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Kenneth R. Daniels
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Ritchie Harrison
Lauren Hood, MCD
Gwen Lewis
Frederick E. Russell, Jr.
Rachel Udabe

City Planning Commission Meeting

MINUTES
September 21, 2023
5:00 P.M.

I. Opening

A. Call to Order – Chairperson Donovan Smith called the meeting to order at 5:14 p.m.

B. Roll Call

Attendees: Kenneth Daniels (remote), David Esparza, Ritchie Harrison (5:25 p.m.), Lauren Hood, Gwen Lewis, Melanie Markowicz, Frederick Russell (5:21 p.m.), Donovan Smith and Rachel Udabe

A quorum was present.

C. Amendments to and approval of agenda

Commissioner Hood moved to approve the agenda, seconded by Commissioner Markowicz. Motion approved.

II. Meeting minutes of June 15, 2023

Commissioner Markowicz moved to approve the minutes, seconded by Commissioner Hood. Motion approved.

III. Public Hearings, Discussions and Presentations

A. **5:15 PM PUBLIC HEARING** – To the request of MHT Housing and the Detroit City Planning Commission to rezone the properties at 17204, 17198, 17180, 17139, 17132 Oak Dr, 17213, 17181, 17131 Birchcrest Dr, and 3856 W McNichols from an R2 (Two-Family Residential) to an R3 (Low Density Residential) zoning classification. **(TS) (ACTION REQUESTED)** **45 mins**

Present: Timarie Szwed, CPC Staff
Director Antoine Bryant, Planning and Development Department (PDD)

Petitioners: Father Snow, Pastor and James Hart, Director, Gesu Catholic Church
Mya McHallam, and Van Fox of MHT Housing

Timarie Szwed, CPC Staff member via PowerPoint gave a presentation on the request of MHT Housing for rezoning the lots owned by the Gesu Catholic Church. Ms. Szwed mentioned CPC joined the petition as a co-petitioner, so that the entire block owned by the Gesu Parish can be rezoned into one consistent zoning classification. This rezoning is to allow the development of a multi-family senior housing complex on the site, using existing buildings and a new building (eastern lot). The current R2 zoning classification does not allow for multi-family units with more than eight units, so R3 zoning is most appropriate. The site is located in District 2 along McNichols Road directly north of the University of Detroit Mercy campus, and it is west of Palmer Park and Golf Course. There are four existing buildings that will remain including the Palmer Rectory Building and Administration Building. The Gesu Catholic Church and school will remain the same, yet they are a part of the rezoning. The current Parish center will become part of the housing complex. The future land use map in the current Master Plan has these lots designated as institutional, and low density residential are the lots across the street between Oak and Birchcrest. The Planning and Development Department (PDD) interpretation for this Palmer Park neighborhood found it to be generally consistent with Master Plan designations. PDD raised concerns about the site's design review, and they asked CPC to ensure their concerns are addressed. CPC Staff found that approving this rezoning would protect the health safety and general welfare of the public, and there are no anticipated adverse impacts on the neighborhood.

Father Snow introduced the mission of Gesu Church and school (250 students) as a Roman Catholic Parish and a part of the Gesu and intergenerational community. Father Snow and Mr. Hart acknowledged after speaking with neighborhood seniors the need for mixed income senior housing was discovered. Many seniors living in larger homes desire to down size, and they want to remain in their neighborhood. This development provides an option to stay in the University District neighborhood.

Ms. Mya McHallam via PowerPoint gave a presentation on MHT Housing's request for rezoning from R2 to R3, site overview and renderings. The development contains six parcels on 2.13 acres all owned by Gesu. The north building on Santa Maria will be a community center. The standing two-story building to the south (old convent) the top floor will be seven residential units, and the bottom floor will be a community center with a chapel, craft room and other amenities for seniors. This will be quality mixed income senior housing for ages 55 years and over. There will be a total of 46 units with 44 one-bedroom units and two 2-bedroom units each 650 square feet. The amenities will include community room, tenant services, elevators, parking, and outdoor recreation areas. The developers have letters of support from the University District Community Association (UDCA) and support from the district manager. Ms. McHallam stated there was a meeting with the Councilwoman Calloway, and she expressed her support. Ms. McHallam stated they reached out to block clubs, and Gesu parishioners received newsletters of the potential project. There will be an upcoming community meeting on October 10, 2023, at 5:00 p.m. Ms. McHallam said the goal is to preserve the history of the existing buildings and add a new building as a modern compliment.

Director Bryant expressed PDD deems the rezoning appropriate, and it will be a positive and phenomenal addition to the community and church. He stated that PDD is requesting the opportunity to have continued design review and design engagement with the developers.

Director Bryant discussed increased materiality and the different levels of brick that will be used are concerns. PDD would like to see examples of the bricks that will be added, and

some articulation on the façade. The color palette should be commensurate to what is seen in the community. This was in response to Commissioner Smith's inquiries.

Mr. Van Fox stated MHT Housing has multiple developments and operates over 30 apartment communities in the City. He described MHT's desire and goal to work with PDD to be more aesthetically appealing providing appropriate examples. Mr. Fox mentioned MHT Housing is seeking to submit by December 1, 2023, the Michigan State Housing Development Authority (MSHDA) tax credit application with all financing, zoning and site plans in answer to Commissioner Smith's inquiries.

Ms. McHallam agreed to fulfill Commissioner Smith's CPC request for updated site plans.

Ms. McHallam stated there will be an application process, and rent is based on area median income (AMI). The units at 30% will cost \$400.00 monthly rent, and units at 80% will cost \$1,400.00 monthly rent in response to Commissioner Udabe's questions.

Ms. McHallam answered that the apartment complex will be independent living for seniors. There will be building elevators, meals, activities' calendar, and provisions for loneliness for residents. Additionally, Father Snow stated they hope to continue rehabilitation, exercising, health and holistic wellness for the seniors in response to Commissioner Russell's questions.

Ms. McHallam stated that there will be 39 units in the new building and seven in the existing building for a total of 46 units. She noted that half of the units will be at 80%, and the other half below 80% AMI in response to Commissioner Lewis and Commissioner Smith's questions.

Father Snow says the complex will have a management company. Also, the Archdiocese of Detroit and Society of Gesu have requested that there is a board of members (community and parish) appointed to oversee the entire facility and ensure maintenance of the mission. This was in response to Commissioner Smith's question about responsibility and accountability.

Public Testimony

Erin Ferguson, a UDCA member objected to the UDCA letter of support. She mentioned it does not represent the majority of the members. She is not in support of the project.

Commissioner Smith read the letter of support from a member of the UDCA President, Roger Short.

Phaedra Crow expressed displeasure in the project. She was unaware of it until receipt of the City's written notice. There is a communication gap, and she desires an opportunity to provide feedback.

Emmit Moten commented that he is in favor of the Gesu development project.

Bruce Morrow expressed displeasure in the communication gap. His concerns were community benefits, hiring Detroiters for project's construction, tax abatement and transportation concerns.

Jamie Baneja expressed his support of the development project.

Christine Vegas commented displeasure that she was unaware of the development, lack of communication, and need for more engagement.

Shirlene Smith commented her support in favor of the project.

Doris Waltz asked if occupancy preference for resident consideration will be given to University District neighborhood seniors and displacement of those gradually more dependent seniors.

Ms. McHallam responded that University District seniors may not have preference, since fair housing guidelines will be followed on first come first serve basis. The apartment complex will be independent senior living, yet Gesu will assist and support as a part of their missionary work. This project will bring business to the community, and Detroiters will be hired for this project. She will return with the percentage of Detroiters working with MHT construction.

Commissioner Smith requested MHT Housing provide a comparison of previously constructed apartment unit sizes and the Gesu apartment unit sizes.

Commissioner Hood requested some community members are appointed to the leadership board and afforded real decision making power. The developer team was amenable to her suggestion.

The developer team formally announced the next public community meeting on October 10, 2023 from 5:00-6:00 p.m. at Gesu School Social Hall, 17139 Oak Drive, Detroit. This was in response to Commissioner Smith's request.

Ms. Szwed gave a recommendation of approval of this rezoning request.

Commissioner Russell motioned to waive same day action requirements for this item, seconded by Commissioner Markowicz. Motion Approved.

Commissioner Lewis motioned in support of the rezoning request from R2 to R3, seconded by Commissioner Markowicz. Motion Approved.

Commissioner Markowicz motioned that CPC recommends that the design requirements of PDD and continued community engagement is pursued prior to the public hearing before the City Council, seconded by Commissioner Russell. Motion Approved.

IV. Public Comment –

Nina Hodge stated her support for home child care centers. She has concerns regarding saturation in the neighborhood and increased traffic in the community.

Later in the meeting Commissioner Smith returned to public comment and read aloud four cards addressed to CPC received by Reform Detroit Parking.com. The cards mentioned reform of parking ordinances in the City, eliminating parking minimum requirements, and surface parking in downtown Detroit.

V. Unfinished Business –

A. Minor Consideration of the Zoning Ordinance text amendment, Chapter 50 of the 2019

Detroit City Code – to update definitions, regulations, and procedures relative to child care facilities for consistency with updated State law and to broaden the opportunities for such facilities on a by-right or conditional basis. **(RB, RA, KJ and the Office of Early Learning)**
STATUS REPORT 45 mins

Present: Dr. Rory Bolger and Roland Amarteifio, CPC Staff
Lisa Sturgess, Office of Early Learning

Director Todd provided an overview of this matter, and he mentioned that there will be a second public hearing in the future.

Mr. Roland Amarteifio provided a recap on the public hearing of June 29, 2023. He explained the zoning update modifies definitions, regulations, and procedures to broaden the opportunities for child care facilities on a by-right or conditional basis. He reviewed the types of child care facilities, the specified zoning classifications wherein these child care facilities will be allowed or prohibited, new provisions for outdoor play areas, off-street parking, and noise standard protection. He reviewed comments and concerns of Commissioners regarding (1) how these modifications allow anyone to be able to open a family child care home by-right, which may be contentious (2) displeasure for lack of public comment (3) possible buffering standard conflict of child care facilities and marijuana businesses, (4) consideration of over concentration of child care facilities in a senior neighborhood, and (5) possibility of further spacing.

Director Sturgess, Office of Early Learning presented via PowerPoint a status report on ordinance amendments, proof of the need for more child care facilities, and how the City can assist with fulfilling these child care needs. Dr. Sturgess discussed how the Office of Early Learning addressed the largest concern of CPC regarding neighborhoods, by creating and circulating two surveys to obtain feedback from the community. She shared survey results and read some of the comments that the community submitted. Since there was low response from neighbors, the Office of Early Learning will revisit this survey in order to get more necessary feedback.

Dr. Rory Bolger presented via PowerPoint a proposed option to allow more child care facilities to open and become established without the \$1,000 fee burden. The Law Department offered an alternate special land use (SLU) approach. This possible approach would involve the public notification within 300 feet that an alternate special land use is being proposed. An alternate SLU public hearing will be held only when it is requested by a nearby owner or occupant. This is permitted under the State of Michigan Zoning Enabling Act. It has fee implications. Today, a conditional land use fee is paid by the applicant, but under the alternate SLU approach the applicants would be responsible only for the portion of the fee that is associated with the nonpublic hearing activities such as reviews and inspections. The burden of proof for the applicable decision criteria would be tipped in favor of approval of the alternate SLU, and a presumption that this is a use that should be permitted. Any nearby neighbor(s) may request a hearing, and they would have more of the burden to prove why approval would be inappropriate. The neighbor(s) would be responsible for the fee associated with the public hearing. If no one asks for the public hearing, the alternate SLU will be permitted.

Dr. Bolger explained the person raising the objection would have to convince the hearing officer that various forms of detrimental harm to the surrounding area are likely to ensue. Buildings, Safety Engineering, and Environmental Department (BSEED) would have to find a preponderance of evidence in support to the child care facility being an overall negative for

the area in response to Commissioner Smith's questions.

Dr. Bolger stated there will be an appeal process. The alternative SLU will be handled the same way that a conditional land use is denied, and the applicant has the right to go to the Board of Zoning Appeals (BZA) to overturn that denial. This envisioned alternative SLU would allow for the same right of appeal. This was in response to Commissioner Smith's inquiries.

Commissioner Lewis stated that the alternative SLU approach is interesting, and she found pleasure in this new proposed arrangement.

Commissioner Markowicz expressed her displeasure in the alternate SLU. She mentioned it sets up a paid to be heard situation, and it is unfair.

Commissioner Russell expressed since there is a shortage of child care facilities, the zoning should be by-right and unlimited.

Commissioner Udabe expressed that there are no concerns for over saturation in neighborhoods since the State regulates child care facilities. Also, she agreed with Commissioner Markowicz that putting an alternate SLU cost burden on possibly affected neighbors does not feel fair.

Commissioner Harrison commented on the SLU alternative, costs and equity.

Mr. Kimani Jeffrey, CPC Staff, commented that Staff wanted to make Commissioners aware that it shares the same concern to make zoning more equitable. He suggested a possibility to amend the fee schedule.

Dr. Bolger concluded that CPC Staff will consulting with Office of Early Learning and Law Department Attorney Dan Arking. Staff will take the comments heard by Commissioners into consideration and weigh options. Staff will return with a status report or a recommendation.

VI. New Business – There was no new business.

VII. Committee Reports – There were no committee reports.

VIII. Staff Report – Director Todd mentioned Staff is seeking a venue for the next CPC meeting on October 12, 2023, and all will be updated.

IX. Member Report – There were no member reports.

X. Communications – There were no communications.

XI. Adjournment

The meeting adjourned at 8:45 p.m.