

Donovan Smith
Chairperson
Melanie Markowicz
Vice Chair/Secretary

Marcell R. Todd, Jr.
Director
Christopher Gulock, AICP
Deputy Director

City of Detroit
CITY PLANNING COMMISSION
208 Coleman A. Young Municipal Center
Detroit, Michigan 48226
Phone: (313) 224-6225 Fax: (313) 224-4336
e-mail: cpc@detroitmi.gov

Adrian-Keith Bennett
Kenneth R. Daniels
David Esparza, AIA, LEED
Ritchie Harrison
Gwen Lewis
Frederick E. Russell, Jr.
Rachel M. Udabe

City Planning Commission Meeting

MINUTES
July 25, 2024
5:00 P.M.

I. Opening

A. Call to Order – Chairperson Donovan Smith called the meeting to order at 5:23 p.m.

B. Roll Call

Attendees: Adrian-Keith Bennett, David Esparza (remote), Ritchie Harrison, Gwen Lewis, Donovan Smith and Rachel Udabe

A quorum was present.

C. Amendments to and approval of agenda

Deputy Director Gulock explained there is an amendment to the agenda that the May 2, 2024 minutes will be available at the next meeting.

Commissioner Ritchie Harrison moved to approve the agenda as presented, seconded by Commissioner Adrian-Keith Bennett. Motion approved.

II. Meeting minutes of May 2, 2024

Commissioner Ritchie Harrison moved to table the May 2, 2024, minutes until next scheduled meeting, seconded by Commissioner Adrian-Keith Bennett. Motion approved.

III. Public Hearings, Discussions and Presentations

A. **5:15 PM PUBLIC HEARING** – the request for public hearing is being held to consider the initiative of the Detroit City Planning Commission to amend the 2019 Detroit City Code, Chapter 50, *Zoning*, Article XVII, Section 50-17-69 and Section 50-17-70, as follows: **Zoning District Map No. 67**: to rezone 5 parcels generally bounded by Glendale St. to the north, Memorial St. to the east, Fullerton St to the south, and Southfield Fwy to the west, from a M3 (General Industrial) zoning classification to a M2 (Restricted Industrial) **Zoning District**

Map No. 68: to rezone 5 parcels, or portions of parcels, generally bounded by Tyler St. to the north, Whitcomb St. to the east, Fullerton St. to the south, and Greenfield Rd. to the west from a M4 (Intensive Industrial) zoning classification to a M2 (Restricted Industrial) zoning classification – 12874, 12700, 12680, 12600 Greenfield and 15200 Fullerton (TS)

Present: Timarie Szwed, CPC Staff

This matter was heard after Staff Report and Public Comment.

Timarie Szwed via PowerPoint presented the rezoning request for Schoolcraft Improvement Association (SIA) Area Downzoning of 12874, 12700, 12680, 12600 Greenfield and 15200 Fullerton, and based on the CPC report dated July 23, 2024. Ms. Szwed explained that the City Planning Commission is the petitioner, since this matter was brought to the City’s attention by residents and SIA. The site is located in District 1, and it is bounded by Fullerton Street to the south, Southfield Freeway to the west, Schoolcraft Street to the north and Greenfield Road to the east. City Council Member Pro Tem Tate’s office is involved and in support of this downzoning. According to City permits this is a concrete crushing facility with M4 uses. She displayed maps and photos of the area, described the zoning in the area, and she reviewed a chart entitled, “Uses allowed in M3 and/or M4 not permitted in M2.” The future land use of this area is light industrial, CPC Staff is awaiting a Master Plan interpretation from Planning and Development Department (PDD). Ms. Szwed clarified that the businesses would not be forced to close but would become nonconforming due to this rezoning. She described the community meeting on June 20, 2024, organized by SIA with CPC Staff. CPC Staff will engage with business owners within the subject areas prior to the finalization of this extended public hearing.

Deputy Director Gulock responded to Commissioner Udabe’s questions explaining if the zoning changes and a business becomes nonconforming, it can continue operating indefinitely as long as it is operating legally. The only option would be for the City to attempt to acquire the business but that is unusual.

Ms. Szwed mentioned that CPC Staff advises to extend this public hearing, and Staff will continue working with City Council Member Pro Tem Tate’s office on this matter.

Deputy Director Gulock mentioned that CPC Staff is recommending an adjourned continued hearing date of September 5, 2024, at 5:15 p.m.

Public Testimony

Mr. Vacelli, a representative of L & D (Greenfield and Tyler), commented that their business is affected by this rezoning, and he asked for clarity and a written list on allowed zoning uses M2 and M4.

Ms. Brown commented in support of rezoning and to regulate and enforce businesses, and the right to live in an environmentally safe community.

George Purdue, President of SIA commented support of the rezoning. He read excerpts from a letter regarding the concrete crusher is hazardous to health and wellbeing and expressing SIA’s gratitude.

Nedra Friday commented frustrations of the dust causing low driving visibility– in her area and as she is driving dust in the area, and it is difficult to see. She is disappointed with City authorities for allowing M4.

Russ Bellant of Detroit Hamtramck Coalition for Advancing Healthy Environments commented in support of rezoning. He recounted some stories he described as horrendous, i.e., children walking to school with silica dust on them. He urged CPC and all public officials to have a mandate to do more.

John Hane, owner of Michigan Steel Spring (Mansfield), commented that he agrees with the SIA that this concrete plant has made a mess of this area; however, he asked for a list of what is allowed since he wants to make sure before he says he is in favor.

Vanessa Senna commented this downzoning will solve some of the problems, and she mentioned her concerns on environmental injustice.

Caroline commented her support for the rezoning. She mentioned her displeasure in residents experiencing hazardous environment's impact of physical and mental health. She knows about house shaking due to oversized trucks driving down the residential streets.

Marsha Bruhn, retired CPC Director, commented support of the rezoning to M2. She visited the site and saw the negative impact of all the trucks and the dust on nearby residential community. She mentioned that while rezoning will not obviously get rid of the concrete crushing plant, it will discourage future expansion and future heavy industrial uses and will encourage uses that are more compatible with the adjacent residential area.

Ray Robinson commented his views on this business that they have good prices, but they are bad neighbors. He mentioned they were disrespectful when they had their meeting, and their rude lawyer referred to black people as those people. He mentioned his concerns regarding dust in the area's air.

Liz Jacob, Staff Attorney of Sugar Law Center, representing SIA commented strong support for downzoning. The impact of the concrete crusher on their health and wellbeing. It is critical and happy to see this rezoning. It is an opportunity to address some of the environmental injustice for justice for the downzoning effort residents.

Ellen Vial of Michigan Environmental Council commented support of the rezoning of the schoolcraft neighborhood. She mentioned her concerns about the negative environmental impact and the necessity to protect the health of the residents and limit the concrete crusher.

Andy Goddeeris, resident and senior policy counsel with Representative Rashida Talib, commented support for the rezoning. He mentioned the facility has more than 300 blight tickets.

Jes Duel commented support for the rezoning and support of the residents of SIA.

Robert Patterson commented being put in support of the rezoning. He is hopeful that the rezoning will encourage clearing out industrial mess plaguing the City.

Margaret Webber commented her support of the rezoning and SIA. She asked will there be some sort of handbook or guidelines, so the community may address nonconforming businesses. The community will know how best to continue to fight concrete crushing plants and other egregious violators of clean air and the health and welfare of the community.

Commissioner Bennett moved to continue the public hearing to September 5, 2024, at 5:15 p.m., seconded by Commissioner Udabe. Motion approved.

Commissioner Smith clarified that consistent with a motion passed by fellow Commissioners, and he adjourned the public hearing to the call of the Chair to the September 5, 2024, meeting at 5:15 p.m.

B. 6:30 PM Informal Presentation – Solar Initiative Update (EF, DP, and Trisha Stein, Chief Strategy Officer, Conrad Mallet, Corp. Counsel and Raymond Solomon, II Group Executive Department of Neighborhoods)

Present: Eric Fazzini, CPC Staff

Petitioner: Trisha Stein, Raymond Solomon, Conrad Mallett, and Tepfirah Rushdan

Ms. Trisha Stein presented via PowerPoint and based on CPC report of July 16, 2024, gave the City administration's update or overview on the solar project. Ms. Stein explained that the solar arrays will combat climate change and add clean renewable energy in the City. She mentioned that the planned solar array redeveloped areas may decrease illegal dumping and blight in the neighborhoods, stabilize the areas with solar benefits, reduce vacancies, and produce better use of the land. She referred to an example of O'Shea Solar Park resulting in a 68% property value increase. This solar initiative will add jobs for Detroiters and have positive health impacts.

Ray Solomon explained the breakdown of land acreage needed and groups that applied to host solar array. During the application process of the first phase, three areas were selected as follows:

- 1) State Fair
- 2) Gratiot/Findlay
- 3) Airport B/Van Dyke Lynch

Further, Mr. Solomon explained these chosen areas were 5% private-owned homes and 95% government owned or vacant land. There are 22 homes that have agreed to relocate, and funds are provided to these homeowners that accepted offers. Later in the meeting, it was mentioned that the value of the 22 contracts are \$90,000 and \$125,000 per home. Other funds will go toward energy upgrades to remaining homeowners in the solar array areas. He explained that the 159 homes will receive home improvements of \$15,000 to \$25,000 depending on the number solar acres. He mentioned they have held 70 community meetings. Mr. Solomon described that the next community meeting will include the solar array design as in-depth community involvement is requested highly by the Mayor. The design meeting will examine and decide the appearance of the solar areas in landscaping, fencing, vegetation, screening, or basic lighting at the entrance. Further, Mr. Solomon explained that the solar project's second phase will be in 2025.

Tepfirah Rushdan discussed the appearance and usage of greenspace underneath the solar panels and the options for greenspace mixed use of land. Ms. Rushdan, via PowerPoint shared photos of other communities' solar arrays and how they use solar landscaping. She displayed renderings of a solar field and mentioned an opportunity to partner with local farmers or research facilities. Later, she mentioned this solar project provides an opportunity to repurpose vacant land.

Attorney Mallett discussed a legal analysis of the solar initiative and zoning. He explained that it is believed that cities are exempt from their zoning ordinance so long as their use of the property is in furtherance of governmental rather than proprietary functions. Attorney Mallett mentioned his legal research of five cases that depending on the circumstances, a City or property government purposes can immunize itself from zoning with most common examples as firehouses, police stations, and community recreation centers. He recognized that City Council raised questions regarding environmental in the municipal code which defines the essential services. Attorney Mallett mentioned there will be a text amendment in the solar project's second phase involving formal overlay process wherein CPC will be considered and consulted. Later in the meeting, Attorney Mallett mentioned that they are in contact with CPC Director Todd on the solar project.

Ms. Stein responded to Commissioner Smith's timeline questions, and she explained the neighborhood agreement, contracts and development is approximately 18 months.

Ms. Stein responded that there are two developers, namely, (1) DTE and (2) Light Star. DTE has development of Airport B/Van Dyke and Lynch, and Light Star will develop State Fair and Gratiot/Findlay. Each organization will be responsible for developing, maintaining and operating their developed solar array. It will be a lease, and the City will own the land. This statement was in response to Commissioner Bennett's questions.

Commissioner Bennett asked if these sites can ever become privatized?

Ms. Stein responded that City maintains ownership, and it is 35-year contracts and leases. There are termination clauses in the contracts. There are points in times when it can be terminated and fees assigned to it.

Ms. Rushdan answered that agrivoltaics is an option for the neighbors to determine. It could be flower farms or vegetable production. This was in response to Commissioner Udabe's agrivoltaics inquiries.

Ms. Stein stated that it is \$2.8 million for acquisitions in response to Commissioner Lewis' questions on funds.

Ms. Stein responded that the City would receive renewable energy credits. She explained it is a limited monetary value, but the City will be compliant with the greenhouse gas ordinance showing proof that the City is doing its part in climate change and reducing emissions by producing clean green energy. This was in response to Commissioner Smith's question about return on investment and energy credits.

Attorney Mallett responded there is no financial return. The cost will increase to one million a year. This was in response to Commissioner Smith's questions.

Ms. Rushdan stated the benefits of clean energy are not always realized monetarily, but what is being done is to support the planet's eco system and the health of the City's residents by removing coal emissions off the grid and this is a pledge taken through the greenhouse gas ordinance as a City. Also, these efforts are in compliance with the State's clean energy act and 100% renewables by 2040. This is not a profit venture for the City but involves benefits for the health of the planet and the people that live here.

C. 7:15 PM Presentation – To Preview of Zoning Map 47 lapsed PD's (RB)

Present: Rory Bolger, CPC Staff

Rory Bolger, CPC Staff, provided a presentation via PowerPoint on the PD rezoning of Map 47. Map 47 is in District 7, and it is bounded by on the north by Courtland, on the east by Dexter on the south West Euclid and on the west by Livernois. There are two different PD locations on Map 47, and the locations are Master Plan Cluster 6, Winterhalter subsector. The first site is at 1121 Dexter, 3761 and 3767 Humphrey, and 3760 Lawrence. The original R2 to PD rezoning request was from St. Paul AME Zion Church, (Ordinance 550-G, 1970). The 12-story, 240-unit senior apartment building was constructed behind Dexter and Humphrey (photos shown), and a parking area on Lawrence Street. Dr. Bolger explained that next to the apartment building are two lots with addresses of 3761 and 3767 Humphrey, and they are single family dwellings unrelated to the PD. It appears that more land was zoned PD than was actually used for the development. The apartment building at 11421 Dexter is vacant, and the taxpayer of record is Iconic Heritage Partners. They have secured low income tax credits and intend to rehab the building. They are attempting to close on Michigan State Housing Development Financing in October 2024. The lot at 3760 Lawrence is owned by the Detroit Land Bank Authority (DLBA), and Iconic Heritage Partners desire to acquire it for parking purposes. Dr. Bolger stated that 3761 and 3767 Humphrey privately-owned single-family dwellings are not part of the senior housing plan development, and the appropriate zoning today is R2. CPC Staff contacted the homeowners via mail but have not yet received a response.

Dr. Bolger discussed the second site on Map 47 located at Joy Road and Yosemite. This is an area close to the Old Rivera Theater on Grand River (building demolished). The original PD zoning request petitioner was Chapel Hill Missionary Baptist Church, and the land was rezoned from B4 and R3 to PD (ordinance 27-02, 2002). They developed townhouses on the east side of Yosemite Street (photos shown), but there were 16 lots that remain vacant. The Master Plan's future general land use for these properties is labeled commercial for 13 of the 16 lots, and low medium density residential for three of the lots. Dr. Bolger explained the 13 lots on westside of Yosemite and along Rivera where the master plan has envisioned thoroughfare commercial R5 rezoning would be appropriate. The three lots on the east side of Yosemite where it is low medium residential R3 classification would be appropriate. He stated that CPC Staff has communicated with Chapel Hill's Pastor Dr. Lamont Smith, and he has no opposition to the rezoning.

Dr. Bolger concluded that a Map 47 rezoning public hearing is forthcoming.

IV. Public Comment –

This item was heard earlier in the meeting before the public hearing.

Russ Bellant commented his concerns on environmental issues and the possibility of another concrete crushing operation opening. He asked that CPC and other decision-making bodies expands to mandate authority over air and atmosphere issues and planning.

Pamela Brown commented on the community within the Dino-Mite concrete crusher at I-96 and Greenfield. She stated concerns for health issues of seniors and children. She plans to fight to get the company out of the community.

Andrew Bashi, attorney at Great Lakes Environmental Law Center, commented on a letter of support for the public hearing. Also, he addressed a concrete facility at McNichols Road and Jerome Street as predominantly an area zoned M4.

V. Unfinished Business – There was no Unfinished Business.

VI. New Business – There was no New Business.

VII. Committee Reports – There were no Committee Reports.

VIII. Staff Report –

This matter was heard earlier in the meeting.

Deputy Director Gulock discussed the tentative meeting date of August 1, 2024, indicating that it is no longer needed.

Commissioner Gwen Lewis moved to cancel the tentative CPC meeting on August 1, 2024, seconded by Commissioner Ritchie Harrison. Motion approved.

IX. Member Report – There was no Member Report.

X. Communications – There were no Communications.

XI. Adjournment

The meeting adjourned at 8:53 p.m.