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**City Planning Commission Meeting**  
**September 29, 2022, at 5:00 PM**

**MINUTES**

**I. Opening**

A. Call to Order – Chairperson Hood call the meeting to order at 5:52 pm.

B. Roll Call

Present: Kenneth Daniels, Ritchie Harrison, Gwen Lewis, Lauren Hood,  
Frederick Russell (on-line attendance), Donovan Smith

Excused: Brenda Goss Andrews, David Esparza, Melanie Markowicz

Staff: Marcell Todd, Roland Amarteifio, Kimani Jeffrey, Eric Fazzini,  
Jamie Murphy (on-line), Kim Newby (on-line)

C. Amendments to and approval of agenda

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

**II. Meeting minutes**

Meeting minutes will be provided at the next meeting.

**III. Public Hearings, Discussions and Presentations**

A. **5:10 PM PUBLIC HEARING** – To consider the request of Cadieux Real Estate, LLC to amend Article XVII, Section XVII, 50-17-41, District Map No. 39 of the 2019 Detroit City Code, Chapter 50, Zoning, to show a B4 (General Business District) zoning classification where an R1 (Single-Family Residential District) zoning classification is currently shown on eight parcels generally bounded by Cincinnati St. to the north, Waveney St. to the south, Cadieux Rd. to the west, and Guilford St. to the east. **(RA)**  
**50 mins**

Present: Roland Amarteifio and Kimani Jeffrey, CPC Staff; Mr. Jackson, Consultant for the Petitioner.

*Roland Amarteifio, CPC Staff*, gave a brief PowerPoint presentation based on the report dated September 14, 2022. The request by Cadieux Real Estate to rezone eight (8) parcels from R1 to B4 to permit the expansion of an existing restaurant to include an outdoor café. The parcel is in Council District 4. The building is zoned R1 and has R2 to the north, R1 to the east, south and west. The Master Plan designation for the site is low density residential. The Planning & Development Department (PDD) reviewed the proposed rezoning and determined that it will not change the overall character of the neighborhood and is consistent with the Master Plan. PDD has requested the permitting status of the parking lot, fence, advertising sign, outdoor patio and other uses be verified as part of the rezoning process for this site.

The property is about 0.6 acres. The building has been in use for over 90 years and has operated as a restaurant for over 80 years. It is one of the four locations outside of Belgium that hosts a Feather Bowling League. In 2019 the restaurant was purchased by the co-owner of Cliff Bells, Paul Howard, and musician John Rutherford. During the COVID-19 pandemic the restaurant added outdoor seating and entertainment adjacent to the building, part of the reason this rezoning has come forth.

Cadieux Café has done consistent community engagement with the Cornerstone Village and East English Village Community Associations as part of this proposed rezoning, and both have expressed support and have mailed out a separate notice (in addition to the notices the CPC Office has mailed out) for the September 8<sup>th</sup> public hearing, which was postponed to today.

#### PUBLIC COMMENT (On-Line)

Marcia Spivey: Spoke in support of the business engagement with the community and the rezoning for this project.

John Thompson: Owns property north of the Cadieux Café, has known the previous owners and the current owners. Cadieux Café has been a cornerstone of the neighborhood, cleaning the grounds, plowing the streets, and helping to beautify the neighborhood. In support of the rezoning for this project.

Andrew Grinwick, Cornerstone Village: Spoke in support of the zoning change so that Cadieux Café can continue. Hopes other businesses along Warren Ave. and Harper would conduct themselves in such a good way that is beneficial to the community as Cadieux Café has.

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*Roland Amarteifio, CPC Staff*, said that staff recommends approval of this rezoning with one condition. There is one parcel of the site that is owned by Cadieux Café but is directly adjacent to residential. Staff recommends that as Cadieux Café gets permitting done, they consider separating the parcel from the rest of the site, as it is so close to residential.

*Kimani Jeffrey, CPC Staff*, added that staff would want to move forward, as a part of the recommendation to approve, a suggestion to the Buildings, Safety, Engineering &

Environmental Department (BSEED) to include a separation between the most easterly parcel and the adjacent residential. A barrier or appropriate screening would be erected. If this parcel were ever sold, the record would show that at the time this rezoning was adopted that CPC saw the need for a separation.

*Roland Amarteifio, CPC Staff*, responded to Commissioner Daniel's question regarding if the alley is currently closed and if the property owners divide it equally, noting that the alley has been vacated and is not being used as an alley. The parcel referred to is being used for additional seating and an outdoor entertainment area.

*Kimani Jeffrey, CPC Staff*, responded to Commissioner Lewis' request for clarity on the property east on the site and if it has its own legal description; answering yes it has its own legal description, but understands that the owner has started the process to combine all the parcels. In addition, the rezoning must take place first to be eligible to be considered for the conditional land use hearing. The parcel is important to the site because of the outdoor seating space, parking, and bar (garage). The rezoning would make them eligible to continue to use the outdoor bar legally.

*Roland Amarteifio, CPC Staff*, indicated that no existing complaints have been received from the residents through the engagement that has been made by CPC staff or the consultant.

*Mr. Jackson, Consultant for the Petitioner*, offered clarification that they agreed to and will be in support of the setback and the screening and will walk through that process as they go through the special land use with BSEED. The adjacent residential property is also owned by the owners, who are not asking for that residential property be included in the rezoning.

## **ACTION**

Commissioner Daniels motioned to recommend approval for the rezoning for Cadieux Real Estate, LLC to amend Article XVII, Section XVII, 50-17-41, District Map No. 39 of the 2019 Detroit City Code, to show a B4 (General Business District) zoning classification where an R1 (Single-Family) zoning classification currently exists shown on eight parcels bounded by Cincinnati St., Waveney St. to the south, Cadieux Rd., and Guilford St. to the east with the recommendations from staff to provide buffering at the eastern property line between those two residential parcels. Commissioner Harrison second the motion. The motion was supported verbally by all commissioners present. Motion approved.

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*Kimani Jeffrey, CPC Staff*, informed the Commission that, to follow the correct procedure, they would need to vote on whether to waive same-day action.

## **ACTION**

*Commissioner Smith* motioned to reconsider the previous motion. Commissioner Daniels second the motion. The motion was supported verbally by all commissioners present. Motion approved.

## **ACTION**

Commissioner Smith motioned to waive same-day action for the 5:10 public hearing. Commissioner Daniels second the motion. The motion was supported verbally by all commissioners present. Motion approved.

## **ACTION**

Commissioner Smith motioned to support the staff's recommendation for approval for the 5:10 public hearing. Commissioner Harrison second the motion. The motion was supported verbally by all commissioners present. Motion approved.

- B. 6:00 PM PUBLIC HEARING** – To consider the request of Anthony Askew and the City Planning Commission as a co-petitioner to amend Article XVII, Section XVII, 50- 17- 4, District Map No. 3 of the 2019 Detroit City Code, Chapter 50, Zoning, to show a SD1 (Special Development District, Small-Scale, Mixed Use) zoning classification where an R2 (Two-Family Residential District) zoning classification is currently shown on approximately ten parcels commonly known as 3442, 3436, 3432, 3426, 3422, 3416, 3408 Cochrane Street, 1581, 1589 Martin Luther King Jr Blvd and 1600 Sycamore Street, generally bounded by Martin Luther King Jr Blvd on the north, Trumbull Street on the east, Sycamore Street on the south, and Cochrane Street on the west. **(KJ) 45 mins**

Present: Kimani Jeffrey, CPC Staff; Anthony Askew, Co-Developer; Sean Tidwell, Co-Developer.

*Kimani Jeffrey, CPC Staff*, gave a brief PowerPoint presentation based on the report dated September 2, 2022, regarding the proposed rezoning of land located at the corner of Martin Luther King Jr. Blvd. and Cochrane St. in the north Corktown community. The proposal is to rezone from R2 to SD1. The rezoning captures more parcels than are included in this project, because CPC staff wants to create zoning consistency and avoid creating a spot zone. The adjacent landowner has submitted a letter of support for this rezoning. A brief description of the current rezoning in the area today was given along with pictures of the site. It is a \$6 million investment with 21 residential units. They include 2,800 square feet of commercial retail space and 20 parking spaces that will be in the interior of the development.

A map showing the current SD1 sites in the city was shown to the Commissioners noting that most of the SD1 is concentrated in the greater downtown area. There are 99 parcels that have been rezoned to SD1, most rezoned in 2015 and 2016 when the SD1 district was amended to create a more mixed-use district. A question that arose last week was if there were any case studies on how SD1 has transpired and what projects have occurred because of a rezoning to SD1. Van Dyke and Kercheval rezoning was shown as an example, and it as seems to have been a successful project that spurred more revitalization in the area. Commissioners also questioned the building heights as being proposed today. An example of Islandview Greater Village area was shown as a comparison, The project was for 8 townhomes, 4 apartment units and commercial/retail space. The rezoning was from R2 and R5 to SD1 and took place around 2017.

An overview of the general provisions people may seek SD1 for are: the maximum height limit is 60 feet (4-5 stories); it eliminates front setbacks; off-street parking is reduced; off-street parking is banned in the front of the building; side setbacks are not required; there is an elimination of spacing requirements for bars; and it is a by-right use if the space is 3,000 square feet or less (conditional if more than 3,000 square feet).

Staff did receive a letter of support from the Fountain Court Cooperative near the construction. The North Corktown Neighborhood Association came out with concerns at the last meeting. Staff have reached out to them since that meeting, and they have been in contact with the developer as well. Further conversations are also planned.

*Anthony Askew, Co-Developer*, gave a PowerPoint presentation and discussed the structure and addressed the concerns expressed by the Commission, the community's desires for the project and the local impacts to the residents. He explained that if the alley was left in place, they would have been forced to build two separate structures and having cars travel in between two storefronts presents a safety risk for the residents as well as the drivers. The goal of the project is to vacate the alley to build a single structure to lead to a better product for the neighborhood. The L-shaped building allows the developers to maximize the parking for the site, which is now up to 20 spaces (under SD1 they are required to have 16 spaces). A set of design guidelines offered by the North Corktown Association were reviewed by their architect and they made sure to incorporate as much as they could into the design. They also hope to incorporate public greenspace into the design. Mixed-use on main roads with ground level retail was expressed as a clear vision and goal of the neighborhood and concentrating that commercial space along MLK Drive accomplishes that goal. As part of that design guideline there was a study of which commercial buildings in the city were the greatest examples of mixed-use buildings that residents would like to see in North Corktown, and we have attempted to adopt as much of this design language as possible (level of privacy for residents). PDD suggested they limit the use of materials, and they are looking to have primarily a brick structure complimented with hardy wood siding. Many of the homes in North Corktown have a height of about 30 feet or more, this third level structure is at 34 feet, and we have another 3 ½ foot parapet, offering a rooftop deck to the residents and placing that parapet at about 38 feet. Five of the units are affordable, but there are a couple more studio units that weren't touted as affordable units, but are under 80% AMI. That makes 7 of our 21, a full-third of the units are legally affordable and in addition to that 3/4<sup>th</sup> or 75% of all units are rented at under 100% of AMI level.

One of the major concerns was that we were setting a poor precedent for the rest of the neighborhood, which we think can be avoided because we are along MLK, a major thoroughfare, and we've concentrated that commercial exclusively to the MLK side. The size of the structure being a taller than what the average unit on that block, the presence of the structure, and the residents were another major concern. Most residents will enter the building from the back of the building where the parking is concentrated. There will only be three (3) residents accessing the building on Cochrane Street, which will keep the residential feel. The structure will primarily be brick with hardy board that will complement recesses of the balconies.

*Commissioner Lewis* praised what was presented for the exterior and interior of the structure and asked Mr. Jeffrey if we are trying to avoid a spot zoning by moving south on Cochrane

Street. Why not move east along MLK since the Trinity Episcopal Church exists and if the church were willing it would give them more latitude in what they can do at the church rather than to go south on Cochrane, not knowing what we're going to get for that SD1.

*Kimani Jeffrey, CPC Staff*, responded that staff did explore that but wanted to get a larger area to rezone to SD1. The parcels between the church and the proposed site are owned by the Neighborhood Association and there is currently a community garden located there. We can double-check. As far as the church, we haven't been able to reach them, but they may not have been meeting recently because of Covid. It has been difficult establishing contact with them.

*Commissioner Lewis* said, based on the information given, the Detroit Land Bank Authority (DLBA) owns the property from Cochrane to the church. The church owns two lots west of the alley and the church is on the corner. Are the developers teaming up with Bondy Construction such that you are doing this development area together?

*Anthony Askew, Developer*, responded that they are not directly teaming up with Bondy Construction. This is their third project in the North Corktown neighborhood. We have considered potentially sharing some of the early costs for demolition or site preparation, but they are an independent outfit.

*Commissioner Lewis* expressed concern about approving an SD1 understanding that zoning doesn't necessarily have anything to do with the development itself, but were there times in the past where zoning was approved without any idea what was going to be developed on the land?

*Kimani Jeffrey, CPC Staff*, responded, yes, that has been the case in the distant past, as of recently, rezonings are connected to a project. However, that is not a requirement.

*Anthony Askew, Developer*, responded that Bondy Construction's development is already drawn and approved, and they are about to break ground. If you are referring to the additional parcels, we are including in our SD1 petition, there is not any uncertainty as to what would be built there. Everything we are petitioning as a part of our SD1, we know exactly what is being built. We are not in any partnership with Bondy Construction or their development, it was just included as part of our petition to avoid the spot zoning. What Bondy Construction is building is appropriate for R2 or SD1.

The townhomes that Mr. Jeffrey showed that are south on Sycamore on Cochrane were also developed by Bondy Construction and there is another project on Harrison. The parcel directly south of our project is currently owned by Bondy Construction and the last three parcels, Bondy Construction is purchasing from the DLBA.

*Commissioner Smith* questioned CPC staff as it relates to the uses permitted in the SD1 district. From your perspective of the ordinance, do you foresee any uses that could be permitted in the SD1 district that could be seen as a nuisance to a nearby surrounding community?

*Kimani Jeffrey, CPC Staff*, responded that there could be uses that could be abrasive to their

surrounding neighborhood; however, this district was designed to be a more cohesive residential neighborhood atmosphere while allowing for mixed-use development to occur. Depending on the community it is relative what is abrasive/disruptive to that community.

SD2 was originally under consideration, but we scaled it down to SD1 because we felt it was more cohesive with the neighborhood feel that currently exists. The B4 district can also allow mixed uses, however there is a lot more intensive uses in the B4 district that are permitted (i.e., industrial uses, auto-related uses).

*Commissioner Smith* noted that he likes the product, the applicants have spent a lot of time and energy hearing the residents and their concerns, looking for that middle-ground and provide something of high-quality, caters to the residents and is sensitive to the history of the community.

*Commissioner Daniels* asked if the developers are looking to, down the road, expand the project and build more units in that area?

*Anthony Askew, Developer*, responded they would love to, but the primary focus is to complete this project and do it well. If the opportunity is available to them, they would be interested in further developing projects in that neighborhood.

*Kimani Jeffrey, CPC Staff*, added that one of the concerns surrounding future development outside of this project, maybe into the interior of the neighborhood, is whether this will be an ongoing trend of rezonings further down Cochrane. You can make the case that this is a unique corner because it is fronting MLK, a higher intensity corridor, vs. something that would be further down on Cochrane Street.

*Commissioner Daniels* expressed his approval of this project, just to see young Detroit-based developers stepping up to do something in the city.

(The Commission meeting was recessed to the Call of the Chair for 5 minutes due to technical issues.)

Roll Call:

Present: Kenneth Daniels, Ritchie Harrison, Gwen Lewis, Lauren Hood,  
Frederick Russell (on-line attendance), Donovan Smith

Excused: Brenda Goss Andrews, David Esparza, Melanie Markowicz

*Commissioner Harrison* asked if there was discussion with PDD about the rezoning and asked for more detail about the general support being provided.

Kimani Jeffrey, CPC Staff, responded that when it comes to PDD there are two aspects they are reviewing this project for: design and Master Plan consistency. PDD submitted a letter stating that this project is generally consistent with the Master Plan. Staff has worked with Mr. Baltimore, the Design Associate Director of PDD, who got the design to a point where

they are awaiting the results of this rezoning to determine if they will move forward with continuing the design. They are generally on board with the project.

*Anthony Askew, Developer*, added that it is officially a conditional approval, based on our ability to rezone the parcels. We have made lighter ascetic design improvements that we will take back to Mr. Russell in PDD for their feedback.

*Commissioner Hood*, said it looks like there was an SD1 further south on Cochrane, do you know what is on that parcel?

*Kimani Jeffrey, CPC Staff*, said it was the rezoning to implement the Corktown framework for the northern part of Corktown. The block from Trumbull to Cochrane was rezoned. Currently there is no development on the block.

#### PUBLIC COMMENT (On-line)

Rhonda Gray, Chair of North Corktown Association (NCA): Stated that the community has been consistent on no retail on the interior of our community. When the city did it's zoning, they stuck to SD1 along Trumbull and the corridor in Ash Street to respect the resident's requests. It was shared with us that there wouldn't be a vote tonight, and we would have conversation before this body voted. Concerned about the level of density.

A brief discussion was held regarding the public comment from Ms. Gray. Commissioner Hood understood the NCA already had a conversation with the developers and Anthony Askew responded they met with that association three times last year and have offered to continue to have conversations. He again stated that there is no retail on the interior where the residents are, it is exclusively on MLK. Because this is a substantial step to move forward with their funding from the bank, the state and approval from the DLBA, it is their hope to continue today with full intention on continuing to have conversations with the North Corktown Neighborhood Association.

Marcia Spivey: Hopeful that the Commission will, at the very least, vote with conditions in your favor understanding how challenging getting into this area can be for individuals with your demographics.

Jerome Rayford, Fountain Court: On behalf of Fountain Court members, there since 1968 with 361 families, the North Corktown Association does not represent Fountain Court and my members are in favor of the rezoning. This is something that our members have wanted to see, and I am happy to give my letter of support and to speak in support of Mr. Askew and the development.

Trisha Talley: Wanted to clarify that when Mr. Askew met with the North Corktown Neighborhood Association Board, I was the Board Chair. I have since transitioned as the Executive Director. Also, it is not that we do not want this development and we're very proud that these young men of color are bringing this development to our neighborhood, but we are very concerned about the density and having commercial businesses on Cochrane (MLK is no problem). Also asked for clarification regarding commercial orientational on



Cochrane that was mentioned at the last meeting.

A brief discussion was held regarding the public comment of Ms. Talley where Anthony Askey reiterated to Ms. Talley and the public that there will be no commercial on Cochrane only and exclusively on MLK. Commissioner Daniels was concerned about the financial aspect of the project and the developers explained that their term sheet lasts for 90 days, which they have exceeded. The lender is waiting on progress of the rezoning prior to issuing another term sheet. Commissioner Daniels then requested if the Commission could vote on the matter tonight, waiving requirements for same day action. Commissioner Lewis wanted to be assured that Sycamore Park does not intend to have commercial on Cochrane and Anthony Askew responded that he can say with certainty that Sycamore Park has no commercial element at all. Sean Tidwell added that 2-3 weeks ago there was a public viewing of the project at North Corktown 11, and the realtor lists Sycamore Park as for sale townhomes, no mixed-use, and they are breaking ground this year. Trisha Talley was brought back to speak again, per Commissioner Lewis' request and indicated that commercial orientation was mentioned at the meeting held last week. After the meeting Rhonda Green and Ms. Talley reached out to Mr. Todd and Kimani Jeffrey to ask for an explanation of commercial orientation. It was explained that there would be commercial on Cochrane St. but there would be no entrances for the commercial on Cochrane. The density of the project was also a concern. Sean Tidwell indicated there would be no commercial on Cochrane and no entrances either.

Dierdra, Corktown Neighborhood Association: Excited about the project to see black developers take a chance on the neighborhood.

Michelle Knight: My family have been residents of North Corktown Neighborhood for over 80 years. Sat on the board for North Corktown since it started in 2015. Representing herself, her family, North Corktown Neighborhood Association members. Requesting that SD1 is not permitted. Does not want the height, any of the mass and the interior streets. Some comments heard are it is enclosed, there is congestion, a claustrophobic feeling, it's too tall, blocking view, more traffic. Concerned that if it is given can they change their mind and put retail on the interior?

Commissioner Hood asked staff if, by-right, they decided to add retail on Cochrane, could they if we changed to SD1 without a hearing? Mr. Jeffrey responded that under the zoning code they can; however, they do have to go through PDD approval for design and sign off on the final construction drawings. Any project that receives city incentives the city has a higher level of influence on the design. He suggested the Commission add to the recommendation something that follows to PDD to say that we do not want to see retail on Cochrane, and we strongly recommend retail is oriented towards MLK and not changed. When questioned about the building height Mr. Jeffrey said the same conditions would be required due to receiving city incentives. Commissioner Smith asked if the Commission added a restriction on the height as proposed today (38 feet), and no entrances for retails on Cochrane. Mr. Jeffrey asked for more feedback on if it is the visibility on Cochrane or the entrances and exits on Cochrane and more discussion will need to take place. Mr. Askew asked

the Commission not hold up the process on the matter of a door, that there are already three other access points, two along MLK and one along the back of the property to the commercial spaces. That is something they are amenable to and would be happy to discuss at their meeting the North Corktown Neighborhood Association. Director Todd added that that using the most effective terms to provide consistency and clarity would be helpful. We are talking about retail not fronting on Cochrane but only fronting, as proposed, on MLK. The desire of the Commission to somehow restrict would be limited to the terms Mr. Jeffrey has spoken of only in design review, they would still have zoning rights and could otherwise also seek BZA to do other things if, for some reason, they chose to. These developers have indicated there is no intent to do that and to an extent from their own understanding they are also presenting what they understand the neighboring developer to be undertaking. As it concerns to doors and the fenestration, depending upon the occupancy of the retail space there may be other code provisions that could require such things. We should be careful not to restrict some things that may otherwise, for safety reason, etc. be necessary. There may be a need to have a door for egress purposes. A need for some windows, introducing light, air, and heat into the space. A traditional retail of this sort, it probably won't be the case, but there is that possibility.

Commissioner Harrison asked how we protect the concerns and values of residents? What do we have available to make certain that we can? Director Todd said that it is incumbent we are explaining things to the community in a thorough manner. Regarding the greater density, it is very clear that the North Corktown Framework Plan included Trumbull, the services drive at the south and west, and MLK. On those edges is where you will have the potential for commercial and/or higher density residential. I believe that was communicated but sadly I don't think everyone in the community had that same understanding or had enough detail understanding to know how those things would be manifested. Commissioner Hood agreed that is something that should have been covered in a framework study. Director Todd noted the Commissioners have already reviewed the North Corktown Framework Plan and has initiated the first phases of rezoning of it. This a specific reaction to a particular development, but the thrust of the original rezoning occurred along Trumbull. Commissioner Lewis suggested that they move forward on the SD1 zoning for Mr. Askew and table the zoning for the south lots until we are clear from that developer that he does not intent to have commercial.

Richard Clement: I am in support of the project.

*Marcell Todd, CPC Director,* suggested the Commission bring this matter back in the next meeting, addressing it under unfinished business next week to allow staff to go forward with the community to clear up misunderstandings. It will also allow staff the opportunity to get the additional assurance Commissioner Lewis is looking for regarding the other development. However, they don't have the right to do anything else at this time unless and until this rezoning were to go forward; as it is R2 zoned land, the only thing that they can do is the development that is proposed. They are limited in terms of use, as well as dimension.

*Commissioner Smith* said he understands staff's attempt to reduce the creation of a spot zone and turning the entire block into SD1, but if it's to reduce the risk the residents have about the

concerns of their worse case potential of retail being established on the southern portions on property not controlled by the developers here, then those parcels should just be removed from the rezoning. If the developer from the other projects wants, later, to add retail, they can go through the formal process to change the zoning and the community can then speak directly to that project.

*Commissioner Daniels* stated he does not want them to lose financing because it is difficult for certain groups to get financing in the first place. Whatever we can do to approve this project, we can do that other stuff later, as far as I'm concerned.

*Kimani Jeffrey, CPC Staff*, said that we can remove parcels at any time, if that was the Commission's desire. It would just reflect going forward in the ordinance staff would draft and forward to the Law Department. Staff would just want to make sure through the Law Department that they wouldn't deem this a spot zoning.

*Marcell Todd, CPC Director*, said the Commission's first motion would be to waive the requirements for same day action. If passed, then make the motion with the revision to the extent of the rezoning.

*Commissioner Lewis* asked staff that after the Commission has its vote it goes to the City Council and at that point, between this vote and the Council vote, if there were a problem it could be brought to the Council table. (Staff indicated yes.) The Commission can vote on this tonight.

#### **ACTION**

Commissioner Daniels motioned to waive same day action requirement for the 6:00 pm Public Hearing item. Commissioner Daniels second the motion. All Commissioners present were verbally in support. Motion approved.

#### **ACTION**

Commissioner Daniels motioned to recommend approval to City Council the 6:00 pm Public Hearing item with the recommended conditions that those parcels unrelated to this development project be removed from the rezoning petition. Commissioner Daniels second the motion. All Commissioners present were verbally in support. Motion approved.

- C. **6:45 PM PUBLIC HEARING** – To consider the proposed text amendment to Chapter 50 of the 2019 Detroit City Code, Zoning (Zoning Ordinance), that would delete existing miscellaneous provisions for fences contained in Article XIV, Division 2, Subdivision D, to be replaced with updated and expanded fence and wall requirements within a new Subdivision E of Article XIV, Division 2, and to update existing fence provision references for traffic safety site area and features allowed within required setbacks. **(EF)**  
**45 mins**

Present: Eric Fazzini, CPC Staff; Marcell Todd, Jr., CPC Director.

*Eric Fazzini, CPC Staff*, gave a brief PowerPoint presentation on the report dated September 28, 2022, regarding the above-mentioned rezoning which focus on commercial corridor design principles dealing with site design and appearance. The potential amendments were organized into three categories for consideration, the first category deals with fences and walls is being introduced tonight, screening principles for zoning. Those principles include: 1) avoid fencing along streets; 2) fencing along streets should be decorative; 3) chain-link fencing should only be at the sides or rear properties; 4) required fencing should be transparent except for screening storage or industrial uses; and that 5) barbed wire should be avoided as there are other options for security type fencing. We are requesting this be continued to October 20, 2022, to be considered alongside the second category, required landscaping and screening. These two parts of the code work together in that general fencing and wall standards help inform required screening standards. The third category, corridor design principles, would likely require another public hearing possibly in November or December.

On August 4, 2022, the Commission made a recommendation to Council, which was an amendment initiated by the Administration as well, to change how the zoning ordinance treats junkyards, auto repair facilities and other auto uses. The primary issue that lead to this amendment was that many of these auto uses are continually non-compliant, which results in blight. Restricting the ability of these auto uses in certain non-residential areas was one key outcome of the amendment as well as adding spacing requirements. This could be viewed as a follow-up to that as once permissibility has determined what districts and auto uses are allowed in, then you go to the development standard; what is required for fences, walls, landscaping, and screening. These development standards can help reduce these blighting influences of certain uses, especially along streets or adjacent to residential. These blighting influences could result from multiple factors related to screening such as an inappropriate fence or wall material or height as well as a lack of natural ground cover at the perimeter, lack of a landscape buffer width or plants. These standards work together and are usually structured within zoning ordinances together under screening requirements.

The first category for fences and walls, are general requirements that would apply city-wide, but they support specific use standards, proposed a new Subdivision E. The second category, required landscaping and screening, are often specific screening standards that apply to a limited set of uses including auto uses, proposed in an amended Subdivision D. Where there are conflicts between specific screening standards and general standards, the specific screening standard overrides that.

It is important to note that landscaping, screening, and fencing requirements are not protected non-conformities and if certain scenarios occur (such as a change of use of property to a more intense use), existing fencing can be reviewed and could be required to be upgraded for compliance. If any new fencing standards are adopted, those would have some potential ramifications for existing property owners, so we want to make sure that those standards are appropriate and well thought out.

Five subsections within the current fence section were discussed, as listed in the staff report: partition fences, materials, posts, fence height and barbed wire. The initial draft for fence materials (district based) and current requirements for razor/electric wire we also discussed briefly.

No action from the Commission is requested tonight, but feedback from the Commission and public are welcome on these initial proposed changes. Staff will go through this in more detail along with any information requested at the October 20, 2022, meeting.

*Commissioner Smith* thinks staff may have specific criteria when adjacent to single-family and two-family. On the district-based page, are there different requirements when residents are located on corner? That needs clarification. Does it apply to businesses located on the corner who use one frontage primarily? Does this ordinance affect existing fences? If so, is that legal?

*Eric Fazzini, CPC Staff*, said there are two ways existing fencing will be treated. First is if any of these six items were to occur on the lot, that could potentially trigger a review of existing fencing. There is also language if the fence is damaged, which would not be one of the six scenarios at that point, the materials of the fence would need to be upgraded to conforming. We can look at that and come back with more details at the next meeting.

*Commissioner Harrison* asked for more detail on required landscaping on areas where it is adjacent to residential and within business districts and what the proposed changes would mean for those areas.

*Eric Fazzini, CPC Staff*, answered that at that point we would be focusing on the auto uses screening to try to improve those, trying to get a more natural landscape-type screening. If we are only going to allow certain types of fencing city-wide, such as no 6' chain-linked barbed wire in business districts, if there was an auto use or similar type use that was located within a business district, unless there was a specific standard that said they had to do barbed-wire, they would then have to do something compliant with the general requirements. Fencing is only a part of screening requirements, but something we're taking a comprehensive look at because of the auto issue.

*Commissioner Smith* asked if there are any scenarios or requirements that require landscape screening and a fence or walls?

*Eric Fazzini, CPC Staff*, responded there are a few auto uses that require a 20' setback, but they are minimal. That is something we will look at with the next discussion, if we should have more, wide-spread minimum buffer widths so that either a 5' screening is required or 15' buffer screening is required. These are for areas that are not adjacent to parking lots or single-family. Through the ordinance we could, over time, actually require pavement to be reduced and landscaping, green space areas to be installed just through the Landscaping Article IVX.

*Commissioner Smith* asked if that would be between the development and the residential that staff will review or just buffers in general?

*Eric Fazzini, CPC Staff*, said the main goal is to improve the buffering along the street, but within the standards themselves we could increase buffering to residential. Currently, the standard is only a 6' masonry wall. It would make sense to have the parameter buffer be uniform around the site.

## PUBLIC COMMENT

Marcia Spivey: Happy to see staff is looking at the used lots in these areas that abut residential communities and acknowledging that they are constantly in violation of various requirements. Hopefully the Commission will make sure our inspectors are also executing within their authority to get compliance. It is a huge issue, particularly in District 3, where you have areas zone industrial that abut residenceals.

Misty Ruddock: I am a business owner on 7 Mile between Woodward and John R. I am next door to a car lot. Appreciate where you are going with this. When we started leasing our property it had corrugated fencing and barbed wire that enclosed our courtyard, and we got a ticket for it. That was security for our courtyard area. When the Commission makes these decisions, make sure you are conscious of disadvantaged small businesses and safety. What other materials can we use, because I don't like the chained link and the corrugated fence gave an urban feel that we liked.

*Eric Fazzini, CPC Staff*, directed the public to [cpc@detroitmi.gov](mailto:cpc@detroitmi.gov) for their suggestions. He also stated that it depends on where the fence is located and that by regulating fences in yards, if the fence is not technically within the yard there is more permissions allowed. The speaker could submit diagrams to staff because there could be another code compliance issue with that type of fencing that caused them to have to take it down.

Vanessa Peak: A resident in District 3, lives in a highly industrialized area where residential abuts industrial and am beginning to see screening and fencing. It does not look good. More needs to be done as it relates do District 3. Residents need to sit at the table. Like to see representatives from CPC come out and speak to the community. What can the community do to connect to your department so you can hear our voices.

*Commissioner Hood* suggested contacting the District Manager in District 3.

*Marcell Todd, CPC Director*, added that the intent of this engagement beyond the normal statutory public hearing process is to hear from community so that we are truly evolve these regulations. If we can work out the timing with our colleagues at PDD, we may be able to set up a zoom meeting for District 3. We can work directly with Ms. Peak and some of the other existing community groups in District 3. The public can use the email Mr. Fazzini gave or call the office at (313) 224-6225, leave your contact information and reference this hearing and staff will get back with you.

*Commissioner Hood* asked Mr. Fazzini if we will be seeing this item again?

*Eric Fazzini, CPC Staff*, responded yes.

*Marcell Todd, CPC Director*, said we are looking for input and will carry this pubic hearing over to the October 20, 2022 meeting. At the appropriate time, please adjourn the hearing to October 20<sup>th</sup> at either 6:45 pm or 7:30 pm.

*Commissioner Harrison* asked about the ways we think about buffer and the materials being used to ensure that it aligns with residents and their vision for how they want to see their neighborhoods and the concerns of industrial business owners and not wanting to create burdens. What ways additional landscaping be used to address those issues? Further examination would be appreciated.

*Commissioner Hood* adjourned the public hearing to the Call of the Chair until the October 20, 2022, at 6:45 pm continued public hearing.

- D. 7:30 PM PUBLIC HEARING** – To consider the proposed text amendment to Chapter 50 of the 2019 Detroit City Code, Zoning (Zoning Ordinance), that would modify minimum spacing requirements and applicability for certain medical and adult-use marijuana facilities/establishments, add specific use standards for designated marijuana consumption establishments, and modify the temporary use prohibition for temporary marijuana events. (EF, RA, TS, JM, MT) 60 mins

Present: Eric Fazzini, Timarie Szwed, and Marcell Todd, CPC Staff.

*Eric Fazzini, CPC Staff*, gave a brief PowerPoint presentation based on the report submitted September 28, 2022. Council President Pro Tem Tate requested staff analyze reducing zoning ordinance spacing requirements for certain marijuana uses with the focus being on from controlled uses by 25% with the goal to increase the amount of eligible, available property. Staff has proposed additional spacing reductions. Introduced July 21, 2022, the public hearing was held on August 4, 2022, and continued in September. After August 4<sup>th</sup> there were two additional community engagement meetings, a DON Case presentation on August 29<sup>th</sup> (which was well attended) and a CPC Forum on August 31<sup>st</sup>. From the August 4<sup>th</sup> CPC meeting, the Commissioners directed staff to add administrative adjustment for spacing requirements and discussed over-concentration of marijuana uses within certain areas; the desire to prohibit outdoor consumption lounge areas; to engage law enforcement to further analyze spacing reductions; and study marijuana in Eastern Market (an outcome of the MKT recently approved).

The main proposed change for this amendment is focusing on the reduction of controlled uses. The spacing requirements effectively reduce eligible areas within the permitted business districts for marijuana. Staff is proposing the reduce only the controlled use spacing requirement distance from 1,000 to 750 feet. Additional amendments are to clarify the drug-free zone spacing requirement, eliminate spacing requirements between uses so that consumption lounges could be located next to the retail establishments.

The definition of controlled uses was discussed. An SDD is generally a liquor or party store that sells liquor and SDM would be a beer and wine store. On the full-spacing requirement list there are 13-14 uses that require spacing and if an applicant does not meet this entire list, they do not have an eligible property. They need to be 1,000 feet from all seven (7) uses in the drug-free zone classification. They need to be outside of both overlay areas, 1,000 feet from religious institutions and 1,000 feet from controlled uses.

Currently there is not administrative adjustments for any spacing requirements. The BZA cannot issue waivers (locational variances that could eliminate spacing requirements). It is permitted for other uses, but not marijuana. With feedback from the August 4<sup>th</sup> meeting and additional research of the ordinance issues, staff is proposing a 2% administrative adjustment that would apply to all spacing requirements except for the overlay areas. The 10% adjustment requested would be a substantial reduction, given that the distance is 1,000 feet. If there is a desire to have a 900' spacing requirement, we could have that in the table instead of having to make an administrative adjustment process for that. After discussion with the Law Department, staff decided to leave overlay areas alone as residents would still need additional property outside of the overlay to have an eligible site and as overlay areas are set policy areas. The variance question, which would eliminate spacing requirements, staff has not received direction from CPC or City Council to date to pursue, and that will not be included in the draft ordinance. Over concentration provisions would result from either the unlimited license types or the medical provision centers. There are no spacing requirements for the unlimited license types except for drug-free zones. There are also district limitations for these uses, although permissible growers are allowed in M1 through M5.

More prevalence of marijuana in certain areas could be due to several factors: the existing zoning in place within these areas, the previous marijuana regulations that predated the current zoning regulations, the absence of space uses, existing buildings, and suburbs action or inaction on marijuana.

The second proposed amendment is a clarification of existing standards for marijuana consumption establishments that they are not permitted as an accessory, so we cannot have an accessory used. Consumption lounges cannot have outdoor activities. Finally, there is some clean-up work on the ordinance between the licensing ordinance and the zoning ordinance that the city does allow temporary marijuana events. Staff would correct to state that City Council does have the ability to approve temporary marijuana events under the licensing ordinance.

Eastern Market recently adopted a framework plan whose key outcome was a new market specific zoning district, MKT. With the MKT district is a unique set of by-right uses as well as conditional uses. There are no marijuana uses permissible. There are still some property rights to marijuana in this area. The SD2 does allow four types of uses and there is also the temporary marijuana event ability for people to pursue. To allow marijuana in the market you would need to add certain marijuana to the MKT district, but because of the existing surrounding uses including churches are party stores, the minimum spacing requirements would take out a substantial portion of the area such that it may not make sense to permit marijuana under the current zoning scheme. With that, staff requests a special carve-out that would allow a limited number of marijuana uses, such as two or three, within the market area, setting aside the spacing requirements or the MKT district requirements. Staff received a letter from the Eastern Market Partnership that they would be open to up to 3 marijuana uses potentially, but initial engagement would be needed. Staff wants to do more targeted engagement on the question of marijuana in the market core area or the greater area.



Staff recommends approval of the current ordinance as permitted, which does not include any changes to the Eastern Market area. That would be something we would like to bring back for further discussion.

*Marcell Todd, CPC Director*, added the current regulations would appear to have negated any opportunity for the location of marijuana facilities within Eastern Market proper. Staff is looking at the mapping and doing the analysis to see if that is true with the latest information. Accepting where individuals may already want to locate a facility in the market and where it may best be appropriate, if ultimately the Commission is supportive of some location of marijuana facilities within Eastern Market or any other portion of the city (downtown, etc. where the current city-wide zoning scheme precludes them from locating) staff would recommend rather than changing the city-wide scheme, to establish a carve out. The city would develop a rationale through which we would justify eliminating the city-wide zoning scheme for a particular area. In terms of Eastern Market, we would have to determine the defined area and develop regulations specific for that area. Staff will accept the Commission's direction and continue to study this issue and bring it back as soon as possible. Staff did meet with Council Member Young, who does share a particular interest in this area, and certainly he would be supportive of additional exploration of carve outs in Eastern Market, downtown and potentially other areas, as he would like to be able to explore his vision and opportunities around marijuana establishments and present them to his colleagues in City Council.

*Timarie Szwed, CPC Staff*, gave a brief presentation of the preliminary results of mapping regarding the adult use marijuana zoning and the distance regulations. The maps are preliminary and show current provisioning centers, various buffers.

*Commissioner Daniels* asked if the 750 feet lot line to lot line or door-to-door?

*Timarie Szwed, CPC Staff*, answered it is lot line to lot line.

*Commissioner Smith* asked if staff is looking to have the Eastern Market zoning situation handled with the greater rezoning text amendment?

*Marcell Todd, CPC Director*, responded the only recommendation staff has before the Commission this evening is to the original proposed set of changes as Mr. Fazzini went through them regarding the spacing requirements, the administrative adjustment, and the other qualifications regarding use. Staff is yet to have a recommendation beyond the fact that we believe a carve out would be the appropriate thing to pursue for Eastern Market or similarly situated areas in the city.

*Commissioner Smith* asked, in that, is there a recommendation for the 1,000' or 750'.

*Marcell Todd, CPC Director*, said the primary thrust of this proposal was to come to the Commission with a recommendation for the 750' reduction of spacing for controlled uses. Because of the mapping exercise Ms. Szwed is working on with other staff and the support of other agencies and because we now believe we have some of the most up-to-date and accurate information, we might also suggest the Commission direct staff to continue to work on those permutations and present that information to City Council as

well.

*Commissioner Hood* wants to make sure they are not relegating certain neighborhoods to be coming these places where the cannabis goes.

Timarie Szwed, CPC Staff, noted that this is not just showing the buffers, this is also taking into consideration the zoning districts that these can locate in.

Commissioner Hood asked could these property owners decide to force people into bidding wars because they are the only places you could go.

*Timarie Szwed, CPC Staff*, said that could happen. A lot of these already have marijuana businesses on them.

*Marcell Todd, CPC Director*, added that where a new facility ultimately ends up locating, it will then cast a shadow of 1,000 feet, further reducing what is available. The Commission may want to direct staff to continue to study these things and be able to show Council other variations when this matter advances to the Council table.

*Eric Fazzini, CPC Staff*, wanted to add that as far as the medical provisioning centers, there may be concerns that there are too many in certain areas currently, there is no guarantee going forward that those would remain viable businesses or even be able to obtain the retail provision requirements.

#### PUBLIC COMMENT (In-House)

Kelly Harper: Our family purchased a property that is 60' from a non-controlled use, a day care. I have spoken to the State, and they gave me their guidelines for non-controlled that does not say anything pertaining to day care. 60' is equivalent to 720". Prior to the purchase, going onto the Homegrown site, the site did not indicate a day care was within 1,000 feet or anything else that would have prevented us from opening a retail space. There was no signage for the day care anywhere. After purchasing the property, we find out there is a day care within 60'. We are asking the city to allow some provisions for this.

Joyce Harper: I have worked for the city for over 31 years. My husband also worked for the City of Detroit. As a family we purchased this building, and we would like for you to consider our plight.

Renata Miller: After speaking with you a couple of months ago, I was eager to see you on September 8<sup>th</sup> and was so disappointed when there was no quorum. Since then, when we were denied for our certificate of occupancy and our permit, we thought it was because of the park; but, it was indicated that there was a church. Since then, I've had the Assessor and inspectors go out to the building, and there is no church. Since then, it has been put back on the tax rolls. We are only dealing with 993' and we would like to have an administrative waiver. I asked you to vote the administrative waiver the last time I was here. We have an \$8,000 payment due the first three days of October for every three months that we've been in this building since last year. We've had to pay DTE

bills, maintain the lawn, paid architects, lawyers. My parents have used a lot of their retirement funds.

Vincent Serio: I own a couple of buildings in the Eastern Market. My family has been in business for over 100 years down there and I have provided hundreds of jobs for Detroiters over the years. The issue is 1) it is not allowed in the new MKT zone and 2) the market is surrounded by four churches, two schools, a park as well as two liquor stores, a wine store, a couple of breweries and a winery, thus making any business not eligible to open a cannabis retail location. I am asking the Commission to allow cannabis as a use in the market as well as make the market exempt from the controlled uses, since this is a special district and many Council members have stated that their districts were overrun by cannabis places.

“Smaj” Richardson: I am lifelong Detroiters and have come here to say that if Detroit wants Detroiters to be a part of this industry, then we must make these necessary changes. There is no way that you can open anywhere in Eastern Market, and I believe it belongs down there.

Belinda Nilbock: Here representing my father, Carlos Nilbock, the owner of Kennard Hamworks. He has owned and operated his business in the Eastern Market for over 30 years and this would be a tremendous opportunity for not only us and our family, but for us to continue doing business in the City of Detroit. Today I am asking you to make another revision by making administrative adjustment and modifying the distance from 1,000 feet to 750 feet across the board. This would eliminate many asked questions and problems. If not that, you could also do 750 feet from any controlled use, you could do a 15% reduction from schools and churches. Based upon the mapping, I ask that you look at any schools or churches outside of the jurisdiction of this city.

#### PUBLIC COMMENT (On-Line)

Mackie: I purchased a property and spend over hundreds of thousands of dollars.

Dana: A long time Eastern Market resident. Hoping that cannabis can be added to the MKT zone. Does not understand why cannabis is not currently in the Eastern Market and believes this would be a great thing for Eastern Market shoppers.

Mitsey Ruddock: Founder of Black Cannabis Access. Please do not make a carve out for Eastern Market without making a carve out for equity applicants. The 750’ feet zoning is not enough. The uses are the harshest in the country. No other city in the State of Michigan has these uses. Please revise. We need a pathway to remove churches that are not operating to take them off the tax roll. What is the protocol to get these churches removed?

*Commissioner Hood* asked staff if someone is looking as spacing, are we just looking at church buildings or actual in-service congregations?

*Marcell Todd, CPC Director*, responded we are looking at those facilities that currently have a religious tax exemption. Wherein you can find that congregation

is no longer active and essentially that the site has been abandoned, steps can be taken to remove the property from religious tax exempt status and then it would no longer affect the spacing.

*Commissioner Smith* asked, as it relates to identifying businesses that are active related to controlled uses and the buffered uses, is there a business license requirement through the city that if those uses are registered and approved properly through the city then they could be used? Has that been looked at?

*Marcell Todd, CPC Director*, said the combination of business licensing with permitting is primarily permitting. Both help to substantiate the existence of a building in terms of its rights at a location, that's going to be based on its permit.

*Commissioner Daniels* said if a marijuana establishment is open in an area and you have a day care center that can open by-right in the same area within that spacing, what happens in that case?

*Marcell Todd, CPC Director*, responded that you'd get a non-conforming use.

Marcia Spivey: A licensed attorney, represents Regent Park Community Association and my family as well. Because the City of Detroit did not issue a moratorium years ago when the State voters approved medical marijuana, now there is not enough land, there is not enough property. CPC has no viable relationship with District 3 organizations. The map needs to be a thorough map of marijuana entities in the State and shows exact operations. There is an over proliferation in District 3.

Eric Duwicki: President of the Morningside Community Organization in District 4. Our neighborhood is adjacent to the Grosse Points, and we have a great fear of becoming the east side version of 8 Mile Road. The map shown was misleading because many of the empty buildings along E. Warren and Mack have been grabbed up by speculators and many approved for medical marijuana but have never opened. I am asking you to keep the 1,000', we are very concerned about over-concentration of marijuana or alcohol. Let's have some provision around over-concentration on the border streets like Kelly Rd., even 8 Mile. E. Warren and Mack are much narrower streets and to have a proliferation of marijuana or any kind of business in the neighborhood because you're lowering the zoning requirements is unfair to the residents.

Vanessa Peak: A resident of District 3 which abuts industrial and is already polluted with marijuana establishments. The zoning requirement of 1,000 linear feet should be made for District 3. It appears that this Administration is putting the business community before the quality of life of us Detroit residents. Asking this body to take a thorough look at the proliferation of marijuana industries in District 3.

Joann Manning: Director, Co-Founder of Granny Farm, a small cultivation facility in the City. We have been approved for a adult-use growth facility. Like the first two people that spoke in person, we've spent hundreds of thousands of dollars to purchase property only to find out that we were in a drug-free zone and couldn't use the property. However, working with BSEED we came up with a plan where we were able to split our

property, allowing us to use 20% of our property for our facility. I am in favor of the 10% administrative spacing, which would allow us to use 20% more of our building allowing us to maximize our 200 grow facility. I agree with the 750' spacing across the board which would allow us to use our entire 19,000 square foot building allowing us to partner with another social equity applicant. Agree with Ms. Ruddock in not allowing Eastern Market to carve out a spot in that area before looking out for the social equity applicants in the City of Detroit.

Joseph Valdez: A frequent shopper in Eastern Market. Would like to be able to get weed there also.

Robbie Sellers: Another applicant with properties we already own being very small distances from being out of the correct zone. The 750' is a great start and we need to do more work around liquor stores and churches. Understand the concerns of people about the proliferation of cannabis in certain districts.

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*Marcell Todd, CPC Director*, corrected Mr. Fazzini's statement about existing marijuana facilities having to reup and qualify for zoning, if they have a properly, legally established site zoning wise they just must go through the proper licensing process.

Commissioner Hood recessed to the Call of the Chair for 3 minutes. Meeting was called back to Order at 10:17 pm.

Roll Call:

Present: Kenneth Daniels, Ritchie Harrison, Gwen Lewis, Lauren Hood, Donovan Smith

Excused: Brenda Goss Andrews, David Esparza, Melanie Markowicz, Fred Russell

*Commissioner Smith* said he stands in support of the staff's recommended changes for the non-Eastern Market changes.

*Commissioner Harrison* asked that in terms of the over-concentration concerns, what are options?

*Marcell Todd, CPC Director*, responded that what we see in District 3 and other places is the result of those unlimited licenses, the ones that have different spacing requirements. We are seeing a response to the underlying land use in zoning footprint. Districts 3 and 6 have a great deal of industrial land. It is a result of the land use pattern that already exists. This is something that we can look at going forward. There will be a natural weeding out through market forces after all these different entities cast their lot (get the property and get up and running). The market will ultimately determine who will survive.

*Commissioner Hood* asked is there a particular criterion to do a carve out?

*Marcell Todd, CPC Director*, that is the underlying concern that staff has to the whole concept. The attorneys in the Law Department have been up front with staff about the risk about the exposure and it is why we believe carve outs should be approached very, very carefully. It needs more study as to how and why.

*Eric Fazzini, CPC Staff*, said that staff recommends approval of the ordinance as presented (dated September 12) with no changes to Eastern Market specifically/or regarding over-concentration.

*Marcell Todd, CPC Director*, said our recommendation is as presented by Mr. Fazzini, we are looking to you to direct us as to how you would like to address the other issues (carve out for Eastern Market or general carve out provisions for other similar areas, and over-concentration).

*Commissioner Hood* asked what are the options for families that bought buildings shy of the 750 feet?

*Marcell Todd, CPC Director*, answered, that family that spoke, if I understood correctly, that is a drug-free zone issue because they were speaking to day care. It is another situation where we find out whether that day care is properly and legally operating. It is not the same situation as the Miller family. What we advance today would certainly help them and other people who fall within the benefit of that 2% administrative adjustment.

*Commissioner Hood* asked if carve outs can apply to a singular property or a geographical area?

*Marcell Todd, CPC Director*, responded that if we did a singular property that is clearly leveraging a single person's benefit.

Commissioner Smith asked staff if the Commission needs to be specific in terms of the type of research staff is looking at in terms of carve outs or can the Commission just recommend that staff continue investigating the feasibility and impact of carve outs?

Marcell Todd, CPC Director, answered that would be appropriate. If you want to further add to that regarding over concentration, yes. A general direction is fine, we're going to dig deep.

*Commissioner Daniels* asked staff if you have a large parcel and there are two buildings on that parcel, one in the front and one in the back, and you have another building down the street that's in a gray area in terms of spacing. The property with the building in the rear is operating a cannabis type business. If it is lot line to lot line, that would still eliminate instead of the person that's in the back, further from the front of the property.

*Marcell Todd, CPC Director*, responded, you are correct. There is a solution and we have presented it to others. You can go to the Assessor's Office and get a parcel split. If the person down the street is 800 feet away from the building in the front, but they are actually over 1,000 feet away from the building in the back, when you split the parcel, you've

eliminated that lot line to lot line relationship.

## **ACTION**

Commissioner Smith motioned to recommend for approval to City Council staff's recommendation for the 7:30 pm public hearing with the additional recommendation that staff continue with general study regarding the impacts of the Eastern Market study. Commissioner Harrison added the additional recommendation from staff regarding over concentration be added as an amendment to the motion. Commissioner Lewis second the motion. The motion was supported verbally by all commissioners present. Motion approved.

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

None

*Commissioner Hood* suspends the remainder of the agenda without objection, because of the time and moved to public comment.

### **V. New Business**

### **VI. Committee Reports**

### **VII. Staff Report**

### **VIII. Member Report**

### **IX. Communications**

### **X. Public Comment**

Trivinia: Resident of Detroit for over 7 years and a city employee. Hopefully, they will take that into consideration.

Concerned Citizen: Was going to ask you to oppose, and since you decided to vote on changing the spacing requirement, further study over-concentration of these facilities and these unlimited weed parties and consumption lounges. This issue cannot be done yet. There is a lot more work you will need to do. Make those maps available so we can see how District 3 and District 6 will be adversely affected.

Marcia Spivey: Madam Chair, please put your name and information available. I don't think the Commission has done their due diligence. You missed the fact that the Eastern Market carve out, the development corporation said they are only willing to approve three (3). It sounds as if there are already consideration as to who those three will be. Suggest you advise Council to put in this ordinance disclosures and conflicts of interest.

Mackie: Asked for clarification on the administrative adjustment. A lot of us, especially Detroit

legacy were frustrated about the parks, schools and churches. I asked for 15% reduction. I think that would have helped a lot of us. Even 5% or 10%.

Mitsey Rudolph: Asked to work on uses, i.e., arcades, pool halls, libraries, etc. What happened to the 10% we talked about last month? I thought that would be in addition to the 750 feet. Property is an issue for equity applicants.

*Commissioner Hood* asked staff to make sure that some of the concerns raised by the commenters gets added to staff's continued study, i.e., disclosure, who has access to the limited property, etc.

**Adjournment** – Meeting Adjourned at 10:40 pm

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