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Vice Chair/Secretary

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Gregory Pawlowski  
Frederick E. Russell, Jr.  
Angy Webb  
Henry Williams

**City Planning Commission**  
**Regular Meeting**  
**January 9, 2020**

**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, Director called the roll. A quorum was present.

**Attendees: James, Andrews, Hood, Ellis, Esparza, Pawlowski, Russell, Webb and Williams**

- C. Amendments to and approval of agenda

**Commissioner Webb motioned to approve the agenda with amendments; seconded by Vice Chair/Secretary. Motion approved.**

**II. Minutes**

- A. Meeting minutes of October 17, 2019, November 7, 2019 and November 21, 2019

**Commissioner Hood motioned to approve the minutes of October 17, 2019 and November 21, 2019; seconded by Commissioner Pawlowski. Motion approved.**

The meeting minutes of the November 7, 2019 will be presented for approval at a later date.

**III. Public Hearings and Presentations**

- A. **CONTINUED PUBLIC HEARING** – to consider a proposed text amendment to the Detroit Zoning Ordinance, Chapter 50 of the 2019 Detroit City Code, to delete regulations relative to on-premises business signs, off-premises advertising signs, directional signs and temporary signs, consistent with a companion ordinance to consolidate most sign regulations in Chapter 4 of the 2019 Detroit City Code, *Advertising and Signs*.

Rory Bolger, CPC staff, provided a summary update relative to the proposed text amendment.

Chairman James noted Council Member Benson's attendance.

### **Public Comments**

Norman Thrasher, Thrasher & Thrasher – concerned with the 7,000 acres set aside for billboard; would he be allowed to erect a billboard sign; only African American sign installer since 2008; believes he is being put out of business; a lot of garage owners getting hustled; if you are related to them you can put up a sign; feels this is unfair practice.

Sue Mosey – concerned only with the impact on Midtown; Midtown unique situation due to the amount of character and civic assets in the area. She appreciated the 125 ft. buffer; considers that an improvement. Also, appreciates that the buffer requirement includes parks and schools. Churches in the area, designated and non-designated should be considered. She is very concerned about the institutional campuses in the area; requests consideration for them, specifically in certain locations, Warren, Mack, St. Antoine, etc. which are considered gateways. Also, expressed concern with advertisement in those areas. Vacant lots should also be considered; concerned that they can be monetized carrying costs, promoting speculation.

Mr. Arking, Law Department, did note spacing requirements of 500 ft. measuring linear from schools – can be included in discussion.

### **Item to return for consideration after CPC staff receives final draft ordinance from the Law Department.**

## **IV. Unfinished Business**

- A. Consideration of the request of Henry Ford Health Systems to amend Article XVII, District Map 7 of the 2019 Detroit City Code Chapter 50, 'Zoning' by showing a PD (Planned Development) zoning classification where an R3 (Low Density Residential) zoning classification currently exists on 26 parcels generally bounded by Pallister Street, John C. Lodge Freeway, Seward Street and Poe Street.

### **Item removed per petitioner's request.**

- B. Consideration of the request from Morton Manor Limited Dividend Housing Corp., LLC to rezone 20000 Dequindre from an R2 (Two-Family Residential) to an R3 (Low Density Residential) zoning classification to bring the existing use into compliance with the Zoning Ordinance.

Chris Gulock, CPC staff, provided an updated status report regarding rezoning request of Morton Manor Limited Dividend Housing Corporation.

Morton Manor Apartments, is an eight story, 150 unit building. The R2 zoning district allows multiple-family dwellings as a conditional use, with no more than eight (8) units. In 1981, the Board of Zoning Appeals granted a use variance to allow construction in the R2 zoning district. Morton Manor LDHC, LLC is proposing to purchase, upon approval of the zoning amendment, and renovate the building utilizing

low income housing tax credits and Michigan State Housing Development Authority (MSHDA) gap financing. In order to qualify for the financing, MSHDA is requiring that the current use comply with zoning. The apartment building is 100% occupied; the petitioner proposes to relocate the residents during the renovations.

The City Planning Commission held a public hearing December 5, 2019 regarding the proposed rezoning request. During the hearing the Commission asked for specific details relative to the renovations and the relocations. The petitioner indicated that the development team had extensive experience with renovating occupied senior buildings. Tenants would be relocated for 2-3 weeks on site if possible or off-site with relatives or nearby hotels. The Commission asked for assurances that the building would remain affordable in the future. The petitioner provided a residential transition and relocation plan and a restrictive covenant requiring the property to remain affordable for a period of forty (40) years after completion of the renovations. CPC staff found that the request meet the eight (8) approval criteria found in Section 50-3-80.

### **Staff Recommendation**

Based on analysis and the approval criteria of Section 50-3-80 of the Zoning Ordinance, staff recommends approval.

**Commissioner Esparza motioned to accept staff's recommendation for approval; seconded by Vice Chair/Secretary Hood. Motion was approved 8-0**

- C. Consideration of the request of Jerry Pattah, Timothy Pattah and Rodney Gappy to amend Article XVII, District Map 65 of the Detroit Zoning Ordinance (Chapter 61 of the 1984 Detroit City Code) by modifying the existing PD (Planned Development District) zoning classification established by Ordinance No. 04-94 and later modified by Ordinance No, 30-03, which includes the parcel commonly identified as 7910-7990 W. Outer Drive and is generally bounded by Thatcher Avenue to the north, Harlow Avenue, extended to the east, W. Outer Drive to the south and Southfield Freeway north service drive to the west.

George Etheridge, CPC staff, provided a review and recommendation relative to the initial request to modify an existing PD (Planned Development District) zoning classification which includes the parcel commonly identified as 7910-7900 W. Outer Drive to allow for the establishment of two-sided monopole digital billboard, measuring 70 feet in height with a total of approximately 1,363 additional square feet of signage. The sign is proposed to have a sign face of 672 square feet (14'x48'). The proposed digital billboard is anticipated to function as an on-premise business sign and an off-premise advertising sign.

A statutory public hearing on the subject PD modification was held on August 1, 2019; there have been on-going discussions relative to the appropriateness and the permissibility of the proposed installation. On August 2, 2019, per the Commission's request, staff submitted a memorandum to the Law Department requesting their opinion relative to three pertinent questions. The Law Department returned a formal response to these questions.

1. Can the CPC dismiss, or alternatively indefinitely table, an applicant's petition because the subject matter of the petition is not ripe for consideration by the CPC?

*If CPC determines that a petition is not ripe, whether in support or opposition, it may dismiss the petition or table the petition for a reasonable time. However, CPC cannot indefinitely table a petition.*

2. Is it correct that even if the terms for the College Park Commons PD District are modified to accommodate the sign, it could not be permitted if not in compliance with applicable non-zoning sign regulations set forth in Chapter 4 of the City Code?

*Even if the terms of the PD are modified to accommodate the sign for the purposes of zoning regulations in Chapter 50; the sign could only be permitted if it is also in compliance with applicable police powers regulations per Chapter 4. The zoning approval will not relieve the obligation to comply with any applied Chapter 4 regulations.*

3. If the petition is revised to request operation of the sign solely for off-premise purposes, and the revised petition is ultimately approved, could the sign then display on-premise messages related to businesses located at the College Park Commons? And if so, would the sign be subject to applicable business signage regulations under Chapter 4 of the City Code?

*If the petition was amended allowing for the sign to operate for off-premise advertising purpose, it is not subject to the regulations in Chapter 4 for on-premise business signage; operating the sign for on-premise purposes would constitute a zoning violation for non-compliance with the zoning approval for the sign.*

### **Staff Recommendation**

*CPC staff indicated that given the applicant's deficiencies as outlined above, this request is contrary to the spirit and intent of the authorizing ordinance, which established this development in a primarily residential neighborhood. Given the proposed development's inconsistencies with the regulatory setback requirements of Chapter 50 pertaining to billboards and their proximity to schools, as well as, to freeways, and traveled right-of-ways, and the proposed excess height and square footage of the proposed billboard, it is staff determination that this request for the major modification of the PD should be denied.*

**Commissioner Williams motioned to accept staff's recommendation for denial; seconded by Commissioner Andrews. Motion was approved; Commissioner Ellis**

**voted no.**

*Commissioner Ellis requested notification relative to scheduled presentation of this item before City Council.*

- D.** Special District Review of PCA (Public Center Adjacent) zoned property at 561 E. Jefferson Avenue, for the proposed demolition of an existing structure (the former Detroit Department of Administrative Hearings Building) and the redevelopment of the site as a surface parking lot.

George Etheridge, CPC staff, provided a summary of report submitted January 8, 2020 relative to request for a PCA (Public Center Adjacent) Special District Review of exterior changes and demolition of 561 Jefferson Avenue. Mary C. McCormick of CM Partners Architects for special district review for proposed demolition of 561 W. Jefferson to establish a surface parking lot.

The building is owned by William & Associates Title Agency, Inc. The property identified as a two-story commercial building, has been vacant for fifteen (15) years. The vacant building has fallen into disrepair as the result of transient populations utilizing the property without authorization. Initially, the property owner submitted an application to the Buildings, Safety Engineering and Environmental Department (BSEED) for demolition in 2016. The property is zoned PCA and required review and recommendation of CPC and PDD. Three additional permits were applied for during the past three years. The property has sustained significant damage; an expert analysis will be needed to determine structural integrity.

*Commissioner Andrews expressed her concern relative to the condition of the building and the ability to rehabilitate the building. Wanted to know the history of this building. What was done to prevent trespassing; appears owner did not do anything to preserve this asset.*

Mary McCormick indicated that the building has been secured, steel doors on the front and back; homeless found their way into the building through metal grate; owners have surveillance on the building and a good relationship with the police department. Owner owns the historic property to the west and it has been damaged as well. Cost prohibited to bring back to life and a healthy revenue stream is not possible.

*Commissioner Pawlowski concerned about the timeline, how quickly will you repair the other two properties after you demolish this building and build a parking lot; agrees with Commissioner Andrews, recommends better surveillance.*

Ms. McCormick stated that as soon as building is demolished, the historic property will be repaired and a tenant base is being assembled.

*Commissioner Ellis questioned how the property was marketed; indicated that there are potential investors who could market the building; not confident that a building in this location did not have value and that a parcel of this size and location could not be marketed.*

*Commissioner Hood expressed concern regarding the condition of the adjacent property; how can owner ensure that what happened to this building will not happen to the other property; requested a timeline for that and check in on a schedule.*

Ms. McCormick indicated that the historic property is relatively intact, the owner is working on repair, plans to develop the property.

Ms. Cato, property owner, confirmed that the homeless have been removed several times; with assistance from the police. The church has asked if the homeless could sleep in the building. There is an alarm system and a guard is sleeping inside. The property cannot be insured; who is responsible if someone is injured in the building. The church has stated that they are building a new shelter in a different location. Other property owners in the area have same problems. She has been complaining for the past four (4) years.

*Commissioner Williams understands the property owner's concerns; very tasking on a property owner in the City. We know that insurance companies will not insure these properties if they are vacant. Lack of insurance is a liability issue; after fifteen (15) years of putting money into a building is a problem. We would hate to see any building demolished but how long do we hold a property owner hostage.*

*Commissioner Russell questioned the ownership of the buildings to the west; are those buildings vacant. How many property owners are in this area? Is demolishing that building going to alleviate the problem? The problem is that there is a population there that needs shelter.*

Mr. Vigliotti, property owner of several properties in the City, indicated that this area is unique because of the church providing assistance to the homeless who harass the tenants; the police department is inundated with this problem. The homeless are driving people away.

### **Staff Recommendation**

*While not fully compliant with City policies or desired practices, CPC staff finds the proposed project to be acceptable in light of the circumstances. We would prefer the structure remain and the property owner seek to weather the storm until a tenant is found. However, we recommend approval of the proposed alteration to the site. We also find that the proposal would not adversely affect the value of adjacent properties. Staff also recommends that the City revisit and revise as appropriate policies and regulations corresponding to the retention and preservation of such structures as well as the priority, siting and design of parking facilities in order to affirm the City's position and expectations.*

**Commissioner Russell motioned to accept staff recommendation; seconded by Commissioner Pawlowski. Motion approved. 4-3 (Opposed: Esparza, Andrews and Ellis)**

*Vice Chair/Secretary Hood left prior to vote.*

- E.** Consideration of the proposed amendment to Chapter 50 of the 2019 Detroit City Code, Zoning, modifying the provisions for Traditional Main Street Overlay areas.

An amendment to Chapter 50 of 2019 Detroit City Code, Zoning, modifying the provisions for Traditional Main Street Overlay areas in order to:

- Establish the Van Dyke Street Traditional Main Street Overlay Area (TMSO) between E. 7 Mile and E. 8 Mile Roads
- Allow outdoor eating areas as a matter of right when in the front of the buildings in the B2, B3 and B4 zoning classification when located in a TMSO
- To establish the conditions under which parking waivers can be approved in the Van Dyke TMSO and
- To revise design standards in Traditional Main Street Overlay Areas to apply to the proposed Van Dyke TMSO

Rory Bolger, CPC staff and Greg Moots, PDD staff, provided a summary of report submitted January 9, 2020 relative to the proposed amendment to Chapter 50.

During the December 5, 2019 statutory public hearing regarding the proposed Van Dyke/Traditional Main Street Overlay amendment to the Zoning Ordinance, the CPC staff was directed by the Commission to meet further with businesses and the community to explain and review the draft ordinance. On January 8, 2020, staff members from CPC and PDD met with citizens at the Lipke Park and at the offices of the Nortown Community Development Corporation. A PowerPoint presentation detailing the amendment of the TMSO and the four provisions that would apply to Van Dyke Avenue between E. Seven Mile and E. Eight Mile Roads was given.

### **Staff Recommendation**

*CPC staff finds that the one-mile stretch of Van Dyke between Seven and Eight Mile Roads is a good candidate for the proposed design standards that come with the TMSO designation. Four (4) out of nineteen (19) standards apply to the Van Dyke TMSO. Support for these standards seems to be broad and the mood in the community is optimistic over the area's current improvement and future development. CPC staff further finds that the proposed ordinance satisfies the text amendment approval criteria specified in Section 50-3-13 through 50-3-5 and recommends approval of the proposed text amendment.*

**Commissioner Russell motioned to accept staff's recommendation for approval;**

**seconded by Vice Chair Hood. The motion approved 8-1. Commissioner Pawlowski voted no, noting his concern relative to the impact on the medical and recreational marijuana businesses.**

**V. New Business - None**

**VI. Committee Reports - None**

**VII. Staff Report** - The following items were distributed: Parliamentary Procedure Cheat Sheet; Master Plan Letter from the Planning and Development Department – status/intention for Master Plan

**VIII. Communications** - Commissioner Webb announced the Cody Rouge Yearly Fundraiser, February 8, 2020

**IX. Public Comment – None**

**X. Adjournment** - The meeting was adjourned at 8:18 pm.