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Brenda Goss Andrews
Kenneth R. Daniels
Damion W. Ellis
David Esparza, AIA, LEED
Ritchie Harrison
Gwen Lewis
Frederick E. Russell, Jr.

Regular Meeting Minutes
October 21, 2021

I. Opening

- A. Call to Order – The meeting was called to order by Chairperson Hood at 5:08 p.m.
- B. Roll Call - Director Marcell Todd called the role. A quorum was present.

Attendees: Daniels, Esparza, Harrison, Hood, Lewis, and Russell.
Excused: Andrews, Ellis, and Smith.

- C. Amendments to and approval of agenda

Commissioner Daniels motioned to approve the agenda as presented; seconded by Commissioner Russell. Motion approved.

Minutes - September 9, 2021 – Minutes to be presented at the next scheduled meeting.

II. Public Hearings, Discussions and Presentations

- A. **PUBLIC HEARING** – The request of Kimberly Dokes on behalf of Cinnaire Solutions to amend Article XVII, Section 50-17-6, District Map No. 5 of the 2019 Detroit City Code, Chapter 50, Zoning, to show an SD1 (Special Development District, Small-scale, Mixed-Use) zoning classification where an R3 (Low Density Residential District) zoning classification is currently shown for three parcels commonly known as 4843, 4849, and 4867 Trumbull Street generally bounded by West Warren Avenue to the north, Trumbull Street to the east, West Hancock Street to the south, and Commonwealth Street to the west.

Jamie Murphy, CPC staff, provided a summary of report dated October 15, 2021, regarding request of Kimberly Dokes on behalf of Cinnaire Solutions for a rezoning classification for 3 parcels commonly known as 4843, 4849 and 4867 Trumbull. The

developer proposes to develop a 3-story mixed-use building with ground floor commercial uses and upper floor residential uses. The current R3 zoning classification does not allow commercial uses and the required setback do not permit zero lot line development. The SDI zoning requires less off-street parking.

The subject site is located within the Jeffries area of Neighborhood Cluster 4 of the Detroit Master Plan of Polices. The Future Land Use map for this area shows RL – Low Density Residential for the subject property. The Planning and Development Department (PDD) is reviewing this proposed rezoning and will provide an opinion as to its conformance with the Master Plan.

Public Comments

Joann Warwick – Concerned about the façade of the building and the height; curious about the community engagement process and the one letter of opposition.

Martin Van Well – Resident in the area for 35 years; concerned about density and parking. On his block 2 homes are privately owned and all the other homes are rental properties. One home has 3 units, with 7 tenants; the parking problems is very great; afraid he cannot park in front of his home. When Wayne State University students are back, there will be less parking and the dedicated bike lines have displaced parking.

Amy McLaughlin – Woodbridge resident in support of development; glad there will be affordable housing in the building.

Tanya Moutzalias – Woodbridge resident in support of development; is a board member of the Woodbridge Residential Association.

Commissioner Russell sought information relative to the City of Detroit's Parking Voucher Program and whether it can be applied in this neighborhood. He also is interested in the build having sustainable features.

Kimani Jeffrey, CPC, confirmed that the Municipal Parking Department is accepting applications for neighborhood residents that are interested in the program.

CPC Staff will present this item to the Commission with recommendation at the next scheduled CPC meeting.

- B. PUBLIC HEARING** – The text amendment that would amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, to provide for the change of permissibility of several land uses (Lofts; Residential uses combined with permitted commercial uses; Group Day care homes; Brewpubs; Fast-food restaurants; Used goods dealers) in certain zoning districts and to restore a site plan review applicability provision inadvertently deleted in Ordinance No. 2020-12 and to provide an off-street parking exemption for

the Lower Woodward subsector of Master Plan Cluster 4, among other things.

Rory Bolger, CPC staff, provided a summary of report submitted October 18, 2021, regarding zoning ordinance text amendment for Chapter 50 of the 2019 Detroit City Code of six land uses and off-street parking in the Lower Woodward area.

The Mayor's Equity Council, the Buildings, Safety Engineering and Environmental Department (BSEED) and the Economic Growth Corporation (DEGC) have requested revisions to Chapter 50 of the 2019 Detroit City Code, Zoning, to assist small businesses. The proposed ordinance provides for the change in permissibility of six land uses in certain zoning districts from conditional to by-right. The ordinance also provides an exemption from off-street parking requirements for the Lower Woodward Master Plan area.

***By-right Uses** are those land uses that are not subject to any discretionary determination. (The City Council has determined that certain uses are appropriate in specified zoning districts and may be issued a permit provided they comply with any general or specific use standards of Article XII (i.e. spacing requirements); intensity and dimensional standards of Article XIII (i.e. height limits and setbacks); and development standards of Article XIV (i.e. off-street parking and loading).*

***Conditional Uses** are not eligible for a permit until certain discretionary factors are taken into account subsequent to notification of the public and the holding of a public hearing; a site plan review; and special land use.*

The six land uses proposed to be changed from conditional to by-right are:

Lofts in B1, B2, B3 and B4 Districts.

Residential uses combined with permitted commercial uses in B1, B2, B3 and B4 Districts.

Group Day Care Homes in R3, R4, R5, R6 and SD4 Districts.

Brewpub or microbrewery or small distillery or small wineries in B2, B3, B4, B5, B6, SD4 Districts, where deemed to not be a regulated use.

Restaurant, fast-food, without drive-up/drive-through in B2 and B3 Districts, and

Used goods dealers in B4, B5, B6, SD1, and SD2 Districts.

Commissioner Esparza – Who are the Mayor's Equity Council; who is part of the membership; how long have they existed and for what reason?

Director Marcell Todd: It is comprised of representatives from various city departments, including the Planning and Development Department, Buildings, Safety

Engineering and Environmental Department, the Land Bank and it is part of Zone Detroit. There is recognition of certain inequities that may be inherent in some practices and policies of the City, and it is an intent, through the City Council to find a way to address these items. This request before the Commission is from the Buildings, Safety Engineering and Environmental Department.

Public Comments

Joann Warren – Not a whole lot of people on the call know about this, finds that communication with residents is lacking. Does not trust administration; concerned about this and why hasn't there been more community engagement; why was there no write up by the neighborhood district managers; not enough consideration for residents; taking their rights away to make it more convenient for others. This is irresponsible; at some point citizens must demand more transparency and more effort.

Chairperson Hood – What are the protocols to notice people of these amendments.?

M. Todd, CPC – In the case of text amendments there are no specified requirements; only required to publish notice; been practice of the Commission to utilize mail list staff established over the years; mail list has been in possession of the Detroit Library and staff borrowed, when they ceased to manage that, staff took over the management; the Department of Neighborhoods now manages a similar list; staff will attempt to coordinate with them. The announcement is published in the Detroit Legal News, along with public notices; other agencies in the city also use the Detroit Legal News.

Chairperson Hood wants to get on the mailing list of the Detroit Legal News.

Dorothea Williams Arnold – Speaking on behalf of the Esper Street Block Club, received notice in mail that we were a neighborhood slotted to be zoned for group homes; my other neighbors did not receive a notice any information or communication about this. We have struggled with representation from the City Council; wants neighborhood to be fairly represented by the City Council. We would like to know how to go about tabling this issue until we have legal representation or someone to help us understand this zoning proposal and what it means for our neighborhood; what organization is proposing our neighborhood be rezoned for group homes. We would like a representative to come to our block club meeting and talk about this.

R. Bolger, CPC – The amendment does address the aspect of childcare in home, not group homes. But it does address childcare where the resident of the home has been licensed by the State of Michigan to watch minor children, taking as many as six children. The ordinance would allow for a group daycare to be established in a R3 zoning classification. The care provider would have to be registered with and regulated by the state of Michigan.

Esper St. Robert Aviation Community – Suggestions on how to change the old way of doing community engagement in the City; not many citizens read the Detroit Legal

News; need to find wider publications so residents can be more involved and have more input. The neighborhoods would no longer have a voice and establishing expansions by-right, I don't think that we really want to pay taxes in the community and not be heard or have our own opinions; not being able to have a voice.

Commissioner Harrison – Is it required that the permissibility of all of these uses that are outlined in this text amendment be considered or could some of the land uses be taken out and be considered outside of this hearing.

R. Bolger, CPC – The Commission has the authority and the responsibility to consider all aspects of it, you can separate this ordinance as may be appropriate.

Commissioner Esparza – How much of the city would these amendments affect?

R. Bolger, CPC – It would have the potential to impact more than half of the city.

Commissioner Esparza – That being said, at minimum I would tend to agree with those voices that have expressed their concern regarding awareness, notified and having a better understanding of the impact and the magnitude of this. I think this is a very large request; I would think that before we move forward, I would pull out the lower Woodward parking piece. I think that should stand alone. My awareness is very heightened with what I see before us.

Chairperson Hood – Can you elaborate on the lower Woodward piece, what's your thinking there?

Commissioner Esparza – I think that request needs focused discussion and conversation and consideration that should not be lumped into this. I think there is a lot to deal with here that might lose the attention that I believe is needed.

Commissioner Lewis – Is there any consideration given to any of these categories is consideration being given to the saturation of a specific type of business entity, for example, could you have a block of used goods dealers as a matter of right.

R. Bolger – That is correct.

Commissioner Lewis – So you could have brew pubs and microbreweries and a bar on the same block; and several group daycare homes in a residential district, with no consideration being given to some sort of linear feet? Brew pubs and microbreweries and group daycare homes, etc.; if they meet some minimum criteria, there is no spacing requirement. What does staff see, in terms of what certain areas of the city might look like in the future?

R. Bolger, CPC – There is no cap on those numbers, nor is there a spacing requirement. The zoning ordinance largely ends up being a way of moderating the free market. This is an area where and when the city determines that certain land uses are deemed to be appropriate in given zoning districts. The thought is the market will figure out how many such businesses and operations can make a go of it within a particular area.

Commissioner Lewis – We all know that we have plenty of liquor stores, gas stations, sometimes on all four corners of an intersection, even with spacing requirements. I'm in agreement with the comments made by the callers.

Commissioner Russell – Expressed concern regarding regulated and unregulated uses relative to liquor stores, brew pubs, microbreweries, etc.

R. Bolger, CPC – Liquor stores are not part of this ordinance; this ordinance will encourage is a brew pub or a microbrewery or a small distillery or a small winery where its operating in conjunction on the same zoning lot as a standard restaurant.

Commissioner Russell – This ordinance is trying to promote having some restaurants in neighborhoods that you walk to.

R. Bolger, CPC – Yes it would and it would also make it easier for a fast food restaurant to be established in the specified zoning districts, as long as it did not have a drive through window.

Sue Mosey, Midtown Detroit – We are requesting consideration to at least look at the option of removing off street parking requirements for the lower Woodward area; part of this has to do with the fact that we have over 10,000 parking spaces in the Midtown lower Woodward area. Over half of those are completely unrestricted and open to anyone who wants to pay to park. Vacant land has been given over to parking lots that are really underutilized. We continue to tell businesses, when they want to open, they must create more parking; adding more lots that are underutilized, reducing the ability for us to be able to bring in businesses or other kinds of development.

Pat Bosch – Resident of Northeast Detroit, wanted to support the comments made by the public. This is a very serious change in our zoning ordinance, and it is not to be taken lightly. These changes were being proposed only for the lower Woodward subsector of the Master Plan, Cluster 4, but as I listened to all the comments, I realized that these changes are being proposed for all of Detroit. I think it is disingenuous and disenfranchises the public because these are serious consequences. We have been flooded for years with bad uses that affect our quality of life and threaten our very quality of life to a point that we are losing population. The uses that are being allowed as a matter of right might affect our value system. These cannot be changed without community engagement. What is the timeline of this proposal?

R. Bolger, CPC – The timeline is at the discretion of the Commission; staff is not asking for action after the public hearing.

Tyson Gersh – I received a notice at my business, not my house. I acknowledge that zoning is often used as a tool of obstruction and oppression and there is a growing movement nationally and globally to deregulate development; because in a lot of ways, more equitable when it is deregulated. In Detroit there is a lack of meaningful sort of community engagement. How would this affect the neighborhood I currently

live in on the North end, which is zoned R3.

R. Bolger, CPC – The text amendment would affect a R3 zoning classification neighborhood relative to group daycare homes.

Chairperson Hood – Requests some more ways to engage the community, providing information explaining the proposed language and the impact on the residents.

Commissioner Russell – Based on presentation and discussion, there needs to be further discussion on this text amendment. Agrees with Commissioner Lewis, there are too many liquor stores operating in the City of Detroit and how did this occur and who is responsible for enforcement? Wants to know where this occurs, where are the violations? How many liquor licenses are there in the city and wants a map showing each location in the city?

R. Bolger, CPC – Buildings, Safety Engineering and Engineering Department, (BSEED) are responsible for enforcement.

Jayda Philson, BSEED - Jessica Parker is the Chief Enforcement Officer of property maintenance and explain the enforcement process.

Chairperson Hood requested presentation relative to enforcement.

Commissioner Harrison – Requested more details relative to different types of impact and equity deficiencies. What are the concerns that evoke the community? I think it would be interesting to hear from the people who are involved in conducting and monitoring the special land use hearings and Board of Zoning Appeal hearings. What are those equity questions so that we are making this assessment?

Martell Bivings, District 4 Business Liaison, DEGC – The options fostering and guiding DEGC is businesses trying to open. There are seven business liaisons, and we navigate the city and the business ecosystem navigate the many issues in this proposal. They come to us and we will dive through the language. The current requirements, many times get in the way, causing business owners to have to go to BSEED or BZA, have a special land use hearing, fees, etc.

Chairperson Hood – When we make the process easier for businesses, we take out a layer of community oversight, feedback, and input.

This item will come back to the Commission at a later date.

III. Unfinished Business

- A. Consideration of the request of North Corktown Butternut LLC to amend Article XVII, Section 50-17-24, District Map No. 22 of the 2019 Detroit City Code, Chapter 50, Zoning, to show a M2 (Restricted Industrial District) zoning classification where a R2 (Two-Family Residential District) zoning classification is currently shown at

10409, 10411, and 10417 Castle Street generally located on the west side of Castle Street north of Lynch Road near City Airport.

Chris Gulock, CPC staff, provided an overview relative to the public hearing held on October 7, 2021, regarding the proposed rezoning request. The petitioner, North Corktown Butternut Inc. (NCB), has an affiliate company, Premier Group Associates (PGA), which is a full-service provider of property maintenance, commercial grounds care, snow removal, and construction management located at 8301 Lynch Road on the north side of Lynch Road just west of Castle. The owner indicated his company needs more space and has recently purchased a large site at 2221 Bellevue (south of E. Vernor and east of Mt. Elliott) and plans to relocate its primary operation to the new location.

The petitioner has an option to purchase the properties located at 10409, 10411 and 10417 Castle Street from the Detroit Land Bank Authority; and proposes to redevelop the lots, remove all brush and debris; vacate the adjacent City alleys north and west of the lots; install a gravel lot for parking and storage piles; and install landscaping and a chain-link fence along Castle with faux hedge privacy screening. The Lynch and Castle site would remain as an auxiliary command center for major events, i.e., snowstorms. The site would be used for storage of materials and vehicles; salt storage would remain and load trucks during snow events.

Commissioner Russell expressed concern relative to M2 buffering requirements across from residential properties, including landscaping.

STAFF RECOMMENDATION

The City Planning Commission (CPC) staff recommends **APPROVAL** of the request of the North Corktown Butternut Inc to amend District Map No. 22 of the 2019 Detroit City Code, Chapter 50, Zoning, to show a M2 zoning classification where a R1 zoning classification is currently shown at 10409, 10411, and 10417 Castle Street, generally located on the west side of Castle Street, north of Lynch Road near City Airport.

Commissioner Daniels motioned to accept staff's recommendation to approve; seconded by Commissioner Russell. Motion approved.

- B.** Consideration of the request of the City Planning Commission and the Telegraph Musical Co LLC to amend Article XVII, Section 50-17-75, District Map No. 73 of the 2019 Detroit City Code, Chapter 50, Zoning, to show a B4 (General Business District) zoning classification where a R5 (Medium Density Residential District) zoning classification is currently shown at 16920 and 16890 Telegraph Road, and 23861 and 23871 West McNichols Road generally located on the east side of Telegraph south of

West McNichols.

Chris Gulock, CPC staff, provided a summary of report submitted October 18, 2021, regarding the request of the Telegraph Musical Co. LLC (TMC) to amend the zoning classification of property currently shown as 16920 and 16890 Telegraph Road to show a B4 (General Business District) zoning classification where a R5 (Medium Density Residential District) zoning classification currently exists.

On October 7, 2021, the City Planning Commission held a public hearing on the rezoning request. The owner of the one-story vacant commercial building proposes to redevelop the site as a medical marijuana caregiver center and retail space. The eastside of Telegraph, south of West McNichols and 16920 Telegraph Road, north of the Jazz Club and south of the gas station are zoned R5. Staff included these parcels in the rezoning to B4, creating a similar zoning pattern on the eastside of Telegraph, south of McNichols.

In the initial request, staff also proposed to include two parcels of land located at 23871 W. McNichols and 23861 McNichols zoned R5 to be rezoned B4; creating a B4 commercial mode at the intersection of Telegraph and W. McNichols. However, an investigation found that 23871 McNichols is vacant land owned by the Detroit Land Bank Authority (DLBA) and 23861 W. McNichols was used for offices via BZA variance in 1961 and a medical office in 1985.

Cleveland Trucking Inc. Logistics & Excavating moved into the building and is storing large semi-trailers/gravel haulers behind the building on DBLA owned land. Staff is not aware of any valid permit for the company to use either site. The DBLA indicates it holds title and has not sold the vacant land. The current trucking use is listed in the Zoning Ordinance as a trucking terminal/open area for the parking of semi-trailers which is allowed in B6 (General Services) and industrial zoning districts. Staff advised the company that it could request a rezoning to legalize the trucking operation.

RECOMMENDATION

The City Planning Commission (CPC) staff recommends **APPROVAL** of the request of the Telegraph Musical Co, LLC (TMC) and the CPC staff to amend Article XVII, Section 50-17-75, District Map No. 73 of the 2019 Detroit City Code, Chapter 50, Zoning, to show a B4 zoning classification where a R5 zoning classification is currently shown at 16890 and 16920 Telegraph Road. CPC staff recommends that 23861 and 23871 West McNichols Road, part of the original request, be removed at this time from consideration.

Commissioner Russell motioned to accept staff's recommendation for approval, seconded Commissioner Daniel. Commissioner Esparza voted no.

Motion approved, 5-1.

V. New Business - None

VI. Committee Reports - None

VII. Staff Report

Marcell Todd, Executive Director, CPC, provided a summary relative to the discussion held in the Planning & Economic Development Standing Committee regarding the Gordie Howe Bridge construction which is underway and the status of the Ambassador Bridge Company ongoing negotiations with the City of Detroit.

VIII. Member Report - None

IX. Communications - None

X. Public Comment

Joann Warwick is very disgruntled with the City's community engagement process.

Pat Bosch requested information relative to the final process regarding North Butternut Corktown, Inc, amendment request.

M. Todd, CPC, staff will prepare an ordinance, once we have an approved legal description from the City Engineering Division/DPW, we will send it to the Law Department for approval as to form; requisite reports will be prepared conveying the City Planning Commission's recommendation and a record of the proceedings to City Council.

Adjournment – Meeting adjourned at 9:27 p.m.