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Kenneth R. Daniels
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Gwen Lewis
Frederick E. Russell, Jr.
Rachel Udabe

City Planning Commission Meeting

MINUTES
March 21, 2024
5:00 P.M.

I. Opening

A. Call to Order – Chairperson Donovan Smith called the meeting to order at 5:20 p.m.

B. Roll Call

Attendees: Kenneth Daniels, David Esparza, Ritchie Harrison, Gwen Lewis, Melanie Markowicz, Frederick Russell and Donovan Smith

A quorum was present.

C. Amendments to and approval of agenda

Commissioner Markowicz moved to approve the agenda, seconded by Commissioner Esparza. Motion approved.

II. Meeting minutes of January 18, 2024

Commissioner Daniels moved to approve the minutes, seconded by Commissioner Markowicz. Motion approved.

III. Public Hearings, Discussions and Presentations

A. **5:15 PM PUBLIC HEARING** – The request of John P. Biggar from Integrity Building Group on behalf of the owners of 17th Street Lofts II, LLC to rezone the property at 1408 17th Street from a R2 (Two-Family Residential) to an R3 (Low-Density Residential) zoning classification. (TS) **60 mins**

Present: Timarie Szwed, CPC Staff

Petitioner: John Biggar, architect and builder, Integrity Building Group

Timarie Szwed via PowerPoint presented the rezoning request for the site address of 1408 17th Street in District 6 in the Hubbard Richard neighborhood in southwest Detroit. She displayed a map to the location with 16th Street on the east and 18th Street on the west. The

site is directly across from Stanton Park, and north of Porter Street. The CPC report dated March 15, 2024, describes, “The subject property is generally located on the east side of 17th Street, west of Stanton Park, west of 16th Street, north of Porter Street and south of Bagley Street.” Also, she explained the petitioner proposes to convert this existing building (former church) to 12 loft units, and the R3 zoning allows 8-16 dwelling units. Ms. Szwed described the surrounding area’s zoning as primarily R2, with some PD and industrial. The Planning and Development Department (PDD) interpreted that this site’s rezoning is generally consistent with the Master Plan, area’s future land use designation. The developers have adequate parking as required in a high frequency transit area by more than nine parking spaces. Ms. Szwed discussed the petitioners attended a HRRRA meeting on February 27, 2024, wherein the community raised questions regarding density, parking, construction, traffic and street closings. Additionally, the petitioners sent letters to neighboring residents and community organizations. She acknowledged that CPC Staff mailed out public hearing notices to residents and property owners within 300 feet of the parcel. CPC Staff received an email in support from a nearby resident (address unknown). CPC Staff received two letters of opposition to the rezoning from Hubbard Richard Residents Association (HRRRA), and the owners of the adjacent property opposed with density, design, and community engagement concerns.

Ms. Szwed detailed the opposition letter is because for this development the windows that will go on the south facing side of the building may require an easement onto the adjacent property owners’ land. The property owners plan to build their home on the land and opposed the possibility of an easement. This was in response to Commissioner Russell’s question.

Mr. Biggar, development architect, described the proposed plans of the existing two-story building, and via PowerPoint displayed a rendering that they are proposing to add a little more space to the second floor. He described the layout envisioned as a common corridor on both the first and second floor with two new exits.

Mr. Biggar mentioned he discussed with Chief Robinson of the Detroit Fire Department (DFD) regarding placing windows on the property line. He explained there will be limits with having operable windows in certain cases, but it is achievable to have windows and daylight on that side of the building. Also, he mentioned that the site’s building owners, Josh and Rob, met personally with the adjacent property owners to understand their concerns. It was understood there was an agreement but no need for an easement from the neighbor to put the windows on the property. Mr. Biggar stated the developers will sell the 12 loft units with the same comparable market prices of homes in the neighborhood and income levels.

Ms. Szwed said she will consult with Chief Robinson (DFD) for a deeper understanding on the windows and easement. This was in response to Commissioner Russell’s questions.

Commissioner Markowicz placed on the record that she does know the property owners of the adjacent property. After ethical clarification from Director Todd, Commissioner Markowicz on the record stated, “I have absolutely zero financial interest in this property or any financial interests with the owners of that property whatsoever.”

Mr. Biggar described that the unit size of the one-bedroom apartments will be 650-700 sq. ft., and the unit size of the two-bedroom apartments will be 700-800 sq. ft. This was in response to Commissioner Markowicz’s questions.

Commissioner Lewis requested the Law Department’s legal opinion on the easement issue.

Commissioner Smith asked for CPC to research details on if approving R3 will it still create the same conflicts with the adjacent property in the long term? If the rezoning is granted, will CPC be supporting the window and easement issue, or is it just recognizing that the rezoning is appropriate? Later, he requested a comparison of R2 and R3 for this site.

Mr. Biggar recited the criteria received from the City with requirements based on the Michigan Rehabilitation Code for Existing Buildings (MRCEB) for windows on a property line when changing from one use to a different use. These details were provided in response to Commissioner Harrison’s questions.

Public Testimony

Jennifer Giroux commented on her letter that she and her husband own the adjacent property with aspiring building plans, and the development proposes a 10-foot easement that will be 20% of their property. She expressed the developers are not conferring with them for an agreement, and the current proposal does not align with the neighborhood and does not work with her property. She requested it remain R2.

Patrick Crotch commented concerns on the rezoning and the development’s inconsistency with the Master Plan on Hubbard Richard density residential, and its impact on other neighboring properties and other developers.

Sam Butler, President, Hubbard Richard Residents Association commented their opposition of the rezoning. He spoke on one neutral community engagement meeting, and the slight surprise of the CPC notice of rezoning. The neighbors’ concerns are regarding the density of 8-12 units and precedent of the R3 parcel in the middle of their neighborhood.

Ms. Szwed confirmed that this matter will return before CPC.

IV. Public Comment –

Simone Sagovac commented on (DIBC’s) full transparency of the development’s plans regarding unsafe public health impact of living near high-volume diesel truck traffic, noise, the communities’ need for further authoritative protection and more safety efforts.

Jennifer Giroux commented on DIBC, complimenting CPC on their critical questions and due diligence. Also, she mentioned lack of studies and identifying impacts on the community.

Patrick Crotch commented by reciting Master Plan page 157, Hubbard Richard Neighborhood Goal 5, Policy 5.2. The presented proposal does encroach on the surrounding area. Therefore, he wants CPC to consider it in decision making.

V. Unfinished Business –

- A.** Consideration of the request of the Detroit International Bridge Company, LLC and the City Planning Commission staff to rezone numerous parcels near the Ambassador Bridge Plaza. **(CG) (ACTION REQUESTED, Tabled on March 7, 2024)** 45 mins

Present: Chris Gulock, CPC Staff
Luke Polcyn, Mayor’s Staff

Dara O’Byrne, Deputy Director, PDD

Petitioners: Kevin Kalczynski, Detroit International Bridge Company (DIBC)

Director Todd gave a brief update on this matter advising that CPC Staff now has a more informed broader and well-rounded understanding on the work input and the proposal’s current issues. Director Todd discussed that he and Commissioner Markowicz attended a community meeting, and Commissioner Markowicz spoke with members of the community. He pointed out that PDD provided a memo regarding its planning efforts and design issues for this area and this proposal.

Mr. Chris Gulock, presented via PowerPoint updates on the rezoning events and that due to critical questions CPC voted to table it for further discussion with PDD and HRRRA.

Commissioner Markowicz expressed concerns for the Hubbard Richard neighborhood and her request for more targeted effort for planning and balancing industrial uses, quality of air and life of nearby residents. She asked questions of PDD on goals and objectives, traffic studies, street closings and framework plans for this area.

Director O’Byrne provided a brief overview of the ways that PDD has included the Hubbard Richard area in its plans of West Vernor Corridor Framework, Joe Louis Greenway and Master Plan updates. Director O’Byrne announced PDD’s launch of community outreach on the upcoming major updates to the Master Plan of Policies.

Mr. Luke Polcyn explained there are no anticipated changes of trucking patterns and traffic flow. There is a current level of traffic that uses St. Anne Street that would move over to 18th Street, and any additional traffic demand would use 16th Street from Fort to Lafayette. This was in response to Commissioner Markowicz’s questions.

Chris Gulock advised that the community agreement has been signed by Mayor Duggan, Conrad Mallet, Corporation Counsel (Law Department), DIBC, and HRRRA. The community agreement has the negotiated terms, requirements and part of it is the rezoning request. He explained the request was initiated by DIBC, and CPC joined to include the parcels west of St. Anne Street. Further, CPC will make its recommendation, and it is believed that the Administration will bring the agreement and the rezoning before City Council for consideration. This was in response to Commissioner Harrison’s questions.

Luke Polcyn mentioned benefits for right of way, utilities and lighting upgrades, and electrical connections will be underground.

Director Todd responded that Staff consulted with the Historic District Commission (HDC) and Historic Designation Advisory Board (HDAB), and it was determined that the historic district in the area of the church, Basilica of Sainte Anne de Detroit, is excluded from this project. This was in response to Commissioner Markowicz’s questions.

Luke Polcyn described that the DIBC pledged to construct and deliver to the City, 16th Street as a replacement street. The DIBC has agreed to not pursue any new property acquisitions in the area of the HRRRA donating properties. Mr. Polcyn confirmed that, if the community agreement does not get approved, it does not move forward. This was in response to Commissioner Russell’s questions.

Kevin Kalczynski answered DIBC will be donating 10 residential lots to HRRRA’s fiduciary, and the properties are all zoned residential without deed restrictions. One lot being donated to the City anticipated as an annex for Roberto Clemente Recreation Center in Hubbard Richard. Mr. Kalczynski stated the largest land donated to HRRRA is 4.8 acres (parcel of Greyhound), and the community agreement describes its future development as commercial or mixed use in response to Commissioner Daniels’ questions.

Commissioner Esparza motioned to accept the recommendation by Staff, specifically Chris Gulock, that CPC approve the requested rezoning. On that basis acknowledging that based on past history this rezoning request is supported by a historic three party benefits agreement that lays the foundation for moving forward in a much more positive direction from this point on so with that good reflection of the request before the Commission, seconded by Commissioner Lewis. Motion Approved (7-0).

Commissioner Esparza motioned to add the following to the previous motion as it moves forward as a reference resource material and the fruits of this Body and specifically one of those items the work by Vice Chair Markowicz. 1) This would add the memorandum by Vice Chair Markowicz which identifies several concerns. It is time well spent and resulted in benefit moving forward 2) To attach a request or requirement that MDOT seriously consider the Fort Street existing conditions and work towards improvement regarding the physical layout of the planning and design of Fort Street to make sure that it is compatible with the forthcoming enhancement and the development that's part of the previous motion. 3) To add the memorandum by PDD Director Antoine Bryant that was shared with CPC regarding the past action in this area and community, and 4) To request for consideration that is based on all that CPC has gone through with this agenda item. It is believed that this warrants periodic updates to the tune of annual updates, so that CPC can see how this is moving forward as it relates to community benefits agreements and progress and compliance because it is hopeful that there will be full compliance though it believes CPC needs to be updated in regarding the progress multi-year development moves forward, seconded by Commissioner Markowicz. Motion Approved.

Director Todd clarified that Commissioner Markowicz did not submit a memo, but she submitted a listing of items to address.

VI. New Business – There was no New Business.

VII. Committee Reports – There is a committee meeting next week, and prior meeting minutes will be circulated.

Later, Director Todd confirmed that Staff will obtain information from Director Julie Schneider, Housing & Revitalization Department (HRD) in response to Commissioner Lewis' request.

VIII. Staff Report – Director Todd discussed the distributed flyer with meetings dates for districts hosted by the Department of Neighborhoods. The meeting will update the community and kicks off the Master Plan update.

Additionally, Director Todd announced that Director Bryant of PDD has agreed to appear and provide a preview of the Master Plan at the next meeting on April 4, 2024.

IX. Member Report – There were no Member Reports.

X. Communications – There were no Communications.

XI. Adjournment

The meeting adjourned at 7:52 p.m.