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City Planning Commission
Minutes
December 7, 2023

I. Opening

A. Call to Order

Chairperson Smith called the meeting to order at 5:18 pm

B. Roll

Present: Commissioners Kenneth Daniels, David Esparza, Ritchie Harrison, Gwen Lewis, Melanie Markowicz, Fred Russell, Donovan Smith, Rachel Udabe

Excused: Commissioner Lauren Hood

Staff: Marcell Todd, Jr., M. Rory Bolger, Christopher Gulock, Timarie Szwed, Roland Amarteifio, Kimani Jeffrey, Sabrina Shockley

C. Amendments to and approval of agenda

Commissioner Daniels moved to approve the agenda as submitted. Vice Chair Markowicz second the motion. Motion was approved by verbal unanimous consent.

II. Meeting minutes of September 7, 2023, and October 19, 2023

Commissioner Daniels moved to approve the meeting minutes of September 7, 2023, as presented. Vice Chair Markowicz second the motion. Motion was approved by verbal unanimous consent.

Vice Chair Markowicz moved to approve the meeting minutes of October 19, 2023, as presented. Commissioner Daniels second the motion. Motion was approved by verbal unanimous consent.

III. Public Hearings, Discussions and Presentations

A. **5:15 PM PUBLIC HEARING** - to consider the request of Perfecting Church and City Planning Commission (CPC) as a co-petitioner to replace the existing PD (Planned Development) zoning classification at 19150 Woodward Avenue, the authorization for which has lapsed, with a new PD and site plan, and to show a PD zoning classification

where a R2 (Two-Family Residential District) is currently shown on approximately 4.51 acres commonly known as 1001 Carmel Street. The lapsed PD at 19150 Woodward Avenue was created by Ordinance #40-04 of 2004; the proposed PD would amend Article XVII, Section 50-17-64, District Map No. 62, Chapter 50 of the 2019 Detroit City Code, *Zoning*. The 16-acre subject property is generally bounded by Carmel Street on the north, Bauman Avenue on the east, Larchwood Avenue on the south, and Woodward Avenue on the west. **(RA) (ACTION REQUESTED) 45 mins**

Present: Damon Tooles, Applicant - Tooles Contracting Group representing Perfecting Church; Demario Brown, DLZ (Site Civil Landscape Engineers) and James Cummings, Hanna Stokes (Architect) Lan
CPC Staff: M. Rory Bolger, Roland Amarteifio

M. Rory Bolger, CPC Staff, gave an overview of the property at 19150 Woodward Ave. The location is within District 2. This PD was originally established in 2004. At that time what was proposed and approved by the Commission and the City Council was a 3-story church measuring 158,500 square feet and containing 4,236 seats. It also included administrative offices, scaffold with 470 sets, an administration building with 35,790 square feet, a 4-story parking structure with 1,079 spaces and surface parking with 80 spaces. Mr. Amarteifio, along with the applicants will review the ways in which what is being presently proposed differs from the original 2004 version and the Planned Development (PD) being requested to replace that PD, the authorization of which has lapsed.

Roland Amarteifio, CPC Staff, gave a brief PowerPoint presentation based on the report submitted to the commission dated December 5, 2023. This is the second public hearing that we've had for this PD re-establishment and rezoning; the first was held on September 7, 2023. That was to consider the original PD, but during that public hearing it was discussed that a second public hearing was necessary to expand the PD.

The site is in District 2 located near the corner of Woodward Avenue and 7 Mile Road. To the north is the newly opened Amazon facility on State Fair, just to the north of the site there is residentially zoned land with single-family homes as well as vacant land. To the east of the site, you also have vacant land and some single-family residential. There is another religious institution on the corner of Bauman and Larchwood. There are two parcels that are not owned by the applicant and won't be included in the development plan. To the north you'll see R2 (Two-Family Residential) zoned parcels as well as B4 parcels to the northwest and to the south of the site as well. To the east of the site is also R2 zoned residential.

The request is to replace the existing PD whose authorization has lapsed at 19150 Woodward Ave. and to rezone possibly 4.5 acres, which is the address of 1001 Carmel St. from R2 to PD. The PD zoning district classification that's being requested to finalize the development of approximately 164,800 square foot church complex with approximately 3,365 seats. When first discussed in September the seating capacity was 4,200 seats, but the applicant has been reconfiguring what the seating will look like in the sanctuary. That also affects the amount of parking that would be required. The applicant is proposing to provide 659 off-street parking spaces with 32 ADA accessible spaces. The building will also feature a Fellowship Hall, Chapel, quiet area, office area, nursery, and a bookstore.

This site plan has been reviewed by the Planning and Development Department, as well as CPC staff and we're still working with the applicant to finalize a couple of outstanding issues.

This site is large and with a large amount of surface parking on it, so landscaping is required, and the applicant has provided quite a bit of landscaping to satisfy the requirements within the zoning ordinance both for the right-of-way as well as interior landscaping. There are a couple of items regarding the heights of some of the plantings that we are still discussing with the applicant.

The 2004 site plan differs from the plan now being proposed as there is a 4-story parking structure that was proposed in 2004 that would accommodate 1,079 cars. That is no longer being considered as part of the current plans. The parking number has come down to 659 spaces. The portion of the site zoned R2 (two-family residential) was originally planned to be used for a different use, but now is being included as part of their parking and landscaping plan for the site.

As part of the plans there are two additional parcels that are to be added to the site. There is also a building in front of the church that is supposed to be demolished. Penrose St. is a street that was vacated as part of the original PD plan and currently there are some concrete blocks that are blocking the path. A member of the public spoke at the previous public hearing in September asked about the plan for Penrose St. and if the blocks will be taken out, and they will be. The applicant is proposing to remove the current fencing and replace it with a more decorative one. Another update that has happened since September, as the site expanded beyond the original PD. The full project site is designated as Institutional and Low to Medium Density Residential, the Master Plan designation that is current for the site. The Planning & Development Department (PDD) provided a Master Plan Interpretation that is written out in the staff report that was provided. PDD deemed the rezoning from R2 to the PD to be generally consistent with the Master Plan's Future Land Use.

Also, during the last public hearing in September, there hadn't been a community engagement meeting that had been done to update the community on the plans for the site. On October 18th there was a meeting held with 47 in-person attendees where the project team presented their plans, and the community members had an opportunity to review those plans and provide comment and feedback. Community members expressed support for the project as reported by the applicant. Various community groups in the area were invited and those community groups are specifically listed in the staff report as well.

For the PD district there were 20 design criteria that staff reviewed and provided some analysis in the staff report related to specific parts of the design criteria.

Damon Tooles, Applicant, noted that they incorporated all of the planning review meeting's design recommendations and changes as well as from our last meeting with the Planning Commission. We went back to the community getting suggestions from them. We have incorporated everything we heard.

Commissioner Esparza asked if the parcels not owned by the applicant been notified, communicated with and do we know their position?

Roland Amarteifio, CPC Staff, responded that they were notified and any property owners or residents that live within 300 feet of the subject site. We haven't received any responses back from those property owners. The applicant also tried to get in contact with those property owners to try to acquire those parcels and make them part of the development.

Damon Tooles, Applicant, added that the lots to the north of the property on Carmel are owned by Detroit Land Bank Authority (DLBA) and we are in discussions with them to purchase those properties. The property on the east, at Bauman, we have also reached out to and are currently engaged in a discussion with a real estate agent to purchase those properties.

Commissioner Esparza asked, for the parcel that no communication has occurred, as we move forward finalizing the design and proceeding into construction, I am concerned as to how this may end up appearing physically considering not controlling the property.

Damon Tooles, Applicant, responded that the lots of Bauman, where we did not have the response. DLZ, our site civil engineer and landscaping architect has looked at the required setbacks and created some berms around that set of properties. There are no existing structures on the property.

Commissioner Esparza asked if we are aware of those properties not held by the development being maintained?

Damon Tooles, Applicant, responded that they are currently cleaned of debris and any dumping.

Roland Amarteifio, CPC Staff, added that the parcel on Bauman was included in the PD in 2004. Moving forward, if approved, one of the conditions that we would add would be that this parcel be able to be used and act as if it was a R2 parcel. For the section of the development that is currently R2 and proposed to be rezoned to PD.

Commission Chair Donovan Smith, clarified that those parcels that are not owned by Perfecting Church are included in this proposed PD?

Roland Amarteifio, CPC Staff, responded yes.

Commissioner Lewis asked if the barriers removed from Penrod St.?

Damon Tooles, Applicant, noted that there are four (4) barriers at Penrod St. that have not been removed. We did hear that comment at our last meeting. They will be removed as part of the construction once we're approved for PD, and we begin to start construction and excavating of the site. Along that route would be the ornate fencing on the Bauman side.

Commissioner Lewis asked has the traffic study been completed?

Damon Tooles, Applicant, said they discussed that with DLZ. They are currently doing a traffic study that they did for the Amazon facility and some other facilities on Woodward and Bauman. It has not concluded at this point. One of the things that came up as part of the community discussion was Bauman, once you pass the Perfecting Church site, goes back to a residential area. Perfecting controls most of the property on the east of

Bauman. The plan is where the traffic enters Bauman from the church site is to have a no left turn sign there, but that is a part of the traffic study that has yet to be concluded.

Commissioner Lewis then asked if the completion date for construction still April 2025?

Damon Tooles, Applicant, responded it is 18 months from January with a 16-month planned completion. Phase I is what we need for a certificate of occupancy from Buildings, Safety Engineering & Environmental Department (BSEED) is April of 2025, yes. Phase I encompasses the entire site, all the building envelope construction, the sanctuary and fellowship hall and grand foyer of the church. There are areas inside of the church (bookstore, nursery school, office) that will be completed to provide safety but not completed for occupation. Completion for all phases of the church will take 28 months. 70% of the interior phase of the building will be completed by April 2025.

Commissioner Lewis asked if none of those phases, after April 2025, would require you to come before this commission?

Damon Tooles, Applicant, replied anything relative to BSEED certificate of occupancy will be complete in April 2025.

Commissioner Harrison wanted them to talk about where they anticipate folks would exit the site.

Damon Tooles, Applicant, said most of the traffic exiting the site is Larchwood St., to the south side of the property, Woodward Ave. through the north side of the property, and Bauman on the east side of the property in which traffic would be directed towards 7 Mile Rd.

Commissioner Harrison stated that residents living on Carmel St. wouldn't have increased traffic on their street because there are no exits on Carmel. Are there any businesses facing Larchwood or are they all facing 7 Mile Rd.?

Damon Tooles, Applicant, answered that all the businesses are on Larchwood are facing 7 Mile, so there is no traffic or businesses on Larchwood.

Commissioner Harrison inquired about the public meeting they held, were there any residents or businesses that raised questions or concerns related to the *increased* parking?

Damon Tooles, Applicant, answered that there was one concern that came up during that public hearing which related to traffic on Bauman. We went to DLZ, who is doing a traffic study, and that is why we've come up with a plan for no left turns on Bauman. We presented all the site plans, architectural plans, exterior and interior to the community group. The only problems we had were in terms of concerns of Bauman St.

Commissioner Harrison asked how do you expect residents to be impacted by any of the construction activities, and if so, how are you planning to keep residents and businesses informed?

Damon Tooles, Applicant, indicated that we will send out notices as it relates to the community around us. The plan for construction traffic is to enter through Woodward (there are two gates on Woodward) and then to exit on Larchwood. There is a gate on

Carmel St. that may be used, but all the exits for any construction traffic are Larchwood and Woodward, causing no impact on the surrounding community, in terms of housing.

Vice Chair Markowicz asked about the two parking lots furthest to the south on Bauman. The entryways into each of those parking lots are directly across from each other, which would create interesting conflicts and backups for those trying to get out and exit on Bauman. The parking lot seems it could be a potential issue in the future, and I recommend that you look at it.

Damon Tooles, Applicant, responded that is something that we can discuss with DLZ and look at ways to mitigate that issue.

Vice Chair Markowicz wanted a status on staff comments regarding the right-of-way screening height, the landscaping buffer and decorative fencing rather than chain-link fencing on the property. Has this issue been resolved to the satisfaction of planning commission staff and the PDD?

Roland Amarteifio, CPC Staff, stated that when putting together the staff report we still needed to meet with the applicants to discuss some of those comments and we couldn't do so until after the report was done. Since that time, some of those issues have been addressed, particularly the chain-linked fencing. The applicant has clarified that the chain-linked fencing that was shown on the plan was related to what is currently on the site. What they are proposing is a decorative fence, the preference of our staff and PDD. Generally, with the other comments, in discussions with the applicant and PDD we are all moving in the same direction. Part of the conditions for approval would be that the final site plan, landscaping plans, as well as signage, would be submitted to CPC staff to review and provide comment. Approval would be provided by staff prior to any issuance of permits by BSEED.

Vice Chair Markowicz added that this would be in addition to treating the parcels as R2 in practice.

Commissioner Udabe was concerned about the choice of using surface lots. The previous request included a 4-story parking structure, and it is a huge change to go to a surface lot with that many spaces requires. It physically and visually takes up a lot of space. What, if any, are the plans for stormwater management with that much pavement?

Damon Tooles, Applicant, answered that we have addressed stormwater management. There is some retention basins in the plan that we've submitted that needs to go through Detroit Water & Sewerage Department (DWSD) and the other resources. We are making sure that there are no utilities, as much as possible, to the southeast corner of the property for a potential parking garage at some point in the future. They are expensive products and at this point, to complete this project, that is not a component that we can install.

Commissioner Udabe asked about the history of this site and the reason for delay in construction since the first time you received the PD zoning in 2004.

Damon Tooles, Applicant, reported that my understanding in 2004 they received a PD, started to seek financing for the project and received a \$49 million construction loan in 2006 and started construction of the project. As you may recall, in 2008 there was a financial crisis, and several banks went bankrupt. As part of their construction loan, there was a clause for the bank to be able to call the loan due if a financial crisis occurred. The

bank called the loan due, and the church paid the project off to the tune of \$13 million and took control of it. At that time, they mothballed it and added mechanical units to maintain the structure. Currently, they are ready to reengage the project.

Commissioner Daniels asked what is the total cost of this project from each phase?

Damon Tooles, Applicant, answered that this phase is \$21 million. That, coupled with the costs already put into the project brings it to \$43 million of investment. Phase 2 and phase 3 of the project would bring the total investment to \$56 million.

Commissioner Lewis asked CPC staff if they ever determined on what date the PD lapsed?

Roland Amarteifio, CPC Staff, said that we were not able to identify a specific date that the PD lapsed. Generally, staff does not keep track of when the 3-year clock starts and ends regarding PD's. We are typically looking at them after the fact, which is why we have so many PD's that have lapsed. Dr. Bolger has been working through the process of looking at PD's that have lapsed and trying to address those issues. If the PD was established in October 2004, then 2007 would be when it had lapsed. The last permits that Perfecting received to do work on the site was in 2015 and we're still trying to get clarity on if something was missed between the time of when it would have lapsed and when permits were issued after the fact.

Marcell Todd, CPC Director, added that one of the things that have come out of this project as well as some of the others in the past and the overall work that Dr. Bolger has been doing with regard to the PD's is the recognition of need for greater specificity both in terms of the text of the ordinance as it concerns this aspect of a PD and then also the corresponding practices and processes that should be in place both for the Commission and BSEED. We have clearly by the text of the provision, a lapsing occurring by law at 3 years unless a request has been provided for extension and so granted or in the process of being granted. The timeline relative to the PD, the viability of the PD and the ongoing construction or realization of a project have needed to be reconciled. So, you have lapse occurring during three years unless something has been done. You have a true lapse occurring once it has been declared as such, either through the staff or through the Commission or even the Law Department making an opinion.

Commissioner Lewis said, if I understand correctly, it was never determined in writing that this PD lapsed?

Marcell Todd, CPC Director, answered in this case, unlike some others, there have been no extension. Functionally, it did lapse 3 years after where there was no formal action taken consistent with the provisions of the ordinance, but there was ongoing work on the site and the understanding that they were proceeding in good faith; but we the City did not pursue anything with them until such a time that the work ceased and issues with the work ceasing began to crop up. That was concurrent with our undertaking of this PD review and assessment, and then later the Law Department beginning to act.

Commissioner Lewis asked if the applicant is here based upon the PD having lapsed?

Marcell Todd, CPC Director, answered based on the PD having lapsed and them no longer having a right to continue the construction at that site because of the lapse. That

being determined by the Corporation Counsel and the actions that they took against the property owner.

Commissioner Lewis said she understands steps are being taken so that when a PD lapses it is more definitive.

Marcell Todd, CPC Director, said yes. There is now a much clearer understanding between CPC and the other related departments what the process should be and how it will be carried forward. Also, working towards amending the current text of the zoning ordinance to make it clearer and putting in place policies that will run along with that on various department's role is in doing so.

Commissioner Udabe then asked is the financing plan for this first phase that will cost \$43 million?

Damon Tooles, Applicant, responded that as part of a stipulated agreement with the City of Detroit we have had to provide a financial commitment letter to the city showing that the funds are in place to complete the project, which we provided in October 2023. The loan commitment and the financials are complete to complete the project.

PUBLIC COMMENT

Keisha Gonsalves said the Commission stated that the Land Bank had one of the parcels. Was there an agreement or a discussion to purchase that property from the Land Bank at any time by the church?

Damon Tooles, Applicant, answered that in a recently completed survey we became aware that the Land Bank owned three properties to the northwest side of the site and we are engaging in discussions to purchase those properties.

Chairperson Smith then asked staff if those 3 parcels are included within the PD boundary?

Roland Amarteifio, CPC Staff, said that is something for the staff to look at. With the way the survey was done it gave an overall legal description for the entire site. As part of the process, if this was approved, we would have to verify the legal description through the Department of Public Works to make sure that each of the parcels that are incorporated into the PD are owned by the applicant or they have a purchase agreement to own this parcel. The legal description verification process is something we typically do after the Commission has acted on a rezoning request or PD modification request. It would be done before this gets to Council, who will make the final determination.

Public Comment Closed.

Commissioner Harrison wanted to be certain that there is not traffic along Bryson St. and Troy Place and wanted clarification. I want to make sure that is something that is answered and that there has been some engagement with those residents and also what conditions are expected along that area of the site.

Demario Brown, DLZ, answered we are in the process of completing a traffic study, which looks at all the different avenues and exits. In our final design we will incorporate what is the best for the community and its health and safety.

James Cummings, Architect, added that if you look at the traffic flow, Bryson is one-way, so anyone coming out of the parking area will be directed to go out towards Bauman. It would be difficult to exit out to Troy. That will also be addressed in the study.

Commissioner Russell asked if there are sustainable features for the parking lot mitigating the stormwater naturally. Will the islands in the parking lots be set up to receive water?

Demario Brown, DLZ, said that planting in the parking lot are plants that retain or help mitigate the stormwater activity. The additional sustainability is prepping all the parking lot for electric vehicle (EV) use. We will have some dedicated EV use as part of the original plan, but every lot will be prepped with electrical run for EV. There are several areas in the parking area that have underground retention, so we will push that water in that direction. The islands will be designed to let the water flow in through a better system or just to receive water as it comes into the space. The design and retention is all at the PD development point at this step.

Commissioner Daniels said that, since this is a non-profit development, are they exempt from property taxes for this development? Can you find out and get back to us?

Damon Tooles, Applicant, said that he would get an answer and get back with them.

Roland Amarteifio, CPC Staff, stated that the applicant is requesting same day action. This item had a previous public hearing for just the PD portion, in a sense this is the second time that the Commission has seen this item.

Marcell Todd, CPC Director, said that we think it would be wise for you to waive the requirements for same day action on this. We think that it may constitute full compliance, as it is part of an action that was previously before you, the original PD. If there are no outstanding issues with you from the Commission standpoint, and given that staff, at this point, has none. Having a written recommendation, we have prepared along with some additions based upon discussion during the hearing, so technically it's met, but we would feel more comfortable if you waived the requirements to be consistent. We will have everything to you in writing before the meeting ends.

Roland Amarteifio, CPC Staff, said staff is recommending approval of the proposed map amendment with three conditions: 1) that the site plan would be revised to provide right-of-way screening, landscaping and fencing that is acceptable to CPC in coordination with the PDD to reflect the intent of Section 50-14-341 and 50-14-342 of the zoning ordinance; 2) that parcels in the PD not owned by Perfecting Church at this time would be treated as R2 unless and until it is acquired by the petitioner and is incorporated into the church project (that would be reflected in the ordinance that would go to the Law Department); and 3) the final site plan, landscape plan, signage plan, stormwater plan and elevations would be submitted by the applicant to CPC staff for review and approval prior to the application being made for applicable permits.

Chairperson Smith asked if the parcel numbers needed to be included in the ordinance for the second provision?

Roland Amarteifio, CPC Staff, said that staff will speak with the Law Department to see if they need to be included.

Commissioner Markowicz wanted to clarify the section regarding fencing, buffering and screening, that you noted Section 50-14-341 for the first two, but for the third I have it written as Section 50-14-368, and I think you said -342. I just wanted to make that clarification.

Roland Amarteifio, CPC Staff, responded that when we put together the final written recommendation, we will make sure we have that.

Commissioner Harrison wanted to make sure that questions or concerns regarding the traffic study are also addressed.

ACTION

Commissioner Lewis moved to waive same day action requirements. Vice Chair Markowicz second the motion. Motion was approved by verbal unanimous consent. Motion approved.

Vice Chair Markowicz moved approval to the public hearing item and staff recommendations for approval with the four conditions (the fourth being Commissioner Harrison's comment related to the impacts of the traffic study). Commissioner Harrison second the motion. Motion was approved by verbal unanimous consent. Motion approved.

- B. **6:00 PM PRESENTATION** – to consider the request of North End Christian Community Development Corporation to amend Chapter 50 of the 2019 Detroit City Code, Zoning, by amending Article XVII, *Zoning District Maps*, Section 50-17-11, *District Map 10* of the Detroit Zoning Ordinance to show an SD1 (Special Development District, Small-Scale Mixed Use) where the R2 (Two-Family Residential District), and B4 (General Business District) zoning classifications are currently shown on the area generally bounded by the alley first east of Oakland Avenue, Westminster Avenue, the alley first east of Goodwin Street, and Owen Street. **(KJ) 45 mins**

Present: Natosha Tallman, Director of Programs for North End Christian CDC, Andrew Wald, Urban Planner/Designer, Kimani Jeffrey, CPC Staff

Kimani Jeffrey, CPC Staff, said that on October 19th this honorable body heard the request of North End Christian Community Development Corporation (CDC) as they would like to rezone from R2 and B4 to SD1 zoning classification. A map of the site was shown. This organization has been utilizing this land for up to 10 years and have assembled 7 acres. There are about 3 acres under consideration for rezoning tonight.

Natosha Tallman, North End Christian CDC, gave a brief PowerPoint presentation on the Detroit Cultivator Project, which was distributed to the Commission. The historic north end is bound by I-75 to the east, Woodward to the west, Caniff to the north and E. Grand Blvd. to the south. The north end was once Detroit's cultural nexus. A predominantly African American neighborhood that attracted emerging artists from across the country and influenced vanguard music, fashion, and style on a global scale. Many of the vestiges of its history have been erased. Amid extreme gentrification, speculation and displacement, this project allows us to hold on to cultural and community legacies.

The Detroit Cultivator Project is a community land trust, officially formed in 2020. Our non-profit status at that time and partnership with the Detroit Justice Center, Ross School of Business keeping in the stakeholders as well as our organization North End CDC. The Cultivator Project transformed a respected urban farm in the neighborhood into a leading agricultural landscape. We are combining art, architecture, sustainable ecologies, and new markets. One of the reasons to move from R2 to SD1 zoning is because we have lots of projects that are now not zoned properly for us to be sustainable.

One of our main projects is Oakland Avenue Urban Farm, which has been around since 2008. We have acquired over the last few years about 7 acres of land, we do produce on about 3.5 acres of that land. We are the only GAP certified urban farm in the City of Detroit as well. We sell our produce to the hospitals, schools, restaurants and of course provide locally grown food for the community. With the current zoning, we are not legally allowed to produce the value-added products; which one of our major items is Afro Jam, made from fruit and vegetables. We are partners with Keep Growing Detroit and the Black Food Security Network forming the Black Farmers Land Fund. Eighty families throughout the City of Detroit have been granted with land so they can make a living from food production as well. We started an aggregation space for those families, transporting their food to Eastern Market and other larger markets and making sure that these families are being paid for their produce. The R2 zoning does not allow for low-impact manufacturing. We would like to get ourselves to do that on a larger scale.

A map of the area and each of the properties was shown and described to the Commission, including the year-round cooperative greenhouse, community resource center, Red's Jazz Shoe Shine (a place to sell wares), The Landing - bed and breakfast and artist boutique, art gallery. North End Christian CPC specifically works with hard-to-hire individuals, they have paired themselves with the group called Bags to Butterflies.

Andrew Wald, Architect, said that the site functions more as a campus instead of a grid of streets, especially with the art alleyway, we see this functioning as a multi-use district. The problem is that a lot of these uses are not currently allowed. Goodwin St. has only eight of the original houses on the block remaining, of those only 3 are still occupied residences. While housing is historically a part of this neighborhood, these other uses the Detroit Cultivator family is trying to promote can really serve this neighborhood in new ways and can enhance the north end and greater community. SD1 zoning category allows this walkable neighborhood scaled mixed development, in addition to housing that is already there. Part of this proposal is single and two-family dwellings do exist on the site and they would remain. A small area at the corner of Oakman and Westminster and a lot of Westminster and Goodwin would be looked at as the parking. The Detroit Cultivator family of organizations already own most of the property to be rezoned, that includes North End Christian CDC, Detroit Cultivator Community Land Trust, St. John Evangelist Temple and Fellow Citizen LLC. There is one homeowner in the area who is aware and in support of this plan. They own three of the properties. There are a couple of land bank properties that the Detroit Cultivator would hope to acquire. There is wide-spread support for this project.

Chairperson Smith asked CPC staff the intent of the SD1 district. Do we have examples where we allow a more flexible approach to what can be in an area after we rezone it SD1? Are we allowing SD1's in more residential parcels going into the future?

Kimani Jeffrey, CPC Staff, responded that the first large rezoning that included SD1 and SD2 was in Midtown, which didn't have a set development plan at the time but a general

plan of where they wanted to focus different scales of development. The way we applied it was SD2 being a more intensive district for mixed-use would be applied for the north south streets and SD1 would be more east-west residential streets. That would be like what is being applied here. This is one of the first times using it on this scale in a neighborhood.

Chairman Smith said it seems like the uses not currently permitted are the bed and breakfast, the art gallery, food production and the office and library spaces. Are use variances an option in this scenario?

Kimani Jeffrey, CPC Staff, answered that use variances are prohibited in the zoning ordinance, you can only receive dimensional or numerical variances. The ordinance was changed to ban used variances in 2005.

Commissioner Esparza stated this item is before us as a presentation.

Roland Amarteifio, CPC Staff, noted that this is a public hearing and was mislabeled on the agenda.

Commissioner Udabe said this type of space, innovation and creativity you are using this space is exciting and hopes people can see the example set and make more spaces like this across the city.

Commissioner Daniels asked when do you anticipate this coming back for approval?

Kimani Jeffrey, CPC Staff, said that since this was before the Commission for an introductory presentation, staff used the information to field any outstanding questions or concerns. There didn't seem to be anything outstanding that the Commission wanted staff to bring back. Therefore, staff hopes to seek approval tonight if this honorable body is amenable to that.

PUBLIC COMMENT

No public comment

ACTION

Commissioner Daniels moved to waive same day action on this item. Vice Chair Markowicz second the motion. Motion was approved by verbal unanimous consent. Motion approved.

Kimani Jeffrey, CPC Staff, stated that staff recommendation is to approve the subject rezoning request from R2 and B4 to the SD1 zoning classification.

Commissioner Udabe moved to support staff recommendations. Commissioner Russell second the motion. Motion was approved by verbal unanimous consent. Motion approved.

IV. Public Comment

Public Comment card received by Timarie Szwed, CPC Staff. Commenter had to leave so the comment was read. Commenter was Gawn Slavs who requested to get in contact with

Commissioner Esparza. Chairperson Smith noted that we have a practice that if you want to get in contact with Commissioners to reach out to staff who will facilitate that communication.

V. Unfinished Business (May be taken up earlier in the meeting as opportunity presents)

- A.** Consideration of the request of Henry Ford Health Systems and its affiliated companies as well as the City of Detroit Planning and Development Department as co-petitioner to amend Chapter 50 of the 2019 Detroit City Code, Zoning, by amending Article XVII, *Zoning District Maps*, Section 50-17-8, *District Map 7* of the Detroit Zoning Ordinance to show a B5 (Major Business District) zoning classification where the R1 (Single-Family Residential District), R2 (Two-Family Residential District), SD1 (Special Development District, Small-Scale, Mixed-Use), SD2 (Special Development District, Mixed-Use), B4 (General Business District), M4 (Intensive Industrial, District), PD (Planned Development District) zoning classifications are currently shown on the area bounded by West Grand Boulevard, Milwaukee Avenue (newly constructed), Sterling Avenue, Holden Street, and the John C. Lodge Freeway. **(KJ, JM, RB) (ACTION) 30 mins**

Present: Jerry Darby, Vice President of Planning Development Design at Henry Ford Health; Liz Rogers, Entitlements Counsel for the Transaction; Greg Moots, Planning & Development Department (PDD); Brittney Hoszkiw, Deputy Group Executive of Economic Development in the Mayor's Office; Bruce Goldman, Law Department; Kimani Jeffrey, CPC Staff

Kimani Jeffrey, CPC Staff, gave a brief presentation based on the report submitted to the Commission dated December 5, 2023. The on-the-ground conditions today and zoning classifications were shown on a map to indicate exactly where they will be located. While the Future of Health Community Benefits Ordinance (CBO) is expansive and includes Michigan State University, the Pistons and Henry Ford Health Systems, what we're here to consider tonight is for the proposed hospital expansion. This includes 1.2 million square feet of new construction, 21 floors at \$1.7 billion in costs and additional 877 rooms to the existing hospital operation.

According to the current Master Plan and in working with PDD, it has been determined this zoning classification is consistent with the Master Plan of Policies as it stands today. The public comment at the last meeting there were 4 speakers.

Questions were raised regarding the parcels that Henry Ford does not own. PDD is the co-petitioner for this rezoning because there were 3 parcels that were owned by separate owners. Since the public hearing we have not heard any feedback from those 3 owners. Developers also tried to reach out to them on several occasions. One they are in contact with and working through the court process, as it was passed down through a relative who was deceased.

CPC staff worked with the Administration and PDD to make sure that people were aware that a rezoning was taking place. It was included on materials that are currently on the CBO website. A NAC member attended the public hearing for this proposal.

There was once a project known as Grand Trunk Crossing and the PD zoning on the site was a result of a proposed development at that time. Since then, the developer wants to rezone those parcels to B5 because that project did not come to fruition, and they don't see it happening in the foreseeable future. They would like to rezone these parcels that were

part of this project to repeal that PD. The B5 zoning district allows for the different components of the new expansion hospital, specifically for the height of the tower, certain uses such as the helipad, which is not allowed in current zoning classifications. Mr. Blackwell led more engagement opportunities after the public hearing for anyone that had questions specific to the rezoning. Letters of support were submitted, and copies distributed to the Commission. Staff has submitted a recommendation for this item. There has been no opposition from community members that we know of. Again, at least one NAC member attended. The developer has been working with President Pro Tem James Tate's office as he is the Chair of the Planning & Economic Development Standing Committee. The budget is coming up in March and they were looking to receive items on the agenda for the end of January, early February to get ahead of the budget season. That lines up with the construction schedule that the developers hope to see.

Commissioner Esparza asked how we should view this considering the CBO still being in process. NAC is scheduled to meet next, and we should consider the Community Benefits Agreement (CBA) that has been proposed. I am curious about timing and whether one action should wait for the other.

Kimani Jeffrey, CPC Staff, noted that we've had a lot of discussion on that, especially early on. Early on staff even told the development team that some of the action might be pending the CBO. Since then, we've seen that the CBO process has gone smoothly. In terms of the NAC, they've been accepting what is being proposed. I think there will be some negotiations that happens based on comments made at the last CBO meeting. We wanted to see what happens here and who will come out. We haven't received any calls or letters of opposition to zoning. There has been one other CBO that had the zoning component to it, the Mid (Midtown) on Woodward. We try to get it to the point where everything goes to the City Council at the same time to consider everything holistically (zoning, proposed tax abatements, transformational brownfield development agreement). While the CBO hasn't passed yet, the thinking is that there is still another bite of the apple at City Council.

Commissioner Esparza asked if one or both co-petitioners are willing to share their thoughts on the record.

Liz Rogers, Counsel for Henry Ford, said while the rezoning and the CBO efforts certainly are tied together, the rezoning effort is specifically outlined in Section 50-3-70 of the zoning ordinance, and under that section there is no mention of the CBO at all. The rezoning effort is a separate process. We have shown that this project meets the approval criteria under 50-3-70. As Mr. Jeffrey has suggested, to the extent that in a worst-case scenario there cannot be reached an agreement between the NAC and the developer, there is a remedy for that because City Council will deal with that issue. There is a remedy for the CBA process and that is separate and distinct from this rezoning. We are asking this body if they will consider the time component of this, and remedy that.

Greg Moots, Planning & Development, added it does seem appropriate the Planning Commission act on the rezoning prior to the completion of the CBO. It appears that if we look at the issues that have been raised about the zoning at the Planning Commission and as a part of the NAC meetings, very few of them appear to be related to the actual zoning matter in front of the Commission. There are many valid issues raised and many that have to do with the broader project, separate from the actual physical layout, physical location of the hospital, which is what the rezoning would permit. The rezoning for B5 permits the

hospital to have a helipad but does not affect the community asks regarding hiring, assistance to the neighborhood, environmental impacts, etc.

Commissioner Esparza asked if the Law Department has an opinion on this.

Marcell Todd, CPC Director, said he is checking but doesn't believe we have anyone who is available at this time.

Commissioner Esparza said he is moving to consider this. Understanding we are an advisory board to the Council and the timing we are going into. I would recommend those who are going to be at the final NAC meeting it will be explained very clearly and simply that there is no misunderstanding of a premature action/consideration by the Commission so that those in attendance, the NAC body and those in the audience would understand.

Commissioner Lewis asked Director Todd if staff concurs with what Counsel for Henry Ford stated.

Marcell Todd, CPC Director, stated that Mr. Goldman from the Law Department is online and he can join us.

Commissioner Lewis said that Counsel for Henry Ford Health System indicated quite succinctly what the ordinance requires in terms of the CBO and its relationship to this hearing tonight. My question was to staff, do you concur with what they stated?

Marcell Todd, CPC Director, answered we would concur with Commissioner Lewis's assessment and generally with what has been stated by the petitioner's Counsel in response to Commissioner Esparza.

Commissioner Esparza asked again whether the time is right and appropriate for the Commission to consider this request in advance of the CBO process concluding. Understanding that there is a CBA on the table for consideration. The schedule says they will convene next week and take final action. Is the timing right for the Commission to consider the request in advance of the ongoing CBO process?

Liz Rogers, Counsel for Henry Ford, restated response of whether the vote tonight should be delayed because no formal CBA has yet been entered into between the NAC and the developer. We referred the Commissioners to Section 50-3-70 of the zoning ordinance which lays out the approval criteria for a rezoning to be approved by this body. Our position is that because Section 50-3-70 does not make any reference to the Community Benefits Ordinance or to a Community Benefits Agreement, we have met the approval criteria without such an agreement being entered into. Further, our argument is that to the extent that, in a worst-case scenario, no Community Benefits Agreement is entered into, there is a remedy for that, in that the City Council ultimately would have a vote or would have a say. To the extent that we miss the deadlines and miss the delays there is no remedy for that, because we cannot get back the timing. We would ask the Commissioners to move forward with the approval this evening.

Bruce Goldman, Law Department, asked if this matter is being voted on tonight, will that go to the City Council for their vote? Is there a recommendation?

Chairman Smith responded yes.

Bruce Goldman, Law Department, answered then I see no reason that this Commission or staff would be in any way hindered or delayed because it is the City Council that ultimately makes the decision, and they will do that in conjunction with also having the CBA or having seen it and aware of its terms.

Commissioner Lewis reported, for complete transparency, I was very involved with the acquisition of the land that we're talking about tonight as a real estate consultant with Henry Ford Health System some 7 or 8 years ago. Having heard Mr. Goldman's response I concur with my colleague Commissioner Daniels that we should move forward to make this recommendation tonight.

Chairperson Smith said that given today is the 7th and the NAC meeting is next week. Is this an item that will go to Council this month or in January?

Kimani Jeffrey, CPC Staff, noted that Council is on recess, so it would come in January. The plan would be that if this honorable body acted tonight to move it forward, it would have to go the City Engineering and the Law Department during the recess. It would hit the Council table in January or early February and meet up with the other items.

Staff's recommendation is approval of the request from the numerous zoning classifications to the B5 zoning classification, as stated in the staff report dated December 5, 2023. Staff recommends approval.

ACTION

Commissioner Markowicz motioned to approve staff's recommendation. Commissioner Daniels second the motion.

Commissioner Harrison asked if there is anything that needs to be noted in addition to our motion for the discussion? Something that just has to be recognized that we had discussion and there was clarification.

Bruce Goldman noted that he wanted to disclose he has had a professional relationship with both Commissioner Lewis and with Attorney Rogers, who previously worked in the Law Department under his supervision and decades ago Commissioner Lewis and I worked in development together. None of that has any effect on my recommendation. The fact that they are on opposite sides of this should be assurances of that.

Kimani Jeffrey, CPC Staff, said the question is should this honorable body forward any recommendations to the Council?

Commissioner Harrison said yes, or it that automatically acknowledged.

Kimani Jeffrey, CPC Staff, responded it might be more appropriate through staff reports and we can convey that to Commissioner Esparza's remarks earlier, if it comes up at the CBO. Staff is at every meeting so we can convey the reasoning and rationale behind the possible action tonight and make sure that people are aware that they have another chance to speak and continue engagement through staff onward to Council.

Motion was approved by verbal unanimous consent.. Motion approved.

B. Consideration of a Zoning Ordinance text amendment, Chapter 50 of the 2019 Detroit City Code – to update definitions, regulations, and procedures relative to childcare facilities for consistency with updated State law and to broaden the opportunities for such facilities on a by-right or conditional basis. (RB, RA and the Office of Early Learning) (STATUS REPORT) 20 mins

Present: Lisa Sturges, Office of Early Learning; Roland Amarteifio, CPC Staff.

Marcell Todd, CPC Staff, noted that this will be Mr. Amarteifio's last meeting with the Commission. We are said to announce that he is leaving, but we are certainly happy for him in the opportunity that awaits him. He was truly a catch for the office, so it is no surprise to us that others have seen his talents and wanted to take him in. I am embarrassing him at this moment before he gives his last presentation. I simply would like to say, track star as he was at the University of Michigan, he has brought a bit of that to bear in terms of his determination and his commitment for a 2022 Master's student who we thought we were giving a break as an entry level applicant, he has come in and performed well beyond anyone's expectations and he will be sorely missed.

Roland Amarteifio, CPC Staff, began the update noting that on September 7th, the City Planning Commission held a public hearing to look at updating some of the regulations around childcare businesses in the city. The request at that time was to take Group Day Care homes, which allow between 7-12 children from being conditionally allowed in residential districts, to being allowed by-right. A lot of those concerns were around the impact of these facilities in communities, being able to provide neighbors with the opportunity to participate in the special land use process for these facilities, and generally the overall impact. As part of the analysis that staff have been doing, we have brought back multiple updates to the Commission since the September 7th public hearing. These updates included looking at an alternative way to conduct special land use hearings. We've received feedback from the Commission related to that. Our last update was to inform the Commission that we were engaging in a survey process to get more engagement around what neighbors of such facilities feel about those facilities and their general feelings on there being more of these types of facilities in the city.

Our office, working with the Office of Early Learning, looked at the 62 group daycare homes currently licensed and permitted by the State in the City of Detroit. The target of the survey were neighbors that lived on the same block of these facilities on either side of the street. We put together a list of 1,853 neighbors. The Office of Early Learning put together a survey to reach out to these neighbors and get some feedback about how they feel about these businesses and the idea of in-home childcare being closely located to them in general. We asked for a response by November 24th. Before the 24th we received 66 responses via mail and after the 24th we are now up to 75 responses. They were also given the option to scan the QR code and fill out the survey online or type in the link and fill out the survey online. There was a high response rate as to what we typically expect when surveys go out. In addition to the 75 surveys received via mail, there were also 61 residents that responded electronically.

Lisa Sturges, Office of Early Learning, said that in addition to mailing out the survey and receiving responses electronically, prior to that we shared the link on community DonCast and community organizations that work with families in the City of Detroit, and asked providers to share the survey with their neighbors. One of the questions asked was how long you have been living in the neighborhood that you're in? Almost 50 percent responded more than 20 years. The next highly rated was newly moved in or up to 5 years.

The mailings were sent only to blocks that had a home-based provider in their neighborhood. Only about half said they were aware of that program in their neighborhood, the other half didn't know. I did speak to several community members on the phone and some of them did know about the childcare program in their neighborhood and could name it, but many of them didn't know there was a home-based program in their community. One of the questions asked was about the benefits that they have seen or experienced. There were a wide range of answers, some of the most popular ones had to do with the idea that families live in the same neighborhood that their child is being in care with and having that proximity led to so many different benefits. Across the board, many of the responses talked about that. There were about 25% that there wasn't really a response, or it was blank. We also asked about concerns they might have. 72% said they did not have any concerns. The largest two concerns that I would highlight is additional traffic in the community and safety of children. I feel we did get a good response and a good, wide range.

Commissioner Lewis asked staff, this ordinance would impact every resident zoned R1 in the City of Detroit, am I correct?

Roland Amarteifio, CPC Staff, responded yes.

Commissioner Lewis asked staff what other zoning ordinances have had such a broad reach, if there are others? Whether it be a very broad reach on every business zoned B4? We are not only impacting every household in the City of Detroit, but we are also making a change such that those households are now doing business. That is a part of my concern. Does this now open city-wide ordinances relative to small businesses or some person selling some brand of cosmetics now being held accountable as a business needing to file certain documents? What does it open the door to? My request is, are there other zoning ordinances that have that broad of a reach whether it is residential or business?

Roland Amarteifio, CPC Staff, responded that if staff or the Commission is considering a text amendment to the ordinance it has a broad reach generally. For example, the auto ordinance the Planning Commission and City Council considered last year. That changed where certain auto-related businesses were allowed to be able to operate throughout the city. A huge portion of that was in response to the moratorium that the mayor's administration placed on new auto businesses within the city. Currently, in the zoning ordinance, what are family day care homes, which are in-home childcare that have up to 6 children are currently allowed by-right in any home throughout the city as long as the person conducting that business goes through the proper procedures through the State. We presented a couple at the last public hearing, the amount of in-home childcare businesses in the city, both from the group day care home and the family day care home perspective, and there is just not that many. Even though anyone can go through the process with the State has the qualifications, proper standing, and goes through all the checks the State has, can do that.

Commissioner Lewis asked that, since the State controls childcare, why is the city involved? Since the city does not control, even the inspection, the city is not involved in that at all, at the State level has there been an increase in the number of children that could be in a home. It is my understanding that the city ordinance is increasing it from 6 to 12, is that correct?

Roland Amarteifio, CPC Staff, responded yes.

Commissioner Lewis then asked if the city does not control any part of that, why do we need the ordinance. Right now, through the State any household that desires to have 6 children could go to the State. Would it be more reasonable for the State to simply increase it to 12? My concern is that the City of Detroit is beginning to implement an ordinance that touches every household in the city. Auto-related does not touch every business in the City of Detroit. I'm interested in any previous ordinance that touched every resident or every residence or every business in the City of Detroit and the outcome of that ordinance. You're saying it's okay for every residence in the City of Detroit to establish this kind of business. Tomorrow will we then say, by setting this precedence, if it is a precedence, then will we say every residence in the City of Detroit can establish x type of business? Where does this ordinance take us in the future?

Marcell Todd, CPC Director, said I hear what Commissioner Lewis is saying and we will come back with an even more comprehensive response. What we were getting to is the most recent, broad-based, and highly impactful ordinance to come through you was the auto ordinance. It impacted so many blocks and businesses, shifting them from a right that they had to now relegating that activity to the industrial districts and making them legally non-conforming. The approval to allow the family day care was equal to what we're talking about now. That came before City Council in the late 80's and that was the first ordinance that had the sweeping impact you're speaking to when it allowed for daycare up to 6 to be allowed on a by-right basis. We can further restrict it with spacing requirements and other things that you may want to add. This is one of those issues wherein the State is setting up certain parameters around licensure, but the city is still involved because of the Home Rule City Act and the Zoning Enabling Act. This is one of those issues where the city can say to the State you are regulating certain components of a given use and activity, but the city gets to still indicate time, place and manner through zoning.

Commissioner Lewis said that my concern about this being by-right has to do with if there is an issue, I can't come to your department. I've got to go to the State. If there is a bad actor, I can't come downtown to Detroit, I've got to go to the State because they are in control. There is no appeal process if there is a problem. I must travel to Lansing to try to solve my problem.

Chairperson Smith asked to recap the nexus of the change, it sounds like the change is increasing that availability from 6 to 12. The State already has several categories where they consolidate at the city level too.

Roland Amarteifio, CPC Staff, wanted to note that we are not asking for a recommendation for approval at this time, this is just a status update and report.

Chairperson Smith asked if the city issues any local licenses related to if someone wants to operate this type of facility?

Roland Amarteifio, CPC Staff, said with the special land use process that a family group day care home would have to go through, they would have to get an approval from BSEED or, if they didn't get an approval, then they could go to the Board of Zoning Appeals (BZA) to appeal that process to get the certificate of occupancy. The permitting for being able to do the business at all from the State is a separate process.

Lisa Sturges, Early Childhood Learning, added that if there is an issue, the State has a process to come and check out what the complaint is, they do the investigation and decide what will happen from there to that license. If it is something that puts children in an

unsafe space, they are closed until they can resolve the matter. It's a matter of connecting with them. There are multiple staff that work in the City of Detroit to make sure they are checking on the license, they do surprise visits and check on that licensed program on a regular basis.

Commissioner Lewis asked for clarification, is this being presented as by-right or conditional? On a by-right basis, is there a hearing?

Roland Amarteifio, CPC Staff, responded if this is by-right there would not be a special land use hearing through BSEED.

Commissioner Lewis requested her colleagues to understand there is a conditional hearing on an AFC home, but there would be no hearing if I wanted to place 12 children in my home and I receive State approval. There is no hearing because this is being presented by-right, without the right of appeal. Residents around those homes will not have a right to appeal. We've discussed previously the Law Department suggested possibly a fee. We've said not fee because now we're buying the right to speak. If we don't go along with to buy the right to speak, if we go by-right, we have no right to speak. Something that impacts every residence in Detroit, the residents should have a voice.

Roland Amarteifio, CPC Staff, responded I don't want to say that public does not have the right to speak. If there is some sort of nuisance or issue, there are still processes which the public can take to make a complaint and have some sort of remediation of that issue. Currently, because of the conditional land use hearing, a lot of the ones that haven't switched from the family to the group daycare home is because there are barriers impacting their ability to do so. Many times that is the fee to pay for the special land use hearing or it might be just not having the time or energy to be able to go through the whole process while also being able to do business at the same time.

Chairperson Smith asked if currently group daycare is conditional.

Roland Amarteifio, CPC Staff, said its currently conditional in R1, R2, R3, R4, R5, R6 and the SD4 district. One of the changes we're talking about is newly creating that by-right in those districts.

Chairperson Smith stated that currently, family day care homes are permitted in all residential homes across the state. Group day care homes are permitted by conditional right in all residential homes across the city. We are in discussions today about allowing group day care to no longer be conditional in all residential districts, they will instead be by-right in all the districts.

Roland Amarteifio, CPC Staff, answered, yes.

Vice Chair Markowicz said, for the future, it may be helpful to have a spreadsheet that said where it is allowed and the proposed, right in a row, so that we know what we're looking at and some of the specifics like not in lofts or multi-family could be typed underneath it. From my perspective, by-right for 12 children in a single-family home, I do not support. I think it should be conditional. I understand there was an issue of people not being able to pay for it and I know that one of the ideas was (and you know I was against this as well), was to have anybody who didn't want it next to them to pay for that hearing, which I don't agree with. Here's an idea. Let's just say conditional use. Not everyone is going to have an issue for every single case. There is not going to be a need for a public hearing for

every single case, because there is not always someone who has an issue or wants to speak on it, right? Sometimes there is. We want to give everybody an opportunity to have a voice and some representation on this, at least that's how we currently have it. What if we had just a lower fee for everyone, then if somebody in the neighborhood requests a public hearing, we would be able to pay for it from that kitty pot. Does that make sense? We wouldn't have to always have one, only when requested by the neighborhood. I'm trying to find solutions here.

Chairperson Smith asked how much is the fee?

Roland Amarteifio, CPC Staff, answered, I think it's close to \$1,000, if not more. That's for all special land use because they are all regulated the same. There are certain fees just for BSEED to be able to review it and then the time and money it costs to host and hold the hearing.

Marcell Todd, CPC Director, added, I believe that BSEED, just in the last few years, did a partial review of fees (a comprehensive review of fees was done just before 2010) and some fee increases were put in place. So, you get into the operational issue there. In terms of trying to create a strata, that's the problem that Law has indicated if it's conditional you must treat them all the same. This was one of the questions Attorney Arking was still addressing in his explanation of the alternative SLU, which you referenced, and we presented information to you back at a previous meeting. If you lower fees, then you have affected the revenue stream for city. Now, someone who needs the heavier hand, and the greater oversight may not get the scrutiny they need. We can continue to raise that question and I know Attorney Arking is up to the challenge of trying to find ways that are acceptable and finding examples.

Commissioner Russell said that this started out with another lady that presented who talked about the need for childcare in the City of Detroit. They made the point that in-home daycare was more affordable for the city and spoke about the anticipated shortage of that. They alluded to the State in these two areas, whether the family group home 6 or under, there is a rigorous process they must go through if you're going to care for children. For the one that is greater than 6, maximum of 12, there is an even more stringent process they must go through with the State. When you're doing something in a home and you add the expense of a special land use hearing, the time it takes to prepare for that and to present what they want, it doesn't make much financial sense. Even though the city needs this service. We are not only Detroiters, but we are Michiganders. It is still the citizens of the State that, if there was a complaint, we could go to. There is a void in the city and this is one way of shrinking that void.

Throughout the city, in R1, both things are currently on the book and the only difference is, under both highly regulated uses, do we need to throw a different land use or add on to the pile and expense a presentation to all the neighbors every time.

List Sturges, Early Childhood Learning, stated the gap that we currently have in the City of Detroit is over 12,000 seats. If we were to use a percentage of those children, there is 52,000 a percentage of those that would need childcare, even with the licensed childcare centers that we have now, still have a shortage of over 12,000 seats that needed to be filled and that we need to find space and seats for. It is not only less expensive in family homes, especially for families for new babies and toddlers, it is the preferred choice. Especially if it's in your community. They also often have more flexibility in terms of the timeframe and being able to come to nurse your baby. The State now has an expansion of pre-school

(Pre-K) for children. The goal is in 40 years to have universal Pre-K so every 4-year-old will have access school. What's going to happen is in the childcare centers, they will take more of that one, that leave us a bigger lack of care for infants and toddlers. You remembered everything correctly.

Chairperson Smith said I hear the gap is 52,000 and it sound like we believe that making this by-right will encourage people to bypass the 6 that is currently permitted and now it is more advantageous to do 12. The reason why people are not creating these businesses 6 isn't cost effective, and it must be 12. That's my interpretation of what we're saying.

Lisa Sturges, Early Childhood Learning answered, that's correct.

Chairperson Smith then asked, realistically, how many R1 properties can handle 12 versus 6? Where is that line? Square footage? What does the state say? Do we even make enough of the needle move where this ordinance is worth the time and effort we're putting in? I live in a school area and have school traffic every day. I could probably handle 1 or 2 homes around my block doing 6 children; but if more than 3 have 12 and that contributes to the addition of traffic that I must experience that will be a problem. Then to say I didn't have an opportunity to say no, this is not the proper area to do 12? These are some things that I'm thinking about and encourage staff to think about as you progress in this endeavor.

Commissioner Lewis noted that she looked it up and is 35 square feet per child. Twelve children would be about 420-450 square feet. Most any bungalow in the city of Detroit would be able to accommodate 12 children based on what I looked up on the State's web site.

Lisa Sturges, Early Childhood Learning added that it is a little bit larger for infants and toddlers, it's 50 square feet, because they need more space with all the things that they have.

Chairperson Smith stated that if that's the case it is going to be available everywhere and that may be a problem.

Commissioner Harrison wanted to share what I'm keeping a focus on. The big priority for me is around equity in recognizing how important having access to childcare is for supporting our residents, especially for our residents who are working. Having access to childcare is a big determinant of where someone can live. My concern is that we can keep childcare in the city, and they have access to it. In addition, that we are making sure that residents that need it don't have to move somewhere else to get it. Many of the owners/operators are women, so there is an equity concern making sure that we're providing these opportunities, maintaining the operators, supporting our women-owned enterprises and businesses, and keeping them in the city. The focus of us, as Commissioners and working, is to make certain children are also in safe conditions, and that residents have safe conditions. I want to make certain that our policies are aligned with neighboring communities, so that we aren't creating additional barriers and costs on those business owners and creating additional challenges that might cause us to lose residents that we are working very hard to keep in the city of Detroit. Gentrification often comes up. Is there any way that we can compare our policies in the city to neighbors so that we are making an informed decision based on what the best practice would be going forward.

Vice Chair Markowicz thinks the issue between conditional and by-right seems to be in the intensity of use and the natural impacts of the use itself. I don't think it's about state regulation or governing. That would be an issue like the house is too small or the children not being cared for properly. I think we are talking about the natural impacts of use, such as traffic, parking, and noise. The intensity of that use, if it's by-right city-wide, we have larger than average housing stock compared to most cities. 80% of our housing stock is in the form of single-family homes. Not being able to provide an outlet for the public when these things come up through a conditional use public hearing is the issue at hand. I absolutely agree we need more childcare in the city. It's a problem that we need to solve, I'm just not sure this is the correct mechanism to do so.

Commissioner Udabe said there are a lot of important points that have been raised. A lot of points Commissioner Harrison raised resonated with me. I'm thinking about who are these folks directly impacted as childcare providers? A lot of them are black women. In thinking about the empowerment of all in our community, especially women of color, we should be thinking about how not to create more barriers to them being able to expand their businesses. Also thinking of the big picture about the growth and development of Detroit, having additional childcare access will encourage families to want to stay in the city or have the financial capacity to remain in the city, have their kids taken care of in the city and hopefully that will build strong communities that are fostering inter-generational collaboration. Practically, I trust the State and its assessment of what is an appropriate house size for the number of students that are there as well as the amount of outdoor space, which might limit how many houses would be appropriate for 6-12 students. Also, you need to have 2 teachers if you have more than 6 students, and I don't think that every childcare provider is going to be able to do that. If we accepted this as it stands, I don't think it means homes that are serving 12 kids are going to pop up in every other house in the city of Detroit. I do think that it will open the opportunity to have more seats for kids. In the survey, half of the people did not know that they had group childcare homes on their block, not noticing that there were 6-12 kids being taken care of in those homes. That tells me it is not necessarily as much a nuisance as they think it will be and the State limits how many of these group day care homes can be in a neighborhood.

Chairperson Smith asked Ms. Sturges to clarify if the State dictate or regulate within proximity these uses from each other? Will the state issue license to two homes next to each other that want 12 children?

Lisa Sturges, Early Childhood Learning, said that one of their assessments is to see what other programs are around there to make sure that there is not an overflow in one area and nothing in another area. It is not clear to me how many they are looking for or what radius they look for, but that is part of the assessment. When you move from 6 to 12 you are required to always have two staff, so that can be a barrier if they don't know who might work with them.

Roland Amarteifio, CPC Staff feels the spacing issue could be solved within the ordinance by including the spacing regulation. That is something this honorable body is well within its rights to be able to do so in recommending that to City Council. I wouldn't be surprised if Council wouldn't be looking for something like that. We have seen that with uses that can have an overwhelming effect or concentration in certain areas. The special land use process hearings, held at 9am on Wednesdays. Depending on what the case is, the attendance could be hundreds of people or no one at all. Generally, the process serves its purpose, but at the same time doesn't necessarily generate the amount of engagement that some of these uses that need the engagement do. We've talked about another provision

being added to the ordinance could be a requirement to notify residents and provide them with the information to know; if this becomes an issue, these are the people you can call to report, and these are the processes you can take to either remedy the issue or at least have someone to directly contact. That is something we could investigate more. Commissioner Harrison's plan to investigate neighboring communities was something Director Sturges and Director Monge, when she was still a part of the Office of Early Learning had looked at some of that.

Lisa Sturges, Office of Early Learning said that she just sent information to the Commissioners via email. We looked at multiple cities and found that many cities do put a guidance around the distance between one group home and another, ranging anywhere from 500 feet to 1,000 feet. They do put criteria around how many families can drop off and pick up at a time. It requires the childcare homeowner to create a plan with their families so that there are not five families all dropping off their children at once. Some have criteria around fencing and yards above and beyond what licensing already requires. A few put some guidance around the look of the home. Only one had criteria around noise. The largest ones were the distance between, fencing, hours of operation, parking and drop-off/pick-up were some of the key areas that other cities within the State of Michigan look at when they're zoning.

Commissioner Daniels asked how many day care centers overall are currently operating in residential areas in Detroit?

Lisa Sturges, Office of Early Learning responded in the residential areas there is a little over 100. About 40 are group homes and 60 are family homes.

Commissioner Daniels stated that he doesn't see a lot of people jumping into the in-home childcare business except the ones that are already in it. What would happen to a person owning a two-family flat, or two different people who both wanted to have a daycare center, and they added 6 downstairs and 6 upstairs? Could they have 24 kids in that one house.

Lisa Sturges, Office of Early Learning said no, they wouldn't allow it.

Roland Amarteifio, CPC Staff, said that if that was a concern or something the Commission specifically wanted to add as part of the ordinance that is something that Director Sturges and our office would be open to doing as well.

Commissioner Daniels said yes, that is something I would like to see. What about people who just buy houses, come there like it's a business?

Lisa Sturges, Office of Early Learning stated that for licensing, you're required to live in the home.

Roland Amarteifio, CPC Staff added, I don't believe you have to be the homeowner. The licensee just must reside in the home.

Chairperson Smith said that if the state has a distance requirement for evaluation criteria, I would want to know what that criteria is and is it a criteria in which they deny applications on the basis of or is it just something that they have in consideration. I think that would glean some details as to how you can craft the ordinance. Second, I would like to hear some ideas for spacing requirements. Where I live, if one opened on the block behind me,

they would be less impacted than if one opened on my block. We have all the school traffic. If there is one behind me, it shouldn't limit them from opening one my street. That would be a buffer that counts down the street, not as the crow flies. Lastly, this all speaks to a bigger avenue on the overall incentive for people who want to do 6, 12. There is a gap and if everyone went from 6-12 we would still have a gap. There is a bigger issue on the education of that business itself and what are the true barriers to why people aren't doing it. I believe it's more than just \$1,000.

Commissioner Daniels added if you have 12 kids running around in the house, how will they take a nap, feed them, take them in the yard.

Chairperson Smith asked staff to bring the requirements the State has?

Roland Amarteifio, CPC Staff, answered yes.

VI. New Business

A. 2024 Schedule of Meetings 5 mins

Marcell Todd, CPC Director, said we are looking for adoption tonight so that you can have an official schedule for the new year. In response to our follow-up with the Housing & Revitalization Department as it concerns the Community Development Block Grant (CDBG) Neighborhood Opportunity Fund (NOF) schedule, we did shift meetings in January and February. This is a revised proposal, not only addressing the change from December 9th to December 5th that Commissioner Markowicz caught. As opposed to have 3 meetings in January we are now looking at 3 meetings in February, because Block Grant will not come to us until then.

Chairperson Smith said that during our conversations with the sub-committees, we established some annual activities, election we set annual timeframe. Can the election time be reflected in a later version?

Marcell Todd, CPC Director, said I believe you're referring to having the nominating committee and that process. That is something we could look to do and fix a date to it, post-adoption. Since you've raised the committees, that would be the next step and spending more time during the remainder of recess to get the Commission's committees back in place so that you can finalize them, make the appointments, and empanel those committees and work on a schedule for them that corresponds with this schedule.

ACTION

Commissioner Russell moved to approve the schedule as submitted. Commissioner Markowicz second the motion. Commissioners verbally approved the motion with no opposition. Motion approved.

VII. Committee Reports - none

VIII. Staff Report

Marcell Todd, CPC Director, said that since we already covered Mr. Amarteifio, the item I wanted to bring to your attention is the Solar Project the Administration is advancing. We will provide you with information over the course of the recess so that you can look at what is already out there. We are looking to bring this to you in the form of a presentation and eventually some

changes to the ordinance. Last spring the Mayor issued a request to community at one of his evening community meetings asking them to identify areas in their own community that could support a solar park, but it's still just a solar farm now that we see the size. A few communities did submit. The Administration has been evaluating those proposals and at the end of October they released a short list of 9 locations that are being considered ranging to up to 50 acres. There is also state legislation that would foster the development of these facilities to bring us into the age of alternative energy sources. Those would be at an even greater scale than this. The community is reacting, particularly near the Woodward Corridor where three of the sites in play are under consideration. We will provide this information over the course of the recess. Eventually, this matter will be coming before City Council for approval to formally pursue these sites. Coming before the Commission to figure out what the appropriate zoning it would be. An overlay may be the best thing to look at, in by applying industrial zoning in the middle of the community (the only option we have right now). Solar facilities are allowed on a conditional basis within the Parks and Recreation (PR) zoning district now. We did that in 2015 to submit the pilot program that was done in O'Shea Park at I-96 and Greenfield.

Christopher Gulock, CPC Staff, clarified that the Administration selected 9 finalists this past November 15th. They will select 6 by March 2024. The neighborhood groups must submit letters of support by January 31, 2024. There is a website that gives more details, and we will provide you with that link.

Marcell Todd, CPC Staff, answered Commissioner Daniels question that these would be city-owned that DTE would be operating. Federal funding available to support this development runs out sometime next year. The power to be generated will go back on the grid and money for the city would be generated.

IX. Member Report - none

X. Communications

Chairperson Smith requested a contact list of Commissioner's emails and phone numbers be distributed to Commissioners and a status update on the stipends.

XI. Adjournment – meeting adjourned at 9:34 pm.