

City of Detroit

CITY PLANNING COMMISSION

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David Esparza, AIA, LEED
Ritchie Harrison
Gwen Lewis
Melanie Markowicz
Frederick E. Russell, Jr.

Meeting Minutes

June 2, 2022

I. Opening

- A. Call to Order –Vice - Chairperson Smith called the meeting to order at 5:17 pm
- B. Roll Call – Kimani Jeffrey, CPC staff, call the roll; a quorum was present.

Attendees: Daniels, Esparza (5:24), Harrison, Lewis, Russell.
Excused: Andrews, Hood, Markowicz.

- C. Amendments to and approval of agenda

Commissioner Daniels motioned to approve the agenda; seconded by Commissioner Russell, motion approved.

II. Meeting minutes for March 3, 2022

Commissioner Daniels motioned to approve the minutes for March 3, 2022; seconded by Commissioner Lewis, motion approved.

III. Public Hearings, Discussions and Presentations

- A. **PUBLIC HEARING** – Proposed text amendment, Chapter 50 of the 2019 Detroit City Code, Zoning, to change the permissibility of motor vehicle sales and repair uses including junkyards and towing service storage yards, to implement a spacing requirement between such uses, to re-define several motor vehicle repair uses, and to update the use regulations for such uses as requested by the Buildings, Safety Engineering, and Environmental Department

Jamie Murphy, CPC staff and representatives from the Building, Safety, Engineering and Environment Department (BSEED) presented a PowerPoint relative to the proposed text amendment.

As a result of a proliferation of all types of auto-related uses in the City of Detroit,

Mayor Duggan issued a moratorium in November 2019 on all applications for new and expanded auto-related uses; temporarily halting the establishment of new uses and the expansion of existing ones. The moratorium has given the city time to examine the existing policies and to develop a compliance strategy and advance new regulations. The moratorium has been extended several times and will expire on August 1, 2022.

The Building, Safety Engineering and Environmental Department (BSEED), the Planning and Development Department (PDD), the Law Department and the City Planning Commission staff have worked collaboratively to develop proposed changes to the zoning ordinance to better regulate uses. BSEED has jurisdiction over permitting, business licenses and enforcement; and compiled a draft of their recommended changes.

A summary of proposed zoning provisions was provided to the Commission which included the following:

Restrict the Zoning Districts where Auto Uses are allowed – by reducing the number of zoning districts where each use is allowed; rendering those existing uses non-conforming.

Add Spacing Requirements between each type of use – to further reduce the impact of auto-related uses; would institute spacing requirements for new auto-related uses.

Re-Classify Auto Uses to reduce confusion – the current zoning ordinance classifies motor vehicle repair into two categories – minor and major; the proposed ordinance would divide motor vehicle repair into four categories:

Motor vehicle service (private passenger vehicle minor services within a building)

Motor vehicle repair (private passenger vehicle minor repair within completely enclosed building)

Motor vehicle collision and major repair (private passenger vehicle repair within completely enclosed buildings; body and fender bumping or painting shops)

Motor vehicle repair over 10,000 pounds and heavy equipment repair (repair to equipment or vehicles over 10,000 pounds)

Definitions – Clarify, Update and Add – definitions of new provisions and the elimination of uses that will fall under the new categories.

Miscellaneous Changes – cleaning up of errors.

Staff continues to discuss and edit the proposed text amendments. A more

detailed presentation and report will be forthcoming with further updates and analysis.

Chris Gulock, CPC staff, clarified that all the licenses we have now would be grandfathered in so they could continue to exist indefinitely if they meet their annual licensing requirements.

Public Comments

Simone Sagovac, Southwest Community Benefits Coalition - Stated strong support for this buffering initiative and extensive work to provide the protections. Historically, there are residents in areas of heavy industrial uses; should also look at providing buffering treatments, where these uses conflict where many residents are living with extensive impacts; like to note, specifically the impacts of scrap metal yards that are covered in this ordinance.

These facilities there not only visually non-conforming and noise generators, but they also generate air pollution from the torch cutting; they have contamination in the dirt that gets kicked up when the trucks travel on and off sites which builds up on the streets and dust gets around residents' homes and it's dangerous to public health. When these yards are not paved, the burden and cost of cleaning it up shifts from the businesses to the city. I want the city to consider what will be done to protect residents from the grandfathered uses. Residents living near these industrial sites. different kinds of sites; have many impacts to their quality of life, which are unjust and not equitable to taxpayers.

Amy Z: I have an old car and I go to those used auto repair shops I want to point out that the customers from Detroit own their cars and their cars are already old and the auto repair shops are two to three times cheaper than the ones in the suburbs. This is a service business; we don't want them to be too far away from everybody because that will increase the cost for everybody.

Nicholas Bachand: I do respect the time and the efforts of all the administration. Ten years ago, they made all the tow yards go through a lot of different things. They want to take away the ability to have tow lots in M1, 2 and 3. I don't see why we want to do this. I understand there's a problem with motor vehicle repair, but I don't know why tow lots are lumped into it. Most of the tow yards comply. The city has a towing yard in M2 that would be a nonconformance, if anybody's seen their towing lot lately, it's terrible. Regarding junk yards why go to M5 there's approximately 1% of yards in the city of Detroit that is M5 it's basically Marathon. To be a junkyard you must go through the most significant standards to open a junkyard and the junkyard is defined as parts or auto parts, if you want to dismantle and sell them, you must be a junkyard you have to go through all the different compliances.

I'm kind of perplexed why they would go to a M5. I would seriously look at that and, finally, a year ago we looked at land that I represent, they got down zoned to M1. And everyone said don't worry about it because all your uses they'll be continued to be used, and you can use those things because towing could be used. Now you want to take them away, this is the same group that we're talking about, so I asked you to really look at this thing and see it through.

Pat Bosch: I represent District 3 in northeast Detroit and we have such intense M4 corridors like Mount Elliot, Mound, E. Davison, E. Nevada and Ryan therefore, this ordinance is welcome, but it is also very difficult to understand. I am asking if there could be a presentation for District 3 residents to help us understand these changes and the close proximity to residential areas in the district and there are also sections of East Davison that align themselves closely with residential most of the concerns of residents, has to do with spacing requirements, but they also have to do with the blighting. There should also be setbacks and landscaping buffers to help soften the look of some of these uses then.

Shannon Long: I live in District 6, we live in a 1.1-mile radius, we had 30-40 auto related places here. What they do is they used the ordinances to their advantage, one might be minor the next one major within blocks, we had junk yard, what happens is these places not only contaminate the Community through the air to water and the soil, they also don't live in our communities, the majority of them are bad actors, we do like business, and we want businesses in our Community, but we want them to be good businesses, people who care about the community. It is unreal that we have been fined for eight years to get some of these businesses into compliance. We have been told by these business owners, what do you care Detroit is nasty; we own Detroit; we have had people crushing cars right on the sidewalk.

Sheri Burton: I am glad to see that dismantling is being addressed because that's largely what's going on in our area and what they do when they leave 18 wheelers on the street, we have tires all over the area and, we have the environmental and justice contamination. We have a facility that was once a church that turned into a scrap yard, it's good to hear the concerns of enforcement and compliance and we're really in favor of those fines being elevated.

President Buffington. Local 1659 government services, I am a resident and property owner in District 1, 2 and 4 - Regarding the rezoning issues and tire services. We have services that are over here; you have owners that have family ties from over 30 years that are being affected, I just want to know are you doing a poll or statistical evaluation of the properties that are being zone and affected by all these changes that keep coming and they've been given services in the neighborhood for years; we have a few tire services that don't follow the zoning requirements; they've tried to work with

the City Council; you need to give them guidelines, because they've been here for as long as anything has existed.

CPC Staff - Jamie Murphy: Staff requested the Commission's support for the three additional sections that staff wanted to add to the ordinance for consistency and adding the fine sections to update those.

Commissioner Daniels motioned to continue the public hearing at the next scheduled meeting on June 16, 2022; seconded by Commissioner Russell

Commissioner Russell motioned to accept amendments to the ordinance, including fines; seconded by Commissioner Daniels

IV. Unfinished Business

- A.** To consider the request of New Path Villages to rezone 3926, 3932, 3938, 4100, 4106, 4110, 4118, 4122, 4134, 4140 Pennsylvania Avenue from an R2 (Two-Family Residential) zoning classification to an R5 (Medium Density Residential) zoning classification & The request of Art Narthex LLC to rezone 4103 Cadillac Avenue from an R2 (Two-Family Residential) zoning classification to a SD1 (Special Development District, Small-Scale Mixed-Use) zoning classification

Chris Gulock and Eric Fazzini, CPC staff provided a brief update relative to request of New Path Villages.

The Commission held a public hearing on April 21 regarding the rezoning of six vacant parcels and a vacant house located along Sylvester Avenue between Cadillac and Pennsylvania Avenues. Six of the seven parcels are owned by the Detroit Land Bank (DLBA). The developers have a purchase agreement with DLBA for six lots and have purchased the vacant house at 4110 Pennsylvania.

The developers propose to create an emergency shelter, consisting of ten tiny homes for men, women, or couples with an adjacent stand-alone community restroom. The existing house would be renovated for a caretaker, with added laundry and resident showers at the back of the building. A vacant church and 2-story school building purchased by the developer, would be rental property for religious services, event space for the community, office and storage space and several other mixed uses. The school would provide rental space for artists and non-profit neighborhood activities.

Staff was not prepared to give a recommendation; will provide a comprehensive report and recommendation after an in-depth study is completed.

- B.** To consider the proposed text amendment to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by amending Article XIII, *Intensity and Dimensional Standards*, Division 1, *Tables of Intensity and Dimensional Standards*, Subdivision E, *Industrial Districts*, Sec. 50-13-83, *M2 District*, to increase Max. Height (Feet) for *All other uses* from 40 feet to 55 feet

This item was removed and will appear on the next scheduled meeting.

V. New Business - None

VI. Committee Reports - None

VII. Staff Report

Dr. Rory Bolger presented a status update relative to the Zoning Ordinance text amendment, Chapter 50 of the Detroit City Code – Bulk solid materials facilities. The proposed ordinance provides definitions and zoning district specifications for outdoor storage of bulk solid material, carbonaceous bulk solid material facilities and is cross-referenced in Ordinance No. 32-17, non-zoning ordinance from 2017 which defined and regulated the storage and transport of bulk solid material including petroleum coke (pet coke, a byproduct of petroleum refining).

On July 8, 2021, the City Planning Commission held a statutory public hearing to consider the text amendment which provided definitions and zoning district specifications relative to outdoor storage of bulk material. Council Member Castaneda- Lopez and the Southwest Detroit Community Benefits Coalition provided additional amendments. The Commission directed staff to go forward and hold the necessary meetings relative to the suggested amendment.

During the September 9, 2021 meeting, staff recommended that City Planning Commission staff convene an interdepartmental working group involving BSEED, BZA, Law, and CPC to review the proposals of the Southwest Detroit Community Benefits Coalition relative to fugitive dust and land uses not addressed in the bulk solid materials ordinances and the resulting proposed revisions be reviewed with industry stakeholders prior to reporting back to the Commission.

The working group is currently working on solutions using research from a report provided by University of Michigan graduate students. The students researched how other municipalities have regulated fugitive dust and conditions on the ground in the City of Detroit. Most of the bulk solid material facilities are in Southwest Detroit and Northeast Detroit.

VIII. Member Report – None

IX. Communications – None

X. Public Comment

Pat Bosch - Is this U of M study available to the public, since District 3 is a major industrial area, and we are asking outright is this study available to the public or do we have to file a Freedom of Information Act. I will have other comments regarding the ordinance but reserve those for when it's appropriate time for public hearing on the ordinance changes.

African Town - Is the 2005 study available to the public, but I also want to know the organization is representing Southwest Detroit as a whole. How can we get a list of the people that are sitting on that committee. I live in Africa town zip code 48217 considered one of the most polluted zip codes in America. Is it possible to get a list somehow of people representing Southwest Detroit

Dr. Bolger, CPC staff - The report from University of Michigan that was presented on April 19 will be available and we will share that with the community. We have not submitted the report to the City Council. I foresee that staff will be doing both of those things in the very near future.

Regarding the membership of the inter-departmental working group, it is composed of city departments that have dealings with zoning and non-zoning chapters related to fugitive dust. The Commission specifically asked that any ordinances that might be developed and before those come up for a formal public hearing, that they be shared with community, environmental, business, and industrial stakeholders for their review and comments before there is a public hearing.

The current members of the working group are, in addition to City Planning Commission staff, the Planning and Development Department, the Building, Safety, Engineering and Environmental Department, the Law Department and the Office of Sustainability.

Theresa Landrum: I am in favor of banning any automotive related businesses along commercial corridors. I live in an area that is over saturated, the Community of Southwest Detroit. Every day we see new automotive companies. Recently a trucking company opened in our area; this is averse to our health and the environment.

We are seniors out here and a lot of that trucking and automotive traffic is tearing down the highway. We just had the highway repaired and that took over 30 years. Every area that's over saturated with pollution and with these cars and these trucks; we get diesel emissions, and then we get an eyesore because the cars are in disrepair and they are on open lots and this takes our property value down, so I support banning of any automotive related businesses on commercial corridors. We are a community that would like to see a business district that is conducive to our area.

Julie Semma: Represents current police authorized towing company and, business owners for the past 33 years in the City of Detroit and myself and other businesses were wondering why we were not notified of this hearing today.

Adjournment – The meeting was adjourned at 8:32 p.m.