

Alton James  
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Vice Chair/Secretary

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Director

**City of Detroit**  
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Damion W. Ellis  
David Esparza, AIA, LEED  
Gregory Pawlowski  
Frederick E. Russell, Jr.  
Angy Webb

**City Planning Commission**  
**Regular Meeting**  
**March 5, 2020**  
**Bel Air Luxury Cinema**  
**10100 E. 8 Mile Rd., Detroit, MI 48234**

**I. Opening**

- A. Call to Order – The meeting was called to order by Chairperson James at 5:42 pm.
- B. Roll Call - Marcell Todd, Director called the roll. A quorum was present.

**Attendees: James, Andrews, Esparza, Pawlowski, Russell and Webbs**

**Excused: Ellis, Hood and Williams**

- C. Amendments to and approval of agenda

**Commissioner Pawlowski motioned to approve the agenda with amendments; seconded by Commissioner Russell. Motion approved.**

**II. Minutes**

- A. Meeting minutes of January 23, 2020 and February 6, 2020.

**Commissioner Esparza motioned to bring the minutes for January 23, 2020 and February 6, 2020 back for approval at the next meeting; Commissioner Pawlowski seconded. Motion approved.**

**Chairperson James acknowledged Council Member Benson attendance at the meeting.**

**III. Public Hearings and Presentations**

- A. **PUBLIC HEARING** – to consider the request of the Detroit Planning and Development Department to amend Article XVII, District Map No. 1 of the 2019 Detroit City Code, Chapter 50, Zoning, by showing a B5 (Major Business District)

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zoning classification where a PC (Public Center District) zoning classification currently exists on five parcels, commonly identified as a portion of 25, 27, 29, 31, and 33 Washington Blvd., generally bounded by W. Jefferson Avenue to the north, Washington Blvd. to the east, the Detroit River to the south, Third Street to the west.

George Etheridge, CPC staff, provided a summary of report submitted March 2, 2020 regarding request from the Detroit Planning Department to rezone the former Joe Louis Arena Site to a B5 (Major Business District) zoning classification where a PC (Public Center District) zoning classification. The subject parcels are currently under the ownership of the Sterling Group, who acquired the property through an agreement with Financial Guaranty Insurance Corporation (FGIC), a New York based City lender. The Sterling Group purchased certain development rights from the City of Detroit in 2019.

The subject site is located within the Central Business District Area of Neighborhood Cluster 4 of the Detroit Master Plan of Polices. The Future Land Use map for this area shows “Special Commercial” for the subject properties.

The proposed B5 zoning classification would permit eighty-seven (87) by-right public, civic, institutional, retail, service, commercial, manufacturing, industrial and other use. The most intensive uses in the B5 zoning classification include “Newspaper, daily, publishing or printing” and “Trade services, general.” The B5 classification would permit a variety of Major Business uses including a large scale mix-used development on the subject site, on a by-right basis.

Based on analysis and the eight (8) approval criteria in Section 50-3-70 of the Zoning Ordinance, staff has no objections to the request.

**Commissioner Esparza requested clarification that any additional waivers or variances are needed will come under the purview of the Board of Zoning Appeals (BZA)**

**Commissioner Russell questioned the need for same day action.**

*Raymond Diggs, JET, Mayor’s Office indicated that the expedited approval was needed to aide in the closing of the purchase agreement.*

**Public Comments - None**

**Commissioner Russell motioned to waive same day requirements relative to approval of the zoning amendment; seconded by Commissioner Esparza.**

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

- B. PUBLIC DISCUSSION** – to consider the request of Wallick Communities to amend Article XVII, District Map No. 59 of the 2019 Detroit City Code, Chapter 50, Zoning

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by showing an R3 (Low Density District) zoning classification where an R1 (Single Family Residential District) zoning classification currently exists on one (1) parcel, commonly identified as 17370 Meyers Road, generally bounded by Santa Clara Avenue extended to the north, Manor Avenue to the east, Santa Maria Avenue to the south and Meyers Road to the west.

George Etheridge, CPC staff, provided a summary of report submitted on March 2, 2020 relative to request of Wallick Communities to rezone parcel located at 17370 Meyers, showing an R3 (Low Density District) zoning classification where an R1 (Single Family Residential District) zoning classification.

The Developer proposes to establish an eighty (80) unit, independent senior housing community, with twelve (12) studio units and twenty-eight (28), one (1) bedroom units. A four (4) story building will be constructed adjacent to the current buildings, on the corner of Meyers and Santa Maria. The second structure will contain sixty-six (66), one (1) bedroom units and twelve (12), two (2) bedrooms. The proposed household living use is a by-right use under the proposed R3 zoning classification.

The subject site is located within the Bagley Area of Neighborhood Cluster 10 of the ; “Institutional” for the subject properties. CPC staff has submitted a letter to the Planning and Development Department (PDD) requesting its comments regarding this proposal.

Based on analysis and the eight (8) approval criteria in Section 50-3-70 of the Zoning Ordinance, CPC staff indicates that the R3 zoning classification is an appropriate designation consistent with the characteristics of the adjacent properties which allows for the establishment of residential related uses and has not objections to the rezoning request.

**Commissioner Russell expressed interest in the developer working with the Northwest Activity Center relative to activities specific to the development and future tenants**

### **Public Comment**

Frank Gillespie, Former President, Lewis Business College - Mr. Gillespie is the grandson of the founder; grew up in the neighborhood and fully supports the development; believes that it will be a boost for the area. He provide a brief history of the school and his grandmother

**Chairperson James mentioned the installation of a living memorial for the school.**

Jeanna Edwards McCullough, Manager, Presbyterian Village – Supports the development.

Mosela McIntye – A resident in the area and fully supports the development

**Commissioner Andrews motioned to waive same day requirements relative to approval of the zoning amendment; seconded by Commissioner Russell.**

**Commissioner Pawlowski motioned to accept staff recommendation to approve; seconded by Commissioner Andrews. Motioned approved.**

- C. **CONTINUED PUBLIC HEARING** to consider the request of the Detroit City Planning Commission to amend Article XVII, District Map No. 20 of the 2019 Detroit City Code, Chapter 50, Zoning, by showing a B3 (Shopping District) zoning classification where an M4 (Intensive Industrial District) zoning classification currently exists on ten parcels, commonly identified as 8230, 8400, 8500, 8600, 10000 and 10100 E. Eight Mile Rd., 20200, 20210, 20222 and 20280 Conner Avenue, generally bounded by E. Eight Mile Road to the north, Hoover Road/Grosebeck Hwy. to the east, E. State Fair Avenue to the south and Veach Street to the west.

George Etheridge, CPC staff, presented a PowerPoint Presentation relative to the current status of the City Planning Commission request to amend the zoning classification of ten (10) parcels, generally bounded by E. Eight Mile Road, Connor Avenue, Hoover Road, Grosebeck Hwy., E. State Fair Avenue and Veach Street. The request was initially presented to the Commission on December 5, 2019. The request allowed for the continued use of the Bel Air Shopping Center for general retail purposes; bringing the existing and future land use into conformance with the Master Plan of Policies, which calls for the subject area to be zoned as a Shopping Center.

The goal of the Master Plan, in regards to commercial thoroughfares, is to market large commercial retail centers to local and national retailers; specifically targeting resources for façade renovations, building renovations and landscape improvements around the Bel Air Shopping Center and the East Outer Drive Commercial Center. The subject site is located within the Grant area of Neighborhood Cluster 1 of the Detroit Master Plan of Policies. The Future Land Use map for this area shows “Retail Center” for the subject properties. The ten (10) parcels total approximately 48.7 acres.

At the time of application the property was owned by an absentee landlord; later sold to Crown Enterprises, who purchased forty-two (42) acres of the property; becoming the principal owner. Since the December 5, 2019 public hearing, two (2) additional community engagement meetings were held on February 12, 2020 and February 26, 2020. The meetings resulted in a number of developments; moving away from the original rezoning request to potential compromises seeking to keep some retail and some logistics/warehousing at the site.

Per recommendation from Council Member Scott Benson, in collaboration with Planning Director Arthur Jeminson, an April 8, 2020 meeting is scheduled regarding further community engagement and the formation of a design charrette which is an intensive planning session where citizens, designers and department staff members collaborate on a vision for the development. The charrette will be facilitated by the Planning and Development Department. CPC staff will provide a recommendation

after the completion of the charrette.

**Commissioner Russell** - Questioned whether there were any violations for this location?

George Etheridge, CPC staff, Stated that all violations have been cured.

**Commissioner Russell** Clarification whether the original proposed zoning classification to B3, did it allow for housing; there is a lot of space and what does the SD1 and SD2 allow for? What other zoning classifications were suggested?

George Etheridge stated that housing is not allowed in a B3 zoning classification, it is specifically for shopping districts. SD1 and SD2 do allow for some mixed use; SD1 is more on your neighborhood scale, mixed use, walkability, retail shops and very limited manufacturing facilities. SD2 is your major thoroughfare, higher density, etc. A B3 was suggested; staff suggested a lesser intensive zoning classification on the southern portion given that Crown Enterprises specializes in logistics, could be done under a M1 zoning classification. *(to the south of the subject property is a M4 zoning classification).*

**Commissioner Andrews** - Questioned whether the developer had a marketing plan to get people to return to the area.

George Etheridge - Based on conversations held, retail is not their desire. They have expressed a willingness to study the feasibility of retail along Eight Mile. In full disclosure, Mr. Samhat has stated time and time again that logistics is their business and that it is their ultimate goal for this parcel. However, they are willing to look at mixed use options. There is not a plan to attract any type of retail or retailers to this location.

**Commissioner Webb** - Noticed that there are two (2) medical marijuana facilities in the area; expressed concern regarding the marijuana facilities; wanted to know if that was a focus of the developer. Questioned whether the Bel Air Cinema was allowed to stay.

George Etheridge - The two facilities are permissible under the current zoning classification, if the zoning were to change; providing they are in good standing with their leases; they could be permitted to stay.

*Michael Samhat, President, Crown Enterprises - It is not their intent to attract additional medical marijuana facilities to this site; as a purchaser of the center, they are the landlord and currently every tenant in good standing is permitted to stay. As long as the Cinema is adhering to their lease, they are allowed to stay for the duration of the lease.*

**Commissioner Pawlowski** – Since you are a logistics company, do you have a plan or map as to where your facility is going to go on this parcel in proximity to the

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residents in the area? If you are logistics, your trucks are going to be running almost twenty-four (24) hours a day; your trucks will idle twenty-four (24) hours a day. Since we are being asked to rezone this parcel, do you have a facility plan of where things are going to go and how to address some of the concerns of the residents?

*Michael Samhat - Indicated that this was part of the problem; everyone was getting ahead of everything; not here to change the zoning; haven't asked for anything; all he did was buy the facility and be a responsible landlord. The action that has been taken, is to try to down zone the site; I am going through the process, trying to understand what I have to do as a new owner. I have a plan, I don't have a project. You are making assumptions; I don't have a tenant. I am not a spec building, when we do build here, we will have a user.*

*I have no obligation to do anything, but I am being pressed, why don't I have a plan. There is not any project right now, we are an investor. My desire is that you do not change the zoning. I do not think it is prudent to down zone this site because what you are saying is that what's on this site works right now and you don't want to allow for any other types of facilities; that does not make sense, right now the current zoning does not threaten anybody and it allows for things to happen here.*

**Commissioner Russell** - Directed questions to staff for clarification as to how the request to rezone this parcel came about in order to bring site into compliance with Master Plan. Since the new owner has requested not to down zone, is he willing to consider other zoning options; look for zoning classification that would allow for mixed uses?

George Etheridge - In 2009 the Master Plan was adopted for shopping center in this area. Staff, in keeping with our mandate of bringing land in conformance with the use in the Master Plan, initiated the request. Since that time, ownership of the site has changed; the owner is requesting that the site not be down zoned and is willing to participate in the design charrette with the community to see if some other zoning scheme is feasible.

**Commissioner Russell** - There are a lot of things that could exist on this site with shopping and logistics; housing is missing. The city wants more residents. As we go through this process, I think it would be good to look for a classification that would allow for multiple uses on this site.

George Etheridge - In order for a parcel this size to accommodate that, the map in the Master Plan would have to call for town center as opposed to shopping district or industrial.

**Commissioner Russell** – Does the master plan reference this whole area as one block?

Staff provided a visual of the parcel as it appears in the Master Plan, indicating what portions are proposed to represent the shopping center.

**Commissioner Russell** - Is it under CPC's purview to look at both the zoning and the Master Plan classification and possibly make adjustments or suggestions because it is the Planning and Development Department that prepares the master plan but can we suggest that this area be split?

George Etheridge - Yes, that has been part of the discussion and part of the proposed solution. There would have to be a different zoning classification for the frontage of Eight Mile and another for the southern portion of the site. There seems to be some willingness to begin a discussion and that is the purpose of the design charrette.

**Commissioner Pawolowski** – If the Commission decides to approve the request to a B3, what recourse does the owner have?

George Etheridge - The property owner has the legal right to file a challenge petition with the courts.

*Michale Samhat – I am not exactly sure, but I believe this center changed hands three (3) times and I don't think that none of this took place during those three (3) transactions but since Crown Enterprise bought it, this has been the course that has been taken.*

*What I would hope, whether you fear Crown Enterprise or not, I am here to help with that. I think that the tenants would tell you that we have taken more action here in a few months than they have seen in years. We need to get to know one another, if someone wants residential here, it would be presumptuous to say that I am just going to build it; that is not the idea. We did not do anything illegal; we did not do anything wrong; we made a purchase here and we do think it is attractive for our type of operation. Our plans are similar to what is being built right now on the I-94 industrial part; it could have one shift; three shifts and there are regulations regarding trucks idling.*

*I'm going to be very transparent and willing to listen to what the community wants which I have agreed too. No one wants a failed project here. It doesn't take an expert in retail to know that the market spoke here. This is a failed project and the tenants that are here, are surviving because of the low transaction cost of this center over the last decade which has allowed them to rent for 5 and 6 dollars a square foot. I'm not complaining, I bought this site with my eyes wide open. I'm happy for the owners here to do well, but that is not real and **Farmer Jack's** leaving and **Target** leaving and **Toys R Us** leaving and everything else that happened, that is real. I've been told to move quickly on this, I was put in this position; we just did something that is done in America, legal and what's great about our county; we bought something and we have a long term ideal for. We are being responsible now and we are going to be responsible. Every project, whether I have entitlement or not, I have to work with the City on them. We are not ready to do it today and we are being rushed. But I would like to clear the sight and promote it because I think it's the right site for development.*



## **Public Comments**

*Russ Palante - Lives on Helen Street for 33 years is strongly in favor of the B3 zoning classification; concerned regarding a potential logistics center on the boarder of my neighbor; did research on the affects of disel fumes; it is a cancerogenic and will be next to northeast water treatment plan. He wants clear air around treatment plant. The question is the ownership, thinks there are plenty residents willing to support a shopping center. The owner has not been respectful to the community in the past; he put a fence around a public park with armed security.*

*Sheila Gunn - Came down to the Commission with bus loads of residents during the first public hearing; is very passionate about this area. The reason why there is not a crowd at this meeting is because residents feel helpless due to the arrogance of Mr. Samhat and Crown Entrprises. Why are we having this meeting because he just told us we are going to have logistics. What is the purpose of the charrette; frustrated with the process; residents are discouraged. Flipping the whole concept and residents don't want trucks here.*

*Vannessa Pett – FCA Warren Truck Plant has expanded it's Warren Truckfacility and parking lot. What you see is semi trucks going out with heavy trailer and that is an indication as to what is about to happen when Crown Enterprises buids a logistics facility in this location. Residents and logistics don't go together; has quality of air and environnent concerns. Wants transparency from Crown; they have an ideal and a customer; come here and give a visual of what their facilities look like and how it interacts with neighborhoods and bring their customer here.*

*Padro Santiago –Lives in community, concerned regarding their health. This type of pollution would cause him to move. What happens to the streets when these trucks go down small streets and tear them up? There are problally none in his area where he lives. The owner has the resources to buy out and your money should not count us out. Think about the environment and the arrogance.*

*Jamil Talbert - Owner of the property within this proposal, located at 20222 Conner Street (on Conner between Eight Mile and East Outer Drive), zoned M4. He is opposed from changing the zoning to B3; wants his business taken off this proposal.*

George Etheridge provided clarity to Mr. Talbert relative to his property which is not part of the Crown Enterprise purchase; it was included because of the M4 zoning designation and the pending conformance with the Master Plan. If Mr. Talbert does not want his property included in the proposal, his request will be considered in further discussions. Staff does not want to affect other property rights.

*Joan Risken –Live near Hoover/ Outer Drive/Six to Seven Mile Road out of the area but still impacted by this. Against the logistics center, already have problems with truck traffic going through Hoover and Outer Drive. The trucks have torn up corners, made lanes impassible, affecting the quality of our life. Outlying neighborhood really*



*impacted, don't want more truck traffic in our area; already have enough. Crown Enterprises has not proven to be good stewards within the communities.*

**Commissioner Russell** - Questioned comment about illegal truck traffic and who would citizens report to; have staff send notification to the Department of Public Works regarding the illegal truck traffic and idling trucks.

*Mr. Thomas - Owner of Bel Air Cinema - How are we going to have a design charrette if Crown Enterprises does not have a plan?*

*Pat Bosch - Very confused, received initial notice in November about the down zoning proposal, we went to a series of meetings, it was not until the February 26<sup>th</sup> meeting that Arthur Jemison came, I was surprised, no one knew he was coming and that is when the script flipped. The script always was for down zoning, and all of a sudden, Arthur comes in the door and he is now proposing, with the City Planning Commission, that we sit down for a design charrette.*

*The community is always willing to listen, however, in order for a design charrette to have any value, we need to know prior to April 8<sup>th</sup>, what Crown Enterprises intends to do with the land. Because otherwise, we are using a public process to disenfranchise people. There has been plenty of evidence from day one that the community has asked that the development of the Bel Air Shopping Center remain retail. We did not know that Dubai was going to be the center for ownership, so I don't think its fair to say that this shopping center has no future as retail because for years no one was marketing it.*

*The community has plenty of ideals for the retail aspect of it. But Six Mile was closed at the City Airport and that closure was supposed to be temporary. Our neighborhood, Northeast Detroit, has become a sacrificial lamb for all the other trucking developments that are occurring. You can talk about Flex-n-Gate, the Mayor can go there and talk about his pride and joy, but all it does is disenfranchise and bring a lack of quality of life to the neighborhood. Regarding truck routes, the Council agenda has had many references to truck studies being done but Northeast Detroit is never included. Don't let Northeast Detroit become a sarifical lamb because some millionaire comes up with a purchase price.*

**Chairperson James** - It is my understanding that originally this was brought about thru a request from the City Planning Commission to down zone this property to a B3 to bring it into conformance with the 2009 City of Detroit Master Plan of Policies. Since that time, now there is a proposal to do a design charrette; there is no time limit on a charrette. Is that something that the Commission can impose?

George Etheridge - Referred the question to Greg Moots, Planning and Development who could not provide a timeline because the charrette is being facilitated by Director Jemison.

**Chairperson James** - *If this Commission made a decision, can that decision be*

*overturned by Director Jemison? (inaudible response). While property ownership is a right, the underlying zoning falls under the purview of the City. The City Planning Commission always tries to get community input and feedback; with the understanding that CPC's original request was to down zone, it seems like we are taking a step backward. Realizing that staff does not have a recommendation at this time, could we bring this back with a recommendation that Director Jemison could not object?*

*I would like to have a meeting with him and have a discussion before we make a drastic decision. I don't like the feeling of being pushed. Referencing comment made by Mr. Samhat indicating that it was a hurdle and part one of the hurdles was listening to the community; I'm a community resident, I live in this area and far too long we have had too many businesses come in buying property.*

*However, this City has already made the determination that this property should be kept as a shopping center. It is this body's purview to make those necessary changes regarding the underlying zoning and the responsibility falls back on the City. As a result of it falling back onto the City it affects these residents. We are always focused, as a body, on the benefit it has to the community. We are also concerned with what could be negative to the community. At this time I am not really satisfied with the charrette because it is too open ended for me. I think that without a specific timeline on the charrette, it is in opposition to what the City Planning Commission has already proposed. If you don't have a proposal then it is still out there. I think that all of the community's concerns were valid and well put.*

Marcell Todd, Director, CPC - Suggested that staff be allowed to express the Commission's concerns to the Planning and Development Department and attempt to get clarity and facilitate a meeting with you and Mr. Jemison so that we can work in a coordinated fashion on this issue to determine and coordinate the manner of facilitation that is being proposed by the Planning and Development Department.

**Chairperson James** - *The residents have spoken resoundingly that they do not want to see anything but the B3 zoning classification for the Bel Air Shopping Center. My suggestion would be that we do the continuation of the hearing on this matter until we can address Mr. Jemison and have him present when we have the continuation of the public hearing so that he can hear from these residents.*

Marcell Todd indicated that staff, at the direction of the Commission, can facilitate that communication. Mr. Todd informed the Commission that they do not need to continue the hearing but they can bring the item back.

**Commissioner Webb** motioned that the Commission establishes a new hearing date, with notice, regarding the of the Detroit City Planning Commission to amend Article XVII, District Map No. 20 of the 2019 Detroit City Code, Chapter 50, Zoning, by showing a B3 (Shopping District) zoning classification where an M4 (Intensive Industrial District) zoning classification currently exists on ten parcels, commonly identified as 8230, 8400, 8500, 8600, 10000 and 10100 E. Eight Mile Rd., 20200, 20210, 20222 and 20280 Conner Avenue, generally bounded by E. Eight Mile Road to the north, Hoover Road/Grosecbeck Hwy. to the east, E.

**State Fair Avenue to the south and Veach Street to the west; seconded by Commissioner Russell. The motion was approved.**

Chairperson James would like this item to conclude in a timely manner.

**The following citizens were in attendance during this continued public hearing:**

David Dunn  
Zelma Turner  
Vincent Turner  
Sheila Gunn  
Beatrice May-Remsey  
George E. Remsey  
Carolyn Green  
Vanessa Peake  
Tamara Blunt  
Oliver Wilson  
Dovon S. Wimberley  
Alexandrine Craig  
Pat Bosch  
Joan Risgin  
William Howard  
Ronald Hemerski  
Claudette Prince

**IV. Unfinished Business - None**

**V. New Business - None**

**VI. Committee Reports - None**

**VII. Staff Report** - Update of response to Chairperson James' request to meet with Planning and Development Department and administration staff members to discuss plans to improve public engagement and notification of pending requests. Chairperson James will meet with members of Planning and Development Department, including the Director, Katy Trudou and Mr. Jemison. The discussion will include several concerns, addressing projects, etc and have the matter come back to the next meeting and formally share the information with the Commission.

**VIII. Communications - None**

**IX. Public Comment**

**X. Adjournment - 8: 37 pm**