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Rachel M. Udabe

City Planning Commission Meeting

MINUTES
October 3, 2024
5:00 P.M.

I. Opening

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

B. Roll Call

Attendees: Adrian-Keith Bennett, Kenneth Daniels, David Esparza, Ritchie Harrison, Gwen Lewis (5:24 p.m.), Melanie Markowicz, Frederick Russell, Donovan Smith and Rachel Udabe

A quorum was present.

C. Amendments to and approval of agenda

Commissioner Markowicz moved to approve the Agenda, seconded by Commissioner Udabe. Motion Approved.

II. Meeting minutes of May 16, 2024

Commissioner Kenneth Daniels moved to approve the Minutes, seconded by Commissioner Adrian-Keith Bennett. Motion Approved.

III. Public Hearings, Discussions and Presentations

A. **5:15 PM PUBLIC HEARING** – to consider the initiative of the City Planning Commission to amend Article XVII, Section 50-17-49, District Map No. 47 of the 2019 Detroit City Code Chapter 50, Zoning firstly to show an R3 (Low Density Residential District) zoning classification where a PD (Planned Development District) zoning classification is currently shown for sixteen lots on Yosemite Avenue and Riviera Avenue in the vicinity of Chapel Hill Missionary Baptist Church on Joy Road near Grand River Avenue, namely 9230, 9231, 9236, 9237, 9243, 9251, 9255, 9261 and 9267 Yosemite and 9238, 9248, 9256, 9266, 9276, 9286, and 9320 Riviera, and secondly to show an R2 (Two Family Residential District) zoning classification where a PD (Planned Development District) zoning classification is currently shown at 3761 and 3767 Humphrey Avenue in the vicinity of St. Paul AME Zion

Church on Dexter Avenue between Lawrence and Humphrey.
(TS, RB)

45 mins

Present: Timarie Szwed and Rory Bolger, CPC Staff

Timarie Szwed and Rory Bolger via PowerPoint and based on CPC Report dated October 2, 2024, presented a rezoning of parcels on a lapsed planned development (PD). The site is in District 7 involving two unrelated locations on Map 47 on the City's west side, and it is bounded by Dexter to the east, Livernois to the west and Joy Road to the north.

Timarie Szwed described the first location under the control of Chapel Hill Missionary Baptist Church. This location is generally at Yosemite and Joy Road. Ms. Szwed displayed a map of the site, and the PD completed as a development of seven town homes, charter school and 233 space parking lot. They did not develop the planned 58-unit senior housing complex nor the 12-unit townhome project. The 16 parcels that remain are proposed to rezone to R3. This rezoning to R3 will still allow them to expand in the future, if chosen. The Master Plan shows that this area is thoroughfare commercial, and CPC Staff is awaiting a Planning and Development Department (PDD) interpretation of this rezoning.

Rory Bolger, CPC Staff, described the second location as bounded by Dexter to the east, Livernois to the west and Joy Road to the north. The St. Paul A.M.E. Zion Church requested a rezoning of properties adjacent to its church. A 12-story senior housing apartment building was constructed at 11421 Dexter Avenue, but it has since been vacant. Presently, the developer, Icon Heritage Partners, would like to rehab and reoccupy the building with their awarded low income tax credits. Additionally, a portion of the PD is a lot at 3760 Lawrence, and it is owned by Detroit Land Bank Authority (DLBA). It was used as parking associated with the apartment building, and it is to be acquired by Icon Heritage Partners for the use of the PD. Also, there are two lots on 3761 and 3767 Humphrey that were not part of the development. The single-family homes are proposed to rezone back to R2. The Master Plan identifies the appropriate future general land use classification as low medium density residential and for the Dexter frontage as neighborhood commercial. Dr. Bolger displayed current photos of the St. Paul Elderly housing apartment building that is now being rehabilitated.

Dr. Bolger responded that Chapel Hill Missionary Baptist Church Reverend Lamont Smith expressed no opposition to the rezoning, and St. Paul A.M.E. Zion Church has provided no response to the City. Also, he mentioned that Icon Heritage Partners said they do not plan to use the two single family dwellings on Humphrey Street. This statement was in response to Commissioner Esparza's question.

Public Testimony

R. Adams asked questions regarding the developments and the reason why they deviated from the original development plans.

Ms. Szwed stated these developments did move forward, and there are many reasons why some developments did not complete. It is best to reach out to the Petitioners or congregations for a more accurate response.

Sheila McMillan, St. Paul A.M.E. Church Trustee, expressed that the church has no association with the senior housing building, and they have no opposition to the rezoning.

Also, she asked which is the additional property?

Dr. Bolger stated it is the single property on the north side of Lawrence adjacent to the parking lot, and it may be purchased by the developers from the DLBA.

Zenita Smith asked about the occupancy of the two single family dwellings family homes on Humphrey, and are they the only two dwellings on the block?

Dr. Bolger stated these homes are occupied. Also, there are other single family dwellings on the street, and it is unknown if these are occupied.

CPC Staff recommend approval of the rezoning the first location to R3 and the second location to be rezoned to R2.

Commissioner Russell moved to waive same day action requirements, seconded by Commissioner Markowicz. Motion approved.

Commissioner Markowicz moved to approve staff's recommendation of this item, seconded by Commissioner Daniels. Motion approved.

- B. 6:00 PM PUBLIC HEARING** – to consider the Sixth General Text Amendment to the Zoning Ordinance, Chapter 50 of the 2019 Detroit City Code proposing a range of issues both substantive and non-substantive changes to policy and practice concerning, but not limited to, the permissibility of uses, dimensional requirements, definitions and procedures as well as needed corrections and clarifications. (JM) 60 mins

Present: Jamie Murphy, CPC Staff

Jamie Murphy via PowerPoint and based on CPC report of October 1, 2024, presented the 6th General Text amendment second public hearing. She gave a background on this matter's first public hearing on May 16, 2024, and she explained that there are several changes and new additions on the item. The 6th General Text Amendment involves two general categories substantive changes and non-substantive changes as follows:

- 1) Planned development (PD) approval lapse. A PD district lapses if the development is not complete within three years; however, realistically, most developments require more time to complete. Also, based on the Law Department's advice, it is proposed to eliminate the entire lapse. Therefore, CPC Staff proposes to increase the lapse time period from three years to five years, and PDs will no longer lapse.
- 2) Revise the definition of Loft to exclude accessory structures - The original amendment proposed to allow lofts conditionally in R1 and R2 districts to promote the reuse of existing non-residential buildings. According to the CPC report, "Lofts are not allowed in the R1 and R2 districts. As a results of this prohibition, when non-residential buildings are located in R1 and R2 districts, they are difficult to repurpose and often require a rezoning. Allowing lofts conditionally would encourage the reuse of existing buildings without expanding nonresidential uses in residential areas." There were concerns expressed that this would extend residential garages or other accessory buildings to be allowed to convert them into dwelling units. The ordinance allowing lofts conditionally would still give the neighborhood input but it will give

people an option to reuse these buildings without having to go through a rezoning.

- 3) Allow lofts and mixed-use developments by-right in B2, B3, and B4 Districts – CPC
Staff is proposing to expand this use to all business districts to encourage more housing. The Buildings, Safety Engineering, Environmental Department (BSEED) confirmed that the majority of conditional use requests are approved, so this change could encourage some new residential development on the City’s commercial corridors. Additionally, it is proposed to allow lofts by-right in Traditional Mainstreet Overlay areas (TMSO) regardless if it is commercial or not.
- 4) Revise the allowability of Body Art Facilities – Ms. Murphy displayed a slide that explained CPC Staff examined this use and proposes a comprehensive update as, “Newly allow conditionally in B2, B3 and SD1; allow by-right instead of conditionally in B4, SD2, and newly allow by-right in SD4.”
- 5) Permissibility of Brewpubs, Microbreweries, Small Distilleries, and Small Wineries – Ms. Murphy displayed a slide that explained, since these type of facilities do not have the same negative effects as other alcohol-related uses the following permissibility revisions are proposed:
 - “Allow conditionally in B2 districts where currently prohibited
 - Allow by-right in B3 districts where currently prohibited (except allowed conditionally in Traditional Main Street Overlay areas)
 - Allow by-right in B4, B5, and B6 districts where currently conditional (except for within the Central Business District where they are by-right)
 - Allow by-right in M1, M2, M3, M4 districts where they are currently conditional (except for when they are not considered a regulated or controlled use when they are by-right).”
- 6) Change “Kennel, commercial” to “Animal Care Facility” – A request was received by BSEED to establish an animal shelter in the zoning ordinance. Therefore, an updated term to cover several uses, i.e., kennels, shelters and dog daycares will now be referred to as animal care facility. This will only change the name not the uses allowed.
- 7) Allow miniature Golf Courses Conditionally in SD1 and SD2 Districts – This amendment proposal is the result of a specific request at Rosa Parks Blvd. and Atkinson Street which is zoned as SD1, and miniature golf courses are prohibited in SD1 and SD2 Districts. Therefore, CPC Staff proposes miniature golf courses are allowed in SD1 and SD2 as a conditional use with no need for rezoning nor a neighborhood petition. Also, this proposal decreases the parking requirement to one parking space per one hole.
- 8) Gateway Radial Thoroughfare Overlay Areas – It is proposed to update the definition in the ordinance to include B2 and B4 districts. Also, this proposes a revision that states Gateway Radial Thoroughfare Overlay Areas (GRT) will be not be permitted to appeal to the Board of Zoning Appeals for 13 uses.
- 9) Expand Prohibit Use of Large Animals in Research and Testing Laboratories in B5 Districts - It is proposed that large animals are not allowed in B4 and same expanded to B5 Districts; however, the use is allowed in B6 and M1, M2, M3, M4, M5 and TM Districts.

- 10) Clarify Height Bonus - Ms. Murphy explained the revision stated in the CPC Report, “There is a height bonus allowed for buildings in B3 and B4 districts located on streets wider than 80 feet. The amendment proposes to change the word “street” to “right of way” to clarify that the width of the right-of-way is the determining factor, not the curb-to-curb width of the street.”
- 11) Permissibility of Loading Space Located in Alley – This amendment proposal expands allowable loading space to not only commercial, retail but to include residential uses too for off-street loading spaces near open, adjacent alleys.
- 12) Public Parking Credit Distance – This proposal addresses the City-owned public off-street parking exception distance to increase to 1320 feet in SD1 and SD2, and it extends the public parking increase in Traditional Main Street Overlay Areas.
- 13) Architectural and Site Design Standards - It is proposed to update this provision as presented slides by CPC Staff and Planning and Development Department (PDD) as follows:
 - “Clarify that all roof-mounted equipment on residential buildings must be screened; add exception for solar panels and wind turbines
 - Allow PDD to permit certain architectural metal panels on a case-by-case basis
 - Add that the Design Review Committee can approve fiber cement and architectural metal panels in TMSO areas
 - Remove prohibition on corrugated panels in Traditional Main Street Overlay Areas.”
- 14) Revise “Family” Definition - The proposed definition increases the number to up to four unrelated individuals in the same household will now qualify as a family. This update is in conjunction with many cities making similar updates to accommodate different household trends.
- 15) Revise “Loft” Definition – Ms. Murphy displayed a slide on CPC report page 6 that explained, “The revised amendment proposes to amend the definition of Loft to exclude accessory buildings built as part of a residential use.”
- 16) Revise “Truck Stop” Definition – It is proposed that is an existing business that is in essence a truck stop, but it does not have the required gas station nor fuel sales may now qualify as a truck stop in the ordinance. Additionally, Ms. Murphy displayed a slide that detailed this expands the definition to include any combination of dispensing of fuel, minor repair facilities, convenience store, motor vehicle wash, restaurants, overnight parking, overnight accommodations, and commercial showers.
- 17) Add Clean-up Text Amendment Previously Approved by CPC – There were text amendments approved by City Council on May 19, 2022, but these did not make it to City Council for further formal processing. Ms. Murphy displayed a slide that explained the CPC report page 6 which names these amendments as follows:
 - “Sec. 50-3-10 is being amended to clarify that notices for all public hearings must be published 15 days before the date of hearing
 - Sec. 50-14-7 – clarify that all uses in the Central Business District are exempt from off-street parking requirements of Subdivision B and C
 - Sec. 50-14-58, 50-14-59, 50-16-362 – relocate kennels from the retail sales and service (sales-oriented) use category to the retail sales and service (service-oriented) use category

- Sec. 50-16-284 – delete industrial laundry from the low/medium-impact manufacturing or processing definition as it is also listed as a stand-alone use.”
- 18) Non-Substantive Changes – Ms. Murphy displayed a slide that explained the CPC report pages 6-7 with the following are proposed changes:
- Sec. 50-4-131- a list is referenced as seven items although there are only five; propose to strike “seven” to eliminate the issue entirely
 - Sec. 50-8-142- eliminate “business college and commercial trade school” from uses that are allowed conditionally in R5 and they are by-right.
 - Sec. 50-12-62, 50-12-63, 50-112-69, 50-12-070 – add uses that are currently permitted in R5 and R6 to the use table
 - Sec. 50-12-81 – add “crematory or pet crematory” as allowed in PD Districts with legislative approval
 - Sec. 50-12-226, 50-12-227, 50-1-307 – strike provision requiring accessory parking for certain uses as all uses are required to provide accessory parking
 - Sec 50-12-336 – clarify requirements for food catering establishments in SD2 districts (by-right, no larger than 5,000 square feet, have at least 10% of the floor area as a retail store)
 - Sec. 50-12-348 – eliminate the use regulation regarding research and testing laboratories in SD1 and Districts as the use is not allowed those districts
 - Sec. 50-14-49 – correct and simplify the title of a section about parking requirements
 - Sec. 50-14-58, 50-14-60 – move the parking requirement for auto sales from one category to another
 - Sec. 50-16-402 – correct the year in the definition of “tobacco retail store: from 2099 to 2009
 - Appendix Letters “G” and “S” – correct “victims” to “survivors” for shelters for survivors of domestic violence use to be consistent with the rest of the zoning ordinance.

Greg Moots of PDD Staff provided CPC with more insight and expounded details on the PDD requested changes to the 6th General Text Amendment to the zoning ordinance.

Jamie Murphy agreed with Commissioner Harrison’s suggestion for Staff to explore screening options and requirements for miniature golf facilities next to residential neighborhood.

Public Testimony

Von Arrington commented mixed use facilities spoke regarding his support of a support of the amendment.

Kierra Calhoun multimedia tattooist commented her support for the zoning ordinance amendment, and this amendment to SD4 that would allow her body art facility to get licensed as a business in the City. She has created a mural in the Morningside Community at Warren and Haverhill.

Gabriel Lockhart commented his experienced with golf and his support of the amendment. He mentioned his appreciation for City’s attractiveness for families to enjoy parks, greenspaces and mini-golf.

Caller number #124 commented her suggestion for frisbee golf. Also, she mentioned Zone

Detroit and community's awareness of projects.

R. Adams commented on emergency preparedness tools features that go with Master Plan, large animals and consider a fallout shelter.

Arthur Stewart Green IV commented with his support for the miniature golf course zoning in SD1 and SD2 with reduction in parking and benefits to community.

George Adams, Founder of 360 Detroit Community Development Corporation commented in support for miniature golf, and he is hopeful the amendment is approved.

Darryl Bingham commented expressing his support for mini-golf zoning in SD1 and SD2 and reduction in parking.

Issa Johanna expressed her support the mini-golf in SD1 and SD2 zoning and to reduce parking. She is excited for this potential venue for the community.

Rudolph commented with support for the miniature golf amendment and will put a new face on old infrastructure and expose the sport of golf to the youth of the community.

Katrina Lockhart commented that she is proposing golf green or golf putting course. It will be surrounded by natural elements and golf balls will roll into a bush or some type of greenery. She wanted to address the putting course and the style.

Thereafter, Ms. Murphy mentioned that CPC Staff received three letters of support.

Ms. Murphy stated that this meets the approval criteria required for a text amendments, and after hearing all the public comments of support of the amendment, CPC Staff recommends approval.

Commissioner Markowicz moved to waive same day action requirements, seconded by Commissioner Esparza. Motion Approved.

Commissioner Markowicz moved To Approve, seconded by Commissioner Esparza. Motion Approved.

IV. Public Comment –

This matter was heard early before the 6:00 p.m. public hearing.

Maureen Stapleton commented Interim Executive Director of Midtown Detroit, Inc., introduced herself and desire to working with CPC with upcoming projects.

Caller #124 commented regarding solar due diligence of CPC and the City, seek alternatives for eminent domain, Perkins Law Group, lawsuits filed and text Amendment due diligence. She mentioned a letter she emailed to CPC mailbox regarding solar.

Deputy Director Gulock of CPC Staff, confirmed on the record receipt of said letter signed by Joann Warwick regarding solar.

Darrin McCleskey commented on his opposition to solar regarding eminent domain, approval

without a case-by-case basis, cost to the City, and abuse of power.

R. Adams commented on the urgency of the rezoning, communications with nonprofits, the costs of City having solar and its return on investment. The solar issue should be brought back to the community.

Tammy Turner commented encouraging mini-golf in SD1 and SD2 zoning areas, and she read excerpts from her email discussing mini-golf's benefits economically and to the community.

Zenita Smith commented to urge CPC to reconsider the approval of solar.

Katrina Lockhart, founder of the putting golf course at Rosa Parks and Atkinson, commented on being a mini-golf course owner, outdoor recreation spaces, inclusion, and benefits to the youth and community.

Caller #445 commented her support for miniature golf in SD1 and SD2 with a parking space reduction.

Jamill Lockhart commented his support for miniature golf in SD1 and SD2 with a parking space reduction, and he expressed his personal benefits experienced from involvement in playing golf.

V. Unfinished Business –

- A. Consideration of a proposed text amendment to Chapter 50 of the 2019 Detroit City Code Zoning, altering the permissibility of solar generation stations providing exemption language, establishing an overlay and creating standards to regulate this **(EF, DP and the Administration)** 60 mins

Present: Eric Fazzini, CPC Staff, Corporation Counsel Conrad Mallett, and Trisha Stein, Chief Strategy Officer and Ray Solomon, Department of Neighborhoods

Eric Fazzini, CPC Staff, via PowerPoint and based on CPC report dated October 2, 2024, presented the proposed text amendment of the solar initiative. Mr. Fazzini explained that City Council approved and passed a resolution on the importance of land use on solar as an essential service. He gave background on the City's solar policy and the 2019 City Solar Policy Deployment Guide. Mr. Fazzini reviewed the current zoning in solar, and he explained how the selected three solar areas (1) State Fair (2) Gratiot/Findlay, and (3) Airport B/Van Dyke Lynch were influenced by the O'Shea Park Urban Solar Farm standards. Mr. Fazzini referred to a resource *Planning & Zoning for Solar Energy Systems* by Michigan State University Extension Land Use Series a publication Restrictions of Zoning Authority (MSUE) that prompted Administration and Council Member Benson to request to ratify standards for exemptions for solar in the zoning ordinance for City projects.

Mr. Fazzini explained qualifications for exemptions and use regulations to Chapter 50 that would include the current approved solar initiative and future City solar projects. First, the solar project must be developed by or on behalf of the City. Secondly, that the solar project is located on City or City agency owned land. Thirdly, the solar development is approved by City Council resolution. Also, CPC Staff examined overlay districts use in permitting solar and propose the following:

- A removal of the prohibitions of solar stations in PR districts and that would be

replaced with by-right permissibility in the M1-M5 industrial districts and design development standards would be required.

- A nonindustrial district has an option to add an overlay area. Currently, the addition of one overlay area would be O'Shea Park Urban Solar Farm zoned PR. CPC Staff would place it as the first overlay that is allowing solar in that location to avoid making it a nonconforming use. The overlays are more restrictive, and an overlay area is a more targeted approach if that ends up being a part of the development option.

Mr. Fazzini discussed that CPC Staff would update the design development standards (PDD), i.e., maximum height 20 feet for solar including wiring, minimum setback of 15 feet, anti-glare reflection provisions, noise maximums and screening requirements. Also, he mentioned urban farms and urban gardens are encouraged as an accessory to solar, and an updating of the site plan review requirements for solar farms.

Mr. Fazzini addressed Commissioner Markowicz's past question on solar as an accessory use in historic districts stating that Deputy Director Gulock suggested that an accessory solar issue may be brought back as a separate item to study further along with BSEED and Historic Preservation / Historic District Commission.

Attorney Conrad Mallett stated that if the City can build this on City owned property then the City would not have to use the power of eminent domain. If there are private vacant lots associated with or continuous to City owned land, than there may be the occasion, but it is thought the initial assurance and promise that the Administration gave to City Council Member Mary Waters that the power of eminent domain on a primary residence exemption (PRE) will not be used. This statement was in response to Commissioner Smith's inquiry.

Director Todd responded that this text amendment to the zoning ordinance regarding solar is to protect the health, safety and welfare of the public through land use regulations and provisions including the use of overlays. He explained that overlays can be used to pilot certain concepts used in a restrictive manner to produce certain results, limit certain behavior or activity, or to encourage it. The overlay will be used to provide another specific solar mechanism of protection for the City to regulate this particular use. This way solar can be introduced in the community without upsetting the existing zoning. CPC Staff is providing a particular set of conditions through an overlay over and above in addition to those land use provisions that are made district by district. This statement was in response to Commissioner Russell's questions.

CPC Staff recommends approval based on the criteria provided on page 6 of the CPC Report.

Commissioner Russell moved to accept staff's recommendation, seconded by Commissioner Markowicz. Motion Approved.

7 yays (Markowicz, Bennett, Daniels, Esparza, Harrison, Russell, Smith)

2 nays (Lewis, Udabe)

VI. New Business – There was no New Business.

VII. Committee Reports – Director Todd announced the next committee meeting is October 23, 2024, and he encouraged Commissioners to consider which CPC committee they desire to empanel. Director Todd agreed with Commissioner Smith to provide a list with the names and descriptions of all the established CPC committees at the next CPC meeting.

VIII. Staff Report – There was no Staff Report.

IX. Member Report – Commissioner Harrison discussed how he would like for CPC to explore zoning opportunities that focus on impacting health and wellness in the community.

Commissioner Markowicz announced the next meeting dates of the I-375 Reconnecting Communities Project, Local Advisory Committee on October 17, 2024, at 5:30-7:30 p.m., and its general public meeting scheduled for November 19, 2024, from 5:30-7:30 p.m. There is a plan to discuss the Michigan Department of Transportation (MDOT) and City of Detroit partnership for the development of the neighborhood framework plan.

X. Communications – There were no Communications.

XI. Adjournment

The meeting adjourned at 8:21 p.m.