

Lauren Hood, MCD
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Donovan Smith
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Marcell R. Todd, Jr.
Director

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CITY PLANNING COMMISSION
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Kenneth R. Daniels
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Ritchie Harrison
Gwen Lewis
Melanie Markowicz
Frederick E. Russell, Jr.
Rachel Udabe

City Planning Commission Meeting

MINUTES
June 29, 2023
5:00 P.M.

I. Opening

A. Call to Order – Chairperson Hood called the meeting to order at 5:18 p.m.

B. Roll Call

Attendees: Kenneth Daniels, David Esparza (5:38 p.m.), Ritchie Harrison (5:29 p.m.), Lauren Hood, Gwen Lewis, Frederick Russell, and Rachel Udabe

Excused: Melanie Markowicz and Donovan Smith

A quorum was present.

C. Amendments to and approval of agenda

Commissioner Daniels moved to approve the agenda with an amendment to add Item B - Modification of Bylaws to New Business, seconded by Commissioner Russell. Motion approved.

II. Meeting minutes of May 4, 2023

Commissioner Hood moved to bring back the meeting minutes of May 4, 2023, to the next meeting with no objections.

III. Public Hearings, Discussions and Presentations

A. **5:15 PM PUBLIC HEARING** – To consider the request of the Parkstone Development Partners on behalf of Corktown Historic Developments, LLC to amend Article XVII, Section 50-17-44, District Map No. 42 of the 2019 Detroit City Code, Chapter 50, Zoning, to show a PD (Planned Development) zoning classification where an R2 (Two-Family Residential) zoning classification is currently shown on four parcels commonly known as 2009, 2087, 2081, and 2075 Vermont Street generally located south of Michigan Avenue and west of Rosa

Present: Jamie Murphy, CPC Staff
 Petitioners: Tonja Stapleton and Janelle Bulat, Parkstone Development and
 Nicole Rittenour, Push Detroit

Jamie Murphy, CPC Staff via PowerPoint discussed the CPC zoning report of June 23, 2023, map amendment to rezone four parcels from R2 to PD to build an eight-unit multi-family building. The site is located in District 6, in Corktown at Dalzelle Street and Vermont Street, and it is south of Michigan Avenue, between Rosa Parks Boulevard and 14th Street. Michigan Central Station is on the left, and Roosevelt Park is to the north. There is vacant land nearby and an auto repair shop, apartment building and abundant industrial to the south. The developers acknowledge the three existing historic houses, and plan to build alongside the alley behind the historic homes. The Master Plan designates this site as low to medium density residential. Ms. Murphy mentioned it is significant to note the context of the neighborhood shown on a 1938 Sanborn Map updated to 1950. There was a 4-unit apartment building in the past on the proposed site. The other corners also had structures on them with residences facing on each street.

Ms. Tonja Stapleton discussed the community meeting on June 3, 2021, and the eight people in attendance did not express any opposition. A meeting on June 9, 2021, with the Historic District Commission (HDC) was held, and the project was approved. Also, there was a meeting on May 22, 2023, with the Train Station Neighbors Block Club, four residents and City staff attended. She regretfully explained within the last 24 hours opposition letters from residents were received. Therefore, Ms. Stapleton announced that the project developers request an adjournment to address community concerns.

Chairperson Hood formally adjourned the public hearing to an undetermined date, with no objection.

B. 6:00 PM PUBLIC HEARING – To consider a Zoning Ordinance text amendment, Chapter 50 of the 2019 Detroit City Code – to update definitions, regulations, and procedures relative to child care facilities for consistency with updated State law and to broaden the opportunities for such facilities on a by-right or conditional basis. **(RB, RA and the Office of Early Learning)** 60 mins

Present: Dr. Rory Bolger and Roland Amarteifio, CPC Staff
 Petitioners: Director Adrian Monge and Dr. Lisa Sturges, Office of Early Learning
 Nicole Gibby and Erika Bigelow, Michigan Child Care Licensing (LARA)
 Daniel Arking, Law Department

Dr. Rory Bolger, CPC Staff via PowerPoint and based on CPC zoning report of June 23, 2023, explained the three types of child care facilities specifically child care centers, family day care home and group day care homes. The Office of Early Learning and Law Department prepared ordinance amendment updates on child care facilities for the Detroit Zoning Ordinance to bring it consistent with recent amendments in the Michigan Child Care Licensing Act.

Dr. Bolger explained the proposed child care ordinance amendments as follows:

- 1) Child care centers may be established on lands zoned R1 and R2 as an accessory to a permitted public, civic, or institutional use.

- 2) Child care centers are permitted on a by-right basis in the Parks and Recreation zoning district (PR). Also, it allows a licensed applicant to be considered by Buildings, Safety Engineering, and Environmental Department (BSEED) and on a by-right basis for a child care center.
- 3) Family day care homes to be permitted in B1, B2, B4, MKT, and SD2. Family day care homes will be newly permitted on a by-right use in those zoning districts.
- 4) Group day care homes will no longer be conditional use with a required approval of a BSEED public hearing, yet it will be newly permitted on a by-right basis on lands zoned R1, R2, R3, R4, R5, R6 and SD4. The use changes from conditional use to a by-right use in those zoning districts. It will permit group daycare homes on a by-right basis in the B1, B2, B4, B5, and SD1.
- 5) Group day care homes will be prohibited within a multiple family dwelling, apartment building, loft or residential uses combined in structures with permitted commercial or industrial uses.
- 6) There is a change to outdoor play area restrictions at child care centers. It will reduce the previously required 2000 square feet of outdoor play area to require or allow 100 square feet per child or 1200 square feet whichever is greater. Also, it will allow for consideration of an outdoor play area that is not immediately adjacent to the center.
- 7) The proposed amendment addresses off-street parking. It removes the requirement that there needs to be one off-street space per two employees, plus one space for each ten children based on the maximum licensed capacity. It is proposed to retain the employee based off-street parking standard, but to remove the off-street parking standard based on capacity of the facility.
- 8) The amendments will provide a noise ordinance provision protecting child care centers from certain noise making devices. Child care facilities are added to the sensitive use where noise making devices (paging, outdoor speakers) will be prohibited.

Additionally, Dr. Bolger noted that Mr. Amarteifio plotted licensed child care location addresses on a map, and it showed desert areas with few family and group day care homes in the City (i.e., southwest and northeast regions). Child care centers are more widespread throughout the City.

Dr. Bolger provided the following statistics resulting from CPC Staff's research on child care centers:

- Out of 300 child care center locations in the City half of those licensed centers had more than 54 children as their capacity; and half had 54 or few children with size and capabilities.
- Out of 89 licensed family day care homes, 85 are located in the R1 and R2 districts.
- Out of 62 licensed group day care homes, 60 are located in R1 and R2 districts.
- Out of 302 licensed child care centers, 124 are located in R1 or R2 districts within a school, public, civic, or institutional places not as a standalone child care center.
- Out of the 302 licensed child care centers, 110 are located in the B2 or B4 district as a commercial operation.

Director Adrian Monge via PowerPoint discussed Detroit's current child care landscape and reasons why investing in child care benefits it financially. Ms. Monge shared statistics that 96% of child care businesses are owned by women with the majority being women of color. Presently, the City of Detroit has 37,000 children ages 0-5 that need consistent care, and 21,500 licensed child care seats in the City, leaving 15,500 kids and their parents without access to adequate child care. Nationally 30% rely on preferred home-based child care service, but in Detroit there are only 6% home-based facilities, below the current demand.

Director Monge stated the City can assist providers to meet the high child care demand and expand their services by removing financial barriers, conditional use hearings, and fees. She suggested that the City can add 550 seats to the child care landscape, 300 new facilities, and 1300 new classrooms with new lead and assistant teachers. Director Monge explained a chart showing the division of responsibilities of the City zoning ordinance and the State of Michigan Licensing and Regulatory Affairs – Child Care Licensing Division (LARA), explaining child care zoning and licensing with the State.

Director Monge asked CPC Staff to share submitted research on child care in comparable cities with the Commissioners in response to Commissioner Russell’s inquiries.

Mr. Amarteifio stated that maps will be provided showing R1 through R6 by-right use across the City in response to Commissioner Harrison’s request for visual maps.

Dr. Bolger responded that the City’s senior population and spacing conditions are issues to consider further in response to Commissioner Lewis’ inquiries regarding spacing and impact on everyday life of seniors.

Commissioner Daniels requested Buildings, Safety Engineering, and Environmental Department (BSEED) to appear to discuss fees charged for child care in the home.

Most Commissioners expressed concerns about no required notification to surrounding neighbors and by-right conditions of child care homes in neighborhoods.

Ms. Nicole Gibby, LARA representative said they will research nuisance or noise complaints that resulted in closure of day care centers in response to Commissioner Russell.

Public Testimony

Rita Ross expressed opposition of the proposed zoning amendment for child care.

Margarete Maddox and Scarlet asked about day care accessibility for children with disabilities and ADA compliance.

Ms. Gibby responded that the State considers ADA compliance.

Diane Patterson commented on signage, no notification, and opposition to by-right in R1 and R2.

Later in the meeting, Commissioner Hood read aloud City Attorney Dan Arking’s Zoom chat comment clarifying residential signage stating, “For any premises in the low density residential sign district that contains a single family, two-family or multi-family residential building or structure with not more than four dwelling units, six square feet is the limit.”

Rhonda Adams asked if there is assistance for seniors caring for children in their homes?

Director Monge mentioned the State has support programs to assist those who want to get started with a child care business that may be helpful to grandparents or seniors.

Patricia Bosch expressed opposition on the ordinance changes as by-right in R1 and R2.

Amanda Holiday expressed her approval and concerns on equality. She asked if the suburbs have the same zoning regulations, requirements and \$1,000 fee.

Ms. Gibby responded that some suburbs do have zoning obstacles. It depends on each municipality and its different fees.

Commissioner Hood asked Staff for a side-by-side day care zoning comparison of Detroit and its suburbs.

Sarah Toce, Director of Operations for Care at Mission Driven Finance described her organization's involvement in child care and support of the proposed amendment.

Nina Hodge, day care center owner, commented on current shortages of State consultants, child care workforce, and eastside day cares.

Dr. Bolger read Bridgette Ziegler's email opposing the rezoning amendment, and her displeasure of congestion, impact on neighborhood, and street parking.

Dr. Bolger concluded that this matter will return on a later date with further discussion and recommendation.

Commissioner Harrison requested BSEED information on any nuisance or conditional complaints.

- C. **7:00 PM PUBLIC HEARING** – To consider the request of Parkstone Development Partners on behalf of Develop Detroit, by amending Article XVII, Section 50-17-3, District Map No. 2 of the 2019 Detroit City Code, Chapter 50, Zoning, to re-establish the plans, terms and conditions of the PD (Planned Development) zoning classification where the B4 (General Business District) and M3 (General Industrial District) zoning classifications currently exist on parcels commonly referred to as 1340 Gratiot Avenue and 1385 Maple Street. This portion of the request is being made to correct an error for two parcels that were inadvertently omitted in the legal description for the original request but were included in the plans. **(KJ) (SAME DAY ACTION REQUESTED, RECOMMEND APPROVAL)**

Present: Kimani Jeffrey, CPC Staff and John Sivills, PDD Staff

Petitioners: John Skok, Tim McAuliffe, Tonja Stapleton, Janelle Bulat, and Kirt Willian

Mr. Jeffrey, CPC Staff described The Hive (formerly Eastern Market Gateway) project, and its developers' (Develop Detroit) request to reestablish a lapsed PD. The site's location is bounded by Russell, Gratiot and Maple Street. Mr. Jeffrey provided a background timeline commenting that this project was previously approved in 2018. Currently, this is a request to rezone from M3, B4 to PD. There were some combinations of legal descriptions of lots and two parcels 1340 Gratiot and 1385 Maple Street were inadvertently omitted during the original approval, and this request is to rectify it. The proposal of the site includes a mixed-use building with 207 multiple family dwelling units and 41,000 square feet of retail space for restaurants and offices. There will be four buildings on the site, namely Russell Building, Gratiot Building, Warehouse Building and a parking structure. Mr. Jeffrey recapped community engagement of three community meetings held January 2018 thru July 2018. CPC Staff attended those meetings and the majority of community members were supportive of the development and one person expressed their concerns. Eastern Market Partnership

Corporation submitted a letter of support. A CPC hearing was held in August 2018, a City Council Public Hearing in October 2018, and the rezoning was approved by City Council in October 2018 as Ordinance 2019-32. Later in the meeting, Mr. Jeffrey stated that today there was a letter in opposition received from KAPS Wholesale stating that this development is not conducive of the industrial and wholesale nature of the area. CPC Staff received blight payment receipts and perceived that the blight violations have been resolved.

The development team via PowerPoint gave an overview of the proposed site plan, design and rendering of the project. The nonprofit development organization is working to close financing with Michigan State Housing Department Authority (MSHDA). Holy Trinity Lutheran Church and St. John's-St. Luke's Evangelical Church are historic churches adjacent to the site. A public hearing with the Historic District Commission (HDC) was held, and HDC requested the churches remain a strong viewable presence architecturally and expressed their support of the project. The Gratiot Building is a mixed-use building with retail and 136 units of housing. The Russell Building (key part of MSHDA housing project) is only residential with 72 units with resident's parking underneath. There will be an outdoor plaza at the south end at Rivard. The warehouse building will be built as a two-story office retail building. They stated a desire to give a nod to Eastern Market with the new development's artwork and colors in architecture.

Public Testimony

Mr. Eric Grosinger, a neighboring business owner of KAPS Wholesale commented that he is heavily opposed to the proposed project. He expressed his displeasure of the unaddressed blight tickets and safety issues with heavy truck traffic at a pedestrian oriented development.

Mr. Patrick Tabaczynski, a neighboring business owner, commented his opposition. He stated a residential development will cause a burden on existing businesses and raise serious traffic concerns in commercial and industrial business.

Later, Mr. Jeffrey related that in 2018 Department of Public Works–Traffic Engineering Division weighed in and gave approval on traffic design of the site.

Later in the meeting, the development team confirmed there was traffic and parking study completed. The flow of traffic and parking are in full compliance with the ordinance.

Attorney Adam Behrendt commented (with photos) his opposition due to a default judgment, trees growing out of the buildings, graffiti, 15 citations, rodents and dilapidated structures. He stated that infractions on the property have not been remediated. He stated the developers did not take action, and blight does not permit them to come before CPC.

Margarete Maddox and Scarlet commented on ADA compliance and universal design for people with different abilities.

Later, the developers responded that there is universal design, and the development is in full compliance with ADA through MSHDA fair housing design standards.

Rhonda Adams expressed opposition, and the need to enhance equity in entrepreneurship.

The development's design accommodates and attracts Detroit business owners, and Develop Detroit encourages entrepreneurship.

Director Todd stated that CPC Staff was told that payment was made on the violations and per ordinance the City cannot act on a matter if the petitioners are declared in default.

The developers stated they shared proof of payment on all the blight tickets with CPC Staff. They are mixed-use developers and sensitive to the uses in the neighborhood. Residential and industrial mixed-use is common in response to public comments and Commissioner Hood's question regarding default status.

John Sivills of the Planning and Development Department (PDD) Staff mentioned that PDD is supportive of the project. The project will add to the Gratiot Corridor, benefit the neighborhood, and its use fits within the context of this site. PDD looks forward to resolution of blight tickets so the project may move forward.

Mr. Jeffrey commented the blight tickets were paid with receipts from June 2023 in response to Commissioner Lewis' inquiries.

The developers and Mr. Sivills both mentioned that the pandemic is the reason for the project delays in response to Commissioner Russell's question.

Commissioner Esparza moved for this agenda item understanding that this is compliant with same day action. CPC received a recommendation by CPC Staff Planner Kimani Jeffrey for approval and acknowledging the issues raised here that require resolution before this motion, if it is approved, before this item can move forward toward City Council. CPC is looking for a resolution and closure on the topic of the blight situation and the attached items brought forward regarding tickets, compliance, payment, and closure on those items. All these components have to be crystal clear and satisfied before this matter moves forward to City Council for their process, review and consideration. He moved to approve; seconded by Commissioner Russell. There were 4 in favor and 2 nays (Commissioner Daniels and Commissioner Lewis). Motion passed.

IV. Public Comment –

Eric Grosinger stated the developers neglect to maintain the building. They are waiting for financing and the building will collapse. It may be too dangerous to go inside the building.

Commissioner Hood would like to ensure this site is being maintained, and asked if someone research and find if any of these buildings are on the BSEED Dangerous Buildings list.

Rhonda Adams mentioned this is not in the best interest of the community.

Margarete Maddox and Scarlet asked how many parking spaces at Eastern Market project.

Patricia Bosch inquired about the Conner Avenue site and its rezoning.

Mr. Amarteifio responded that the site is a lapsed PD, and CPC voted to return it to the former zoning classification of R2.

V. Unfinished Business – There was no unfinished business.

This matter was heard early after the 5:15 p.m. Public Hearing.

- A. Proposed map amendment to Chapter 50, Zoning, Article XVII, Section 50-17-28, Map No. 26, to show an R2 (Two-Family Residential District) zoning classification where a PD (Planned Development District) zoning classification is currently shown at 11500, 11510, 11530, 11534, and 11542 Conner Avenue between Flanders and St. Patrick Avenues
(RECOMMEND APPROVAL) 20 mins

Dr. Rory Bolger, CPC Staff via PowerPoint discussed the CPC public hearing on June 15, 2023, and CPC zoning report of June 27, 2023. This is a map amendment to Chapter 50 of the 2019 Detroit Zoning Code Map 26 in northeast Detroit. The block on Conner Avenue between Flanders and St. Partick Street consists of several remaining houses and vacant land. It is surrounded by property that is zoned B4 to the east, and northeast the land is zoned R1 or R2. This property was a converted RMA to multiple residential district with approval into a PD. CPC staff agreed the former zoning classification as R2 will be appropriate. The Master Plan classifies the land as low density residential and no property on that block would be rendered nonconforming. PDD submitted a report indicating the proposed rezoning will be consistent with the Master Plan. CPC Staff contacted all the property owners in the area and answered their concerns. The Adult Foster Care Home on the block is able to continue operation consistent with a 1982 BZA appeals grant. One property owner in Fort Lauderdale, Florida, did not respond. There are no objections. Therefore, CPC Staff recommends approval of the amendment of Map 26 to rezone 11500, 11520, 11530, 11534, and 11542 Conner Avenue from PD classification to R2.

Commissioner Russell motioned to accept CPC Staff’s Recommendation, seconded by Commissioner Daniels. Motion Approved.

VI. New Business –

- A. Minor modification to an existing PD (Planned Development) zoning district classification on land at 3600 Woodward Ave., the Ellington Loft Apartments. **(RECOMMEND APPROVAL) 15 mins**

This site is located at the northeast corner of Woodward Avenue, Martin Luther King Boulevard, and Mack Avenue. It is a five-story, 45-loft apartment building (Ellington Lofts) with 21,000 square feet of ground floor retail. There is a request for a BSEED change of use for the building. The specific space is located along the Woodward facade at the north end immediately adjacent to the portal for vehicular access to the site and Whole Foods. It is being requested to build a yoga studio which technically is commercial recreation not commercial retail. CPC Staff relates that it is consistent with the plan since it is commercial retail generally. The petitioners are only making internal modifications to provide the open space of a yoga studio, and the façade remains the same. CPC Staff recommends a minor modification to the PD because of its intricacies. It would have been approved at Staff level, but because there is a difference between commercial retail and commercial recreation, it is advantageous to bring it before CPC for concurrence. Therefore, Staff recommends approval of minor modifications for the proposed yoga studio in a PD district at Mack and Woodward Avenue.

Commissioner Russell motioned to accept CPC Staff’s Recommendation and empower CPC Staff to finalize approval, seconded by Commissioner Daniels. Motion Approved.

- B. Bylaws Amend Stipend Charge, Quorum Majority of Those Seated

Director Todd explained the bylaw amendment to change quorum from a set number of five to a number of the majority of those seated. This will allow for the Commission's quorum to change based on the number of those actually seated and provide flexibility. Also, Director Todd provided copies of the proposed bylaw amendments to the Commission regarding the stipend for their review, discussion and consideration.

Chairperson Hood advised Commissioners review the amendments and prepare to vote at the next meeting.

- C. CPC Elections of Officers - This matter will be considered at CPC's next meeting due to absence of members seeking office or appointment.

VII. Committee Reports – It was agreed to forego this matter due to tight time constraints.

VIII. Staff Report – There was no staff report.

IX. Member Report – There was no member report.

X. Communications – There was no communications.

XI. Adjournment

The meeting adjourned at 10:30 p.m.