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**Melanie Markowicz**  
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**Adrian-Keith Bennett**  
**Kenneth R. Daniels**  
**David Esparza, AIA, LEED**  
**Ritchie Harrison**  
**Gwendolyn A. Lewis, MBA**  
**Frederick E. Russell, Jr.**  
**Rachel M. Udabe**

## City Planning Commission Meeting

**MINUTES**  
**September 19, 2024**  
**5:00 P.M.**

### I. Opening

A. Call to Order – Chairperson Donovan Smith called the meeting to order at 5:25 p.m.

#### B. Roll Call

Attendees: Adrian-Keith Bennett, Kenneth Daniels, David Esparza (5:30-8:06pm), Ritchie Harrison, Gwen Lewis, Melanie Markowicz, Frederick Russell (5:00-6:37pm), 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 Daniels. Motion approved.**

II. Meeting minutes will be presented at the next meeting.

### III. Public Hearings, Discussions and Presentations

A. **5:15 PM CONTINUED PUBLIC HEARING** – to consider the request of Friends of Merit, LLC to amend Article XVII, Section 50-17-58 District Map No. 56 of the 2019 Detroit City Code, Chapter 50, Zoning, to show a B4 (General Business) zoning classification where an R1 (Single-family Residential) zoning classification and a B2 (Local Business and Residential District) zoning classification are shown at 9715 Burnette Avenue and 10141 West Grand River Avenue, respectively. The subject properties are generally bounded by West Grand River Avenue to the north, Burnette Street to the east, I-96 Jeffries Freeway to the south, and Prairie Street to the west. **(DP)** **45 mins**

Present: Dolores Perales, CPC Staff

Petitioner: David Merritt, Tanisha Streeter, Mike Darga and Shannon Pedit

Dolores Perales via PowerPoint presented an overview of the request of Friends of Merit,

LLC to rezone parcels 9715 Burnette Street and 10141 West Grand River Avenue (District 6) to permit the development of a recreational facility. The current zoning classifications do not allow for this type of facility; however, a B4 would be the most appropriate zoning for this development. Ms. Perales displayed an aerial view and photos of the site of before and after demolition (2023). She reviewed the surrounding area's zoning classification, land uses, and the future land use map for the Winterhalter neighborhood. The Planning and Development Department (PDD) provided an interpretation that this development is consistent with the Master Plan, and it is designated as thoroughfare commercial. The CPC September 5, 2024 public hearing was recessed to September 19, 2024. There were many public comments in support, and there was one public comment in opposition with concerns in parking, security and traffic. Ms. Perales described the community engagement, and 38 letters of support were received including 17 letters from Straight Gate International Church members. There were no letters of opposition.

David Merritt via PowerPoint described his nonprofit organization and the development of Merit Park a facility for Detroit youth as play, performance and professional development. He described the indoor and outdoor recreational facility as having sports activities, sports games, workforce development, educational programs, gymnasium, flex space for yoga, basketball, track and field, obstacle course, splash pad, culinary arts and a teaching kitchen. The facility will expose young people to sports they may not have access to, i.e., soccer and lacrosse. He displayed and described site plans with photos and renderings. Mr. Merritt mentioned community engagement, and how the youth were included with the development of the project. He displayed pictures of the community meetings and a previously held groundbreaking event. The project's community engagement has formed a Merit Park Neighborhood Council. Mr. Merritt described the support from local and state governmental agencies and officials, and he shared a list of organizations and foundations that provided financial support. Additionally, he addressed the concerns raised at the previous public hearing by describing in detail the security plan, construction vehicle route with additional signage, pedestrian traffic safety, and overflow parking arrangements.

#### Public Testimony

Christopher Paris, an 11-year-old boy, expressed feelings of unsafe playing conditions in the neighborhood and his excitement for the Merit Park project.

John Perkins commented support for the Merit Park project, and he mentioned its benefits and education for youth.

Daine Paris commented support for the Merit Park project.

Vanessa Bennett commented support or the Merit Park project. She explained the benefits of providing a safe fun area for children and the neighborhood. She expressed her enthusiasm to go to the facility as a senior.

CPC Staff recommended approval of this rezoning.

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

**Commissioner Daniels moved to approve, seconded by Commissioner Markowicz. Motion approved.**

- B. 6:00 PM PUBLIC HEARING** – to consider the request of 5807 Toledo LLC to amend Article XVII, Section 50-17-43, District Map No. 41 of the 2019 Detroit City Code, Chapter 50, Zoning, to show an R3 (Low Density Residential) zoning classification where an R2 (Two-Family Residential) zoning classification is shown at 5807 Toledo Street. The subject properties are generally bounded by Toledo Street to the north, Campbell Street to the east, Romeyn Street to the south, and Cavalry Street to the west. **(DP)** **45 min**

Present: Dolores Perales, CPC Staff

Petitioner: Paul Jones, Representing Century Partners developers

Dolores Perales presented via PowerPoint and based on CPC report of September 17, 2024, the request to rezone from R2 to R3. The site is located in District 6 within the central southwest neighborhood at Michigan Avenue to the north, Fisher Freeway to the south and east, Saint Hedwig Park to the north, Clark Park to the east. This is a 10-unit multi-family dwelling built in 1923. The request stems from concerns over refinancing issues, since it is R2 zoning, a legally nonconforming use. Therefore, the developers are requesting a rezoning to R3. She reviewed the surrounding zoning and land uses in the area. The future land use map identifies it as the Vernor-Junction neighborhood, designated as low/medium density residential. She described the property owner's community engagement outreach to residents of Toledo, Romeyn, Cambell and Calvary streets, and they have contacted the Livernois 2 Clark Block Club, Scotten-Vernor Block Club and Congress of Communities. There was one letter of support received from Congress of Communities.

Mr. Paul Jones, developer of 5807 Toledo, described upzoning the property to R3. He stated, if there was a catastrophe to the building only 8 of the 10 units would qualify to be rebuilt, and if refinancing the building became necessary the negotiations would be very low which decreases ability to provide renovations for tenants. Mr. Jones described the recent \$160,000 for renovations and building maintenance since ownership in 2020. He showed some pictures of the completed interior and exterior renovations which included new planted flowers, ceiling fans, stainless steel appliances, air conditioning units, modern upgrades to the units, and repainting of the exterior brick. He described that the developers additionally repainted the building's exterior brick. Mr. Jones emphasized the affordability of these units as 8 units are 2 bedrooms/1 bath at \$700-\$1140 rent per month at 35-55% of Area Median Income (AMI), and two units are 3 bedrooms/1 bath at \$1240-\$1275 rent per month at 45-55% AMI. Mr. Jones described community engagement as they sent out support request letters and did not receive any response, but these letters informed the community. Mr. Jones mentioned they engaged with tenants by door knocking to receive any input and make them aware of the public hearing.

Public Testimony

There was no public testimony for this public hearing.

CPC staff recommended approval of this rezoning.

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

**Commissioner Markowicz moved to approve, seconded by Commissioner Russell. Motion approved.**

- C. **7:00 PM PUBLIC HEARING** - to consider 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 use **(EF, DP and the Administration)** **60 mins**

*This matter was heard earlier in the meeting.*

Present: Eric Fazzini, CPC Staff; Deputy Director Dara O’Byrne of PDD Staff; Greg Moots of PDD Staff; Corporation Counsel Conrad Mallett; Trisha Stein, Chief Strategy Officer; and Raymond Solomon, II Group Executive, Department of Neighborhoods

Director Todd gave a brief synopsis and introduced the Administration’s solar initiative team members. He explained that there are additional and new regulations for solar use. The City is now moving to encourage the development of solar generation and provide for the operation of these facilities.

Eric Fazzini, CPC Staff, via PowerPoint and based on CPC report dated September 18, 2024, presented the solar initiative. City Council approved and passed a resolution on the importance of land use on solar as an essential service. It stated, “This Honorable Body hereby declares the Solar Initiative is a governmental function and essential service.” He displayed a map displaying the following first three solar neighborhoods:

- 1) State Fair
- 2) Gratiot/Findlay
- 3) Airport B/Van Dyke Lynch

Mr. Fazzini reviewed the current zoning in solar, and he explained how the selected three solar areas were influenced by the O’Shea Park Urban Solar Farm standards, since prior to 2016 there were no solar standards. He referred to a quote from *Planning & Zoning for Solar Energy Systems* by Michigan State University Extension (MSUE) Land Use Series, “The courts have recognized that the local government may expressly exempt certain government projects or functions from its zoning ordinance by writing exemptions in the zoning ordinance,” Mr. Fazzini stated that with this information the Administration and Council Member Benson have requested to ratify standards for exemptions for solar in the zoning ordinance. A new standard that would be used on a case-by-case basis and used as a zoning reference for present and future solar projects. He explained that in Article I, CPC Staff is proposing to make explicit reference to solar projects that would be exempt must be developed by the City, located on City agency or City-owned land, and approved by City Council resolution which differentiates private projects. It ensures that the City is involved and ensures an adequate level of City Council support.

Also, he stated that for non-exempt projects, Council Member Benson requested that a solar overlay district is drafted with new design and development standards for solar stations. Some City Council members view solar stations as an industrial use. Therefore, CPC Staff tried to combine the directions for the non-exempt solar stations. Solar developers will abide by Planning and Development Department (PDD) development standards. In industrial districts, solar would be by-right and non-industrial districts would have an option of establishing an overlay area. This zoning ordinance amendment will remove solar as a conditional use in the PR district. A non-industrial district new overlay type will be designated by City Council with a defined boundary in the zoning ordinance for each solar station.

The amendment will replace the current vague use with a more detailed design standard, and it encourages urban gardens and farms as an allowable accessory use. A site plan review is required. There is an amended definition in the zoning ordinance to be in line with current industry standards. He explained that solar stations will have a maximum height in arrays and wiring, setback minimums, reflection provisions, noise maximums, and screening requirements.

Greg Moots of PDD discussed via PowerPoint the minimum design standards for the solar stations detailing buffer depth, solar equipment setback, deciduous shade and evergreen trees.

Deputy Director Dara O’Byrne of PDD discussed via PowerPoint community engagement of the solar initiative project. She described the community meetings as each of the selected community will have three community meetings focused on designing the solar project. The first meeting was a collaborative process to design the fence buffer, ground cover and meet with the developer. Also, the meeting provided feedback on types of fencing, deciduous and evergreen trees and ground cover. The second meeting’s focus is to refine the design and learn about the energy efficient upgrade. The last community meeting will be to finalize the design and learn about energy efficiency upgrade.

Director Ray Solomon discussed community outreach as the solar initiative team did door-to-door flyers for outreach, email invitations and some telephone calls. They effectively used arts and crafts for design discussions and selection with the community, and the meeting was successful. Also, they have question and answer sessions at the community meetings (photos shown). He stated that the developer, PDD, Department of Neighborhoods and residents attended and participated in the meetings.

### Public Testimony

Joann Warwick commented on the solar initiative that an impact or alternate study is necessary first, and she believes the City should continue to explore benefits and costs doing more due diligence. She mentioned eminent domain.

Kiara commented, as a resident of a selected solar array area, that she does not support an amendment. She asked that CPC reject the proposal, and a planning study is conducted first for alternative solutions and explore other options.

Rose Jones commented, as a resident of a selected solar array area, that she is in full support. She encourages the City’s utilization of land, and she is looking forward to additional development and growth as a result to the solar array.

Darrin McCleskey commented, as a property owner of a selected solar array area. On real estate issues, aggressive use of making solar a necessity, and a challenge of eminent domain on his property.

Trisha Stein stated that in phase one 21 megawatts of energy is generated in 2/3<sup>rd</sup> of the 127 City buildings which is about 90. This was in response to Commissioner Daniels on how much power will be generated from the solar fields. Further, she stated that the City will still be paying for the lights but equate the usage of energy to make clean renewable energy that equal the payment to put on the grid and reduce the emissions in the area. The total contracts for 21 megawatts equal 5.4 million dollars which will be sold on the marketplace that will

equal into energy dollars, 2 million dollars. It will cost the City 3.4 million dollars, and with a net cost of \$1.8 million dollars. These statements were in response to Commissioner Daniels' inquiries.

Commissioner Udabe expressed concerns using eminent domain to take over or use these areas as solar fields, and she has empathy for the affected residents.

Commissioner Harrison expressed his concerns on public hearing comments on eminent domain and relocation provided to residents of the selected solar areas.

Attorney Conrad Mallet responded that the solar initiative team is not using eminent domain to take a neighbor's home away. The City is offering any owner-occupied primary residence exemption (PRE) an option of double the assessed property value, a minimum of \$90,000. They have had no PRE refuse the City's offer. Also, the City's solar initiative team strives to follow closely State law on relocation. If a landlord accepts their offer, the tenant will get 18 months of free rent and relocation services to help the family relocate a similar home. No one is being diminished in housing choices. Further, Attorney Mallet explained eminent domain gives them the great opportunity to regularize with certainty for both contractors that the selected land for the solar array does not have any underlying title defects. The City's solar initiative team is offering owners of vacant land the fair market value.

Director Todd mentioned that this matter will return at a later date.

#### **IV. Public Comment – *This item was heard earlier in the meeting.***

There was no public comment.

#### **V. Unfinished Business –**

##### **A. 6<sup>th</sup> General Text Amendment Status Report (JM)**

**30 mins**

*This item was heard before 7 p.m. public hearing.*

Present: Jamie Murphy, CPC Staff

Jamie Murphy presented via PowerPoint and based on CPC report of September 17, 2024, the update and preview for 6<sup>th</sup> General Text amendment. There have been revisions based on feedback and several new issues addressed. Therefore, a new public hearing was scheduled for October 3, 2024 at 6 p.m. Ms. Murphy reviewed the following nine updates:

- 1) Planned development (PD) approval lapse. A PD district lapses if the development is not complete within three years; however, most developments require more time. The original amendment was to propose to increase the lapse time period from three years to five years (May 2024). It was proposed to make the PD lapse optional instead of mandatory; however, the Law Department advised against offering an optional lapse and suggested to eliminate the whole lapse. Therefore, CPC Staff applied their advice, and PDs will not lapse. CPC will initiate to rezone the site, when applicable.
- 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. There were concerns expressed that this would

extend residential garages or other accessory buildings to be allowed to convert them into dwelling units. CPC Staff wants to clarify by revising the definition of lofts to exclude any accessory buildings that were built as part of a residential use, and only keep it to apply to buildings that were built for commercial or industrial uses.

- 3) Revise the allowability of Body Art Facilities – The allowability of body art facilities which were formerly known as tattoo parlors was originally proposed to allow them conditionally in B2 and B3 districts where they are currently prohibited. After an individual’s questions, CPC Staff examined and prepared a more comprehensive amendment of the allowability of body art facilities. These body art facilities are conditional in B2, B3, and SD1 where they are currently prohibited would become newly allowed as by right use instead of conditionally in B4 and SD2, and newly allowed by right in the SD4 district.
- 4) Accommodation of Overnight Guests as Home Occupation - The accommodation as a home occupation is currently a prohibited use. It is ban of short-term rentals in R1 and R2 districts in 2018, but it was determined to be vague. The Law Department did not view this provision as enforceable, so CPC Staff proposes to eliminate it. At the time there was a separate ordinance to regulate short term rentals, but its progress was stalled. Many people expressed concerns with it being taken out of the ordinance. They felt more secure as it would possibly discourage some from doing short term rentals. CPC Staff decided to leave it as is until it is reevaluated in the future.
- 5) Expand distance allowed for users to claim credit for public parking - Businesses located within 100 feet of city-owned parking lots can claim some spots to satisfy their off-street parking. A request came in to extend that increased distance provision to traditional mainstreet overlay areas. Since the City is developing several new parking lots along traditional overlay areas, it seems to be consistent with the spirit of this provision of a walkable area. Therefore, it is added to the proposed amendment.
- 6) Change “Kennel, commercial” to “Animal Care Facility” - A request came in to the Buildings, Safety Engineering, and Environmental Department (BSEED) to establish an animal shelter. The animal shelter is not a term that appears in the zoning ordinance, so these facilities were referred to as commercial kennel. Therefore, an updated term for several uses, i.e., kennels, and shelters will now be referred to an animal care facility. This will only change the name not the uses allowed.
- 7) Architectural and Site Design Standards - PDD requested several minor changes as part of the original amendment to alter corrugated metals siding and panels in residential developments. The original amendment required rooftop screening of mechanical equipment in residential development. It was suggested at the public hearing that maybe the City should exempt solar panels and wind turbines since screening can make them less effective. A revision has been added to the proposed amendment.
- 8) Revise definition of “Family” - The definition of family currently in the zoning ordinance has several different parts; however, the proposed amendment would increase the number to four unrelated individuals in the same household to qualify as a family. This update is in conjunction with many cities making similar updates to accommodate different household trends.
- 9) Add the “Clean-Up Text Amendment” – This issue was addressed by CPC in May 2022, but it never made it City Council. Therefore, it will be added to this amendment

since many sections are similar with different alterations. The details will be presented at the new public hearing.

Jamie Murphy stated the notices for the October 3, 2024, public hearing were sent out. A thorough CPC report and presentation will be prepared. Thereafter, a CPC Staff recommendation and a vote will be necessary.

Commissioner Smith asked for a more detailed definition on the family provision.

Commissioner Markowicz asked that the impact of family and the reason for an increase is clarified.

Commissioner Harrison asked the text amendment about parking spaces has a provision for physical disabilities.

Ms. Murphy mentioned that CPC Staff will provide responses at the next meeting.

**VI. New Business** – *This matter was heard earlier in the meeting.*

There was no new business.

**VII. Committee Reports** – *This matter was heard earlier in the meeting.*

Director Todd and participating Commissioners confirmed October 23, 2024 at 2 p.m. for committee meeting.

**VIII. Staff Report** –

*This matter was heard earlier in the meeting.*

- 1) Director Todd invited CPC to the City Council Retreat on October 8-11, 2024, in Lansing, Michigan, and he highlighted the theme of the retreat and educational sessions included (water systems flood and storm management and public safety).

**IX. Member Report** – There was no Member Report.

**X. Communications** – *This matter was heard earlier in the meeting.*

There were no Communications.

**XI. Adjournment**

The meeting adjourned at 8:08 p.m.