

City Planning Commission Regular Meeting

NOTE: These minutes do not represent a Verbatim transcription of the meeting

**CITY PLANNING COMMISSION
REGULAR MEETING
September 19, 2013**

APPROVED

I. Opening

Call to order

The meeting was called to order by Chairperson Carr in the City Council Committee of the Whole Room on the 13th Floor of the Coleman A. Young Municipal Center at 5:10 p.m.

Roll Call

Commissioners, Carr, Christensen, Gage, Russell and Simons were present. Commissioner Williams joined the proceedings after the start of the meeting. Commissioners Davis and Andrews were absent (excused).

Amendments to and Approval of Agenda

Commissioner Williams moved to approve the agenda with the removal of the minutes. Commissioner Russell second the motion and it was approved. The motion was modified directing that these items be brought back at the next meeting: minutes and Item IV(A). Motion was approved.

III. Public Hearings and Presentations

- A. 4:45 PM PRESENTATION** – request of Acadia Healthcare America, Inc to modify an existing PD (Planning Development) zoning district shown on Map No. 37 of Chapter 61, Article XVII of the 1984 Detroit City Code, Zoning, for the Stonecrest Medical Center located at 15000 Gratiot Ave. on the east side of Gratiot Avenue between State Fair Avenue and Fairmount Drive.

Legislative Policy Division (LPD) staff member Greg Moots presented Commissioners the request from Acadia Healthcare, which includes major modifications for PD located at 15000 Gratiot, the northeast corner of Gratiot and State Fair. Petitioner is requesting the removal of the existing parking garage and construction of a replacement surface parking lot. Mr. Moots gave a in-depth presentation that included maps of the subject property, and zoning maps showing the entire area affected by the rezoning requests. Shannon Robbins, Director of Operations for Acadia Healthcare America, Inc. was available to answer any questions Commissioners raised.

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Demolition of the structure was been previously approved by staff. The petitioner is requesting a 177 space surface parking lot on the southwest side of the site at State Fair and Gratiot. Previously approved at the staff level, is a small lot at the southeast corner of the psychiatric hospital. They presently have 90 beds. The zoning ordinance requires 180 parking spaces. They also have an outpatient clinic approximately 3,000 square feet and that would require an additional 14 parking spaces. Parking is fairly close to the zoning ordinance requirements. The site is well landscaped, exceeding the landscaping requirements. There are two alleys going through the site. They are requesting the removed alleys be a part of the approved site plan. The landscaping is proposed to be irrigated. To the east of the site is residential; to the west is Gratiot and the west side of Gratiot, which is primarily commercial; and, to the south along State Fair is primarily residential uses.

LPD staff member Greg Moots responded to Commissioners questions and indicated the petitioner would be required to present future building for approval as a part of the PD. Zoning ordinance requires the 5' landscape area between the parking area and the street. There is 10' between the sidewalk and the street for the proposed parking lot. The setback from State Fair and Gratiot does meet the zoning ordinance requirements for a setback of a parking lot from the right-of-way.

Commissioner Russell asked if there was an official take from the City on whether or not they are going to encourage the use of permeable pavement. Mr. Moots responded that drainage is still required on the pavement for runoff. He also indicated that the code requires there be no spillover of light, that the lighting be aimed away from the adjacent properties and that's occurring. The applicant is proposing to connect both east-west alleys to the existing street. That has yet to come before the Department of Public Works. They are proposing to add additional parking along the existing drive from the north along the eastern edge of the site.

Commissioner Carr said that it would be helpful to have a picture of the entire property, information about the current structure and the lighting. Commissioner Gage requested, if possible, a drawing of the proposed building. Commissioner Carr also indicated it would be helpful if you could include the specifics of any studies done about the parking and the needs.

LPD staff member Marcell Todd asked Mr. Robbins what community reaction he anticipates. Mr. Robbins indicated they had reached out to the community and they are happy about the control of traffic.

Presentation concluded at 5:50 p.m. Public Hearing will be held October 3, 2013 at 4:45 p.m.

- B. 5:30 PM PRESENTATION** – request of Henry Ford Health Systems, to amend Article XVII, District Map No. 7 of Chapter 61 of the 1984 Detroit City Code, Zoning, by rezoning properties located south of Marquette Avenue and north of the Grand Trunk Railroad on the east and west sides of Hecla Avenue and the west side of Avery Avenue from the current M3 (General Industrial District) zoning classification, and R2 (Two-Family Residential District) zoning classification to a M2 (Restricted Industrial District) zoning classification.

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Mr. Tom Habitz, Henry Ford Health Systems, gave a detailed presentation to the Commissioners. Henry Ford's intent is the infusion of economic activity into the city and the neighborhood (\$16.5 million dollars). The conditions of the site have not changed except for some soil sampling. They have cut the grass and maintained all of their properties in the neighborhood, cutting back over 200 parcels throughout that neighborhood (city-owned properties included).

It was difficult to see images of the current site in the presentation pictures. The warehouse will be built to the south, closer to the tracks. There are very few occupied residences in the area. Out of the 85 parcels, only six occupied residences are in this area. There are 17 parcels that are needed. A group of five city-owned properties, the rest are owned by Henry Ford. We have an application to acquire the city-owned properties from P&DD. Detailed design work is set to go starting this month. The project enjoys large spread community support and we have a series of support letters. We conducted dozens of meetings with multiple groups, primarily with the West Grand Blvd. Collaborative Community Coalition, but others as well. While we're going to get ready to launch into the construction process for Phase I, we're essentially ready to begin approving activities for Phase II as well. The construction timeline is about 12 months.

Commissioner Carr requested Mr. Habitz bring pictures of the area and property that was in the presentation.

Commissioner Williams asked if their developer is going help with new housing. Mr. Habitz responded they are in discussion with other developers who have a better experience with multi-family housing.

The presentation concluded at 6:11 p.m. Public Hearing will be held Oct. 3, 2013 at 5:30 p.m.

- C. **6:00 PM PRESENTATION** – request of Building Safety Engineering and Environment Department (BSEED) to amend Chapter 61 of the 1984 Detroit City Code, Zoning, by amending provisions in Articles III, IV, and V governing review and approval procedures, violations and enforcement in order to, among other things, clarify and facilitate show-cause hearings.

LPD staff member, Marcell Todd, distributed a draft of the ordinance that has been prepared for the proposed text amendment. This is the first time an amendment was requested by BSEED, (recognizing the loss of capacity among the staff) and the Law Department has actually drafted this document with some involvement from the staff.

LPD staff member Greg Moots gave a detailed report of the ordinance changes and indicated that the primary position of the ordinance deals with the show cause hearings. Other portions clear up the language in the termination of permits. It also cleans up the language, making zoning code consistent with the building code.

Tonja Stapleton, Manager of the Zoning Division of the BSEED stated their department is looking at the ordinance and procedures for changes that will make their department more efficient. There will probably be many more requests in the months to come. Just because a

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permit is issued doesn't mean that the use is permitted. The process explains how land use is legally established. In the case of something that requires a hearing the department would write a decision letter that is recorded and then the applicant is allowed to pull a building permit. The building permit basically just allows one to establish the use. They still have to get all their inspections and call for a certificate of occupancy. Once the certificate of occupancy is issued then it becomes a legal land use. There have been situations where a permit is pulled and then nothing else was done. The existing show cause ordinance wasn't real clear what to do in those cases and it has been the department's opinion that until a certificate of occupancy is issued, there is no legal land use; the City shouldn't have to go through the formal show cause hearing process to cancel the grant. There are instances where BSEED would like to proactively extinguish those rights; uses such as liquor stores, etc. The Show Cause Hearings Officer, Rick Bowers, has assisted in much of this research and identified what can and cannot be done and worked with the Law Department to draft the ordinance that is before you.

Current case law requires that a use not only demonstrate abandonment, but the property owner has to demonstrate intent to abandon his land use rights. There is case law regarding this and this ordinance was modeled after that. The ordinance also has a different approach for non-conforming uses versus by right uses. Interdepartmentally, all agree that there should be one set of standards for show cause hearings and how they are administered.

LPD staff member Greg Moots noted that this ordinance should not affect individuals around the property directly other than that it may make it easier to shut down businesses that do not comply with the grant.

LPD staff member Marcell Todd mentioned that former Director, Nathan Ford did initiate a very intense code enforcement effort, which continues today under Director David Bell. The immediate community at a given location will see the benefits.

The presentation ended at 6:45 p.m. A public hearing is schedule for October 3, 2013 at 6:00 p.m.

IV. New Business (none)

V. Committee Reports (none)

VI. Staff Report

LPD staff member Marcell Todd reported to the Commission about the changes to the Block Grant Program. The City Planning Commission's recommendations were reported to City Council who concluded their process May 22, 2013 and then took action as part of the budget to adopt a CDBG budget on the 24th. Each year that action is culminated in an action or consolidation plan which serves as the City's application to the Housing & Urban Development (HUD) Department for those funds for the given year. HUD then conducts a review and determined whether or not the City will be awarded the funds as requested. That document includes a breakdown of the awards to the various groups. In recent years the department has indicated their desire to submit that document in a timely fashion. The applications are first due

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May 15th of each year and can be turned in as late mid August of each year. The funds may be distributed by HUD as early as October.

The PDD department did not get that consolidation plan back to City Council before they recessed; they instead elected to take it to the Emergency Manager (EM) for action. They elected to eliminate 19 of the groups that the City Council had recommended funding for and supplant them with an additional 10 groups that were not in Council's plan. Also, the EM increased funding to some groups in the plan. Notice of this issue was given on August 14th and a public hearing was held on the 16th. Roughly 30 persons attended, representing 20 or so groups. Some of the groups were benefactors of the change. The 19 groups have listed a number of concerns to the EM, HUD, and Congresspersons as well. The EM approved document was submitted to HUD. HUD indicated to the city that they felt the document was deficient with public engagement and required that public comment on the document be extended to September 6th.

Once the consolidation is submitted to HUD they have a 45 day review period at which point in time they can have exchange with the recipient city and give that city the opportunity to remedy any issues. A public comment period is formally extended through September 6, 2013. City Council passed a resolution objecting to what they've done and urging the Administration and the EM to uphold what was initially approved. There was also a meeting facilitated by Council President Jenkins and attended by Council Member Tate, Tuesday, September 3, 2013. A subsequent meeting was held on the 6th with Council Members Tate and Spivey to follow-up with Ms. Winter and Mr. Anderson of P&DD as well as Sonya Mayes, representing the EM's office and two representatives of Ernest & Young and Conway Mackenzie who had also been involved in reviewing the whole block grant program. A working group is to be established with a primary focus to lay out a brand new process that will begin this year.

We recognize with the changes in staffing being brought about, that the customary review of CDBG block grants would probably be one of the first things to suffer. We have no capacity right now with the remaining staff to conduct the same level of CDBG review as done in the past.

VII. Communications (none)

VIII. Public Comment (none)

IX. Adjournment (Meeting adjourned at 7:17p.m.)

NOTE: An interpreter for the hearing impaired will be present at the meeting if requested at least 48 hours in advance. To request an interpreter, please call 313-224-4946.

