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Donovan Smith
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Ritchie Harrison
Gwen Lewis
Melanie Markowicz
Frederick E. Russell, Jr.

City Planning Commission Meeting
July 21, 2022, at 5:00 PM
Minutes

AGENDA

I. Opening

A. Call to Order

Chairperson Hood called the meeting to order at 5:14 pm.

B. Roll Call:

Present: David Esparza, Ritchie Harrison, Gwen Lewis, Lauren Hood, Melanie Markowicz, Donovan Smith

Excused: Brenda Goss Andrews, Frederick Russell, Kenneth Daniels

Staff: Marcell Todd, Kimani Jeffrey, Timarie Szwed, Eric Fazzini, Roland Amarteifio, Kim Newby

C. Amendments to and approval of agenda

Commissioner Smith motioned to approve the agenda as presented. Commissioner Lewis second the motion. Motion approved.

II. Meeting minutes for March 17, 2022, and April 7, 2022

Commissioner Smith motioned to approve the minutes for March 17, 2022 and April 7, 2022. Commissioner Esparza second the motion. Motion approved.

III. Public Hearings, Discussions and Presentations

- A. 5:10 PM PUBLIC HEARING** – To consider the request of SER Metro-Detroit and The Collaborative to amend Article XVII, Section 50-17-56, District Map No. 54 of the 2019 Detroit City Code, Chapter 50, Zoning, to show a B4 (General Business) zoning

classification where a P1 (Open Parking) zoning classification is currently shown at 4423 Western Street generally located at Western Avenue, bounded by Michigan Avenue to the north and St. Stephens Street to the south. **(TS) 50 mins**

Presenters: Eva Garza Dewaelsche, President & CEO of SER-Metro Detroit; Kristen Nyht and Keith Russo, The Collaborative; Timarie Szwed, CPC Staff

Timarie Szwed, CPC Staff, gave a brief Power Point presentation of the proposed amendment for 4423 Western Street, located in District 6 at the Dearborn/Detroit border. The property is currently zoned P1 (Open Parking), the SER-Metro Detroit Campus includes five (5) parcels, four (4) are in Detroit and one in Dearborn. The surrounding area is primarily R2 and B4. The Future Land Use Map in the Master Plan is set to be low-medium density residential, with neighborhood-commercial adjacent and general industrial across the street. The Master Plan interpretation was that the proposed zoning classification is not consistent with the Master Plan's future general land use classification, but given that it is small, and the rezoning and development are not anticipated to change the overall character of the neighborhood; therefore, it is generally consistent with the Master Plan.

Kristen Nyht, The Collaborative, presented a brief Power Point presentation describing the 9215 Michigan Ave. property where they are adding onto the building as well as the proposed construction lab that will be on the Western St. property. The current site plan was described along with the floor plan and renderings of the site. This is a campus with parking across all three main parcels. Two (2) community outreach meetings were held, that were advertised via social media. No one from the public attended either meeting. However, we did receive a copy of letters of support from nearby business owners.

Eva Garza Dewaelsche, SER-Metro, reported that SER-Metro has been at this location since 1987. A Workforce Development organization that has been operating in the City of Detroit for 50+ years. Primarily offering employment services, job training, and education programs. About 15 years ago SER-Metro received a federal grant through the Department of Labor and through their Youth Build Program and began operating an alternative high school and through that alternative high school we were able to provide skilled trades training in the construction industry and other skilled trades (information technology, physician's assistant) and apprenticeship programs.

Over the years we were able to partner with school systems. Recently had partnered with Ecorse Public Schools and have operated programs through them. Our students have been about 90% Detroit residents who were at-risk drop-out, older youth. Not only skilled trades were provided, but also an academic component that required the students to complete their GED or complete their high school credit.

Last year we formed a partnership with the Detroit Public Schools (DPS) and just completed our first school year. The students that we serve are drop-out students or have been permanently suspended from the school system and this is their last chance. The population that we're serving have the most barriers to completing their education. DPS asked SER-Metro to apply to be a Charter School under their jurisdiction; to do that, we must be located in the City of Detroit. They are giving us one-year to prepare for the next

school year and we're hoping to renovate this building, build the classrooms that we need to operate our school in Detroit, and meet their requirements. We have until next school year in 2023 to renovate this building. We respectfully request your approval.

Commissioner Markowicz asked if they spoke to the neighbors abutting the site, particularly to the south and across the residential street to the east?

Eva Garza Dewaelsche, SER-Metro, responded that not only do we have the alternative high school, but we also offer employment services, and resource labs for the unemployed/underemployed. People in the surrounding communities are aware of what we offer. It is a one-stop career center for the city one of two of the largest operated in the City of Detroit, the other is located at Northwest Activity Center. The community around our facility is aware of our services and come in and utilize them.

Commissioner Markowicz said she just wanted to know if you had spoken with the neighbors directly next to the site to make them aware of your plans. It sounds like you advertise the public meetings on social media. Did you happen to flyer the surrounding area abutting the site?

Kristen Nyht, The Collaborative, responded, yes, we posted notice of this hearing as well as the community meetings. The property to the south is a vacant house, not currently occupied and the property across the street was one of the commercial properties that is in support.

PUBLIC COMMENT

Brian Chavez: They want to build a building where my parents' house is located. What about the lot next to their existing parking lot near addresses 4417 and 4413?

Kristen Nyht, The Collaborative, responded they are not infringing on those properties at all. The construction would be happening just on the parking lot itself.

Commissioner Smith stated that he did pull it up and it does look like the lot that home sits on abuts the proposed rezoning parcel.

Timarie Szwed, CPC Staff, said we would like to bring this back either in the August 4th or September meeting.

Commissioner Esparza asked that CPC staff and the representative for the petitioner between now and the time this comes back to us, meet, in-person, with the property owners or residents that were here so that they know what is taking place.

Commissioner Smith asked staff to provide the distance between the proposed structure and the existing home in detail, and the kind of buffering that will take place between this B4 and residential use when this item returns. Report on if those adjacent neighbors had direct input, either in writing or presence, and how they feel. Their input included at the next meeting would make this a much easier review.

Meeting was Recessed to the Call of the Chair at 6:15 pm and was reconvened at 6:30 pm.

Roll Call:

Present: David Esparza, Ritchie Harrison, Gwen Lewis, Lauren Hood, Melanie Markowicz, Donovan Smith
Excused: Brenda Goss Andrews, Frederick Russell, Kenneth Daniels

B. 7:00 PM INFORMATIONAL PRESENTATION – Proposed changes to adult-use marijuana zoning regulations (EF, RA MT) (TENTATIVE) 45 mins

Present: CPC Staff: Marcell Todd, Eric Fazzini, Roland Amarteifio.

Marcell Todd, CPC Director, said this is an informational presentation on amendments to the zoning ordinance as it concerns adult-use marijuana. Staff sent out notice for a public hearing at your August 4, 2022, meeting at 5:10 pm. Early last year, staff was asked by Council Member Tate to look at changing some of the spacing requirements. Outside the legal challenges that have been brought forward to the licensing provisions for adult-use marijuana facilities, the chief obstacle Detroiters have been facing has been access to property. Property is available but exorbitant pricing is attached to it, out of reach for many interested legacy Detroiters. By reducing the spacing requirements as it relates to spacing from controlled uses, we will see some additional properties become available, particularly those properties within the city and the land bank inventory that we control and can then make available to potential purchasers.

In addition, there are two other uses that there was a question as to how best to permit. What regulations are appropriate to give the necessary protections to the host community, but also see to it that those businesses can be viable. The designated consumption establishment and the micro-business. The micro-business is an all-in-one collection of growing retail as well as product development. There have yet to be any successful established micro-businesses within the state.

There is still a great deal of interest locating these facilities in the Eastern Market area. The current zoning scheme, and the spacing requirements as they exist today, preclude that from being the case because of schools, churches, and other controlled uses that exist within the Eastern Market area. We have not received any direction from City Council to come up with an exemption for that space. Some concern has been expressed about Council District 3 and Council District 6, which have a greater share of industrially zoned land than other districts.

Eric Fazzini, CPC Staff, presented a brief Power Point presentation showing the four uses from the city and state standpoint that primarily deal with consumption are: the medical marijuana provisioning center, the marijuana retailer establishment (dispensary), marijuana micro-business (grow, process, and sell), designated marijuana consumption establishment (can use at the facility). The four uses, as they would look in the spacing requirements table that will be presented to the Commission next month, deletes the designated marijuana consumption establishment spacing requirements. The goal would be to allow businesses to be located potentially next to each other.

The licensing limitations will have a maximum of 100 of either retail centers, 50 equity applicants and 50 other applicants. There would be a maximum of 30 micro-businesses

and 30 consumption businesses. We are not proposing to alter the drug-free zone prohibition. Spacing requirements and the districts you are permitted to have these in, are conditional uses throughout the permitted districts; so, there are layers of limitations with marijuana consumption establishments. The gateway radial thoroughfare, overlay area, prohibition and the traditional main street overlay area prohibition are existing, as are the religious institution 1,000-foot spacing requirements that will also be maintained as originally approved in 2021.

Marcell Todd, CPC Director, added that the map before the Commission represents data that is about a year old. Staff is hoping to get it updated to reflect the current city, state, and Detroit Land Bank inventory of property. We are not able to easily represent the private properties. The licensing ordinance itself is specifying the number of licenses; it is setting the cap. We hope that, through the current and proposed modified zoning scheme, to provide for a more equitable and balanced distribution of those facilities over the council districts, various zoning districts and the commercial and industrial corridors of the city.

Eric Fazzini, CPC Staff, noted that controlled use spacing reduction is the key proposed change discussed, but there are two additional items. Designated consumption establishments are not permitted as an accessory use, an existing standard in the ordinance for all marijuana uses. The potential for marijuana businesses to be combined with non-marijuana businesses on the same zoning lot or within the same building, i.e., strip mall. A potential conflict, which we are investigating with the Law Department, are the zoning ordinance prohibition on temporary uses. Under the marijuana licensing ordinances there are temporary marijuana events permitted or temporary designated marijuana consumption establishments. We want to make sure that the marijuana ordinance does not conflict with the newly adopted licensing ordinances, which does allow some temporary uses.

Commissioner Lewis asked is there any data relating to demand? Is it showing that demand for these marijuana establishments or the demand for marijuana is growing in the city such that the suppliers and various entities are needed to the extent that we're discussing today?

Eric Fazzini, CPC Staff, said that is something that we'll try to research for the next meeting. I'm aware of various news articles where it does seem like the industry is slowing down within the state.

Commissioner Lewis said that the question is relative to the legacy participants in the industry. If that demand is plateauing, how do we ensure with this recreational ordinance that those individuals are a part of the industry? Maybe that can be researched along with demand in terms of the strength of the supply chain to the retailer.

Marcell Todd, CPC Director, responded that staff look to have our Law Department colleagues here to speak in greater detail to that, as well as the representatives from Homegrown Detroit, the office within our Civil Rights & Inclusion Department (CRIO).

Commissioner Hood asked for a presentation from the Homegrown Detroit. Can they give us data on who the licenses/permits are going to? Are native Detroiters representative in that group of people?

Marcell Todd, CPC Director, said that we will look to include them at your next meeting. Out of the existing organizations operating today under the medical marijuana set-up, there are ten (10) out of 70+ that are Detroiters. Of the ten, six are minority. A number from the Council questions that were raised at the table a few weeks ago.

Commissioner Esparza asked Mr. Fazzini about the temporary permits that may align themselves with an existing use. Would that be comparable to those day licenses that allow certain organizations, typically non-profits, to have a day permit to sell beer, wine, and other beverages when they have a seasonal event or fundraiser where they may be allowed?

Eric Fazzini, CPC Staff, answered yes, I believe the scenario you're describing is correct. The temporary permits are regulated differently from the permanent establishments.

Commissioner Esparza asked if staff is looking to have that included in this draft or is there something further down the line that may come back.

Eric Fazzini, CPC Staff, said that the temporary event item included in the draft ordinance is more of a clean-up item to delete that prohibition on temporary uses in the zoning ordinance, not to change the permissibility of a temporary marijuana event under current licensing rules.

Commissioner Hood is having trouble deciphering what is under local purview and what is under state purview. Is it possible to do a side-by-side comparison showing who is responsible for moderating what?

Marcell Todd, CPC Staff, answered that we have some documentation today from the state that delineates that, but we can further spell that out, yes.

PUBLIC COMMENT

Pat Bosch: Not opposed to legacy Detroiters getting a fair share of the market, however, it seems that all the initiatives are directed toward the industry prospering and enable people to cash in on this industry. No one asks how we can protect the quality of life in the neighborhoods. I live in District 3 and if you check the Council agenda, all that our district is getting is auto uses and more cannabis uses. Where is the equation equaling protection of residential quality of life? We are opposed to the reduction in the spacing requirement from 1,000 feet to 750 feet.

Commissioner Hood asked if there is a way to track distribution of these places across the city so that we can tell if there is a concentration in one area over another? That is an equity issue that needs to be tracked.

Marcell Todd, CPC Director answered that we are hoping to be able to do that in conjunction with Homegrown Detroit and the Buildings, Safety Engineering & Environmental Department (BSEED) to map the existing locations. There are no provisions in the current regulations that look at over concentration and that is something we could explore raising that with the Law Department and BSEED. I would like to clarify that in our presentation we said this change would make 1,300

more properties available (the estimate a year ago). Not that you would have 1,300 more uses or properties that would have a location but would have the opportunity to explore it.

Mister: My name is Mitsy, Founder of Black Cannabis Access. Please make sure that equity applicants will be able to take advantage of the Eastern Market opportunity. Why aren't you dealing with micro-business Class A, a more desirable license type? There are only two (2) designated consumption lounges that are licensed in the State of Michigan. A great point at looking at the supply chain, the City of Detroit is not tracking equity applicants who are becoming licensees on the adult-use side. Even on the unlimited side, we still need to know if equity applicants can participate in this industry.

Commissioner Hood asked is equity applicant is an official classification of applicant?

Marcell Todd, CPC Director, answered yes, that is the reference that we find in the new licensing ordinance. It recasts legacy in a way that is now constitutionally acceptable.

Commissioner Harrison asked, how do we have a conversation around how to deal with individuals who are bad operators in relation to quality of life so that we're not diminishing opportunities to those who are good business operators?

Marcell Todd, CPC Director, answered that the ability of the city to enforce its own rules and regulations equitably is a capacity issue.

Commissioner Hood asked staff to research the two consumption lounges, find out how they are doing and what impact it has on the adjacent community.

IV. Unfinished Business

- A.** Consideration of the proposed text amendment amending Chapter 50 of the 2019 Detroit City Code, Zoning, Zoning Ordinance by add smoking lounges, including hookah lounges and cigar bars, and tobacco stores as specific land uses with spacing regulations, specific use standards, and off-street parking requirements **(EF) 45 mins**

Presenter: Eric Fazzini, CPC Staff.

Eric Fazzini, CPC Staff, gave a brief Power Point presentation. At the July 7, 2022, public hearing presented a summary of our zoning research on the matter as well as the first version of our draft zoning ordinance text amendment. At this meeting there was a general desire to separate cigar lounges or bars from hookah lounges, which were previously grouped in the first version under the term smoking lounge. Consideration of cigar lounges as an accessory or principal use and additional spacing regulations that should be added. The discussion and public comment to zoning impacts included consideration of making hookah lounges a conditional use in the B5 and B6 zoning districts, discussion of a parking requirements schedule, and a public comment to increase the space requirements for hookah lounges to 2,000 feet. There were additional comments related to operational considerations that would be addressed in the future: smoking lounge ordinance, and a licensing requirement for lounges.

For the second version, the proposed definitions have been expanded with the smoking lounge term being replaced with two terms, hookah lounge and cigar lounge. We needed to add a definition of cigar lounge that would tie to this specific land use to determine what a cigar lounge is and where it would be permitted. The middle definition for hookah is also new. Hookah is not the substance you smoke, it's device that you use to smoke tobacco or other substances. The definition of what hookah is helps support the definition of hookah lounge. The 4th and 5th definitions are ones you've already seen, tobacco retail store (where they are just selling tobacco products, but not indoor smoking allowed) and the tobacco specialty retail store (primarily selling tobacco related products but may also include a small lounge component where smoking could occur). Cigar lounge is an addition and that would be a by-right use in a B2 through B6, PCA, SD1, SD2 and SD4 districts. The hookah lounge was replacing the smoking lounge, and one change that we made since the last meeting was to make that a conditional use in the B6 where it was originally a by-right use in the first draft. The tobacco retail store districts are unchanged. Tobacco specialty retail store districts changed again, per the hookah lounge, where it was by-right in B5 and B6 and now would be conditional in B5 and B6.

Another significant change that occurred since July 7th was an update to the space requirements. For hookah lounges the minimum distance from one hookah lounge to the same use type (another hookah lounge) was increased from 1,000 feet to 2,000 feet. That was also increased for tobacco specialty retail stores. A second change was that we previously referenced minimum distances from uses that followed the marijuana spacing requirements, but staff felt that we could use a different list that we have in the code related to advertisement sensitive properties or the protection of minors, Section 4-1-1, and that would be 1,000-foot separation. One of eleven (11) uses, like a drug-free zone, that you wouldn't want a minor to pass by a hookah lounge or specialty retail store within proximity to these uses; that is the intent of these revised spacing requirements. We have added requirements for cigar lounges, and this follows the requirements for bars.

There were two items mentioned at the July 7th meeting addressing food or beverages within hookah lounges and the minimum age requirements for hookah lounges. Cigar lounges can have access to a food or beverage license, from the State's perspective. This is something that could be accommodated for a cigar lounge, but a tobacco specialty retail store or a hookah lounge are specifically prohibited by the State for having a food, liquor, or restaurant license, but they are permitted to have take-out/to-go food.

Next steps are that we plan to revise the ordinance after tonight's meeting and circulate it to other city departments, as well as the Department of Health & Human Services, of whom we have a meeting with next week. After that we hope to make a recommendation to the Commission.

PUBLIC COMMENT

Pat Bosch: Wanted clarification on the difference between an adult consumption lounge, a category under permissible cannabis uses, and a hookah lounge. Are existing hookah lounges going to be grandfathered in once this ordinance is adopted and approved?

Eric Fazzini, CPC Staff, answered that the proposed hookah ordinance is no way affects the existing medical marijuana or adult use establishment provision. You could not

combine a hookah lounge with a marijuana establishment or vice versa. The definition of designated consumption establishment, a specific use-type authorized under the state under the Recreational Marijuana Act. The State does not permit anyone to legally consume marijuana in a hookah lounge currently or under the proposed rules. Enforcement at the state level is through the Michigan Department of Health & Human Services (MDHHS). If anyone wants to forward complaints to us, we can also get in contact with them.

V. New Business – No New Business

VI. Committee Reports – No Committee Reports

VII. Staff Report

Marcell Todd, CPC Director, thanked the Commission for adding the August 4, 2022, meeting to their agenda. The City Council Retreat was a success, not only from CPC and the Historic Designation Advisory Board staff's perspective, but also from the feedback we have received from Council Members and staff. This was the first City Council Retreat where they included representatives from their boards and commissions. Madam Chair represented the Planning Commission. the Detroit Entertainment Commission and the Historic Designation Advisory Board were also represented. Also present were staff representatives from the City Clerk's Office, the Board of Zoning Appeals, and the Auditor General's Office. There were conflicts that did not allow the Ombudsman or the Inspector General to participate. The retreat opened with a series of presentations on typical foundational items for a local municipality. These presentations were given by the Michigan Municipal League (MML) and was integrated with some team building exercises. Then the City Council had the opportunity to do relationship and team building; the first time they were able to come together outside of their formal setting. This was an educational opportunity for them and an opportunity to socialize. No business was conducted. The meetings were open to the public, and we did get a few members of the public who joined us, and opportunity was given to the public for public comment every day. The retreat was held in Albion, MI. Kimberly Dowdell, the President-Elect 2024 of the AIA, and Dr. Andre Perry, Brookings Institution, provided inspiring presentations to all present.

Commissioner Hood added that there was warm reception to the idea of revisiting our one-on-ones with our Council person and starting that up again. Every year appointees would meet with their appointed person. It was nice to see the human side of our Council members and the sense of comradery. It also brought to our attention the need for the Commission to have something like that with team building exercises, with an educational component.

Marcell Todd, CPC Director, said that the budget continues to be an issue. We can look at doing something more affordable, and local. We could probably find the necessary funds to cover the rental for such a space, if it is not offered pro bono, and then food to facilitate the retreat utilizing staff. It would be challenging, but we can look at bring in additional persons to augment staff, such as was the case with City Council, such as an outside facilitator.

Commissioner Hood brought up Commissioner Esparza's idea that the Commissioner's attend the Michigan Association of Planning (MAP) Conference, because we have a budget to attend conferences. She noted the advantages of being able to take in some of the learning that happens at MAP and hearing from other local planning commissions.

Marcell Todd, CPC Director, informed the Commission that this year's MAP Conference will be in Mackinac at Mission Point. In terms of the budget, we do have limited funds. The Commissioner's group memberships to MAP and to American Planning Association (APA) are being investigated now. MAP has been authorized and you should see that come through in the next month, receiving the newsletters and all the other privileges that go with membership as a Commission.

VIII. Member Report – No Member Reports

IX. Communications –

Marcell Todd, CPC Director, reported that we have received a communication from the City of Eastpointe and one other city. They are working on their Master Plans. Staff will review and report back to you at the next meeting.

X. Public Comment – No Public Comment

Adjournment – Meeting was adjourned at 7:30 pm

NOTE: With advance notice of seven calendar days, the City of Detroit will provide interpreter services at public meetings, including language translation and reasonable ADA accommodations. Please contact the **Civil Rights, Inclusion and Opportunity Department** at (313) 224-4950, through the TTY number 711, or email crio@detroitmi.gov to schedule these services.

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