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Gregory Pawlowski
Frederick E. Russell, Jr.
Angy Webb

**City Planning Commission Regular Meeting
June 20, 2019**

MINUTES

I. Opening

- A. Call to Order – The meeting was called to order by Chairperson James at 5:14 pm
- B. Roll Call – Marcell Todd, Executive Director, CPC

Attendees: Andrews, Esparza, James, Pawlowski, Russell, Ellis and Webb
Excused: Whitmore

- C. Amendments to and approval of agenda

Commissioner Andrews motioned to approve the agenda; seconded by Commissioner Webb.

II. Minutes

- A. Minutes (minutes for past meetings will be provided for review at subsequent meeting)

Arthur Jemison, Chief of Services and Infrastructure, Mayor's Office, speaking on behalf of the administration, expressed support relative to the two (2) requests before the Commission for PD (Planned Development) modifications which will allow for the building and operation of permanent support housing for the homeless. The administration will continue to work with these facilities to assure compliance with all regulations and monitoring

III. Public Hearings and Presentations

- A. **5:15 PM PUBLIC HEARING** – to consider the proposal of Henry Ford Health Systems to amend Article XVII, District Map No. 7 of the 1984 Detroit City Code, Chapter 61, Zoning, by showing a PD (Planned Development District) zoning classification where a R3 (Low Density Residential) zoning classification currently exists on 26 parcels of land generally bounded by Pallister Street, John C. Lodge Freeway, Seward Street and Poe Street

Jamie Murphy, CPC staff provided a summary of report submitted June 14, 2019 relative to request of Henry Ford Health Systems to amend Article XVII, District Map No. 7 by showing a PD (Planned Development District) zoning classification where a R3 (Low

Density Residential) zoning classification exists on land generally bounded by Pallister Street, John C. Lodge Freeway, Seward Street and Poe. Street. The site is currently a surface parking lot. The developer proposes to build and operate a new parking structure, consisting of seven (7) levels; accommodating approximately 2,121 vehicles. The northern portion of the building would step down one story adjacent to the existing houses on Seward Street and house the hospital's shuttle busses.

The subject site is located within the Rosa Parks area of Neighborhood Cluster 6 of the Detroit Master Plan of Polices. The Future Land Use map for this area shows "Institutional" and "Low-Medium Density Residential" for the subject property. The Planning and Development Department is drafting a formal master plan interpretation.

Commissioner Ellis made request that Henry Ford Health System representatives identify goals relative to labor inclusion. Representative to provide details relative to specific numbers.

Commissioner Russell commented on adherence to community outreach schedule.

Commissioner Andrews questioned if an alternative site had been considered.

Chairperson James requested additional community outreach; further investigation relative to proposed installation of storm sewer trenches and the impact to neighboring residents; provide specific security measures; provide data on the potential effect of ambient lighting of residential property abutting the proposed parking garage.

Commissioner Webb charged CPC staff with providing assistance with researching associations, block clubs and churches in surrounding area to assist in the expansion of community outreach.

Commissioner Ellis requested information regarding the necessity of employees parking closer to hospital.

Petitioner intends to make a broader effort to reach more of the community to understand their concerns and provide information regarding the proposal. Flyers handout similar to public comment; address snow removal and possible traffic redirection; parking structure should eliminate neighborhood street parking. Not sure of ways to alleviate other problems. A traffic study was commissioned; study did not indicate that the proposed parking garage would generate additional traffic.

Public Comments

Joanne Adams – Against Robert Mitchell - Against
Charemon Brooks – Against
Ruth Bell – Against

The proposal will return at future meeting for recommendation and action.

- B. 6:15 PM PUBLIC HEARING** - to consider request of Fusco, Shaffer & Pappas, Inc. (Petition No. 642) on behalf of its client, NSO Properties, to amend Article XVII, District Map 12 of the 1984 Detroit City Code, Chapter 61, Zoning by modifying the existing PD (Planned Development District) zoning classification established by Ordinance No. 12-17 on land bounded by Mack Avenue to the north, Ellery Street to the east, Ludden Street to the south, and Elmwood Avenue to the west.

George Etheridge, CPC staff, provided a summary of report submitted June 14, 2019 relative to request of Fusco, Shaffer & Pappas, Inc., on behalf of NSO Properties to amend Article XVII, District Map 12, modifying the existing PD (Planned Development District) zoning classification of land bounded by Mack Avenue, Ellery Street, Ludden Street and Elmwood Avenue. The proposed modification would allow for the development of an emergency shelter and supportive services for the City's homeless population. The shelter will complement the transitional housing facility under construction at the west end of the same site.

The PD (Planned Development), originally approved in 2017 under Ordinance 12-17, allowed for the development of a single, three story structure which would house transitional housings units, an emergency shelter and supportive services for the homeless. Due to construction costs that affected project financing, a minor modification was granted, allowing for the construction of a two-story facility, providing forty-two (42) units of permanent supportive housing for the homeless.

The current proposed modification before the Commission would allow for the construction of a one-story facility containing fifty-six cots. The NSO/Clay Service Center will provide substance abuse/mental health treatment, health care services, education, crisis intervention and referral services.

Public Comment

Jewel Ware, Vice Chair Pro Tempore, Wayne County Commissioner – Expressed full support for the proposal

Staff Recommendation

The proposed facility, in conjunction with residential structure currently under construction represent a smaller and now bifurcated but complete version of what was authorized under Ordinance 12-17. The change in character and configuration are significant enough to warrant a major modification. Predicted upon previous findings, staff concludes that the proposed PD modification meets the approval criteria and recommends approval with the following condition:

Prior to making application for applicable permits, final site plans, elevations, landscaping, lighting and signage shall be submitted to the City Planning Commission staff for review and approval for consistency with the plans approved

by the City Council.

Commissioner Russell motioned to accept staff recommendation for approval; seconded by Commissioner Ellis. Motion approved.

- A. **7:00 PM PUBLIC DISCUSSION** – to consider the request of Detroit Entertainment, L.L.C. d/b/a Motor City Casino for approval of a modification to the previously approved development proposal for a casino complex in the SD5 (Special Development District, Casinos) zoning classification in order to allow for the addition of 700 new parking spaces via the construction of an eight (8) story expansion at the east end of the existing parking deck erected on the property bounded by Elm, Brooklyn, Temple and Trumbull.

Marcell Todd, Executive Director, CPC staff, provided an overview of the report submitted June 19, 2019 relative to request of Detroit Entertainment LLC d/b/a Motor City Casino for a modification to the previously approved development proposal for a casino complex in the SD5 (Special Development District, Casinos) zoning classification.

The proposed request will allow for the construction of an eight (8) level parking deck expansion at the east end of the existing parking deck along Brooklyn between Temple and Elm Street. The facility will occupy the vehicular parking and circulation space north of the primary valet parking entrance. The parking deck will provide seven hundred (700) new parking spaces; pedestrian and vehicular connectivity to the existing deck; offer a second pedestrian bridge over Brooklyn to the third level of the casino; LED interior lighting to match existing facilities; park assist vehicle count system; WiFi to work with autonomous vehicles; height sensor to protect against damage from oversized vehicles; and a license plate recognition system.

The City of Detroit's Master Plan of Policies shows SC (Special Commercial Residential) as the future land use for the subject property. The Master Plan was amended to allow for the temporary facility in 1999. The proposed zoning appears to comply with the current Master Plan of Policies. The project is generally in conformance with the PD District design criteria of Section 61-11-15 of the Zoning Ordinance; the Planning and Development Department conducted a review and concurs with the City Planning Commission staff findings.

Maurice Cox, Director of Planning and Development Department expressed concern regarding the mass and scale of the proposed deck, which is fully exposed due to the alignment of Brooklyn Street and the larger surface parking lot that fronts Grand River along the parcel immediately north of the casino. A determination to apply graphics to some portion of the façade would serve to break up the mass, reduce the scale of the deck, and present a more appealing view to a passerby. The amount of coverage on the façade is to be determined.

Public Comments

Michael Salenra – Against
Brian Moore – Against
James Sobolewski – Against
Jerry S. Cowin - Against

This item is scheduled to come back to the Commission on July 18, 2019.

IV. Unfinished Business

Consideration of the request of Pogoda Companies to amend Article XVII, District Map No. 40 of the 1984 Detroit City Code, Chapter 61, Zoning, by showing a B4 (General Business District) zoning classification where an M4 (Intensive Industrial District) zoning classification and an R5 (Major Business District) zoning classification currently exists on property at 15999 Joy Road and a portion of 15801 Joy Road, generally located on the south side of Joy Road east of St. Mary's Street containing 3.34 acres.

Chris Gulock, CPC staff provided a summary review of report submitted June 14, 2019, relative to request of Pogoda Companies to rezone 15999 Joy Road and a portion of 15801 Joy Road from an R5 (Medium Density Residential) and an M4 (Intensive Industrial) zoning classification to a B4 (General Business District) zoning classification.

Pogoda Companies is proposing to purchase the subject four (4) acres and construct a self-storage development with freestanding units, including climate controlled and standard units in a drive up configuration. The subject property is located within the larger community area known as Cody Rouge Community Action Alliance, which is generally bounded by I-96 on the north, Greenfield Road on the east, Ford Road on the south, and Rouge Park on the west.

During the public hearing, held May 16, 2019, the administrator and four (4) residents of St. Martha's expressed opposition, citing traffic, noise, lighting, visual impacts and neighborhood security concerns.

Staff Recommendation

CPC staff recommends denial of the request of the Pogoda Companies based on the public hearing and analysis and review of Section 61-3-80 criteria of the Zoning Ordinance; B4 uses present too many potential conflicts with existing development and the pattern of development along this segment of the Joy Road corridor.

Commissioner Esparza motioned to accept staff recommendation of denial; and directed staff to work with developer to find a more appropriate location for self-storage development and explore potential residential development on subject property; seconded by Commissioner Webb. Motion approved.

- B.** Consideration of text amendment that would amend Chapter 61 of the 1984 Detroit City Code, *Zoning*, by amending Article XII, *Use Regulations*, relative to short-term rentals, for consistency with Chapter 9, *Buildings and Building Regulations*, Article I, *Detroit Property Maintenance Code*, Division 3, *Requirements for Rental Property*, Subdivision C, *Short term Rentals*, of the 1984 Detroit City Code by adding Sec. 61-12-375 and by amending Sec. 61-12-392.
- C.** Consideration of proposed ordinance to amend Chapter 9 of the 1984 Detroit City Code, *Buildings and Building Regulations*, Article I, *Detroit Property Maintenance Code*, Division 3, *Requirements for Rental Property*, by adding Subdivision C, *Short Term Rentals*, to include Sections 9-1-100.1 through 9-1-100.14, to define terms; to create a registration process; to require submission of an affidavit and an application fee; to set criteria for the application process; to establish general provisions for operations of short term rentals; to establish requirements for short term rental platforms; to provide for enforcement for failure to comply with the requirements set forth in this ordinance, and to provide an appeal process.

Both ordinances must be taken up by City Council in order to effect the proposed new procedures and regulations relative to short-term rentals.

Council Member Janee Ayers, sponsor of the ordinance; Marcell Todd, Executive Director, CPC; Kathryn Underwood, CPC staff and Mary Parisien, Law Department provided summary updates of discussions regarding pending amendments to Chapter 61, Article XII, *Use Regulations*, relative to short-term rentals and Chapter 9, *Buildings and Building Regulations*, Article I, *Detroit Property Maintenance Code*, Division 3, *Requirements for Rental Property*, Subdivision C, *Short term Rentals*.

Staff Recommendation

CPC staff recommends approval of the Chapter 61 and Chapter 9 ordinances with the following modifications:

Deletion of Section 61-12-375 in the Chapter 61 Zoning amendment relative to **accessory uses**.

Staff concurred with Law Department original requirement for two (2) documents to corroborate residency and add a subsection Sec, 9-1-100.4(b)(2)(b)(6) to include utility bill *with a person's name and address on it* as one of the documents showing owner's address

(Required identification: motor vehicle registration, driver's license, state identification, utility bill, current tax documentation and W-2.)

Staff concurred with Law Department requiring short-term rental applications to provide total number of **parking** spaces required per unit; if applicant lives in area where **parking** permits are required, indicate how many permits or passes are available.

BSEED should be allowed to promulgate the rules and logistics of **renewals**

Expand Section 9-1-100.8(g) (1) to require notification of **neighborhood association** as well as neighbors within 300 feet of a short term rental and its local contact

Commissioner Andrews – Requested a list of short term rentals in each neighborhood be provided to the neighborhood association, block club, etc. the Department of Neighborhoods was suggested as an avenue for assisting in the provision of information relative to short term rentals approved in their neighborhood.

Expand Section 9-1-100.10(c) to require the registration certificate holder to **notify** not only BSEED but also the neighbors within 300 feet of the change of “local contact.”

Commissioner Webb motioned to adopt staff recommendations with amendments; seconded by Commissioner Pawlowski. Motion approved.

- D.** Consideration of the request of Fusco Shaffer & Pappas Architects on behalf of the Pope Francis Center to amend Article XVII, District Map 13, of the 1984 Detroit City Code Chapter 61, ‘Zoning’ by showing a PD (Planned Development) zoning classification where R3 (Low Density Residential) and B6 (General Services) zoning classifications currently exist on one parcel commonly identified as 3769 East Canfield.

Jamie Murphy, CPC staff, provided a summary of report submitted on June 18, 2019 relative to the request of the Pope Francis Center to rezone the parcel commonly known as 3769 East Canfield from a R3 (Low Density Residential and B6 (General Services) zoning classification to a PD (Planned Development) zoning classification.

The Pope Francis Center proposes to build and operate a bridge housing facility to Detroit’s homeless community. The proposed development would include forty (40) studio apartment units, a cafeteria, gymnasium, library, classrooms and a health clinic. An outdoor secure shelter area will be included for individuals who wish to remain outdoors. The health clinic and gymnasium will be open for community use.

The subject site is located within the Middle East Central area of Neighborhood Cluster 4 of the Detroit Master Plan of Policies, generally bounded by Garfield Street to the north, Mt. Elliott to the east, East Canfield to the south and Ellery Street to the west. The Future Land Use map for this area shows “Institutional” for the subject property. The Planning and Development Department has determined that the proposed map amendment conforms to the master plan.

Staff Recommendation

Based on analysis of eight (8) approval criteria listed in Section 61-3-80 of the zoning ordinance, CPC staff recommends approval of the map amendment with the following standard conditions:

1. That the applicant work with the adjacent community to minimize disruption to the neighborhood during construction and to address any impacts on an ongoing basis.
2. That final plans, elevations, lighting, landscape and signage plans be submitted to the staff of the City Planning Commission for review and approval prior to submitting applications for applicable permits.

Commissioner Esparza motioned to accept staff recommendation for approval with conditions; seconded by Commissioner Andrews. Motion approved 4-2 (Commissioners Ellis and Webb – Against)

V. New Business - None

VI. Committee Reports - None

VII. Staff Report - None

VIII. Communications - None

IX. Public Comment

Jeannette Collins - Against Pope Frances Center
Turner Jackson, Jr. – Against Pope Frances Center
Martha Calloway – Against Pope Frances Center
Sandra Studvent – Against Pope Frances Center

X. Adjournment - The meeting adjourned at 10:40 p.m.