

City of Detroit

CITY PLANNING COMMISSION

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Alton James

Chairperson

Lauren Hood, MCD

Vice Chair/Secretary

Marcell R. Todd, Jr.

Director

Brenda Goss Andrews

Damion W. Ellis

David Esparza, AIA, LEED

Frederick E. Russell, Jr.

Donovan Smith

Angy Webb

Henry Williams

City Planning Commission

Meeting Minutes

January 28, 2021

I. Opening

A. Call to Order – Chairperson James call the meeting to order at 5:09 pm.

B. Roll Call - Marcell Todd, CPC Director, called the role.

Attendees: Andrews, Esparza, James, Smith, Russell, Webb and Williams

Excused: Hood and Ellis

C. Amendments to and approval of agenda

Commissioner Smith motioned to accept agenda as presented; seconded by Commissioner Andrews

II. Minutes - Minutes will be provided for your consideration at the next meeting.

III. Public Hearings, Discussions and Presentations

A. **PRESENTATION** – of the request of CCA Midtown Detroit, LLC to amend Chapter 50 of the 2019 Detroit City Code, Zoning, by amending Article XVII, Zoning District Maps, Section 50-17-5. District Map No. 4, of the Detroit Zoning Ordinance to modify the development regulations of the existing PD (Planned Development District) zoning classification for the properties commonly identified as 33 Elliot Street, and 3510, 3524 and 3540 Woodward Avenue at the southeast corner of Mack and Woodward Avenues.

Kimani Jeffrey, CPC Staff and City Club Apartment Development Team provided a summary of report and presentation submitted January 28, 2021 relative to request of CCA Midtown Detroit, LLC to amend Chapter 50 of the 2019 Detroit City Code, District Map No. 4 to modify the development regulations of an existing PD

(Planned Development District) zoning classification for properties identified as 33 Elliot Street and 3510, 3524 and 3549 Woodward Avenue at the southeast corner of Mack and Woodward Avenues.

The developer proposes to develop City Club Apartments-Midtown on approximately 2.4 acres and is part of the Red Cross Site Master Plan bounded by Mack Avenue, Woodward Avenue and the reinstated privately owned extension of Eliot Street. The project is for a mixed-use development that includes three separate buildings: **32,000 Square Feet (SF) Single Story Retail Building; 64,000 SF six story mixed use building with 12,500 SF of ground floor retail and 77 apartments; and 203,000 SF sixteen story apartment building with 273 apartments**

The total cost for the development is \$95 million and completion is estimated to be the fourth quarter of 2022. The developer anticipates financing the project with senior and mezzanine construction loans and a Brownfield TIF.

The subject property is located in the Lower Woodward area of Neighborhood Cluster 4 of the Detroit Master Plan of Policies (MP). The future land use designation for the subject parcels indicates (MRC) Mixed Residential-Commercial characterized by “medium-to-high density housing developed compatibly with commercial and/or institutional uses.”

The proposed three building developments abuts a Major Street and Mass Transit Route according to the Master Plan of Polices. The level of vehicular activity for this site is one of the primary components of the project that CPC staff has been studying with CCA and working with the Planning and Development Department (PDD) and the Department of Public Works/Traffic Engineering Division (DPD) to address the loading and circulation for the site. A traffic study was conducted by Giffels Webster, hired as a consultant. City staff is working with the developer to assess the results of the study and finalize an acceptable strategy.

Commission Concerns

Commissioner Williams requested pictures of Eliot Street, proposed retail information; rental amounts of units; clarification of traffic study on Mack Avenue verses Woodward; community access to court yard.

Commissioner Esparza requested copies of presentation materials; questioned whether private development; will construction be phased; recalled development south of this one and concerns by community relative to addressing regarding traffic; are those issues similar to this development; overall project cost; proposed mural on side of the building, more planning needed; and questioned location of loading zones.

Commissioner Webb requested clarity on jobs for Detroiters and number of affordable apartment units.

Commissioner Andrews suggested a Police Sub-station.

Commissioner Smith concerned with site interaction on Mack, John R and Woodward; community outreach, wants information shared with Commission

Chairperson James concerns with lighting, the proposed art mural; suggested that proposed art park programming involves assistance from the Entertainment Commission; wants feedback from other city departments and surrounding hospitals; concerned with construction patterns, DPS and public safety; have representatives present during public hearing; landscaping; environmental impact; installation of mature trees; increase of concrete footprint and pocket park access for the community.

Developer to address concerns during the February 4, 2021 Public Hearing.

B. DISCUSSION— of the 2021-22 Community Development Block Grant Neighborhood Opportunity Fund Program

George Etheridge and Chris Gulock, CPC staff, provided a summary of an overview report submitted January 26, 2021 regarding the Community Development Block Grant/Neighborhood Opportunity Fund Public Service (PS) recommendations for 2021-22.

The City Planning Commission (CPC) received an informational presentation from the Housing and Revitalization Department (HRD) on January 21, 2021. The Mayor's office has completed their review for the 2021-22 program year and the recommendations have been forwarded to the Commission for consideration and recommendation to the City Council.

The primary objectives of CDBG funding is to provide services to low-to-moderate income individuals; eliminate slums and blight; and address urgent need. This review contains only Public Service (PS) organizations recommended for funding through the CDBG/NOF program. Homeless Public Services (HPS) or Public Facility Rehab (PFR) funding was not included with this request due to HRD's efforts to align HPS award timeline with the Emergency Solutions Grants (ESG) program.

The RFP for PFR was issued in the latter part of 2020 geared to organizations providing emergency shelter to homeless individuals due to unforeseen impacts of the COVID-19 pandemic. The RFP closed on December 18, 2020; four organizations submitted responses; interdepartmental consensus review of these

applications is expected January 29, 2021. HRD plans to release a RFP HPS in the Spring of 2021. The report included a ***Summary of the Application Review Process which covers the Timeline, Proposal Writing Workshops, Submittals and Review, CDBG Funding, Public Service 15% Cap; and Threshold Criteria and Funding Priorities.***

CPC Staff Recommendation

The Commission is being requested to consider the funding recommendations for the PS Categories in order to advance the Commission's recommendations to City Council prior to their scheduled February 8, 2021 Public Hearing and Appeals Hearing on the recommendation.

- C. **PRESENTATION** - of the proposed Amendment to Chapter 50 of the 2019 Detroit City Code, Article II, Division VII – Review and Decision-Making Bodies, Article III, Division XII - Medical Marihuana Caregiver Centers and Medical Marihuana Facilities, Article IX, Division III – B2 Local Business and Residential District, Article IX, Division V – B4 General Business District, Article IX, Division VI – B5 Major Business District, Article IX, Division VII – General Services District, Article X, Division II – M1 Limited Industrial District, Article X, Division III – M2 Restricted Industrial District, Article X, Division IV – M3 General Industrial District, Article X, Division V – Intensive Industrial District, Article X, Division VI – Special Industrial District, Article XI, Division II – PD Planned Development District, Article XI, Division X – SD2 Special Development District, Mixed Use, Article XI, Division 14 – Overlays, Article XII, Division I – Use Table, Article XII, Division 2 – General Use Standards, Article XII, Division III – Specific Use Standards, Article XII, Division VI – Temporary Uses and Structures, Article XIV, Subdivision B – Off-Street Parking Schedule A, and Article XVI, Division II – Words and Terms Defined Text Amendment

George Etheridge and Rory Bolger, CPC staff gave a presentation regarding the proposed text amendment to Chapter 50 of the 2019 Detroit City Code, Article II, Division VII per request issued by the Office of Councilperson James Tate.

The passage of the Medical Marihuana Act Initiated Law 1 of 2008 resulted in the proliferation of unlicensed and unregulated medical marihuana dispensaries and facilities throughout the City of Detroit. This was prompted by a lack of statutory regulation and oversight by the state, county and local government.

In November 2012 the City of Detroit electorate voted to enact a citizen-limited ballot proposal which would allow for the legal possession and consumption of one ounce of marijuana or less on private property by an adult, aged 21 or older. The initiative passed with 65% voting yes.

In 2016 the Michigan Legislature enacted Public Acts 281, 282 and 283 which allowed for the licensure of five Medical Marijuana Facility types: the production and sale of marijuana infused products and the creation of a tracking system to monitor the products from “seed to sale;” referred as the Medical Marijuana Facilities Licensing Act (MMFLA). In order for a resident to obtain a state license the municipality in which they want to operate must opt into the state’s licensing scheme. The Detroit City Council passed a 180-day moratorium on the acceptance of new medical marijuana facility applications on February 14, 2018.

In November 2018 the Michigan electorate enacted Proposal 1 – The Michigan Regulation and Taxation of Marijuana Act to legalize recreational marijuana possession, cultivation and consumption by adults 21 years of age or older in the State of Michigan. Councilperson Tate convened a working group to develop an ordinance specific to social equity, ensuring that Detroit citizens benefit directly from the legalization of the adult use cannabis industry. The Detroit Legacy Program was established and the adult use marijuana provisions of the Detroit Business Licensing Ordinance under Chapter 20 of the 2019 Detroit City Code, Health Article IV – Medical Marijuana Facilities (Ordinance No. 2020-44; effective 1/11/21). A Detroit Legacy Applicant must currently reside in the City of Detroit and meet specific residency requirements.

On November 24, 2020, the Detroit City Council passed the Medical Marijuana Facilities and Adult Use Marijuana Establishments Ordinance authorizing Buildings, Safety Engineering and Environmental Department (BSEED) to issue business licenses for co-location and adult use marijuana establishments that include grower, processor, retailer, secure transporter, safety compliance facility, microbusiness, marijuana event organizer, temporary marijuana event, and designated consumption establishments.

Proposed zoning provisions will accommodate the newly passed licensing provisions, new terms will be added to Chapter 50 to delineate adult use facilities from medical marijuana facilities, adding terms and permissibility for new adult-uses. An analysis and summary of the proposed text amendments include **Article II, Division 6 – Review and Decision Making Bodies; Article III, Division 12 – Medical and Adult Use Provisions; Article IX – Business District Amendments; Article X – Industrial District Amendments; Article XI – Special Development District and Overlay Areas Amendments; Article XII – Use Table and Article XII – General Use Standards & Specific Use Standards.**

Commissioners Williams and Andrews expressed and questions the availability of drive by pick up as it relates to medical and recreational marijuana.

Chairperson James requested statistical data from other municipalities that sell marijuana as it relates to drive by pick up.

Staff to provide a response during the February 4, 2021 Public hearing. **(Detroit Means Business.org.)**

Commissioner Smith requested a state maintained list be keep on the website if the City's list is removed which would allow citizens to know where legal and illegal facilities are located.

This item will return for the Public Hearing on February 4, 2021; staff is asking for same day action.

IV. Unfinished Business - None

V. New Business - None

VI. Committee Reports - None

VII. Staff Report

Marcell Todd provided a brief oral report which included reminder of information emailed to Commissioners with first draft revision of the City of Detroit Charter and committee meeting schedules for the Charter Revision Committee; Commissioners are required to take Ethics Training every year, link provided in December, the ethics presentation is on the Board of Ethics website.

VIII. Member Report - None

IX. Communications - None

X. Public Comment: Benita Thompson; Joann Warwick; Joyce Moore; John Allen; Toya Watts; Mimi Trent; Amy Senease

Chairperson James charged staff will researching number of legacy businesses that have closed since 2019.

Adjournment 10:08 pm