

Lesley C. Carr, Esq.
Chairperson
Lisa Whitmore Davis
Vice Chair/Secretary

City of Detroit

CITY PLANNING COMMISSION
208 Coleman A. Young Municipal Center
Detroit, Michigan 48226
Phone: (313) 224-6225 Fax: (313) 224-4336
e-mail: cc-cpc@detroitmi.gov

Brenda Goss Andrews
Thomas Christensen
Karen M. Gage
Frederick E. Russell, Jr.
Arthur Simons
Roy Levy Williams

City Planning Commission Regular Meeting
October 3, 2013, 4:30 PM
Committee of the Whole Room
13th Floor – Coleman A. Young Municipal Center
Woodward at Jefferson
(use Randolph Street entrance after 5:30 PM)

AGENDA

I. Opening

- A. Call to Order – 4:30 PM
- B. Roll Call
- C. Amendments to and Approval of Agenda

II. Minutes

- A. Approval of minutes of the Regular Meeting of June 20, 2013 (**TENTATIVE**)
- B. Approval of minutes of the Regular Meeting of July 18, 2013 (**TENTATIVE**)
- C. Approval of minutes of the Regular Meeting of August 1, 2013 (**TENTATIVE**)
- D. Approval of minutes of the Regular Meeting of September 19, 2013 (**TENTATIVE**)

III. Public Hearings and Presentations

- A. **4:45 PUBLIC HEARING** – to consider the 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. (GM) 30 *mins.*
- B. **5:30 PUBLIC HEARING** – to consider the 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. (MT) 30 *mins.*
- C. **6:00 PUBLIC HEARING** – to consider the request of Building Safety Engineering and Environment Department 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.
(GM) 30 mins.

IV. Unfinished Business

- A. Consideration of request of Third New Hope Baptist Church to show a P1 (Open Parking) zoning district where R1 (Single-Family Residential) and B4 (General Commercial) zoning district classifications are currently shown on Map No. 70 of Chapter 61, Article XVII of the 1984 Detroit City Code, Zoning, for the land bounded on the east by Steel Avenue, Plymouth Avenue, to the south, Sorrento to the west and on the north by a line approximately 400' north of the Plymouth Road. These properties are more commonly known as 11631 through 11675 Steel, 12900 through 12920 Plymouth and 11630 through 11674 Sorrento. (MT)
(RECOMMENDING APPROVAL) 10 mins.

V. New Business

- A. Consideration of request of Volunteers of America for site plan review and approval for the proposed 85 unit Bradby Village housing development within an approved PD (Planned Development) zoning district in the Elmwood Park 3 Urban Renewal Area. (GM) **(TENTATIVE)** 15 mins.

VI. Committee Reports

VII. Staff Report

VIII. Communications

IX. Public Comment

X. Adjournment (anticipated at 7:30 PM)

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.

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NOTICE OF PUBLIC HEARING

A public hearing will be held by the City Planning Commission in the Committee of the Whole Room, 13th Floor of the Coleman A. Young Municipal Center, 2 Woodward Avenue, Detroit, Michigan 48226, on

THURSDAY, OCTOBER 3, 2013 AT 4:45 PM

to consider the request of Curtis Ingram Jr., on behalf of Acadia Healthcare America, Inc. to approve a major modification to the PD (Planned Development) zoning district on Map No. 37 of Chapter 61, Article XVII of the 1984 Detroit City Code, Zoning, located at 15000 Gratiot Ave. on the east side of Gratiot Avenue between State Fair Avenue and Fairmount Drive. The location of the requested rezoning is specifically indicated as the shaded area on the accompanying map.

This proposed change is being requested to allow for the demolition of the parking structure of Stonecrest Medical Center and the construction of a surface parking lot in its place. This request would modify the approved plans for the PD district originally established via Ordinance No. 537-G.

The PD zoning district classification is described as follows:

PD (Planned Development District)

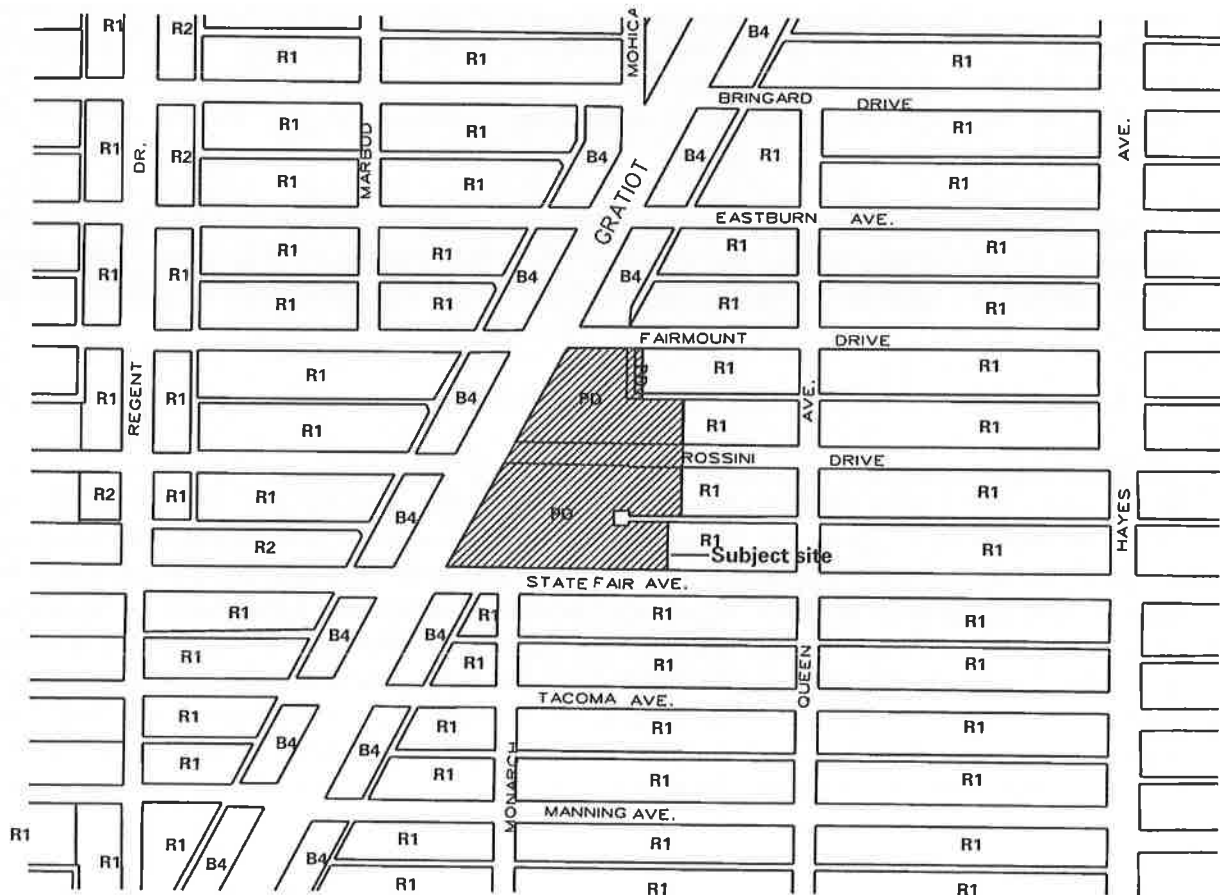
This district will permit planned developments throughout the City and will be particularly useful in urban renewal areas. Such planned developments shall be substantially in accord with the goals and objectives of the Master Plan, by having a major land use that corresponds to the most general category of land use, which are Residential, Retail and Local Services, Industrial, Mixed Use, Parks and Open Space, and Other, proposed in the Master Plan for the area involved. Such planned developments shall provide a desirable environment for the uses proposed and shall not be out of harmony with their general surroundings. The regulations of the district are designed to accomplish this by permitting flexibility in overall development while ensuring adequate safeguards and standards for public health, safety, convenience, and general welfare and, where applicable, encouraging historic preservation.

This site plan review for the major modification of the approved plans for the planned development is being conducted by the City Planning Commission in accordance with the provisions of Sec. 61-3-142 and the approval criteria specified in Division 5, Subdivision D of Article III of the Detroit Zoning Ordinance (Chapter 61 of the 1984 Detroit City Code).

Major modification of a PD district can be approved by the City Council by ordinance after a public hearing and after receipt of a report and recommendation by the City Planning Commission consistent with the provisions of Article III, Division 4 and Article XI, Division 2 of the Detroit Zoning Ordinance.

You may present your views on this proposal by attending this hearing, by authorizing others to represent you, or by writing to this office prior to the hearing: 2 Woodward Avenue, Room 208, Detroit, Michigan 48226 (FAX: 313-224-4336). Because it is possible that some who are affected by this proposal may not have been notified, it is suggested that you kindly inform your neighbors so that they too may express their positions if they so desire.

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Proposed PD Modification

Lesley C. Carr, Esq.
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Angela D. Allen, MSW, PhD
Brenda Goss Andrews
Thomas Christensen
Karen Gage
Frederick E. Russell, Jr.
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Roy Levy Williams

September 5, 2013

HONORABLE CITY COUNCIL:

**RE: Site Plan review of proposed perimeter fence for Stonecrest Medical Center,
15000 Gratiot Avenue.**

BACKGROUND AND REQUEST

City Planning Commission (CPC) staff has been requested to review a building permit for the property located at 15000 Gratiot, the Stonecrest Medical Center (the former Saratoga General Hospital), on property zoned PD (Planned Development). The requested modification is for a ten feet tall, wrought-iron style picket fence around the southern portion of the site to protect the temporary and forthcoming permanent new parking lot. Recently cars have been broken into creating problems for staff and patrons. According to the applicant, "This fence height is being requested in order to ensure security for both the medical center staff and well as the visitors of the facility. The facility staff feels that a fence of this height is warranted based on their history with the facility."

Generally, the installation of a fence would be considered a "minor modification" per the criteria set forward in Sec. 61-3-97 of the zoning ordinance. Customarily, the review for a permit such as this would be conducted by staff, as the Commission has delegated that authority.

Details of the proposed type of fence and pictures of it (from the manufacturer's website) installed elsewhere (though the height of the fence at these other locations is unclear) are attached. A single-family residence is adjacent immediately to the east of the site across the alley from the proposed fence along E. State Fair, which at that location has been pulled slightly west to the eastern edge of the existing parking lot. Currently the site is bounded on the east by a low brick wall.

Previously, staff approved the installation of a temporary parking lot on the location of the to-be-demolished parking deck shown on the site plan. The permanent surface parking lot and its required major PD modification is anticipated to begin in September of this year.

RECOMMENDATION

The matter was brought before the CPC on August 1, 2013 because staff recommended a shorter fence. The CPC took action to recommend approval of the fence at six (6) feet high. Subsequent to the CPC action, the applicant revised their request for fence down to eight (8) feet tall, and they request that the City Council make the final decision, as the zoning ordinance specifies in

Sec. 61-3-142. Attached is a resolution for City Council consideration and approval, approving the fence at the height recommended by the CPC. You may of course approve an alternate height, should you desire.

Respectfully submitted,

LESLEY C. CARR, Chairperson

A handwritten signature in black ink, appearing to read "David Whitaker", written over the typed name below.

David Whitaker, Director LPD

Marcell R. Todd, Jr., Senior Planner

Gregory F. Moots, Zoning Specialist

Attachment

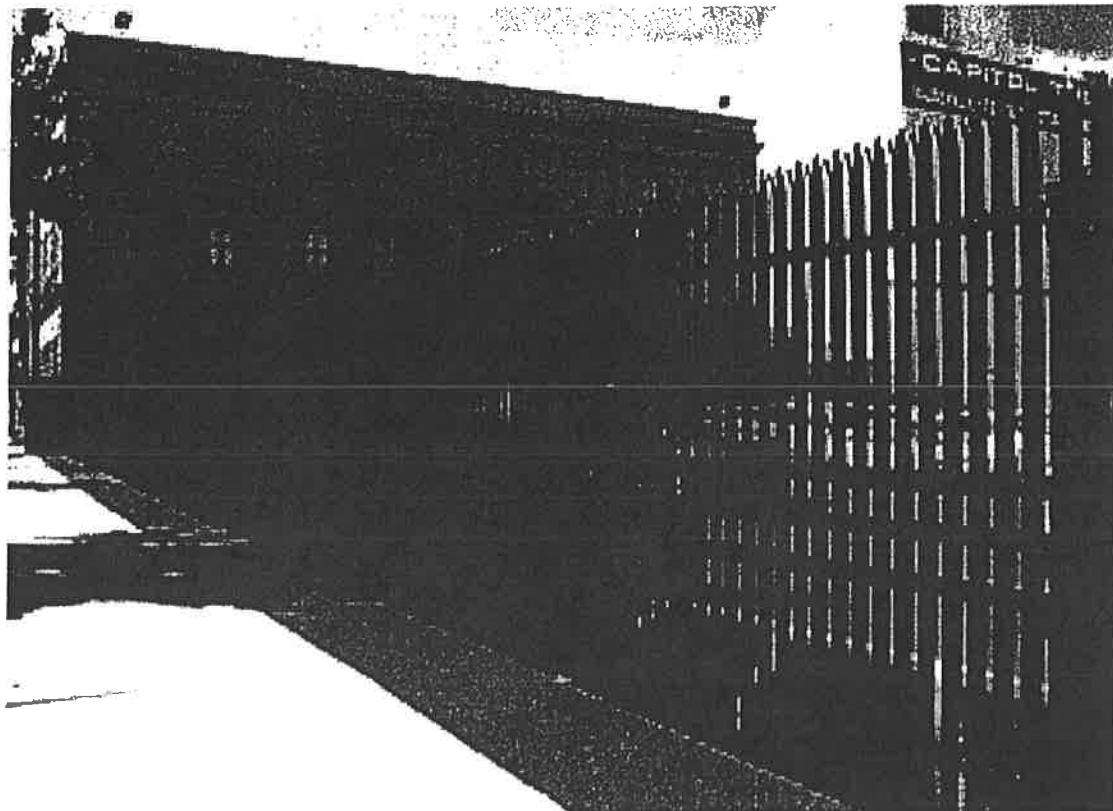
BY COUNCIL MEMBER _____

WHEREAS, the staff of the City Planning Commission (CPC) has received a building permit application for 15000 Gratiot Avenue from Ingram Civil Engineering Group, on behalf of Stonecrest Medical Center (former Saratoga Hospital), for the erection of a ten (10) foot high, wrought-iron-style picket fence around the southern portion of the property; and

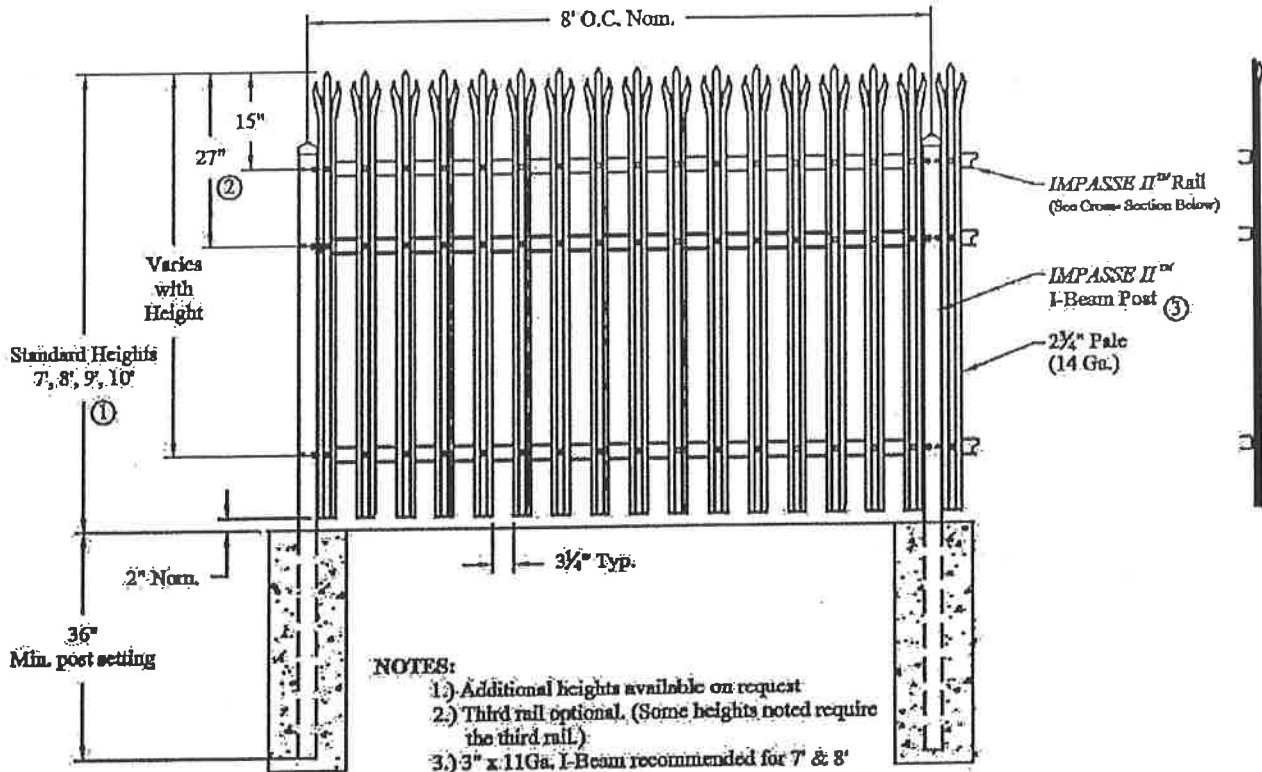
WHEREAS, the property is zoned PD (Planned Development), wherein the City Council has the final authority to review and approve site plans, per in Sec. 61-3-142 of the City Code; and

WHEREAS, at its August 1, 2013 meeting, the CPC took action to recommend approval of the fence at six (6) feet high'

BE IT RESOLVED, that the Detroit City Council approves the site plans prepared by Ingram Civil Engineering and dated June 28, 2013, with the condition that the fence shown be limited to six (6) feet in height.

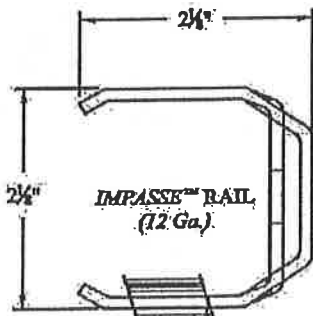


Values shown are nominal and not to be used for installation purposes. See product specification for installation requirements.



NOTES:

- 1) Additional heights available on request
- 2) Third rail optional. (Some heights noted require the third rail.)
- 3) 3" x 11Ga. I-Beam recommended for 7' & 8' heights. 4" x 11Ga. I-Beam recommended for 9' & 10' heights.

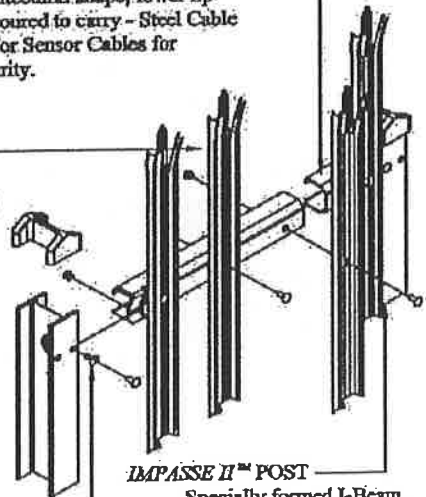


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IMPASSE II™ PALE

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- Basic Material
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- Zinc Phosphate & Conversion Coating
- Epoxy base coat
- "No-Max" Polyester Powder finish coat

SECURITY FASTENER

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HIGH SECURITY STEEL FENCE

3/11/80

Title: IMPASSE II TRIDENT 2/3-RAIL		
DR: CI	SH. 1 of 1	SCALE: DO NOT SCALE
CK: BS	Date 11/4/11	REV: a



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NOTICE OF PUBLIC HEARING

A public hearing will be held by the City Planning Commission in the Committee of the Whole Room, 13th Floor of the Coleman A. Young Municipal Center, 2 Woodward Avenue, Detroit, Michigan 48226, on

OCTOBER 3, 2013 AT 5:30 PM

to consider the request of Henry Ford Health Systems, to amend Article XVII, District Map No. 7 of the Detroit Zoning Ordinance, Chapter 61 of the 1984 Detroit City Code, 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. The location of the proposed rezoning is specifically indicated as the shaded area on the accompanying map.

The rezoning is being requested to allow for the development of a medical supply warehouse that will service the Henry Ford Hospitals and other facilities throughout the area.

The Zoning Ordinance describes the M3, R2 and M2 zoning districts as follows:

M3- General Industrial District

This district is composed of property so situated as to be suitable for industrial development, but where the modes of operation of the industry may affect any nearby residential uses. The purpose of this district is to permit the normal operation of a majority of industries, subject only to the regulations needed to control congestion and to protect nearby residential districts. No new residential construction is permitted in the district with the exception of loft conversions of existing buildings of residential uses combined in structures with permitted commercial uses. These requirements are to protect residences from an undesirable environment and to ensure reservation of adequate areas for industrial development.

M2- Restricted Industrial District

This district is designed for a wide range of industrial and related uses which can function with a minimum of undesirable effects. Industrial establishments of this type provide a buffer between residential districts and intensive industrial districts. New residential construction is excluded from this district with the exception of loft conversions of existing buildings and of residential uses combined in structures with permitted commercial uses. These requirements are both to protect residences from an undesirable environment and to ensure reservation of adequate areas for industrial development.

R2-Two-Family Residential District

This district is designed to protect and enhance those areas developed or likely to develop with single or two-family dwellings. The district regulations are designed to promote a suitable environment for homes and for activities connected with family life. The only principal uses permitted by right are single- and two-family dwellings. Additional uses are conditional.

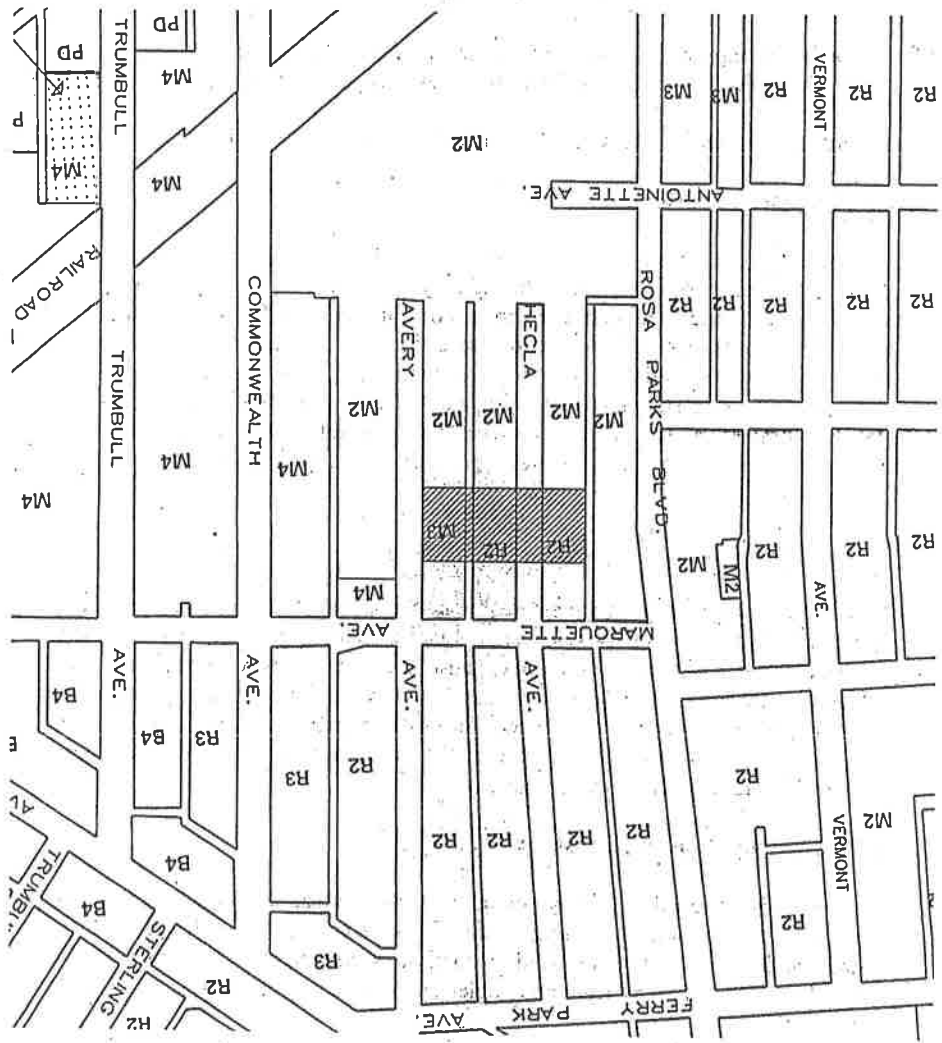
This hearing is being held in accordance with the provisions of Chapter 61, Article III, Division 3 of the 1984 Detroit City Code (the Detroit Zoning Ordinance). Approval of a rezoning request requires the approval of the City Council after receipt of a report and recommendation by the City Planning Commission.

You may present your views on this proposal by attending this hearing, by authorizing others to represent you, or by writing to the City Planning Commission, 2 Woodward Ave., Room 208, Detroit, MI 48226 (FAX: 313-224-4336). Comments received at, or prior to, the public hearing

will be considered by the Planning Commission. Because it is possible that some who are affected by this proposal may not have been notified, it is suggested that you kindly inform your neighbors so that they too may express their positions if they so desire.

For further information on this proposal or the public hearing, call (313) 224-6225.

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TO: City Planning Commission

FROM: Marcell R. Todd, Jr., Staff

RE: Request of Henry Ford Health Systems to rezone property south of Marquette Avenue, north of the Grand Trunk Railroad, west of Commonwealth Avenue, and east of Rosa Parks Boulevard and more specifically, identified as all properties located between 5943 Hecla and 6021 Hecla, and the odd numbered properties located between 5945 Avery and 6021 Avery, to allow for the expanded development of the Cardinal Medical Warehouse.

DATE: October 2, 2013

Henry Ford Health System (HFHS) has submitted a request to amend District Map No. 7 of the Detroit Zoning Ordinance to show an M2 (Restricted Industrial District) zoning classification where there is currently an M3 (General Industrial District) zoning classification on six lots along the west side of Avery and where an R2 (Two-Family Residential District) zoning classification appears on 11 lots fronting the east and west sides of Hecla.

The rezoning has been requested to allow for the phase 2 development of a medical supply warehouse and distribution center (Cardinal Medical Warehouse), which was the subject of a rezoning request considered by this body in mid 2012. This rezoning will unify these additional properties under a common M2 designation with the property immediately to the east, south and west, while providing open space for screening and buffering and to accommodate vehicular circulation immediately north of the yet to be constructed facility.

EXISTING CONDITIONS

The proposed rezoning involves a total of 17 industrial and residential lots, which is primarily vacant due to blight and abandonment. Two single-family frame structures remain on Avery and four on Hecla within the subject area. Since coming into the area last year the petitioner has taken responsibility for maintaining property under its ownership, the City's and other private holdings. Abandoned and dilapidated structures have been removed along with illegal dumping. Vacant properties and vegetation are being better maintained.

PROPOSED DEVELOPMENT

Henry Ford Health System (HFHS) is committed to being at catalyst for resurgent development in this community. The requested rezoning will append the northern portion of the previous rezoning to M2, expanding the industrial district and filling in a portion of the R2 and M3 zoned

void left by the 'U' shaped configuration of the previous zoning map amendment. The property will expand the project development site and will provide open space to the north of the proposed 273,520 square foot medical and surgical supply warehouse and distribution center that is to service the Henry Ford Health System, the Detroit Medical Center, and other related facilities. As such it will be developed by Kirco and enhance the operation the Cardinal the tenant. This additional land will create a greater buffer between the facility and the adjacent uses. It will also provide additional area to stage and circulate vehicular traffic serving the warehouse.

SURROUNDING ZONING AND LAND USE

The zoning classifications and land uses surrounding the proposed development are as follows:

North: R2: Two-Family Residential - vacant and occupied two-family structures with many of the structures experiencing significant deterioration and open to trespass; one large vacant apartment building located at Hecla and Ferry Park; Kingdom Hall located west of Rosa Parks Blvd. several scattered vacant lots

South: M2: Restricted Industrial District – largely vacant site of the proposed warehouse facility.

East: M2: Restricted Industrial District - several large vacant parcels

M4: Intensive Industrial District; several large vacant or abandoned industrial sites along Commonwealth Ave., several vacant parcels.

West: M2: Restricted Industrial District - several large vacant parcels

R2: Two-Family Residential - large vacant parcels immediately west of Rosa Parks Blvd., several two-family dwellings, several scattered vacant lots.

M3: General Industrial District - several vacant lots, a possibly vacant or abandoned industrial building.

COMMUNITY RESPONSE

Community engagement on the larger project has been wide ranging and diverse, a far cry from the early days of the project proposal. HFHS and their partners have invested a great deal of time and energy to include the community in this undertaking and reshaping of the areas through these activities. Despite these efforts and the support that exists for the project as well as the blight removal, job creation and potential spin-off economic benefit to the area, there are a number of community concerns.

The immediate host community continues is represented by the West Grand Boulevard Collaborative Community Coalition. They are supportive of the project, but want to insure that jobs opportunities be afforded to local residents, that the impact of truck traffic generated by the project will have the least possible impact upon the community, and that greater neighborhood security can be achieved among other things. The WGBC3 has worked to develop some sort of community benefits agreement to address the community's concerns and to formalize a relationship with HFHS and it's partners. While some understandings have been reached through their meetings, they have not been able to establish a trusting and productive relationship or

finalize some sort of accord. The WGBC2 reports that HFHS is not dealing fairly or consistently with them, but they continue to work toward developing an agreement.

MASTER PLAN CONSISTENCY

The subject site is located within the Rosa Parks Neighborhood of Cluster 6 of the Detroit Master Plan of Policies. The "Future Land Use" shows "Light Industrial" usage for the subject area in the Master Plan. Based on an analysis of the Master Plan, it appears that the proposed rezoning from M3 and R2 to M2 would be consistent with the Detroit Master Plan of Policies.

When this matter was previously before the Commission, the Planning and Development Department (PDD) provided an analysis of the consistency of the entire project with the Master Plan. PDD determined that the proposed rezoning conformed to the future land use designation of "IL" (Light Industrial), however, it was not in conformance with the future land use designation of "RLM" (Low-Medium Density Residential) on the northern portion of the site. Oftentimes, PDD may require a Master Plan amendment in cases of inconsistency, however, they determined that a Master Plan amendment would not be necessary because of the irregular configuration of light industrial land use in the area areas, the impacted area being less than 10 acres in size, and the lack of significant impact to the characteristics of the surrounding RLM area as a result of the proposed development. Staff will seek an update from the department in light of the additional encroachment into the RLM designated area.

ANALYSIS

The subject property is located within an area in transition. As with a number of neighborhoods in the City that have historically had hard edges and conflicting adjacencies with the mix of land uses, the result has been blight, abandonment and vacancy. These conditions create the stagnation or eventually opportunity for redevelopment wherein the land uses can be reconfigured providing a better pattern of land use with more thoughtful and sensitive relationships.

The M2 zoning is less intense than that of the former M3 and M4 districts which were dominant in this area. The subject property will provide a greater buffer between the proposed warehousing project and the remaining residential properties to the north and further to the west. Due to the transition of this area to that of a light industrial district, most of the approval criteria in Section 61-3-80 are fulfilled as the new pattern of use improves upon the land use conflicts of the past. The remaining concerns such as truck traffic are related to the operation of the warehouse and are subject of the ongoing dialogue with the community. To the extent that the operation of the warehouse and other industrial concerns limit their impact to the industrial area of the community, the residential areas can stabilize.

CONCLUSIONS

The requested rezoning is consistent with the changing character of the host community. Residential and industrial blight and abandonment are being removed in favor of cleaner less intense industrial concern that is more conducive to abutting and adjacent residential use. Unifying these properties under M2 zoning and creating a buffer zone to address non industrial use will support industrial revitalization and afford the stabilization of other uses. Segregating related operational activities of area industry will further insure the success of the evolving land use pattern. The City should engage the transition in this community and begin to look at supportive changes to the Master Plan of Policies.

Attachments

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DATE: October 3, 2013

CONCLUSIONS AND RECOMMENDATION

The requested rezoning is consistent with the changing character of the host community. Residential and industrial blight and abandonment are being removed in favor of cleaner less intense industrial concern that is more conducive to abutting and adjacent residential use. Unifying these properties under M2 zoning and creating a buffer zone to address non industrial use will support industrial revitalization and afford the stabilization of other uses. Segregating related operational activities of area industry will further insure the success of the evolving land use pattern. The City should engage the transition in this community and begin to look at supportive changes to the Master Plan of Policies.

Therefore, staff having completed its review and finding this request to be consistent with the previous amendment to abutting property, recommends approval of the request.

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NOTICE OF PUBLIC HEARING

A public hearing will be held by the City Planning Commission in the Committee of the Whole Room, 13th Floor of the Coleman A. Young Municipal Center, 2 Woodward Avenue, Detroit, Michigan 48226, on

Thursday, October 3, 2013 at 6:00 PM

to consider a text amendment to the Detroit Zoning Ordinance, Chapter 61 of the 1984 Detroit City Code, requested by the Buildings Safety Engineering and Environmental Department, by amending provisions in Articles III, IV, and V governing review and approval procedures and violations and enforcement. Changes are made to the following:

- the process for the termination and extension of permits
- the process for the termination and revocation of land use rights
- notice requirements for revocation of a zoning grant, including those for a show-cause hearing
- the establishment of a show cause hearing fee
- the required findings for the revocation of land use rights
- the evidence of abandonment and how to overcome the presumption of abandonment

A Zoning Ordinance text amendment requires approval of the City Council after a public hearing and after receipt of a report and recommendation from the City Planning Commission. This Zoning Ordinance text amendment request is being considered consistent with the provisions of Article III, Division 2 of Chapter 61 of the 1984 Detroit City Code, the Detroit Zoning Ordinance.

You may present your views on this proposal by attending this hearing, by authorizing others to represent you, or by writing to this office prior to the hearing: 2 Woodward Avenue, Room 208, Detroit, Michigan 48226 (FAX: 313-224-4336). Because it is possible that some who are affected by this proposal may not have been notified, it is suggested that you kindly inform your neighbors so that they too may express their positions if they so desire.

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TO: City Planning Commission

FROM: Gregory Moots, staff *W. J. for G. M.*

RE: Request from the Buildings Safety Engineering and Environmental Department to amend provisions in Articles III, IV, and V of the Zoning Ordinance governing review and approval procedures and violations and enforcement. (RECOMMENDING APPROVAL)

DATE: September 27, 2013

BACKGROUND

City Planning Commission (CPC) staff has been working with the staff of the Buildings Safety Engineering and Environmental Department (BSEED) to address concerns that they have with the zoning ordinance provisions regarding review and approval procedures, violations and enforcement. They feel that the provisions governing show cause hearings are onerous. As a result they have requested and developed a set of proposed amendments, which were drafted by the Law Department. These amendments also respond to recent case law with regard to the provisions dealing with abandonment of a land use.

PROPOSED AMENDMENTS

Below are the sections of the zoning ordinance proposed to be amended with the corresponding change or description thereof the.

Sec. 61-3-25. Termination of permits – this deals with the process by which a by-right building permit may be cancelled and how extensions may be granted

61-3-26 Termination of permits; zoning grants – *Repealed*

Sec. 61-3-27. Expiration or Extension of land use grants – *describes the process by which BSEED may extend a land use grant*

Sec. 61-4-38. Revocation of land use permit renders zoning grant null and void – *If a Certificate of Occupancy is unable to be issued, this shall terminate the land use rights.*

Sec. 61-5-34. Revocation of permits. – *Describes the criteria for the revocation of a building permit*

Sec. 61-5-52. Revocation of Land Use Rights – *Describes the process via which land use rights may be revoked, including holding a show-cause hearing*

Sec. 61-5-53. Notice of revocation – *This section is changed to only require the notification of the owner of the subject property, and no longer require notifying owners and occupants of property within 300 feet as well.*

Sec. 61-5-54. Show Cause Hearing Fee. – *The Department may charge a reasonable fee*

Sec. 61-5-55. Revocation; required findings - *The Department may revoke land use rights upon making one (1) or more of the findings.*

Sec. 61-5-56. Evidence of Abandonment; Overcoming Abandonment. – *Describes the evidence of abandonment and the criteria for overcoming a presumption of abandonment*

ANALYSIS

The proposed amendments clarify the procedures that BSEED must follow and ensure consistency in the methods whereby land use rights or building permits may be cancelled or revoked. The process is streamlined and the wording of the related provisions is consistent with that of other code requirements. The great reduction in the notice requirements to adjacent property owners for show-cause hearings will reduce the cost of those hearings and enable more hearings to be held.

RECOMMENDATION

Staff recommends approval of the proposed amendments. These amendments should improve City processes and greatly enhance the City's ability to enforce the code. Residents and businesses within the City will have clearer understanding of how to address the ongoing operation of those establishments in the City that refuse to comply with local laws.

SUMMARY

This ordinance amends Chapter 61 of the 1984 Detroit City Code, 'Zoning', commonly known as the Detroit Zoning Ordinance, by amending provisions in Articles III, IV, and V governing review and approval procedures and violations and enforcement. Changes are made to be following:

- the process for the termination and extension of permits
- the process for the termination and revocation of land use rights
- notice requirements for revocation of a zoning grant, including those for a show-cause hearing
- the establishment of a show cause hearing fee
- the required findings for the revocation of land use rights
- the evidence of abandonment and how to overcome the presumption of abandonment

Finally, departmental names are updated and non-substantives errors are corrected.

1
2 BY COUNCIL MEMBER _____:

3 AN ORDINANCE to amend Chapter 61 of the 1984 Detroit City Code, 'Zoning,'
4 commonly known as the Detroit Zoning Ordinance, by ~~renaming~~ amending Secs. 61-3-25, 61-3-
5 27, 61-4-38, 61-5-34, 61-5-52, 61-5-53, 61-5-54, 61-5-55, and 61-5-56... and adding ~~repealing~~
6 Sec. 61-3-26... by adding Secs. 61-...; by amending Secs. 61- to provide for the following:

7 IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

8 Section 1. Chapter 61 of the 1984 Detroit City Code, 'Zoning,' commonly known as the
9 Detroit Zoning Ordinance, is amended by ~~renaming~~ amending Secs. 61-3-25, 61-3-27, 61-4-38, 61-5-34, 61-
10 5-52, 61-5-53, 61-5-54, 61-5-55, and 61-5-56 and repealing Sec. 61-3-26 ~~renaming ...;~~ by adding
11 Secs. 61-...; by amending Secs. 61-...; and by amending Appendix A... as follows:

12 CHAPTER 61. ZONING.

13 ARTICLE III. REVIEW AND APPROVAL PROCEDURES 14 (PART 1)

15 DIVISION 1. GENERAL PROVISIONS

16 Sec. 61-3-25. ~~Termination~~ Termination of permits; by-right uses.

17 Where a permit has been issued ~~on a by-right basis~~, such permit shall become invalid where
18 ~~the authorized use or work is not commenced~~ a Certificate of Occupancy has not been issued
19 within six (6) months after the issuance of the permit or where the authorized use or work is
20 suspended or abandoned for a period of six (6) months after the time ~~of commencing the use~~
21 ~~or work~~ the time the work is commenced. The Building Official shall send a written notice of
22 the termination to the owner of the property, with a copy to the permit holder, if
23 different from the owner. ~~In order to undertake work that had been authorized by a~~
24 ~~terminated permit, a new permit must be obtained.~~ The Building Official is authorized to
25 grant, in writing, one or more extensions of time, for periods not more than 180 days each. The
26 extension shall be requested in writing and justifiable cause demonstrated.

1 (Ord. No. 11-05, §1, 5-28-05)

2 **Sec. 61-3-26. ~~Repealed—delete this section or cross out~~Termination of**
3 **~~permits; zoning grants~~ Expiration of land use grants.**

4 ~~The provisions of Sec. 61-3-25 of this Code shall also apply to permits that are issued~~
5 ~~pursuant to a zoning grant, except that the Buildings and Safety Engineering Department shall~~
6 ~~first hold a show cause hearing, as provided for in Sec. 61-5-53 of this Code, prior to the~~
7 ~~termination of any such permit for any “established” use. For purposes of this section,~~
8 ~~“established” use shall mean, in the case of a use in a new building, that at least footings and~~
9 ~~foundation work has been completed. In cases where a permit has not been issued within six~~
10 ~~(6) months of obtaining zoning approval or a permit has been cancelled by the building official,~~
11 ~~the zoning grant shall be void.~~

12 **Sec. 61-3-27. ~~Termination~~ Expiration or Extension of permits land use**
13 **grants; extension of permit**
14 **grant.**

15 Prior to the ~~termination~~ expiration of any permit land use grant, a permit holder an
16 applicant may request, in writing, that the Buildings, ~~and~~ Safety Engineering and
17 Environmental Department extend the life term of the permit grant beyond six (6) months.
18 The Buildings, ~~and~~ Safety Engineering and Environmental Department may, after written
19 notification to obtaining the consent of the the Board of Zoning Appeals, and extend, where
20 applicable, without need for a public hearing, extend the six (6) month deadline for obtaining
21 permits to no more than twelve (12) months beyond the expiration date of the original six (6)
22 months.

23 (1) ~~For no more than six (6) months beyond the expiration date of the original six (6)~~
24 ~~months in the case of a permit that involves structures other than residential,~~
25 ~~commercial, or industrial buildings, such as sign structures and antenna structures;~~
26 ~~and~~

27 (2) ~~For no more than twelve (12) months beyond the expiration date of the original six~~
28 ~~(6) months for all other permits.~~

1

2 **ARTICLE IV. REVIEW AND APPROVAL PROCEDURES**

3 **(PART 2)**

4 **DIVISION 3. BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY**

5 **Subdivision A. Building permits.**

6 **Sec. 61-4-38. Revocation of land use permit renders zoning grant null and**

7 **void.**

8 Where failure to comply with the conditions that are prescribed by the Buildings, ~~and~~
9 Safety Engineering and Environmental Department or by the Board of Zoning Appeals in
10 making any zoning grant or finding ~~are not complied with within six (6) months from the~~
11 ~~issuance of a land use permit and maintained at all times thereafter, the Buildings and Safety~~
12 ~~Engineering Department shall hold a hearing, pursuant to Sec. 61-5-53 of this Code, for the~~
13 ~~permit holder to show cause why the land use permit should not be revoked prevent the~~
14 ~~issuance of a Certificate of Occupancy, the Buildings, Safety Engineering and Environmental~~
15 ~~Department shall terminate the land use rights -pursuant to Sec. 61-5-53 of this Code.~~
16 Immediately upon revocation of the land use permit, the zoning grant by the Buildings and
17 Safety Engineering and Environmental Department or Board of Zoning Appeals becomes null
18 and void, and the department shall notify any applicable licensing departments or agencies of
19 the revocation.

20 **ARTICLE V. VIOLATIONS AND ENFORCEMENT**

21 **DIVISION 3. OTHER REMEDIES AND ENFORCEMENT POWERS**

22 **Sec. 61-5-34. Revoke Revocation of permits.**

23 Any permit or other form of authorization which is required under this zoning ordinance
24 may be revoked where the Buildings, ~~and~~ Safety Engineering and Environmental Department

1 determines 1) that there is departure from the plans, specifications, use regulations, or
2 conditions as required under terms of the permit; 2) that any of the permits, including the
3 development permit was procured by false representation or was issued in error; or 3) that any
4 of the provisions of this Zoning Ordinance are being violated. Any permit or other
5 authorization that is revoked under this procedure shall become null and void. (See Sec. 61-3-
6 25 through Sec. 61-3-28 and ~~Sec. 61-5-52~~ Sec. 61-5-51 through Sec. 61-5-56 of this Code, for
7 the appropriate revocation procedure.)

8 **DIVISION 4. ENFORCEMENT PROCEDURES**

9 **Sec. 61-5-52. Revocation of Land Use Rights; ~~duties of enforcement official.~~**

10 The Buildings and Safety Engineering and Environmental Department shall initiate a
11 revocation process upon a determination by the department that there are reasonable grounds for
12 revocation of ~~the subject permit or development approval. Upon revocation of a permit, any~~
13 ~~related zoning grant shall become invalid. (See also Sec. 61-3-25 and Sec. 61-3-26.)~~ land use
14 rights granted under the provisions of this ordinance -in the following circumstances:

- 15
- 16 (1) Failure to obtain a Certificate of Occupancy in a reasonable amount of time as
17 determined by the Building Official which resulting s in the termination of the
18 building permit. Upon revocation of a permit, any related zoning grant shall become
19 invalid. (Sections 61-3-25 through 61-3-27); or
- 20
- 21 (2) Failure to comply with all of the standards for a conditional land use or any stated
22 conditions of approval after the issuance of a Certificate of Occupancy. Such
23 revocation shall be subject to a show-cause hearing. (Section 61-4-38); or
- 24
- 25 (3) A land use conditional, regulated or controlled use that was legally established by a
26 zoning grant and use permit at a time when no such establishment procedure was
27 required for that use, including establishment prior to the current version of this
28 zoning ordinance, which has not been in use for a continuous period of at least six (6)

1 months and therefore will be presumed to be abandoned. Such revocation shall be
2 subject to a show-cause hearing.

3
4 **Sec. 61-5-53. Notice of revocation and all show-cause hearings.**

5 (1) Notice of Revocation of a zoning grant in which a Building Permit and/or Certificate of
6 Occupancy has not been issued shall be sent by BSEED via certified mail to the property
owner, taxpayer of record and the applicant of record.

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(2) Whenever this Chapter or due process requires a show-cause hearing as to why a specific action should not be taken by the Buildings and Safety Engineering Department, the Buildings and Safety Engineering and Environmental Department shall publish, in a newspaper of general circulation in the City of Detroit not less than ten (10) days before the hearing is held, one (1) notice that a show-cause hearing will be held, and shall send by certified mail or personal delivery with proof of service, a copy of said notice to the owners of property for which the hearing is being held, and to all persons to whom any real property is assessed within three hundred (300) feet of the boundary of the premises in question and to the occupants of all structures within three hundred (300) feet. Notice shall also be given to all community organizations that are known to exist within at least three hundred (300) feet of the premises in question.

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Sec. 61-5-54. Revocation; required findings Show Cause Hearing Fee.

The Buildings and Safety Engineering Department may revoke a permit upon making one (1) or more of the following findings:

- (1) That the permit was issued on the basis of erroneous or misleading information or misrepresentation;
- (2) That the terms or conditions of approval of the permit have been violated or that other laws or regulations have been violated; or
- (3) That there has been a discontinuance of the exercise of the entitlement granted by the permit for one hundred eighty (180) consecutive days.

1 The Buildings, Safety Engineering and Environmental Department may charge a reasonable
2 fee for conducting a Show Cause Hearing. This fee shall cover the publication and mailing fees
3 related to the noticing of the hearing; duplication of any documents submitted as part of the
4 official record; fees for retaining the services of a court reporter and hearing officer; and any
5 necessary site inspection fees.

6
7 **Sec. 61-5-55. Revocation; decision and notice of decision required findings.**

8 The Buildings and Safety Engineering and Environmental Department may revoke land use
9 rights upon making one (1) or more of the following findings:

10 (1) That the land use grant, variance or permit was approved on the basis of
11 erroneous or misleading information or misrepresentation;

12 (2) That the terms or conditions of approval of the permit have been violated, the use
13 has become a nuisance and/or is injurious to the adjacent and surrounding property
14 owners or the applicant has failed to comply with all applicable local, state and
15 federal codes and ordinances; or

16 (3) That there has been a discontinuance of the exercise of the entitlement granted by
17 the permit for a continuous period of at least six (6) months.

18 ~~*(a) Matters Subject to Public Hearing.*~~

19 ~~To the extent possible, within ten (10) working days of the conclusion of a public hearing as~~
20 ~~provided for in Sec. 61-5-53 of this Code, the Buildings and Safety Engineering Department~~
21 ~~shall render a decision, and shall mail notice of the decision to the owner of the use or~~
22 ~~structure for which the permit was revoked and to any other person who has filed a written~~
23 ~~request for such notice.~~

24 ~~*(b) Matters Not Subject to Public Hearing.*~~

25 ~~To the extent possible, within three (3) working days of a decision on a revocation matter~~
26 ~~that is not the subject of a public hearing, the Buildings and Safety Engineering Department~~
27 ~~shall mail notice of the decision to the owner of the use or structure for which the permit was~~
28 ~~revoked and to any other person who has filed a written request for such notice.~~