

Lauren Hood, MCD  
Chairperson  
Donovan Smith  
Vice Chair/Secretary

Marcell R. Todd, Jr.  
Director

**City of Detroit**  
**CITY PLANNING COMMISSION**  
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Brenda Goss Andrews  
Kenneth R. Daniels  
Damion W. Ellis  
David Esparza, AIA, LEED  
Gwen Lewis  
Frederick E. Russell, Jr.

**Regular Meeting**  
**July 8, 2021**

**I. Opening**

A. Call to Order – Chairperson Hood called the meeting to order at 5:04 PM

B. Roll Call – Director Todd called the roll. A quorum was present,

Attendees: Andrews, Daniels, Esparza, Lewis, Russell (5:05), Smith and Hood.  
Excused: Ellis

C. Amendments to and approval of agenda

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

**II. Minutes - March 18, 2021**

No action taken.

**III. Public Hearings, Discussions and Presentations**

A. **PRESENTATION** – Land Acknowledgement, Shaerina Sharp (Chair Hood)

B. **PUBLIC HEARING** – To consider the request of American Community Developers, Inc. to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, by amending Article XVII, *Zoning District Maps*, Section 50-17-2, *District Map No. 1* to change the current zoning classification from a PD (Planned Development District) zoning classification to the R5 Medium Density Residential District or the SD2 Special Development District, Mixed-Use for the property commonly identified as 1601 Bagley Street bounded by Bagley Street, Trumbull Street, Labrosse Street and Rosa Parks Boulevard, shown in the map below.

Kimani Jeffrey, CPC staff, provided a summary of report submitted July 6, 2021 regarding the request of American Community Developers, Inc. to amend Chapter 50 of

the 2019 Detroit City Code, Article XVII, Zoning District Maps, Section 50-17-2, District Map No. 1 to a R5 (Medium Density Residential) zoning classification where a PD (Planned Development District) zoning classification currently exists on property commonly identified at 1601 Bagley Street bounded by Bagley, Trumbull, Labrosse and Rosa Parks Boulevard. The developer proposes to redevelop the 8.93 acre site to allow for the construction of 841 mixed-income units on four sites across Greater Corktown.

Public Comment

Mr. McLean, owner of property across the street expressed concerns regarding the density and parking, not in favor of development.

Staff Recommendation

City Planning staff recommends approval of the proposed rezoning from a PD zoning classification to a SD2 zoning classification.

**Commissioner Esparza motioned to waive same day requirements; seconded by Commissioner Andrews. Motion approved.**

**Commissioner Daniels motioned to accept staff's recommendation for approval; seconded by Commissioner Esparza. Motion approved.**

- C. **PUBLIC HEARING** – To consider the Zoning Ordinance text amendment, Chapter 50 of the 2019 Detroit City Code—Bulk solid materials facilities, including “pet coke,” and miscellaneous unrelated revisions and updates (Traditional Main Street Overlay Area standards; SD2 District height limitation; and definitions of brewery, brewpub, and microbrewery for consistency with state of Michigan definitions).

Rory Bolger, CPC staff, provided a review of report submitted July 1, 2021, regarding the consideration of provisions in text amendment, Chapter 50 of the 2019 Detroit City Code, regarding bulk solid materials facilities, including “pet coke”; and unrelated updates to the Traditional Main Street Overlay Area (TMSO) standards, SD2 District height limitations; and definitions of brewery, brewpub, and microbrewery for consistency with State of Michigan definitions.

Outdoor Storage Bulk Solid Material

The proposed ordinance provides definitions and zoning district specifications for outdoor storage of bulk solid material relative to carbonaceous bulk solid material facilities and is cross-referenced in Ordinance No. 32-17, the 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).

Chapter 42 (Solid Waste and Illegal Dumping) provisions are not under the purview

of the City Planning Commission; it is one of the “police power” chapters of the Detroit City Code. Chapter 50 (Zoning) mandates review by CPC. The provisions adopted in 2017 already apply to existing facilities where bulk solid materials, including carbonaceous bulk solid material is stored and handled. The proposed Chapter 50 zoning provisions are meant to address new locations where outdoor storage of bulk solid materials and/or facilities for carbonaceous bulk solid materials are proposed to locate as principal use of land.

Other proposed text amendments to Chapter 50 (Zoning) includes:

Traditional Main Street Overlay Areas – Applicability (Secs. 50-11 and 50-14-431)  
The applicability of TSMO design standards is proposed to be limited to land other than that zoned R1, R2, R3, R4, R5, R6 and residential PD.

Traditional Main Street Overlay Area – Fence Standard (Sec. 50-14-433)  
The objective of the “fencing” standard is expanded.

SD2 District – height limitation (Sec. 50-11-34-245 (5))  
A 60 foot height limitation is specified for mixed use buildings. The maximum height for non-mixed use buildings is already specified approximately as 45 feet.

Definitions, Article XVI – Brewery; Brewpub (Sec. 50-16-132)  
Due to changes in state law, Chapter 50 definition of “brewpub” is proposed to change from 2,000 barrels to 18,000 barrels for consistency with state law.

Definitions, Article XVI – Microbrewery (Sec. 50-16-302)  
The definition for “microbrewery” has changed in state law from 20,000 barrels of beer to 60,000 barrels.

#### Public Comments

##### **Council Member Castanda-Lopez**

Requested two friendly amendments to the proposed ordinance to address some of the concerns **as it** relates to bulk solid material: to address pile height and set back of these piles from the Riverfront.

##### **Simone **Sagovac****

Resident/Representative of SW Detroit Community Benefits Coalition

Recommended additional amendments to the Bulk Dust Ordinance, industrial businesses operating on unpaved ground where the operations generate fugitive dust by truck activity or other manipulations on the site. Residents fear the depreciation of their property, inability to enjoy property and quality of life, health, and welfare. Residents cannot open windows, experience increase asthma, and other health conditions. Current street sweeping is highly inadequate, briefly tamping down the

dust only on the immediate area streets. Ms. Sagovac emailed written copy to Director Todd.

### **Adam Patton**

An Environmental Consultant, representing the Revere Dock, was not aware of the proposed bulk storage zoning ordinance; found out yesterday as did others in the regulated Community or in a similar position; urge the Planning Commission to allow the regulated community more time to review and provide comments on the proposed bulk storage zoning ordinance, especially given the additional comments tonight, prior to its adoption.

### **Beth Gotthelf**

An attorney with Butzel Long and has been very active with the drafting and passage of the bulk material ordinance. I learned about this proposed amendment only yesterday and provided this information to a few companies that could be impacted; and to the Detroit Chamber where I am a leader in their environmental and energy committee. There appears to be issues with the zoning ordinance being used to override specific requirements in another chapter of the code. The two just proposed amendments of the 50 feet to 30 feet and the set back to 100 feet would have an enormous impact of a number of companies; that really needs to be flushed out. It could be inconsistent with the current bulk material storage ordinance also there's a work group that we formed which includes the Detroit Chamber and we've been working with City Council and Council Member Castaneda-Lopez's proposed shoreline ordinance that focuses on both material storage. We propose to add some language in the zoning and both material ordinance that is currently being proposed for the shoreline ordinance; it seems much more efficient to pass at one time.

### **Otis Mathis**

Resident of SW Detroit sought clarity relative to furtive dust in his neighborhood coming from the Marathon Plant.

*Commissioner Esparza questioned the previous public comments regarding the fact that the Law Department has been involved with the development of this ordinance from the beginning; wants to hear from the lawyers regarding the statements made.*

***The Commission directed staff to go forward and hold the necessary meetings relative to the suggested amendments and set a public hearing for the September meeting.***

#### IV. Unfinished Business

- A. Consideration of the initiative of the Detroit City Planning Commission and the request of Midtown Detroit, Inc. and Parkstone Development Partners on behalf of Ferry Street Development Company to amend Article XVII, District Map No. 6 of the 2019 Detroit City Code, Chapter 50, Zoning, by showing a SD1 (Special Development District, Small-Scale, Mixed-Use) zoning classification where a PD (Planned Development) zoning classification currently exists on property at 90 and 110 East Ferry Street generally located on the south side of East Ferry Street west of John R Street.

The City Planning Commission held a public hearing relative to the request of Midtown Detroit Inc and Parkstone Development Partners on behalf of Ferry Street Development Company to amend District Map No. 6 of the 2019 Detroit City Code on June 17, 2021.

There was one comment from a member of the Detroit Association of Women's Club, located at the corner of Ferry and Brush, who requested a study of uses in the R5 and SD1 zoning classifications; the group was concerned about the noise level, parking and traffic. All other comments were in support of the SD1 zoning classification.

##### Commission Concerns

Commissioners were concerned about feedback from the community and the notification process; potential exterior changes which would be referred to the Historic District Commission; and what is the current demand for office space.

##### CPC Staff Recommendation

The City Planning Commission staff recommends approval of the request of Midtown Detroit Inc. and Parkstone Development Partners on behalf of Ferry Street Development Company to amend District Map No. 6 of the 2019 Detroit City Code, Chapter 50, Zoning, by showing a SD1 (Special Development District, Small-Scale, Mixed Use) zoning classification where a PD (Planned Development) zoning classification currently exists at 90 and 110 East Ferry Street.

**Commissioner Andrews motioned to accept staff's recommendation; seconded by Commissioner Russell. Motion approved. 5-2 (Hood and Lewis – No.)**

- B. Consideration of the request of the Henry Ford Health System to amend Article XVII, Section 50-17-8, District Map No. 7 of the 2019 Detroit City Code, Chapter 50, Zoning,

to show an M2 (Restricted Industrial) zoning classification where an R2 (Two-Family Residential) zoning classification is currently shown on six parcels commonly known as 6063, 6081, 6060, 6068, 6074, and 6080 Hecla Street generally located south of Marquette Street and east of Rosa Parks Boulevard.

CPC Staff Recommendation

The City Planning Commission staff recommends approval of the request of the Henry Ford Health System to rezone six parcels commonly known as 6063, 6081, 6060, 6068, 6074, and 6080 Hecla Street generally located south of Marquette Street and east of Rosa Parks Boulevard to show an M2 (Restricted Industrial) zoning classification where an R2 (Two-Family Residential) zoning classification currently exists.

**Commissioner Russell motioned to accept staff's recommendation; seconded by Commissioner Daniels. Motion approved.**

**V. New Business - None**

**VI. Committee Reports - None**

**VII. Staff Report**

Director Todd provided the following:

At the next meeting there will be a proposed rezoning request for area of Lahser and Orchard. Per Commissioner Esparza's request there will be a discussion on flooding plan for the City of Detroit; specifically, is there any plans to develop strategies to address flooding during a heavy rain; who is responsible for handling what, etc.

**VIII. Member Report - None**

**IX. Communications - None**

**X. Public Comment - None**

**Adjournment** - The meeting was adjourned at 9:09 pm