

# City Planning Commission Regular Meeting

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**NOTE:** These minutes do not represent a verbatim transcription of the meeting.

CITY PLANNING COMMISSION  
REGULAR MEETING  
December 5, 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 13<sup>th</sup> Floor of the Coleman A. Young Municipal Center at 5:26 p.m.

### Roll Call

Commissioners Carr, Andrews, Gage, Simons, Davis and Russell were present. Commissioners Christensen and Williams were absent (excused).

### Amendments to and Approval of Agenda

Commissioner Russell moved to remove Item 4B from today's agenda. Commissioner Simons second the motion. Motion carried.

Commissioner Davis moved to approve the agenda with the amendment. Commissioner Andrews second the motion. Motion carried.

## II. Minutes

### Approval of minutes of the Regular Meeting of October 24, 2013

Minutes of the meeting of October 24, 2013 were distributed today and will be brought back at the next meeting.

### Approval of minutes of the Regular Meeting of November 7, 2013

Minutes of the meeting of November 7, 2013 were distributed. Commissioner Simon motioned to approve the minutes with need of typographical corrections. Commissioner Davis second the motion. Motion carried.

## III. Public Hearings and Presentations

- A. **5:00 PM PRESENTATION** – of the Detroit Stormwater Policy Initiative developed by the Water Subcommittee of City Council's Green Taskforce. City Council member Kenneth V. Cockrel, Jr. and subcommittee members will be present.

Present: Kenneth V. Cockrel, Jr., Detroit City Council Member  
Kahlil Mogassabi, Planning & Development Department

## City Planning Commission Regular Meeting

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Melissa Nemashki, Co-Chair of the Green Task Force Water Subcommittee  
Dan Schecter, Detroit Water and Sewerage Department

Council Member Kenneth V. Cockrel, Jr., told the Commission of his support for the Detroit Stormwater Policy Initiative. He has reviewed the presentation and would like the Commission to give serious consideration to the Initiative. Also, before leaving the table, Mr. Cockrel stated that it has been a pleasure to have worked with the Commission and Mr. Todd over the past few years and that he looks forward to working with the Commission to move the City of Detroit forward in the future.

Legislative Policy Division staff member Marcell Todd expressed his appreciation for Mr. Cockrel's service to the City and that it was an honor to serve under him and with him over the years. The Commissioners agreed.

Kahlil Mogassabi spoke on behalf of the Water Subcommittee of Council Member Cockrel's Green Task Force and also as part of the Planning & Development Department of the City of Detroit. Mr. Mogassabi expressed his appreciation for Council Member Cockrel and his Green Task Force.

Melissa Nemanshki, Co-Chair of the Green Task Force Water Subcommittee and Great Lakes Program Director for the Sierra Club. In late 2010, the Water Subcommittee was established by Council Member Cockrel and the Green Task Force. The Water Subcommittee first looked at what other Great Lakes communities were doing. Detroit is part of an eco-system that has 20% of the world's fresh surface water. The Water Committee wants to protect this resource because it's our drinking water and it is important to our region's economy in helping to provide jobs. The City of Milwaukee's Mayor signed an Executive Order to reduce storm water by 15%. The City of Chicago started a Green Alley Initiative and a Green Roof Initiative to address cutting the volume of storm water entering their sewer system. Cleveland was starting Project Clean Lake that works towards polluted run-off. The Water Subcommittee decided to look at water issues in the City of Detroit and figure out recommendations that we could make to our community on how to protect this valuable resource.

Kahlil Mogassabi gave a presentation of the Detroit Water Agenda 2012, which was submitted to the Commission along with the meeting materials. The Water Agenda has eight primary topics. Water conservation is a very important element, but the storm water element is the focus today. Storm water could be rain, sleet or snow. Detroit gets about 32" of rain and snow per year. One inch of rain, when it falls on one acre of land, is about 27,000 gallons; and, when 1" falls on one square mile that is 17 million gallons.

Commissioner Carr asked how does that compare to other states that have water agendas or policy?

Kahlil Mogassabi replied that, for example Minnesota, they get more water a year because their total amount of rain per year is about 40".

Melissa Nemanshki stated that it is similar across the region. All of the cities in the Great Lakes region have combined sewer systems and whenever we have heavy rainfalls, it adds a burden to the combined sewer systems and they cannot handle the volume and that is when we start to see these problems. Cities have started implementing programs to cut that volume of rainwater.

Kahlil Mogassabi stated that in the natural setting when the water falls you have grass not pavement and that's the ideal setting because about 50% of the water gets filtered through the ground. When you have a lot of pavement you get a lot of run-off, about 55% will go into the combined storm system. Typically urban areas have commercial and residential roofs, parking lots and streets and sidewalks. Wet weather conditions are when storm water gets mixed with waste water and goes into the combined sewer. The

## City Planning Commission Regular Meeting

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Detroit Water and Sewerage Department (DWSD) have detention basins and try to keep it so there is no overflow. Even with that, in extreme weather they cannot control it. Eventually the overflow bypasses the treatment plants and goes into the river, which is called a Combined Sewer Overflow (CSO) event. A lot of urban areas have the same systems. The EPA has the Clean Water Act from 1972, a permit process for an entity to discharge their water to make sure the water discharged is actually clean water. Because Detroit is primarily a combined sewer system, we also fall under the DEQ under what they call Long-Term Combined Sewer Overflow control plan, a plan where the City of Detroit through DWSD may have to submit to DEQ making sure the City is following a plan to eliminate this CSO problem or these events where the water just goes into the river. Detroit has 97,000 acres with about 78 outfall locations. Green infrastructure is a better way to manage storm water. Green infrastructure is less concrete and more green space. It is trying to reduce the concrete pavements and trying to make the ground have the capability to infiltrate the water that comes down. Vegetation and soil makes it easier for the water to mimic the natural setting. The Water Subcommittee wants to promote those best management practices and try to incorporate these strategies into our zoning ordinances.

Dan Schecter, Superintendent of Engineering at Detroit Water and Sewerage Department (DWSD) , stated that DWSD has spent \$1.5 billion over the last 15 years in gray infrastructure to handle CSO issues and is looking at avoiding those costs in the future and doing something a lot better for the environment and the community by spending a significant amount of money on green infrastructure. DWSD is just starting to spend the first of \$50 million in the City of Detroit on green infrastructure and has been doing some of that with Greening of Detroit and SEMCOG. Beginning in January DWSD will spend about \$3 million a year of green infrastructure in the upper Rouge area as part of their permit conditions with DEQ. The largest cost for other cities that have been doing green infrastructure is the cost of land. That creates a real opportunity in Detroit where the cost of land will probably be our number three cost.

Kahlil Mogassabi said that there is encouraging language in the 1997 Charter calling for environmental legislation and conservation. The only thing that has changed from the 1997 Charter to the 2012 Charter is the name of the department, the language is still there. It says that "Building & Safety Engineering shall develop programs for the protection and conservation of natural resources within the City of Detroit". That is something that we should be striving for. It also calls for Building & Safety to propose new ordinances, laws and regulations to improve the quality of the environment. The 2012 Charter proposed additional things like green initiatives and sustainable technologies.

Commissioner Carr said that she was interested to hear how you balance the cost of implementing these programs? Some of my colleagues often ask developers about green initiatives, who often say that it is too costly. How can we factor that in? We do not want to discourage development, but we want to be green conscious.

Kahlil Mogassabi responded it depends on what strategies you are installing, but typically when you do green building, green infrastructure in general there is a premium, 2% up to 10% premiums over and above the normal cost. You can always cut the costs in other areas.

Dan Schecter added that from DWSD's standpoint, they are rolling out a Storm Water Fee Program that has already been in place for customers and is now going out to non-customers, who own things like parking lots, but may not have a water and sewer connection. DWSD is hopeful that many of those who anticipate that fee will want to do something about it to reduce their impervious area and, thereby, reduce their fee and reduce their storm water input into the sewer system.

Melissa Nemanshki said that the Ford Rouge Plant has a green roof on top of it and wanted to show that they have cost savings when it came permitting for their storm water. In some cases green infrastructure is cheaper than traditional ways of managing storm water, but it has to be caught at the beginning of the

## City Planning Commission Regular Meeting

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project when it is constructed. It is harder when buildings are being retrofitted to implement. Some cities create incentive programs like Chicago who provided tax incentives with their Green Alley and Green Roof Initiatives.

Commissioner Andrews asked of any cost savings to the City for adopting water agenda or green sustainability programs, have you been able to quantify that and, if so, and there is savings in dollars can you tell Kevin Orr?

Dan Schecter responded that, for the DWSD, the costs don't quite translate into development costs. We can come up with costs per gallon of storm water removed.

Commissioner Andrews asked that in terms of savings to the City or what the fees will translate into in terms of dollars, what would that look like on the balance sheet?

Dan Schecter said that currently we work with a number that is about \$80 million a year, which is what DWSD spends on an operations and maintenance standpoint to treat storm water in the City. There is a capital cost when we have to build facilities, for instance last year we opened our Oakwood CSO Facility, a \$100 million CSO treatment facility that will operate approximately 30 days out of the year just to treat storm water and sewage. With an investment in green infrastructure of 1/5<sup>th</sup> to 1/10<sup>th</sup> of that, we think we can get the same sort of storm water control and pollutant removal. We have to demonstrate that and that will take some time.

Commissioner Andrews asked if that translates into a savings in the long term for the City?

Dan Schecter said yes, but it's not a hard number. Whether it is saving 90% or 50%, I could not tell you. We are putting the fees in place and in some cases they will result in decreases in the waste water fee. The goal is to collect nearly the same amount of money. We really want customers and businesses to show us what the most affordable economic method of controlling storm water is.

Commissioner Andrews said she didn't see any schools mentioned.

Melissa Nemashki said that there is an Educational Workgroup but there has been no representative from Detroit Public Schools (DPS) involved with the Water Subcommittee. The DPS has a Sustainability Office and there is a representative that attends the Green Task Force Meetings as a whole. Sierra Club has a lot of gardens at schools and rain barrels at a number of schools.

Kahlil Mogassabi added he thinks the Water Subcommittee should reach out to some of the folks within the DPS system itself, like the Real Estate Office, because they do have a lot of land.

Commissioner Russell said that he believes charging people who are using the sewer system but haven't been paying for it is great because it will lessen the costs for the people who have been footing the bill. What is the cost if we separated the sewer system? Is that feasible? Could it be done? What is your preferred spec for pervious concrete? When a developer installs the pervious pavers and any other combination of sustainable concepts, can the requirements for catch basin be lessened or removed? With the small compact parking, what would be your preferred percentage for that? On grass pavers, can you plan for snow removal? When it rains, the small barrels on homes fill up the first rain, what is the right size system for an average home under 3,000 square feet that would actually absorb a lot of water that you can then parcel out and not just overflow after the first rain. Can you call for tours at green roof projects at DWSD?

Kahlil Mogassabi said that as far as separating the storm from the sewer, it is probably too costly.

## City Planning Commission Regular Meeting

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Dan Schecter said it is too costly for retrofit. We have a requirement that new developments need to have separated sewers. As we prioritize going forward we might look at separated sewers on the river side of Jefferson on the river side of I-94.

Commissioner Russell asked when a development has two separate systems, where do they go?

Dan Schecter responded that they go into the combined system.

Kahlil Mogassabi said that Ann Arbor assumed that 30% of their parking is for compact cars and they decided that they don't need 20' by 10' like Detroit does, so they said 16' by 8'. We are suggesting, can we reduce ours and gain 2' on either side for certain areas, let's just say 30%. As far as pavers of different kinds, we could come up with a generic spec for that, something that other cities have used. In terms of the snow, that is a problem for the pavers because they could pop up, so you have to raise the blade a couple of inches.

Melissa Nemashki said that you want to have seven rain barrels full of rain water and then you have no use for that rain water. It depends on how the rain water would be used. The Waste Water Treatment Plant provides tours of its facility. We have also been doing green infrastructure bike rides where we see examples of rain gardens. There are some rain barrels on Rivard Plaza on the riverfront and examples all over the city. Greg McDuffee who is the Director of the Building Authority has given several tours of the green roof on top of the Coleman Young Municipal Center. There is also a beehive up there too.

Commissioner Gage asked would it be effective to implement some of the green infrastructure policies on no longer used city-owned land or under-utilized parks or is it more effective to implement green infrastructure practices in more impervious already developed areas where you have more runoff. What is the cost benefit of that? Would there be any benefit of going into the more vacant areas of the city and trying to make it greener or plant some trees to retain some of the water there?

Kahlil Mogassabi responded that if you have the vacant land and it doesn't have any impervious pavement, I think you are fine. When you want to develop a land that is where you have to apply the cost.

Commissioner Gage said that the Commission has seen projects that cannot do some of these green infrastructure suggestions that we have made because the current building code doesn't allow for these items. I think that is an important issue.

Melissa Nemashki said we need to look at how a complete audit is done and how we really welcome this kind of development because it has a lot of benefit with helping the Water Department with less costs of gallons of storm water in the City.

Commissioner Carr asked if the Water Subcommittee have any for profit representatives.

Kahlil Mogassabi said that they have a cross sectional group and there are folks that are for profit businesses. Most of the people that come to the Water Subcommittee or the Green Task Force are really promoting sustainability and are willing to do the extra step. We also have some representation from the state, Michigan Department of Transportation (MDOT) and we have the DEQ. The Water Subcommittee is open to anyone. There are some parts of the Municipal Code, not necessarily the Zoning Ordinance where there is more of a leeway, there are some issues.

## City Planning Commission Regular Meeting

---

Commissioner Russell asked how much as the City of Detroit been fined for CSO events?

Dan Schecter said the City has had a lot of costs associated with compliance and 36 years of federal court oversight, which ended last year. I am not sure the biggest expenses were the fines themselves, which were minor by comparison to our operational costs and our capital costs, but last year our fines were in the \$30,000 range and this year they will probably be in the \$10,000 range. The highest they have been is probably in the million dollar range. When you talk about reducing the catch basins in the pipes, we are doing it on a small basis site by site, but we are also trying to reduce that for the City overall.

Commissioner Gage said that it is her understanding rainfall is actually increasing in this region and that severe weather conditions are going to continually rise and CSO events are going to keep happening. Is that what is really going on here? We really need to look at these measures in order to keep these fines from being levied, is that correct?

Melissa Nemanshki said that according to the federal agency NOAA, in the Great Lakes region we are seeing increases in precipitation and we are also seeing increases in extreme weather events. We will have a storm come through which produces a large amount of rainfall within a short period of time, which is problematic for any city that has a combined sewer system.

Commissioner Gage asked are there are other municipalities where the Water and Sewer Department actually do mitigation measures instead of building bigger pipes or certain water retention facilities? Or, primarily, do you see the private industry and residential communities implementing rain gardens and barrels, etc. to mitigate storm water.

Melissa Nemanshki responded she thinks it is a combination of both. Cities like Milwaukee, Cleveland and Chicago that are going forward implementing green infrastructure but also doing gray infrastructure as well, because they cover such a large land area that you have to do both. Rain water is something that all of us need to address. Every city department needs to figure out how to address and reduce the volume of rain water. The Detroit Water Agenda asks how we have that kind of unity here in Detroit where we have all of our departments working together, along with community organization, to implement green infrastructure to reduce costs and beautify our community as well.

Commissioner Carr said that the Commission looks forward to ordinance revisions and amendments to help the Water Subcommittee's cause to have some impact and hopes we will think about incentives that are not tax reducing.

Melissa Nemanshki asked what the best way is for the Water Subcommittee to move forward with the review of codes and ordinances. How do we keep the dialogue going?

Marcell Todd said suggested that if the Commission desires to take an action to request that the new City Council follow through with the Green Task Force's work and ask that the Water Subcommittee be expanded or take it to the next step so that we could have an audit brining in BSEED or the Law Department. Detroit Future Cities may even have some resources to assist in that analysis and the development of some proposed amendments.

Kahlil Mogassabi added the Water Subcommittee is working with BSEED and DWSD to come up with a Memorandum of Understanding (MOU) and looks forward to passing that on to the City Planning Commission's office to, hopefully, make its way to you.

Commissioner Carr said she thinks that the MOU should probably be done first, so that the departments are all on the same page and we are sure what we want to change.

## City Planning Commission Regular Meeting

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Commissioner Russell asked if Council Member Cockrel's Green Task Force will continue.

Marcell Todd responded he believes that Mr. Cockrel was trying to lay the foundation and may be in the process of discussion with some of his colleagues or Council Member elect who might want to take over the Chair of that Task Force. Support from the Planning Commission would not hurt.

**ACTION:** Commissioner Russell motioned to compose a letter to send to City Council to request they continue with the Green Task Force and Water Subcommittee. Commissioner Andrews second the motion. Motion carried.

Commissioner Carr asked Commissioner Russell would like to assist with the writing of the letter, along with Mr. Todd.

Marcell Todd said that Katheryn Underwood has been serving the Green Task Force and I think that she would be more than happy to pen something.

- B. 5:45 PM PRESENTATION** – Special District Review, alteration of a PC (Public Center) to accommodate proposed modifications to Cobo Square plaza just outside of the former Cobo Arena as well as placement of public art.

Present: Greg Moots, Legislative Policy Division Staff Member  
Geoffrey Harrison, Architects for Detroit Regional Convention Center Authority

Legislative Policy Division staff member, Greg Moots gave a brief presentation noting the modification due to DPW requesting a different slope of Civic Center at West Jefferson than what had been previously discussed. The action taken by the Commission explicitly did not review the statue location. For the Plaza, SP1 was previously approved. What has changed since then is DPW disallowed the slope of Civic Center Drive intersecting Jefferson. The modified alignment is significantly different in that Civic Center Drive does not slope up to hit Jefferson. It will stay level and enter the Cobo Parking Garage where there will be a large enough turning radius for vehicles to turn around. The advantage of this is that it expands the Plaza. The landscaping in front of Cobo Hall has changed somewhat, the striped pavers have been detailed a little more and extend up Washington Blvd. to the end of Cobo Hall at Congress Street; a slight refinement of what has been previously reviewed and approved by the Commission. The other changes are the art. The Authority has requested to relocate the two pieces of art in Cobo outside the arena. The art will be visible to more people. The Authority has agreed to maintain the art. The Commission staff did pull together the members of the Public Art Site Review Committee. Staff met members of the Public Art Site Review Committee, we met with the Recreation Department, Historic Designation Advisory Board and Planning & Development staff to review the statutes and the Committee was in general agreement with what was shown. The Spirit of Transportation sculpture, which is proposed relocated to be just to the east of Steve Yzerman Drive is presently located by the People Mover stop in Cobo Hall. The Spirit of Transportation would be on the south side of Cobo Hall and they are proposing some planting around it. The Joe Louis statue is proposed to be in the middle of the turn-around. Staff did review these changes and we feel that the changes to Civic Center Drive, with the turn-around it allows adequate turning breeze for buses, trucks and cars and it really does improve the Plaza with the report we provided, the PC review provisions are included.

Commissioner Simons asked about the turn-around.

## City Planning Commission Regular Meeting

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Gregory Moots indicated that it was reviewed previously by the Commission and City Council approved it in July. That is unchanged. The Commission did not take action on the statue in the middle and it was decided that should be reviewed separately.

Geoffrey Harrison added that the intent of the turn-around is when you are coming southbound on Washington Blvd. we have created a portal, which the major entrance to the new ballroom from the north. People can drop off at the portal and go either eastbound on Jefferson or back north on Washington Blvd. When the Commission approved the plan in July there was a very reasonable comment about the safety. We had the Police Department look at that and they felt it was a controllable risk and they were quite happy about that.

Commissioner Carr asked Mr. Mogassabi and Mr. Evans if they had any comments on this matter and they did not.

Commissioner Gage said that, as a pedestrian on the Cobo Square level, is there a way to access the river?

Geoffrey Harrison answered that there are existing steps west of the UAW Ford Building/Veteran's Memorial Building that would go down to the river level. If you are walking from Hart Plaza you can walk down and walk along Civic Center Drive to the river.

Commissioner Gage asked how about for cyclists? Civic Center Drive is a cut-through for cyclists that come up Washington Blvd. to get to the Riverwalk.

Geoffrey Harrison answered that they would now have to go down to Bates. Hart Plaza is going to be modified and would probably allow them to come through Hart Plaza if the plan goes ahead.

Commissioner Gage said that this area is very hard to navigate as a pedestrian or a cyclist and I am saddened by the elimination of access to the river.

Gregory Moots said that the Department of Public Works (DPW) approved it and withdrew their support of what we previously approved for the intersection of Civic Center to West Jefferson.

Commissioner Gage asked if there is a way that access could be supported through the Plaza concept or is it that the great change was so much that it is hard to get people who are not in cars up.

Geoffrey Harrison said that we believe the whole theme of the capital improvements from the Cobo is the use of the total asset of the river. The change that significantly improves the access to the river is the atrium. If you go into Cobo you can go straight down the stairs and right out to the Riverwalk.

Commissioner Russell asked about the modification that happened to Civic Center Drive.

Geoffrey Harrison answered it was important to create a Plaza in front of Cobo Arena. Currently, the pedestrian area in front of Cobo is destroyed by the road that comes in front of Cobo Arena. In June, this year, we brought the concept of the Plaza to close the current line of Civic Center Drive to take it due north to intersect with Jefferson Ave. The Commission recommended that to City Council and it was passed by City Council in July. The plan was developed with the written support of the DPW Traffic Engineering. Also, based on the written support, the Convention Authority secured a grant from M-DOT to construct the road. All of the construction documents were completed, it was bid, a contractor was selected and on the point of starting work DPW announced they had re-thought it and wanted to withdraw their support from building it. Then the Convention Authority decided to be cooperative and work with them and conceived of the idea of terminating Civic Center Drive at the lower level, but creates a turn-

## City Planning Commission Regular Meeting

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around so trucks and buses can turn around. They dedicated a corner of the Atwater Garage to doing that. The exterior wall of the Atwater Garage is now notched at the lower level to create the turn-around. The Pedestrian Plaza is connected with a street-free connection directly to Hart Plaza. DPW supported that. M-DOT tentatively has agreed the funds that they have granted to construct the slope up to Jefferson Ave. can be retained to create the turn-around. We are in the process of starting construction documents for that work.

Commissioner Russell asked about the truck turn-around.

Geoffrey Harrison responded that the street is under the Plaza, so the turn-around is totally covered. They are leaving Jefferson Ave. level intact, but structurally are removing five columns underneath it and putting a structure so that we can create a turn-around with enough clearance for trucks and enough turning radius for semi-trucks to turn around. To get a car from Washington Blvd. to the Atwater Parking you have to go to Bates and drive around. The Atwater Garage will be much smaller. When the Convention Authority took over the parking structures from the City, for which they paid the City \$20 million, we found that they were dangerously deteriorated. They were immediately closed. The Authority spent \$7 million rebuilding the Washington Blvd. Garage. The Atwater Garage was a two-story garage. They are in the process of demolishing the second floor, which is unsafe. It will be a single-story with a ceiling height of 18'. There is a potential of not only using it as a garage, but maybe you can bring buses or stage trucks in there.

Commissioner Gage said if you have to go the Bates Street to get to the Riverwalk you are battling traffic coming off of Woodward and going onto the bridge into Canada. Is there a way that we can find out if we can put in some type of bike lane or some type of mitigated effort that might accommodate access to the Riverwalk along Jefferson. It is a main pathway for people to access the Riverwalk, if you are on a bike.

Gregory Moots said that staff could ask DPW what analysis is being done on Jefferson. As the Hart Plaza plans are slowly moving forward, what happens with Jefferson and how to cross Jefferson is a significant part of those discussions. We certainly anticipate Jefferson being very closely looked at, at least north of Hart Plaza. Staff can look at what access is there for cyclists or that cyclist ride on the newly created Plaza south of Jefferson completely through there.

Commissioner Carr said that seems reasonable since it was DPW who changed their recommendation. I am just asking what the plan is now for pedestrian cyclists, since that is no longer available.

Marcell Todd added that since M-DOT is providing the money, I recognize that it was just a grant but were they also involved at more of an engineering level in terms of design.

Geoffrey Harrison responded no.

Marcell Todd asked what would be the likelihood that M-DOT might get on board. DPW would have to subordinate themselves to M-DOT for what Commissioner Gage is suggesting. I am wondering if it could be done in the spirit of cooperation that we seem to have.

Geoffrey Harrison responded that the grant is a TDF Economic Development Grant rather than a Transportation Enhancement Grant. M-DOT and the Governor are being very supportive.

Gregory Moots said that Civic Center Drive south of Cobo is unchanged. The entrance is brand new. The glass is the new curtain wall around what used to be Cobo Arena.

## City Planning Commission Regular Meeting

---

Geoffrey Harrison said that they have added 450 spaces onto the Detroit Ball on the north, there are 550 in the Washington Blvd. Garage and the Atwater Garage will go down to 156 spaces, and there are 1,200 spaces on the room of Cobo. We are opening elevators from the roof to the atrium that will serve the ballroom.

Commissioner Russell asked what the plan is for the Ford Auditorium site. We should incorporate access, pedestrian and bike traffic, to the Riverwalk.

Gregory Moots responded that is part of the overall Hart Plaza planning effort being led by the Detroit Economic Growth Corporation (DEGC). The long-term plans of the Ford Auditorium site is a part of the analysis that is supposed to be undertaken. No definite plans at this time. Adjacent to Ford Auditorium there is access to the river. Commissioner Gage is raising the point that there is no access between Bates St. and the Cobo façade. Once you get closer to Ford Auditorium there is plenty of access, either through Hart Plaza or the hardscape path where the boat docks, or the road next to Ford Auditorium. We will be asking DPW what the plans are and as the plans for Hart Plaza move forward, when the Steering Committee for that is again convened, that would be the point where we would be cognizant of the pedestrian and cycle access between Jefferson and the Riverwalk.

Commissioner Russell said that, if this goes forward, we have cut off a bike route.

Gregory Moots said that there is a path where the boat docks you can take.

Commissioner Russell said it would be nice to mention that we have eliminated something.

Gregory Moots responded that staff is committing to convey that to DPW as a part of the DEGC planning effort.

Commissioner Carr asked will bringing this item back hinder the project, since City Council will not be meeting until January? If you want to get more information, would it be a better recommendation to have that information first or do you just want to incorporate the suggestion into our recommendation?

Marcell Todd answered the document as proposed today could go through the process so that when Council returns in January it could be properly referred to Committee. The Commission's next meeting, should you follow staff's direction in the staff report, would be Thursday, January 9, 2014. It is possible that the Committee would be receiving it that day. As the new Council comes on board they will still have to go and impanel the Committees and there may even be some changes in the dates. We do not know what the schedule will be like. The Committee's next opportunity would be the 16<sup>th</sup> and if you meet on the 9<sup>th</sup> you could have opportunity to weigh in before Council would weigh in and take action.

Gregory Moots said that he doesn't see any more information coming out of the Hart Plaza planning effort between now and January and there is not much more information that will be available regarding the bike access for a good number of months.

Commissioner Carr said she is talking about getting the plan for pedestrians and bikes.

Gregory Moots answered that is part of the Hart Plaza planning effort and that is an ongoing, relatively slow planning effort now. I don't see having a firm answer to that in several months. We are supposed to be on the Steering Committee and we haven't had meetings in months. DEGC is struggling to find the funding to keep extending it. We will be happy to convey that request to DEGC to request them to incorporate it into the Hart Plaza planning that their consultants are undertaking and to the Department of Public Works that this change in alignment that what was previously proposed does inconvenience a part

## City Planning Commission Regular Meeting

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of the traveling public and to have access to complete streets. This is something that needs to be looked at and make sure that it is being addressed in their current planning efforts and see if there is some way it can be addressed in something other than adjacent to the Cobo developments which are before you tonight. CPC staff has completed its review of the proposed modification to the Plaza and terrace areas, the shifting of Civic Center Drive and the relocation of the two statues. We find that post-exterior changes would be in keeping with the spirit of the PC district. Staff recommends approval of the proposed changes. We can put in that, furthermore, the Planning Commission recommends that access between the Riverwalk and West Jefferson be incorporated into the Hart Plaza planning efforts and the review of West Jefferson.

Commissioner Carr added access for pedestrians, cyclists or persons in a wheelchair.

Gregory Moots said he could phrase it non-motorized access between West Jefferson and the Riverwalk as a part of your recommendation to City Council.

Commissioner Gage asked, if this is approved, when does the road get removed?

Geoffrey Harrison replied it will probably be closed in February and the road will probably be April or May.

**ACTION:** Commissioner Simons motioned to approve staff recommendation. Commissioner Davis second the motion. Motion carried.

### **IV. Unfinished Business**

- A.** Consider the request of Matt Ward owner of Lahser Tire Inc. (DBA Detroit Tire and Wheel), to amend Article XVII, District Map No. 73 of Chapter 61 of the 1984 Detroit City Code, Zoning, by rezoning properties Generally bounded by Grand River Ave., Cooley, Willmarth, Lahser and Redford from the current B3 (Shopping District) zoning classification to a B4 (General Business District) zoning classification. The subject properties are more specifically known as 22100, 22116, 22120, 22124, 22132, 22200, and 22250 as well as 17425 Lahser.

Present: Marcell Todd, Legislative Policy Division

Legislative Policy Division staff member, Marcell Todd, responded to questions and concerns raised as a result of the previous public hearing. Staff did indicate that the petitioner, Mr. Ward, on behalf of the Lahser Tire Center, which is doing business at Detroit Tire and Wheel, we did note some violations that exist today that he has agreed to address. Staff has also looked into violations that exist with the other properties that comprise the subject property, as well as taxes. We do note that Mr. Ward is behind on his taxes for this year and we will address that with him. It may be that he has paid them and that the City system is not reflecting it as of yet. With respect to the other properties that abut his business, there are numerous violations for those properties, the dentist office, the former church, the other vacant facility and of course the larger bowling alley at the west end which has the vacant storefront. There are a couple of investigations that are in place on the bowling alley. Staff is comfortable at this point in time with making a recommendation for rezoning to B4 for the Grand River frontage. While this B3 was implemented with the hopes of building a shopping district you really do have that successfully with the B4. There is an opportunity to create a more viable commercial district with this property if it did go to B4. Given the character of Grand River and that it is a major corridor, the B4 is appropriate and warranted. As it concerns proliferation of auto-related uses, you do have a number already in this

## City Planning Commission Regular Meeting

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location in terms of auto repair facilities and used car facilities that are now better regulated than they were before and would be subject of conditional use hearing. Should the Commission and the City Council authorize this rezoning, he would still have to get a conditional-use hearing grant before he can legalize his business. With that said, staff is comfortable making the recommendation to unity 600 or so feet of frontage along Grand River under the B4 in that the Wendy's located on the corner is split between B3 and B4. As it concerns the remainder of the lot, we think P1 is probably the way to go, if in fact this is to be preserved as parking to protect the single home (residential development).

Commissioner Simons said he wouldn't support a motion unless the taxes were paid.

Commissioner Carr asked if it is lawful to say that the conditional use not be granted until he resolved those issues.

Marcell Todd said that, while it is not normal procedure, it is certainly within Buildings & Safety Engineering's purview to do that and it has been done in the past. I think that before City Council would let this pass, they would indicate the same. As Council has been doing it both in situations like this as well as the situations where the provisions are more applicable and that is when there is an actual contract. Contract requires that the contractor not have any violations or be in default with the City. In the case of rezoning we do not want to have it look as though it is a contract zoning.

Commissioner Carr said that perhaps we can indicate which businesses will be affected by this rezoning and that we know some violations were discovered.

Marcell Todd added that, with respect to the other properties, this may be another of those situations where they are on the verge of going into foreclosure. Currently what is shown is that nothing has been paid since 2010 on all of the remaining properties. It may well be that someone is keeping it from going into reversion by paying the outstanding 4<sup>th</sup> year to keep it out. If it is not, these properties may make their way into the City's inventory and can be part of that public land process.

ACTION: Commissioner Simons motion for approval to include the payment of taxes.  
Commissioner Russell second the motion. Motion carried.

- B.** Consider the request of Norstar Development USA, L.P (developer) and the Detroit Housing Commission to modify the plans for the existing PD (Planned Development) zoning district presently shown on land comprising the central portion of the former Herman Gardens Housing Complex now known as Gardenvue Estates, which is generally bounded by Joy Road, Tireman Street, Asbury Park Avenue, and the Southfield Freeway. The request would modify the existing PD created by ordinance #15-10 of 2010 and amend Article XVII, District Map No. 40 of Chapter 61 of the 1984 Detroit City Code, Zoning. **(MT)**

(REMOVED FROM AGENDA)

**V.** **New Business** – (none)

**VI.** **Committee Reports** – (none)

**VI.** **Staff Report**

Legislative Policy Division staff member, Marcell Todd, reported that the City Council Orientation is scheduled for Monday through Wednesday of next week. Staff does not yet have the Commission's full

## City Planning Commission Regular Meeting

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schedule of meetings for next year and is working with the City Council President's Office to get them set. Staff would like the Commission to authorize to schedule January 9 and 23, 2014 for their next meetings, in that the holiday will prevent the Commission from meeting on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday in January.

**ACTION:** Commissioner Simons moved to schedule the next Commission meetings on January 9 and 23, 2014. Commissioner Russell second. Motion carried.

### **VIII. Communications - none**

### **IX. Public Comment**

Kahlil Mogassabi, speaking on behalf of P&DD with respect to the Carpenter Plaza Building on Woodward Avenue, which came to the Commission as part of a Planned Development Review a while back. Was there any consideration when the Planned Development District was approved as a whole thing or segmented in phases? The developer proposed it in two phases. P&DD raised the issue that we want to save the walkway. I am not sure if there has been a sale made yet on the sliver on the side of the property because it is owned by P&DD. Planning opposed it because we want to keep the sidewalk and keep that public access. We asked for the new 4-story medical facility to be offset slightly away from the public sidewalk, from the property line. Can be consideration, for the high-rise building, to revisit the decision and save or modify the way the PD is reviewed?

Marcell Todd said that Mr. Mogassabi is referring to a procedural issue. When working within a PD when demolition is being considered or required, demolition has to be authorized. While the Commission may make obvious reference to it, as in this case, the Commission did not specifically authorize the demolition, but authorized a plan that included it. Mr. Mogassabi is saying you still have the opportunity to speak to that, if you would like. In other words, have two separate approvals. As it stands now, staff understands that you would authorize the demolition. Based upon what you have done, that was the indication to the petitioner at the time that those steps would not be separated.

Commissioner Carr said that she does not know if public comment is the proper place to discuss all of this. We need more information. I do not want to set that precedent. Has the request for demolition come around? Maybe at the next meeting maybe we can have a formal presentation or an agenda item.

Marcell Todd responded, if that is the Commissions desire. Staff will be reporting the outcome of the meeting that will take place tomorrow with the developer as it concerns the modification to the design.

Kahlil Mogassabi said he is just raising the question that there is the possibility to split the PD.

Commissioner Carr said that for the future she will consider that being two-steps and maybe we do need two portions of the recommendation to address it, but I do not know about stopping past approval.

Kahlil Mogassabi said that, unconventionally, he is trying to reach out to their development team to see if it is a possibility that the building could be saved. That effort is ongoing.

Commissioner Carr added that if you do decide this to be on the agenda next time, provide the Commission with whatever information you have as early as possible so that we can review it

## City Planning Commission Regular Meeting

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timely.

X. **Adjournment** (meeting adjourned at 7:42 PM)

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