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Ritchie Harrison
Gwen Lewis
Melanie Markowicz
Frederick E. Russell, Jr.

June 16, 2022
Meeting Minutes

I. Opening

- A. Call to Order - Chairperson Hood called the meeting to order at 5:15 p.m.
- B. Roll Call - Director Todd called the roll, a quorum was present.

Attendees: Hood, Andrews, Daniels, Esparza, Harrison, Lewis, Markowitz, and Russell.

Excused: Smith

- C. Amendments to and approval of agenda

Commissioner Andrews motioned to approve the agenda; seconded by Commissioner Daniels. Motion was approved.

II. Meeting minutes for March 17, 2022

The minutes will be presented at the next scheduled meeting.

III. Public Hearings, Discussions and Presentations

- A. **PUBLIC HEARING** – The request of Gaugi Properties Group, Inc. to amend Article XVII, Section 50-17-56, District Map No. 54 of the 2019 Detroit City Code, Chapter 50, Zoning, to show a B4 (General Business) zoning classification where an R2 (Two-Family Residential) zoning classification is currently shown at 8836 and 8800 McGraw Avenue, 5614 and 5308 Addison, and 5609 Cabot Avenue generally located on McGraw Avenue. The location of the proposed rezoning is indicated as the shaded area on the accompanying map.

Kimani Jeffrey, CPC staff, provided a summary of report submitted June 10, 2022. The proposed map amendment will permit the development of a party

store (a Specially Designated Merchant (SDM) and Specially Designated Distributor (SDD) establishment), including an adjacent cellular and retail store. The petitioner proposes to provide more parking for the establishment on the southwest corner of McGraw and Addison. R2 zoning permits single- or two-family dwellings; the proposed B4 zoning allows for business uses.

The petitioner owns a party store and restaurant at the northwest corner of McGraw and Addison Avenues and is proposing to demolish the existing restaurant at 8900 McGraw Ave and redevelop the site as a motor vehicle filling station. This proposal has received a Board of Zoning Appeals grant to permit the redevelopment of the site.

The Specially Designated Merchant (SDM) allows a convenience store or grocery store to sell beer and wine to consumers for consumption off the premises. This license may only be issued as a quota license with several exemptions from the quota requirements. No local legislative approval is required for licensure. The Specially Designated Distributor (SDD) allows a convenience store or grocery store to sell spirits/liquor to consumers for consumption off the premises and is held in conjunction with an SDM license. The State of Michigan issues the license for these uses.

The subject site is located within the Chadsey area of Neighborhood Cluster 5 of the Detroit Master Plan of Policies (MP). The Future Land Use map for this area shows *Low-Medium Density Residential (RLM)*.

Public Comments

Mr. Abdul Ali - Supports the request.

Mr. Mohammed Allah - Not against; in favor of the rezoning, owner of an adjacent property, can you put small businesses on the lots.

Sal Mosen – Supports the proposal.

CPC staff will bring this back after response from Planning and Development Department. Commission requested presentation from design director from Planning and Development Department, specifically in the area of McGraw.

- B. PUBLIC HEARING (Continued from June 2, 2022)** – 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 redefine several motor vehicle repair uses, and to update the use regulations for such uses as requested by the Buildings, Safety Engineering, and Environmental Department.

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. The moratorium has given the city time to examine the existing policies and to develop a compliance strategy and advance new regulations. The moratorium expires on August 1, 2022. The Buildings, 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.

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

Restrict the Zoning Districts where Auto Uses allowed; Adding Spacing Requirements between each type of use; Re-Classify Auto Uses to reduce confusion (Motor vehicle service, Motor vehicle repair, Motor vehicle collision and major repair and, Motor vehicle repair over 10,000 pounds and heavy equipment repair), Definitions – Clarify, Update and Add, and Miscellaneous Changes.

Jamie Murphy, CPC staff and representatives from the Buildings, Safety Engineering and Environmental Department provided summaries based on the public hearing held on June 2, 2022 relative to the subject text amendment. Requests were made by the Commission to provide maps showing the existing types of uses, the number of existing businesses that will become non-conforming; available areas to establish new auto related businesses and conduct additional public engagements, targeting business owners. Two motions were passed:

Include three additional sections of the appendix in the proposed amendment to maintain consistency of the document and update the fines as recommended by the Law Department and carry over the public hearing to the next meeting to address concerns and conduct additional public engagement.

CPC staff presented the proposed amendments at the Department of Neighborhoods virtual DON Cast Meeting on June 13, 2022 and held a virtual meeting to educate and engage the public about the proposed amendments on June 15, 2022. Staff used data provided by BSEED to map existing auto-related uses and the availability of areas for new businesses.

STAFF RECOMMENDATION AND CONCLUSIONS

These proposed amendments to the zoning ordinance will make it more difficult to establish new auto related uses in the City of Detroit; hopefully decreasing the negative effect by limiting the number of new locations. The updated regulations will not apply to existing

businesses. An ordinance to update the licensing regulations for auto-related uses is being drafted by the Law Department. This amendment proposes to regulate the location of new auto-related uses and guide new businesses away from the business strips and close to rail corridors where heavier and more abrasive uses are allowed, which will have a less deleterious impact on aesthetics and commerce. Based on analysis and consistent with the approval criteria of Section 50-3-49 of the Zoning Ordinance, **CPC staff recommends Approval of the rezoning request.**

Public Comments

Nicholas Bachand: More towing yards in the city of Detroit; represents a lot of them, but there are more than eight. Questioned why departments placed new junkyards in the middle of the Conrail existing container yard off of Dix Road in M5 zoning district; feels that will not work; takes issue with the fact that they are looking at tow yards and scrap metal yard when it seems that the major issue is auto related repair, new and old tires and sales.

Julie Seema: Vice President of Detroit Towing Association; an association of majority and minority owned small business in the city Detroit. She operates a towing company; authorized towers are a revenue stream for the city, strategically located throughout the entire city, 139 square miles. The Detroit Towing Association's mission is to advocate for a safe, open, and transparent process for all police authorized towing companies, assisting with cleaning up the city. If there are issues with any car complaints, the association is there to assist. We are compliant with Building and Safety zoning ordinances as you amend the zoning ordinances, we do have questions and are happy to provide our input and expertise with everything moving forward. Are all licensed police authorized towers grandfathered in and therefore exempt from being able to improve or expand our businesses once the moratorium expires. What are the implications of our members whose businesses in an area of the Detroit is zoned M5, do these zoning amendments also apply to tow yards operated by the Detroit Police Department.

Jamie Murphy: All existing legal tow yards would be exempt from the new regulations. This would just prevent new tow yards from coming in. If the city wanted to open a new tow, the new regulations would apply to the city also. It applies to everyone equally. Are they allowed to expand, if you become a non-conforming use and you have a tow yard that is not in a M4 or 5 district, the owner would go to the Board of Zoning Appeals to ask if you could expand your non-conforming use. There would be a public hearing to decide whether it met the criteria of the zoning ordinance to allow the expansion. This applies equally to all property in the city.

Pat Bosch, resident of northeast Detroit, District 3. When we talk about equity, we want the same equity that may be in Grosse Pointe, West Bloomfield, Farmington Hills. We don't see neighborhoods like ours in these affluent communities. In our commercial strips we want cleanliness and beauty, we don't see it with car related uses. We must beg them to cut their grass, paint their fences or replace fences that might be broken. Those happen on East

Nevada, Mount Elliot, you name it, it's going on East Seven Mile Road. This ordinance we generally support it; need help understanding the map key and charts. Most people are not familiar with ordinance issues; conditional use, restricted, etc., not everybody will be able to access those presentations.

Sheri Burton: In support of the zoning change, neighborhood association is bounded by West Warren, north of Grand River and the Joe Louis Greenway on the West and East of Livernois. We are surrounded and saturated with auto facilities all over area. When you start talking about equity, we want a good quality of life without environmental injustice, contaminating the soil, the air. We want to have a spot to open businesses, but we can't because every building in our area has an auto facility. A lot of them asks for forgiveness versus permission, meaning that they didn't go through the proper procedures.

Chairperson Hood: Is the tire problem something that our Department of Sustainability could investigate.

Galaxy A10e: I have a repair facility on the southwest side of Detroit, and I am trying to figure out what zoning district I'm in. But I always try to stay compliant with the city. I have been complying and wondering with these new changes, when I try sell the place will the new owners not to be able to have to keep the same zoning and do the same services that I do.

Barry Foster, President of the Detroit Towing Association, brings 22 years running our towing business in Detroit. Together with my colleagues in the Detroit Towing Association, we have a combined 608 years of professional towing storage auction and scrap experience in Detroit. We represent most police authorized towers, generating an average of 3 million in administration fees for the city. Collectively we have invested over 20 million in capital improvements to our businesses and our total annual economic impact exceeds \$15 million annually with taxes and wages, we are complying with all the zoning ordinances. As we go through this study of amending the zoning ordinance, we ask that you consult our website. Public education is at the heart of what we do, and we invite you to review our website DetroitTowingAssociation.org and share this information with Commissioners. I would like to commend the commission on what they are doing, I think this is long time needed with the ordinance change.

Commission Concerns

The commission had concerns regarding equity as it relates to the differences between new tires and old tires and the zoning designations. Blight was a concern and, the difference between compliance and non-compliance.

This item will be brought back at the next scheduled meeting.

IV. Unfinished Business

- A. 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

On May 19, 2022, the City Planning Commission held a public hearing on the subject text amendment, promoted by an inquiry by Council Member Benson. At the hearing Commissioners provided feedback on the proposed increase in M2 district max. height.

The increase of max height within the district would not significantly increase truck traffic or alter the type of trucks that operate in a 55ft facility. This proposed text amendment does not make any changes to the by-right or conditional uses allowed in the M2 (Restricted Industrial) district. An increase in truck traffic may result due to greater storage capacity in these facilities but traffic will be dependent upon the operation of the facility.

A review of the City of Detroit zoning maps shows that there are numerous examples of M2 districts located adjacent to, across a street, and across an alley from residential zoned districts. Sec. 50-10-41 states that the M2 Residential District must provide a buffer between residential and intensive industrial districts. Sec. 50-13-103, *Setback requirements for boundary lot lines* states that setbacks are required when industrial districts are abutting or across a street or alley from land zoned R1, R2, R3, R4, R5, R6, TM or residential PD Districts. Industrial districts separated from front yard residential districts by a public street require a 20ft setback. Industrial districts separated from side setback residential districts by a public street require a 10ft setback. Industrial districts abutting or across from an alley from residential districts require a 20ft setback.

CONCLUSION AND STAFF RECOMMENDATION

Based on Staff's analysis of the proposals, consideration of the questions and comments from the Commission and our review of the approval criteria of Sec. 50-3-49 of the Zoning Ordinance, CPC staff recommends approval of this proposed text amendment.

Commissioner Markowicz motioned to approve as presented; seconded by Commissioner Andrews. Motion approved.

V. New Business - None

VI. Committee Reports - None

VII. Staff Report

Director Todd: City Council is looking at a retreat and they are looking for one representative to come from the Commission. The dates for the retreat have been confirmed as running Wednesday July 13 through Friday the 15th. At present, we would be looking at arriving on Tuesday the 12th and I can provide you with the destination next week when everything is firmed up.

Chairperson Hood we will revisit this again.

VIII. Member Report

Commissioner Markowitz : There is a lot of development going on in this city, maybe an update to the Master Plan, just something to think about. In preparing for today's meeting and the agenda items, thinking about this issue of blighted areas next to residential uses are bad for public health. I wanted to ask staff about looking at some zoning around zoning map 42, in District 6, right on the border between District 6 and District 5 Corktown area, Hubbard Richard area. We have a lot of development going on there certainly with the central train station and we have the West Riverfront Park that's been developed over the next two years, which is such an exciting project. I'm looking at the residential area, particularly in Hubbard Richard. In this area it's mostly R2 and then it's directly abutting an intensive M4, buffered only in some areas by PD. Can we look at the zoning here and what is the status of those PD parcels because with all of that, and you have the greenway being developed and the Iron Bell Trail plan along Jefferson. I want to make sure that we are looking at that; planning for a lot of change and use and really being respectful of the residents who have been in that neighborhood; just generations of very historic neighborhoods.

IX. Communications - None

X. Public Comment – Pat Bosch expressed problems with the audio.

Adjournment 8:58 pm