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Vice Chair/Secretary  
  
Marcell R. Todd Jr.  
Director

**City of Detroit**  
**CITY PLANNING COMMISSION**  
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Brenda Goss Andrews  
Lisa Whitmore Davis  
Damion W. Ellis  
David Esparza, AIA, LEED  
Gregory Pawlowski  
Frederick E. Russell, Jr.  
Angy Webb

**City Planning Commission Regular Meeting  
June 6, 2019**

**MINUTES**

**I. Opening**

- A. Call to Order - The meeting was called to order by Chairperson James at 5:23 pm.
- B. Roll Call -- Marcell Todd, Executive Director, CPC

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

- C. Amendments to and approval of agenda

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

**II. Minutes**

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

**III. Public Hearings and Presentations**

- A. **PUBLIC HEARING** to consider a 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
- B. **PUBLIC DISCUSSION** to consider 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.

Rory Bolger, CPC staff member, provided a review of the proposed amendments to Chapter

61 of the 1984 Detroit City Code, Zoning, Article XIII. Mary Parisien, from the City of Detroit Law Department, provided a review of the proposed amendments to 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.

In 2017, the City Planning Commission took up the Fifth General Text Amendment. Per a request from the Boston-Edison Association, CPC addressed the provision relative to “*home occupation*”. This provision clarified that an Airbnb-type use (short-term rental) could not be established under the guise of “*home occupation*”, consistent with the spirit of the long established prohibition of bed and breakfast inns on land zoned R1 and R2. The enactment of Ordinance No. 37-17 caused public confusion and negative reactions from the short-term rental industry. The City Administration deferred enforcement of the new zoning provision pending development of a more comprehensive treatment of the matter. The State Legislature may consider amending the State Enabling Act that would preempt municipalities from regulating short-term rentals in their zoning ordinances. The proposed citywide regulations will be included in the Property Maintenance Code of Chapter 9 dealing with rentals rather than Chapter 61, Zoning.

The Law Department has drafted and revised the proposed amendment, sponsored by Council Member Janee Ayers. Key provisions of Chapter 9 “Short term rentals” ordinance include:

- *Definitions of terms.* Among them, “short term rental,” “means” an rental of a dwelling unit, or rooming unit in exchange for compensation or other consideration, as residential accommodations for at least one night, but no more than 90 cumulative days of the year” (Sec. 9-1-100.2).
- *Residency requirements.* Any property used as a short-term rental must be owner’s principal residence (Sec. 9-1-100.3)
- *Registration requirements:* Any short-term rental must be registered with the Buildings, Safety Engineering, and Environmental Department (BSEED) (Sec. 9-1-100.4)
- *Spacing between short-term rentals:* A short term rental will not be registered if located within 1,000 feet (measured linearly) of another short term rental; BSEED has limited discretion to relax the 1,000-foot spacing (Sec. 9-1-100.4(d))
- *Limitation on groups:* A host may not rent to more than one group of guests under more than one reservation at any given time (Sec. 9-1-100.8(b)).
- *Limitation on number:* Not more than ten people may be accommodated at one time (Sec. 9-1-100.8 (d)).
- *Limitation on rentals per year:* A short-term rental unit may not be rented more than 90 days per calendar year (Sec. 9-1-100.8(e)).

- *Certificate*: The short-term rental must post its certificate of registration in a conspicuous place on the property and provide it in electronic format to all guests (Sec. 9-1-100.8(f)).
- *Notification of neighbors*: Within 30 days of registration, a short term rental host must notify neighboring dwelling units within 300 feet of the property's approval for short term rentals and provide the phone number of the rental's local contact person (Sec. 9-1-100.8(g)(1)).
- *Violations and enforcement*: BSEED is responsible for enforcement of the ordinance; violations are subject to issuance of a blight violations; violators may be removed from the rental registry (Sec. 9-1-100.13).
- *Denials and appeals*: Where an applicant is denied registration or where BSEED determines a registration should be removed, the applicant is entitled to a hearing (sec. 9-1-100.14).

*Both ordinances must be taken up by City Council in order to effect the proposed new procedures and regulations relative to short-term rentals. It was allowable for the Commission to combine the public hearing and public discussion in order to consider public comment germane to both ordinances coincidentally.*

### **Commission Concerns**

Commissioner Andrews: In relation to proof of residency, Commissioner Andrews proposed three (3) instead of two (2) pieces of documentation establishing residency. Community Associations should receive notification of registered short-term rentals in their community.

Commissioner Pawlowski – Questioned Building, Safety Engineering and Environmental Department's (BSEED) inability to conduct inspections on potential short-term rentals due to manpower deficiencies. Concerned with timeline relative to approval of amendment to Chapter 9 and review. Concerned with lifting the ban by striking current language in zoning ordinance and Commission's ability to make further recommendations regarding short-term rentals; consideration of all options, compliance, platforms complying data relative to cities and the number of short-term rentals; review process. Service fees used to increase number of inspectors, compliance officers and designated contact line. Concern of 1000 feet restrictions relative to number of short-term rentals allowed in neighborhoods.

Commissioner Esparza: Expressed concern relative to the 1,000 feet distance restrictions between short-term rentals. How does the pending regulations compare with other cities? What about Carriage Houses? How does the city plan to address the existing short-term rentals?

### **Public Comments**

**Alex Perira** – operates three (3) Airbnb; additional revenue generated in city from Airbnb customers; in favor of regulations; concerned with 90-day rule limit; limits on additional units; submitted petitioner relative to changing restrictions. **Support**

**Anna Ferranit, Assistant Ombudsman, City of Detroit** – supports citizens affected by short-term rentals; received complaints.

**Timca- Willis – Boston/Edison Resident** – complained about nuisance; disturbance in neighborhood; no longer a home; neighbor purchased residence from land bank; does not live in home; no supervision. **Against**

**Byron Osbourne: Block Club President – Atkinson** – supports requirement for residency of owners; business owners need to respect full time residents/neighborhoods. **Against**

**Jane Slaughter – Hubbard Farms resident**; operates short-term rental; rethink 1000 feet restriction. **Support**

**Alex DeCamp** – **Supports** Airbnb; city needs to be more progressive in relation to impact of R1 zones

**Eric Hill – Boston/Edison Resident** – admits to problems with Airbnb; lower 1000 feet restriction; 90-day limit allows every weekend; limit days of week to allow permanent residents time to enjoy home during weekends. **Support**

**Mark Hoerauf – Rezone Ambassador** – Slow down process, city appears to be sprinting toward change.

**William Nuse** – Need more discussion regarding multi/single homes; registration fee should be more than \$250, will allow for inspections prior to approval; lower 1000 feet restriction. **Support**

**Shannah Sheffield** – Concerned with the first come first served policy in regards to the 1000 feet restriction; BSEED needs to inspect prior to approval; fee should be increased. **Support**

**Alan Sheffield – Boston/Edison** –Need clarity relative to multi-family use; 1000 feet reduced, do not penalize good people for doing good things; home ownership should fix the problems in the neighborhoods; inspections needed; fees increased. **Support**

**Ingrid Branch** – Atkinson Resident – policy needs major tweaking; background checks; concerned about people coming into these homes lives on Atkinson; concerned about property on Atkinson.

**Melba Moss – Boston/Edison Resident** – Not aware there was an Airbnb in neighborhood; has nowhere to park when she comes home; concerned for her safety; grass not maintained; trash containers left out all week; clients of Airbnb park in residents driveways/handicap spots. **Against.**

Mary Parisen, Law Department, questioned the term of “accessory use” in the amended language for Chapter 61. She indicating that accessory use within the zoning ordinance conflicts with the purpose for removing the current restricted language in the zoning ordinance regarding short-term rentals.

*Chair James: Based on consensus of Commissioners in attendance, staff was directed to present this item, with recommendations, on June 20, 2019 and to do further investigation on determination of parking requirements; 1000 feet radius and how it impacts neighborhoods based on timeline of construction and lot sizes. Commissioner Ellis requested consideration for specific rules as it relates to discretionary and social economic locations throughout the City. Commissioner Pawlowski directed staff to contact short-term platforms to determine areas within the city with concentrations of short-term rentals.*

- C. **PUBLIC HEARING** – to consider 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 May 31, 2019 relative to the request of the Pope Francis Center. The Pope Francis Center proposed to build and operate a bridge housing facility to serve Detroit’s homeless community at this site. The proposed development would include 40 studio apartment units, a cafeteria, gymnasium, library, classrooms and a health clinic. An outdoor secure shelter area will be included for those who wish to remain outdoors. The clinic and gymnasium will be open for community use. The proposed site plan provides adequate landscape buffering for adjacent property. Substantial setbacks and landscaping are proposed adjacent to the residentially zoned area to the south and west.

Melia Howard, the District 5 Neighborhood Manager, assisted the applicant in contacting nearby residents, business and churches. Initial contact was made by door knocking in the neighborhood; follow-up was by postcard, email and door hangers.

The subject site is located within the Middle East Central area of Neighborhood Cluster 4 of the Detroit Master Plan of Polices. The Future Land Use map for this area shows, “Institutional” for subject property. The Planning and Development is drafting a formal master plan interpretation.

This proposal is subject to the approval of eight approval criteria for a map amendment listed in Section 61-3-80 of the zoning ordinance and as a PD District, the approval of criteria in Section 61-3-96.

*Chairperson James requested additional community engagement; item to come back before Commission on June 20, 2019.*

### **Public Comments**

**Mondaline McCall – Against**

**Dee Snyder – Against**  
**J. E. McCall – Support**  
**Sandra Studvent – Against**  
**Wednesday – Against**  
**Tim Nutt – Support**  
**Maibryn McCall – Against**  
**Jai – Against**  
**Kevin Jones – Support**  
**Pamela McGhee – Support**

- A. **INFORMATIONAL PRESENTAION** - Request of Brush Park Properties, LLC in partnership with 112 Edmund LLC on behalf of Terranovus Development to modify the provisions of an existing PD-H (Planned Development-Historic) zoning district on Article XVII, District Map 4 of the 1984 Detroit City Code, Chapter 61, Zoning, to allow for two mixed-use buildings which will include office, retail, commercial and residential space; additionally, to construct a parking structure with retail and commercial space on property commonly known as 2827 John R. Street, 112 Edmund Place and 105 Alfred Street.

Kimani Jeffrey provided an update of report submitted June 6, 2019 relative to request of Brush Park Properties, LLC to modify the provisions of an existing PD-H (Planned Development-Historic) zoning district for two mixed-use buildings, which will include commercial and residential space. The City Planning Commission approved this item on June 7, 2018; the initial proposal included properties commonly known as 2827 John R. Street, 112 Edmund Place and 105 Alfred Street.

This proposal is for 112 Edmund Place, a mixed-use residential building at the intersection of John R Street and Edmund Place in Brush Park. The ground floor will house parking and the above floors will include thirty-six (36) residential units that will range from 639 to 1,294 square feet.

**Commissioner Esparza motioned for reaffirmation of original approval, supporting update and enhancements; seconded by Commissioner Goss-Andrews.**

*(Commissioner Ellis voted to accept motion of updates, noting he was not a member of the commission when proposal was originally approved.)*

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

- B. Consideration of the request of Parkstone Development Partners on behalf of Wilbur Block, LLC to amend District Map No. 7 of the Detroit Zoning Ordinance to show a SD2 (Special Development District, Mixed Use) zoning classification where a M4 (Intensive Industrial District) zoning classification is currently shown for the properties generally bounded by Baltimore Avenue on the north, the Lodge Expressway on the east, Holden Avenue on the south, and Lincoln Avenue on the west and more commonly known as 6302, 6310, 6320 Lincoln and 1262, 1240 and 1234 Wilbur Street.

**The developer requested a postponement and will present further information on June 20, 2019.**

- C. Consideration of the request of the Detroit Riverfront Conservancy to amend District Map No. 1 of the Detroit Zoning Ordinance to show a PR (Parks and Recreation District) zoning classification where a PCA (Public Center Adjacent District) zoning classification is currently shown for the properties generally bounded by Jefferson W. Avenue on the north, Cabacier extended on the east, the Detroit River on the south, and Rosa Parks extended on the west and more commonly known as 1801 W. Jefferson Ave.

Kimani Jeffrey provided a summary update of a report submitted on June 4, 2019 regarding the request of the Detroit Riverfront Conservancy. The Detroit Riverfront Conservancy proposes to amend District Map 1 of the Detroit Zoning Ordinance to show a PR (Parks and Recreation District) zoning classification where a PCA (Public Center Adjacent District) zoning classification is currently shown, for the land commonly known as 1801 West Jefferson Avenue.

This proposal for a map amendment is subject to the following criteria listed in Section 61-3-80 of the Zoning Ordinance: (1), (2), (3), (5), (6), (7), and (8). The site is located within the Central Business District area of Neighborhood Cluster 4 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows both Recreation (PRC) and Mixed-Residential Commercial (MRC) for the subject property. A future Master Plan amendment will be suitable to reinforce the nature of the proposal. A portion of the subject property is designated as recreation, but the remainder of land is designated as Mixed-Residential Commercial (MRC) space. A determination from the Planning and Development Department is forthcoming.

**Staff Recommendation**

Staff finds the requested amendment in line with the spirit and intent of the PR (Parks and Recreation District) zoning classification. In recognition of the proposed design and intended programming, commercial recreation should also be authorized for the site.

**Commissioner Esparza motioned to accept staff recommendation; seconded by Commissioner Pawlowski. Motion approved.**

**V. New Business - None**

**VI. Committee Reports - None**

**VII. Staff Report - Suspended**

**VIII. Communications - None**

**IX. Public Comment - None**

**X. Adjournment – Meeting adjourned at 10:15 p.m.**