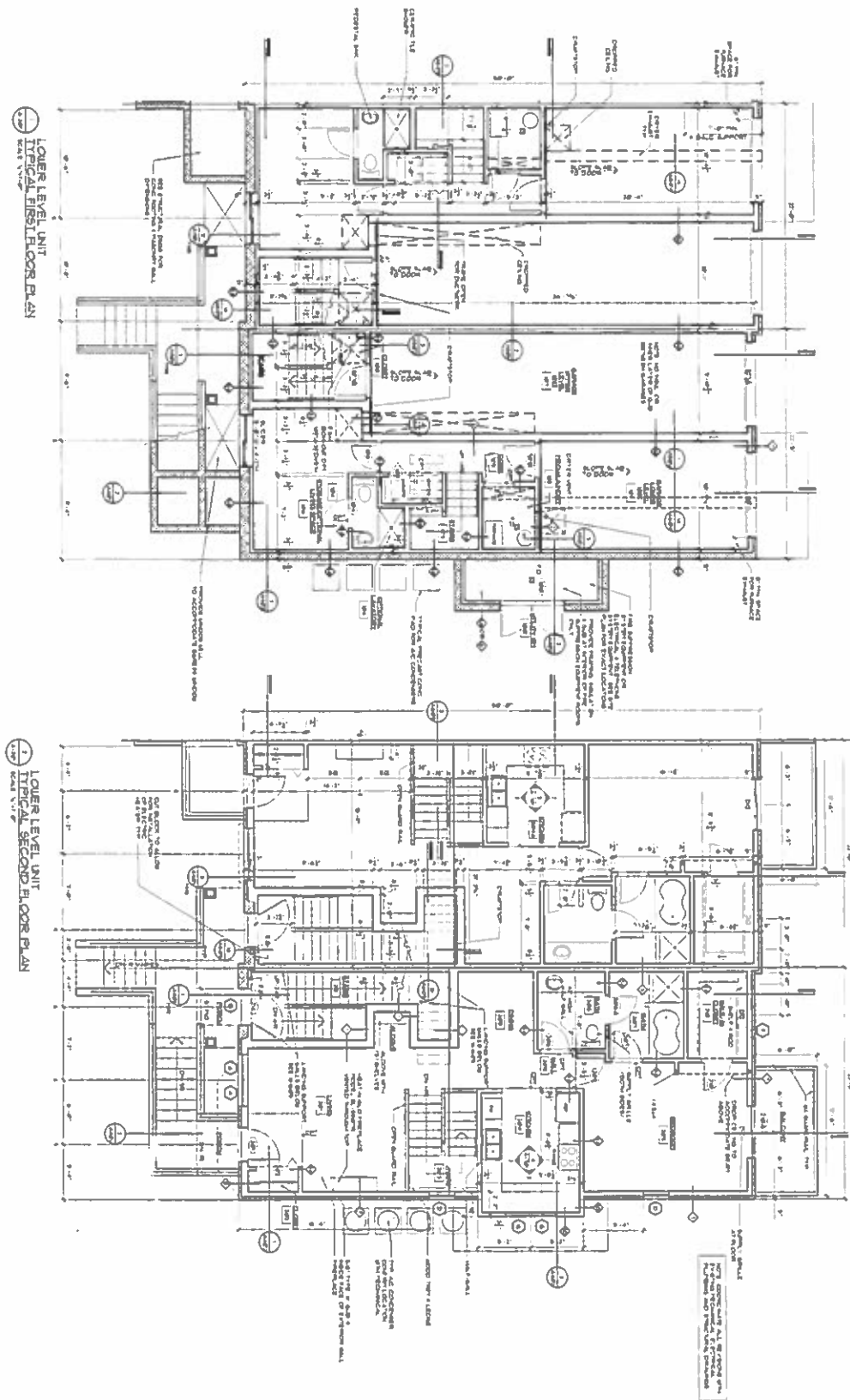


Hamden Industrial Associates

1000 Main Street
Hamden, CT 06430
Tel: (203) 283-1111
Fax: (203) 283-1112

ARCHITECT
 HENNINGSON & ASSOCIATES
 1000 Main Street
 Hamden, CT 06430
 Tel: (203) 283-1111
 Fax: (203) 283-1112

DATE 08/11/00
SCALE AS SHOWN
PROJECT HAMDEN INDUSTRIAL ASSOCIATES
NO. A-102A



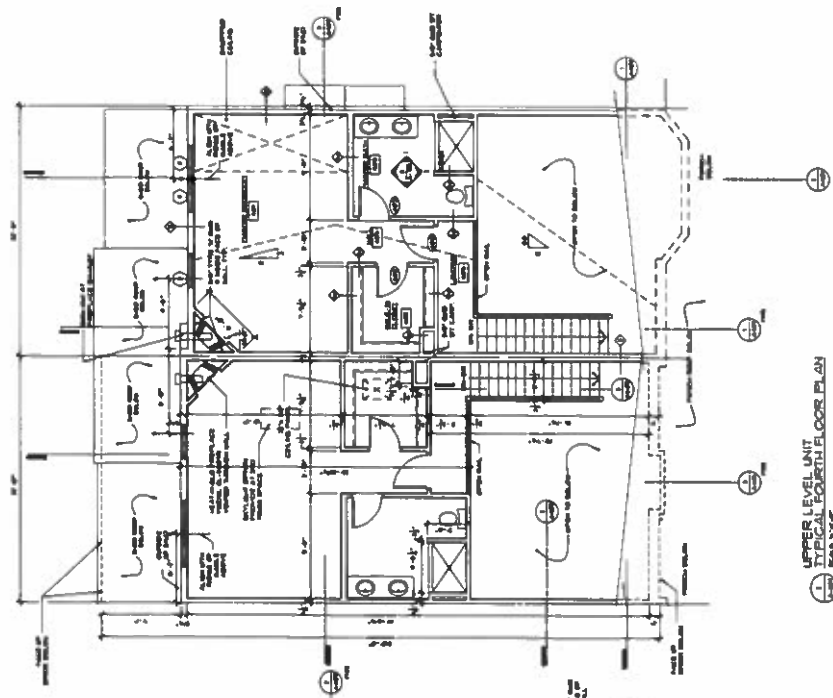
Autodesk

Autodesk Associates

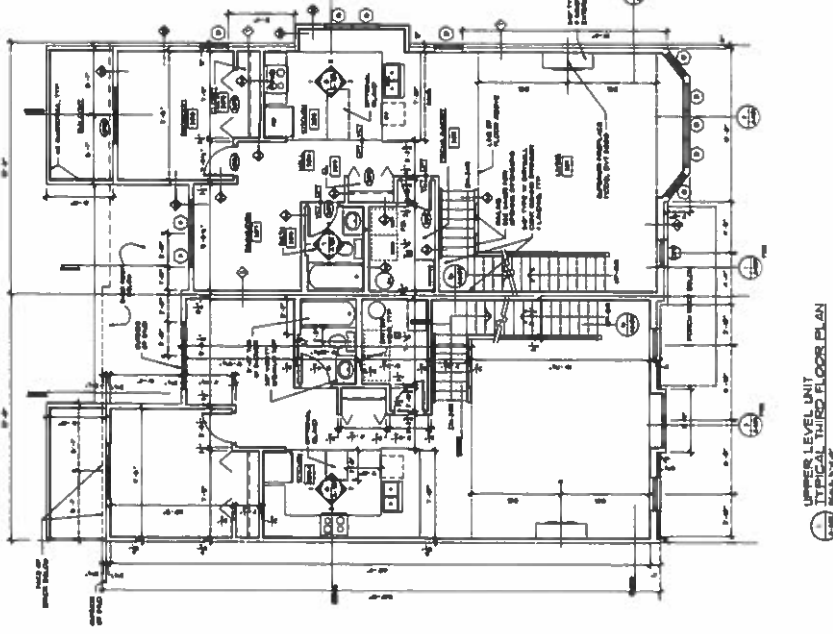
Project Information

NO.	DATE	DESCRIPTION
23228		REVISED
23228		REVISED
23228		REVISED

A-201

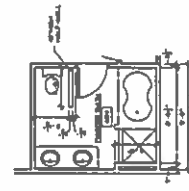


UPPER LEVEL UNIT
THIRD FLOOR PLAN
SCALE 1/4" = 1'-0"



UPPER LEVEL UNIT
FOURTH FLOOR PLAN
SCALE 1/4" = 1'-0"

NOTES:
1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS INDICATED OTHERWISE.
2. ALL DIMENSIONS TO FACE UNLESS INDICATED OTHERWISE.
3. ALL DIMENSIONS TO FACE UNLESS INDICATED OTHERWISE.
4. ALL DIMENSIONS TO FACE UNLESS INDICATED OTHERWISE.



UPPER LEVEL UNIT
OPTIONAL PARTIAL FOURTH FLOOR PLAN
SCALE 1/4" = 1'-0"

Headlines | **Anderson Associates**
 1000 ...
 2000 ...
 3000 ...
 4000 ...
 5000 ...
 6000 ...
 7000 ...
 8000 ...
 9000 ...
 10000 ...

A-202

Woodward Place@ Brush Park

Phase II ● ● ●

January 14, 2019

Shamrock Acquisitions, LLC
Attention: Matthew B. Duffield/Principal
13910 Simone Drive
Shelby Township, MI 48315

Dear Mr. Duffield (Matt):

The Board of Directors understands that you are currently in discussions with the City for approval of building plans. As you know, the Association has an Agreement with Shamrock Acquisitions, LLC for Shamrock to complete construction of Building 13 within the Woodward Place at Brush Park II Condominium. Under that agreement, Shamrock is required to construct Building 13 and install landscaping "in substantial compliance with the Condominium Documents." The Association reiterates here its desire to see Building 13 completed as provided in the recorded Subdivision Plan so that the Condominium as a whole can be finished.

As you are aware, the Master Deed for the Condominium contains specific building plans, previously approved by the relevant government authorities when the Condominium was formed, all as required by law. The Master Deed itself thus controls what exactly can be built within the Condominium. We, of course, understand that building codes may have been updated since the original Subdivision Plans were approved, but otherwise the Association desires and expects that Building 13 will conform aesthetically with the entirety of the existing buildings in this Condominium, and as specifically shown in the recorded Subdivision Plans. To the extent the City demands material changes to the Subdivision Plans (excepting changes to conform to building code updates), they should be advised that those plans cannot be changed without the 66.6% approval of all Co-owners in the Condominium, as any such deviations from the existing building plans would require an amendment to the Association's Master Deed.

The Board is happy to meet with you and the City and, in coordination with the Association's legal counsel, to discuss the Association's legal and aesthetic expectations. We certainly do look forward to completion of development and welcoming new neighbors. Completion of construction has been a long time coming. If I or the Board can be of any assistance in moving the process along, please do not hesitate to ask.

Sincerely,



Gail L. Phillips
President of the Woodward Place at Brush Park II Association

Chris Peresky, Vice President
Paul Wilcox, Treasurer
Harriette Moore, Board Member
Ledian Dibra, Board Member

James Bondy

Subject:

RE: Brush Park II response to request to change building 13

Requested Response - Building 13 Update

Good Morning Matt,

After consulting with our attorney, our view of the situation is as follows:

There are two main reasons the Condominium Documents do not allow Shamrock to deviate from the already existing and recorded site plans. First and foremost is the Agreement between the Association and Shamrock. Under that Agreement, the term "Building 13 Units" has a specific definition, which is the **"General Common Element building designated on Replat No. 2 of the Condominium Subdivision Plan as 'Building 13' . . . , together with and containing units 43 through 54, inclusive."** The Agreement at paragraph 6 says that "Shamrock shall promptly commence to develop and construct Building 13 and the Building 13 Units. . . ." Because "Building 13" and "Building 13 Units" are terms defined in the Agreement with specific reference to Replat No. 2, that is what Shamrock must build--the building and units as shown in the recorded Replat No. 2, nothing else. If Shamrock tried to amend the Master Deed and record an updated site plan, that would be Replat No. 3, and that would not be what the Association and Shamrock agreed would be built. Moreover, it is clear from our negotiations that the parties intended that what gets built is what was originally planned. Though we are happy to work with Shamrock, we do have to say that if Shamrock were to attempt to deviate from the recorded site plans, the Association would view that as a breach of contract and would likely sue. Of course, we do not expect that to happen and do not want to fight at all, but if people are asking Shamrock why it cannot modify its site plans, a simple answer is that there is a binding contract in place to build the building and units shown on the recorded site plan, and any deviation from that would likely lead to a lawsuit.

Aside from the Agreement, however, Shamrock was not assigned the "*Developer*" rights by the original developer as provided by Master Deed, Article XII, and thus Shamrock is not the "*Developer*" as that term is used in the Master Deed. While Shamrock is a "*successor developer*" under the Condominium Act, nothing in the act says that a person who becomes a successor developer also succeeds to the developer's retained rights under a master deed. Simply put, there is only one business that has the "*Developer*" rights under the Master Deed, and that is Charter Oak Homes, Inc., the original developer. Being a mere successor in title to developer units is not enough because if that were true, then anyone who bought a unit from the Developer at any time would *also* be the Developer, which is absurd. In short, without a recorded assignment of developer rights from Charter Oak Homes to Shamrock, Shamrock is not the Developer under the Master Deed. But even if Shamrock were properly assigned Developer rights, it also agreed, in the Agreement, to build Building 13 and its Units as shown on the recorded Replat No. 2, so it would have waived its ability to deviate from the building plans shown on Replat No. 2.

On behalf of the Board of Phase II of Woodward Place @ Brush Park – we hopes this helps and allows you to proceed forward.

Regards
Gail