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TO: City Planning Commission

FROM: Kimani Jeffrey, Staff

RE: Request of CCA Midtown Detroit, LLC to amend Chapter 50 of the 2019 Detroit City Code, Zoning, by amending Article XVII, Zoning District Maps, Section 50-17-5. District Map No. 4, of the Detroit Zoning Ordinance to modify the development regulations of the existing PD (Planned Development District) zoning classification for the properties commonly identified as 33 Elliot Street, and 3510, 3524 and 3540 Woodward Avenue at the southeast corner of Mack and Woodward Avenues

DATE: March 3, 2021

On February 4, 2020 the City Planning Commission (CPC) held a public hearing to consider the request of City Club Apartments (CCA), founded by Jonathan Holtzman. CCA is also the owner of City Club Apartments CBD Detroit (313 Park Avenue), City Club Apartments Lafayette Park (750 Chene Drive), Renaissance City Club Apartments (former Millinder Center), and Detroit City Club Apartments (1431 Washington Blvd).

The project that is currently before CPC for requested action, is the proposal of CCA to develop City Club Apartments-Midtown on the approximately 2.4 acre site on the southeast corner of Mack and Woodward avenues. The development is part of the former Red Cross site redevelopment plan. The subject site is bounded by Mack Avenue, the former Red Cross building, Woodward Avenue, and the reinstated, privately owned extension of Eliot Street. A portion of the site is utilized for parking with the remainder of the site being vacant. The \$95M project is a mixed-use development that will include three separate buildings comprised of a 32,000 square foot (SF) single story retail building, a 64,000 SF six story mixed-use building with 12,500 SF of ground floor retail and 77 apartments and a 203,000 SF sixteen story apartment building with 273 apartments.

COMMUNITY OUTREACH AND PUBLIC HEARING RESULTS

The developer has held two meetings with the Brush Park CDC. The first meeting was held during the summer of 2020 and the second meeting in January of 2021. Since then the Brush Park CDC has issued letter of support for the project with a unanimous vote. The developer has also met with a number of additional stakeholders, with the meeting schedule listed below:

- Brush Park CDC Public and Board Meeting 7/2020 and 1/21/2021
- 3670 Woodward Ave (Ellington Residents) 2/25/2021
- 100 Mack Ave (Owners of Office Building) 2/3/2021
- 115 Erskine St (Owners of Office building) 2/3/2021

- 80 Eliot Street (Members of Club/Ownership) 2/4/2021
- 3424 Woodward (Owner) 2/3/2021
- SWC Stimson/Woodward (Developer/Owner) 2/3/2021
- 3152 Woodward Ave (Owner) 2/2/2021
- 3663 Woodward Ave (Broder and Sachse Building) 2/2/2021
- 81 Erskine St (Owner) 2/3/2021
- 3448 Woodward Ave (Owner) 2/3/2021
- 40 Davenport (Owner) 2/2/2021

At the February 4th public hearing on this matter several people spoke in support or with general remarks and questions for this matter.

However, one speaker during public comment, representing the Prismatic Club located just south of the proposed development in the University of Michigan Building at 80 Eliot, spoke in opposition to the project due to a separate dispute with the owner of the site.

The representative of the Prismatic Club stated during the public hearing and in additional conversations with CPC staff that they have two concerns:

- that the vacated Eliot Street, was recently reconfigured during the construction of a neighboring project called SOMA by the owner of the former Red Cross site (which includes the subject CCA site) without the Prismatic Club's consent.
- that the Prismatic Club has an agreement with the former Red Cross site owner to park on the existing parking lot, therefore if the CCA-Midtown development is built, the Prismatic Club will no longer have access to parking.

This matter appears to be under review in Wayne County Circuit Court, based on documents that have been provided by the Prismatic Club representative.

CPC staff has also consulted the City's Law Department (Law) on this issue, resulting in them opining on the matter. The synopsis of Law's response is that "both of the disputes between Prismatic Foundation and Nyman (the owner of the former Red Cross site) are private in nature."

There is a resolution from 1994 that vacated and converted the portion of Eliot Street in question between Woodward Ave. and John R to an easement. Law's final advice is that recourse should not be handled through CPC, but through the Courts. The Prismatic Club may also consult the Department of Public Works (DPW) regarding the Eliot Street issue to have them look into the matter.

Law also responds similarly to the alleged contractual obligation to provide parking spaces for the Prismatic Foundation and states that the alleged contract has no bearing on anything that the City may do in this matter. Essentially, CPC should not substitute its judgement in a dispute that should be handled by the courts, but however can operate within the statutorily permitted criteria within state and local statutes. Again, this is considered a private matter according to Law.

Finally, a letter was also submitted by the owner of the former Red Cross site, Adam Nyman, that speaks to the litigation concerning the alleged interest in the portion of Eliot Street. The letter indicates that "in the event that the litigation is not resolved, we are prepared to construct the road over a portion of the vacated Eliot Street and part of our property in a size and manner that will not obstruct or delay the City Club Apartments proposed development and will sufficiently service the properties adjoining the vacated Eliot Street."

ANALYSIS

This project is generally in conformance with the PD District design criteria of Sec. 50-11-15 of the Zoning Ordinance. Staff's review is as follows:

(a) Master Plan The proposed development should reflect applicable policies stated in the Detroit Master Plan.

The subject property is located in the Lower Woodward area of Neighborhood Cluster 4 of the Detroit Master Plan of Policies (MP). The future land use designation for the subject parcels indicates (MRC) Mixed Residential-Commercial characterized by "medium-to-high density housing developed compatibly with commercial and/or institutional uses."

The Master Plan-Zoning Table, which identifies the correlation between MP designations and zoning districts, classifies the PD zoning district as consistent with the MRC designation. The nature of the mixed-use retail and residential activity conforms to the intent of the designation.

The Planning and Development Department has submitted a determination stating that the proposed development is in conformance with the Master Plan of Policies.

(b) Scale, form, massing and density and (c) compatibility the proposed development is compatible with surrounding development in terms of land use, general appearance and function, and should not adversely affect the value of properties in the immediate vicinity.

As it relates to scale, form, massing and density, CPC staff believes that the building heights and scale are appropriate for the current site. The scale and massing fit the existing context of the Woodward and Mack Avenue intersection. The buildings will reside at the intersection of two major thoroughfares are appropriate for this type of development. The tallest building, the residential tower, proposed to front Eliot Street has been thoughtfully placed on Eliot Street instead of Woodward Avenue, to not overpower and cast shadows on neighboring structures.

The entire former Red Cross site has been master planned by the owner of the property. The City has been involved in this process for some years now, and believe that this proposed plan will contribute to the entire area filling a space that lies at the very important Mack and Woodward Avenue intersection.

(d) Circulation Vehicular and pedestrian circulation facilities should be adequately designed to meet expected demands. Disruption of traffic flow in surrounding areas should be minimized, and truck traffic should be carefully planned and controlled, especially to avoid use of residential streets.

Concerns related to traffic, loading, circulation and pedestrian safety were central topics surrounding another development on the larger master planned site in 2019. The traffic mitigation measures were put in place to reduce the traffic speeds in the residential neighborhood stemming from new development. At that time, the Mayor's Office, Detroit Police Department (DPD) and the Department of Public Works came before this Honorable Body and committed to a mitigation strategy. Since then the Mayor's Office has confirmed that most of these items have been completed. These items are found below:

1. The intersection of Edmund and John R will be converted from two-way to four-way stop controlled.
2. Pedestrian crossing signs with blinking lights will be installed at the intersection of Watson and John R.

3. Yield-to-pedestrian signs will be installed in the crosswalks at the intersection of Watson and John R.
4. Yield-to-pedestrian signs will be installed at the intersection of Eliot and John R.
5. Pedestrian-crossing signs with blinking lights will be installed at the intersection of Eliot Street and John R.
6. Spaces on Erskine will be marked as loading areas to alleviate congestion and double-parking while trucks unload for the Scott apartments and commercial business.
7. The DPD precinct commander has committed to allocating resources during high traffic event nights by deploying officers to ticket and to mitigate traffic impacts.

CPC staff has also confirmed through a site visit, that all but one item has been completed, that being item #2, but is still planned to be executed. Additionally, kiosks have been implemented on Erskine, which has also relieved some congestion in the area and spurred vehicle turnover. Traffic studies have been done by the CCA developer and reviewed by city staff's and concessions have been made to facilitate traffic for this site.

(e) Parking and loading Where appropriate, adequate vehicular off-street parking and loading should be provided. The City Planning Commission will be guided by standards delineated in this zoning ordinance with adjustments appropriate to each specific situation.

Due to several interdepartmental meetings and many conversations regarding the loading for this site, the Department of Public Works Traffic and Engineering Divisions has reviewed the current site plan and put forward the following conditions for the developer, which have subsequently been agreed to and will be incorporated as conditions of the PD ordinance. Those conditions related to loading are as follows:

- a. Loading zone deliveries will not be allowed during the rush hour periods of 7:00 am – 9:00 am or 3:00pm – 6:00 pm. In addition, all efforts should be made to minimize deliveries to the period of 7pm to 6am.
- b. The second truck bay can only be used for trash pickup services, which can only occur overnight and prior to 6:00 am. At no time shall truck deliveries occur while the 2nd bay is occupied.
- c. The delivery operation should be within the dock area without encroaching city's ROW. The developer should strongly encourage the use of small trucks as shown in their schematics. No trucks can be longer than the loading dock length.
- d. Parking in front of the business will be eliminated and will be converted to short term loading zone.
- e. Curbside delivery is limited to UPS/FedEx, etc. for short period of time using the loading zone.
- f. The combined driveway width is beyond our standard 30 feet maximum. The proposed configuration will require an encroachment permit and indemnification through DPW's right of way permitting process.
- g. Agreement needs to specify that the developer will have procedures in place that will be followed by all of their company truck drivers. The procedures will require the primary retail tenant delivery vehicles to pull into the unoccupied curb lane, and wait for traffic to clear, before beginning the process of backing up into the loading dock. Deliveries from non-company entities such as Coke/Pepsi shall utilize the assigned loading zone (Curb lane) in front of the development, for all delivery services. The delivery services shall be prohibited during rush hours (7:00am– 9:00 am or 3:00 pm–6:00pm).

(f) Environmental impacts *Environmental impacts that relate to such factors as noise, air, combustibles and explosives, gases, soil, and water pollution, toxic waste, vibration, odor, glare, and radiation, should be controlled to be within acceptable levels at all times.*

As it relates to environmental impacts, there are no major negative environmental impacts expected. The developer will adhere to the Post Construction Stormwater Management Ordinance.

(g) Open space *Adequate public and private open space should be provided for light and air, landscaping and, where appropriate, for passive and active recreation.*

There are three open spaces and amenities planned for the site which include:

A pocket park at the southeast corner of Mack and Woodward Avenues featuring a splash fountain with landscaping.

A pocket park at the northeast corner of Woodward Avenue and Eliot Street featuring outdoor seating a sculpture to be designed by a local Detroit artist.

Thirdly, an Art Park is planned in the courtyard between all of the CCA buildings. The Art Park will be reserved for apartment residents during the week but will be open to the local community for public events on the weekend. City Club Apartments will work in collaboration with local non-profit arts and cultural organizations to design and operate the Art Park.

The developer has stated that they will exceed the minimum tree size of a 2" caliper tree, 12-14 feet tall and instead propose the larger 3.5"-4" caliper tree, 18-20 feet tall for right-of-way (ROW) plantings.

The developer has committed to working with the City on the (ROW) to "propose tree and shrub species that make sense in the larger scheme of Midtown/Detroit to ensure diversity of species to increase disease resistance and visual interest."

(h) Rights-of-way, easements, and dedications *Where appropriate, adequate rights-of-way, easements and dedications should be provided for traffic ways, utilities and community facilities.*

Rights-of-way, easements and dedications are addressed appropriately. While there is a court matter regarding the easement of the vacated Eliot Street, there is a second option to address this pending the conclusion of litigation. That alternative plan is included as an attachment.

(i) River access *Where appropriate, public access should be provided, including provision of adequate right-of-way for the continuous pedestrian and bicycle pathway being developed along the Detroit River.*

Not applicable.

(j) Screening. *Appropriate buffering and screening of service, loading, refuse collection, mechanical and electrical equipment and of parking areas should be provided.*

City staff has worked with the developer on locations of loading and siting of other equipment.

(k) Orientation. *Careful consideration should be given to orientation both for solar access to the proposed project and for shadow impact upon surrounding development.*

As mentioned above, the tallest building, the residential tower, proposed to front Eliot Street has been thoughtfully placed on Eliot Street instead of Woodward Avenue, in order not to overpower and cast shadows on neighboring structures. The design team has been intentional about placement and orientation of buildings.

***(l) Signage** Signage and graphics should be tastefully designed to be visually appealing and in character with surrounding development. They should provide needed information, direction, and orientation in a clear and concise manner.*

Signage and proposed murals will be addressed subsequently through a process to be determined that will include community and city involvement. This process will be included as a condition of the PD ordinance.

***(m) Security considerations** Security considerations, especially avoidance of visually isolated public spaces, should be a major element of the design program.*

The site does not have any outstanding security concerns.

CONCLUSION AND RECOMMENDATION

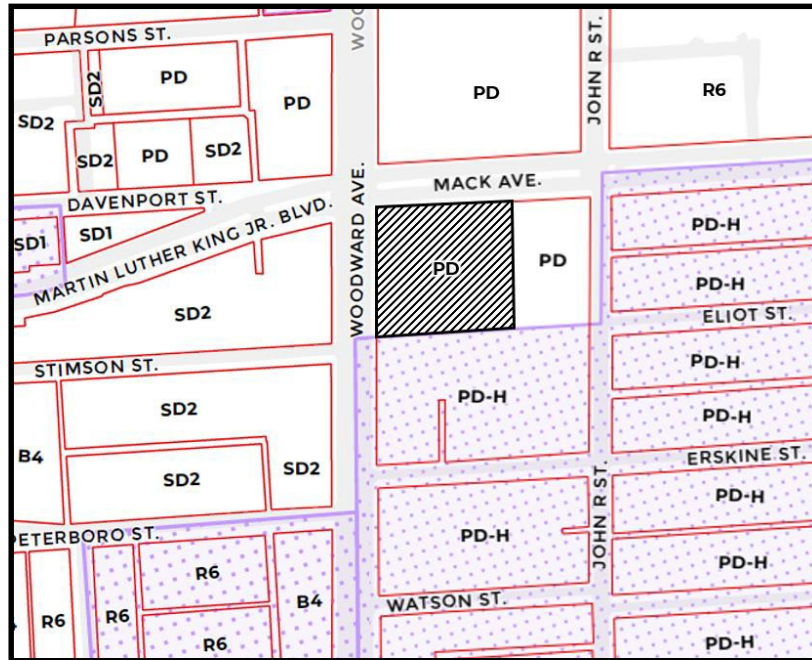
The development team has worked to resolve several of the staff and community concerns during the consideration of this request. There were many engagement efforts that took place with varied aspects of the community. The design and programming of the subject buildings have changed as a result of the community and City feedback. While the loading dock issue became a focus during this process, by working with DPW Traffic and Engineering and other city agencies, we have come to a conclusion that will codify certain conditions for the loading dock on Mack Avenue to be acceptable for DPW.

CPC staff will present our recommendation and conditions at the Commission table, when this matter is taken up during your meeting of March 4, 2021.

Attachment:

Plans

Cc: Katie Trudeau, Acting Director, P&DD
Karen Gage, P&DD
Greg Moots, P&DD
Donald Rencher, Group Executive for Planning Housing and Development
David Bell, Director, BSEED
Ron Brundidge, Director, DPW
Sunny Jacob, DPW
Lawrence Garcia, Corp. Counsel



Proposed PD Modification Site