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City Planning Commission Meeting
Minutes
April 3, 2025
5:00 P.M.

I. Opening

A. The regular meeting of the City Planning Commission was held on Thursday, April 3, 2025, at 5:00 P.M. at the Denise Wellons Glover Welcome Center at Wayne County Community College District, online via Zoom and by telephone.

B. Roll Call

Present: Commissioners Daniels, Esparza, Harrison, Lewis, Russell, Udabe, and Chair Smith

Excused: Commissioners Bennett and Markowicz

CPC Staff: Marcell Todd and Dr. Rory Bolger

In compliance with the City Planning Commission's policy to meet in the community at least twice per year, Chair Smith acknowledged that today's meeting is being held at Wayne County Community College District, Northwest Campus

Commissioner Russell highlighted that the City Planning Commission's meeting is being held in District One, the District he represents, and he emphasized that Councilman Tate is the councilperson representing District One. Afterward, Commissioner Russell thanked WCCCD for their hospitality.

C. Amendments to and approval of the agenda

The agenda was approved as presented.

II. Meeting Minutes

The minutes of December 5, 2024, were approved as presented.

III. Public Hearings, Discussions, and Presentations

A. **5:15 PM PRESENTATION** - to consider the City Planning Commission's initiative to amend Article XVII, Section 50-17-73, District Map No. 71 of the 2019 Detroit City Code, Chapter 50, Zoning, to change the PD (Planned Development District) zoning classification currently shown at eleven locations to either R1 (Single-Family

Residential District) or an R2 (Two-Family Residential District) or an R3 (Low-Density Residential District) or an R5 (Medium-Density Residential District) zoning classification.

(RB)

90 min

Dr. Bolger shared a PowerPoint presentation that reflects the information in a report that the commissioners received dated March 7, 2025, which details the proposed amendments mentioned above. Also, site-by-site recommendations are included in the report. ([Report Attached](#)) After Dr. Bolger's presentation, a question-and-answer session took place. (See [Attachment I](#) for the commissioners' questions and answers.) Also, (See [Attachment III](#) for commissioners' follow-up questions after the 5:15 public comments.)

There was one participant who spoke during public comments, Rhonda Williams. (See [Attachment II](#), 5:15 PM Public Comments.)

IV. Public Comments

There was one participant, Ms. Rhonda Williams. (See [Attachment IV](#), General Public Comments). There were no virtual attendees.

V. Unfinished Business

None.

VI. New Business

None.

VII. Committee Reports

Commissioner Lewis reported that the Special Committee met last Wednesday. They had an in-depth discussion regarding the former CRC or the reintroduction of the CRC. The committee is scheduled to meet again on April 23rd.

VIII. Staff Reports

None. Although a discussion took place regarding the adopted schedules included in the commissioners' package. The adopted schedules reflect the change in venue for today's meeting, including other changes that have been made over the course of the year.

IX. Member Reports

There were no Member Reports. However, Commissioner Russell utilized this opportunity to express the commissioners' interest in holding quarterly community meetings within each councilmember's district. He also expressed concerns about the feasibility of making this happen.

Director Todd responded: There are two options that the commissioners have at their disposal. One, when the subject matter is advantageous to the community, or to follow the City Council's lead, relative to community meetings. However, there are several factors to consider: venue, security, Wi-Fi connection, and, most concerning of all, the cost.

Nonetheless, if the commission is interested in preparing a formal budget request to cover the cost, the appropriate time to have that done would be September 2025. In the meantime, while looking for ways to hold more meetings in the community, staff will continue utilizing past practices when scheduling community meetings.

X. Communications

None.

XI. Adjournment

The meeting adjourned at 7:31 PM.

Attachment I
CPC Meeting - April 3, 2025
Commissioners' Questions and Answers

5:15 PM PRESENTATION – to consider the City Planning Commission's initiative to amend Article XVII, Section 50-17-73, District Map No. 71 of the 2019 Detroit City Code, Chapter 50, Zoning, to change the PD (Planned Development District) zoning classification as currently shown at eleven locations to either an R1 (Single-Family Residential District) or an R2 (Two-Family Residential District) or an R3 (Low Density Residential District) or an R5 (Medium-Density Residential District) zoning classification.

RB

90 Mins.

Chair Smith

Of the eleven sites, are all of those current sites legally non-conforming because of the PD situation?

Dr. Bolger

The nine sites that had been RMA and became PD would be considered conforming because they are multiple family. They are not in an unconforming situation at the moment, what's problematic are the 'what if's' scenarios. What if there was a fire, and somebody wanted to rebuild? Would the insurance company be comfortable providing insurance for property where it is unclear how that land might be used. If somebody wanted to have a third story on a two-story building, there's no guidance in the PD that was established back in the day as to what the height limits should be.

Chair Smith

Can you clarify for the public and people who may not be up to date with non-conformers and why that's an issue when it comes to insurance? What's the greater challenge?

Dr. Bolger

Conforming use is a land use that the zoning ordinance specifies is permissible under that Zoning District Classification. If my house were built next to a factory, before the 1940 zoning ordinance came along, and if my property ended up being zoned M2, similar to the factory across the street, the factory is a conforming use because it matches what the zoning ordinance allows for. My house would be a non-conforming use. Where you run into trouble with that would be instances, again, if you have a fire, the tree falls on your house, the insurance company may or may not be comfortable writing you a policy, perhaps in the first place.

As a non-conforming use, if I wanted to expand my house and it were a non-conforming use, the Building Department couldn't issue permits for it. I would have to go to the Board of Zoning Appeals. I would have to request permission to expand a non-conforming use. And a lender or insurance company may be reluctant to extend coverage on a property where it's not clear whether or not you would get approval to expand or rebuild.

Chair Smith

Is that scenario applied to the homes in Map 10? Are those homes under that PD, single-family on Lenore, considered legally non-conforming?

Dr. Bolger

Correct. The houses that are on both sides of Woodbine and on the east side of Lenore, going south from Frisbee where the Home Depot was going to go. If somebody wants to develop one of those vacant lots, the only thing that the Building Department would be able to authorize is for a big retail use. So, those eight-one lots with the seventy houses are currently non-conforming. They may or may not run into trouble in the event that they wanted to expand or rebuild.

Chair Smith

And to bring it full circle, if, hypothetically, God forbids, a fire happens on that street and it takes out a house or two and damage the house significantly, they could not rebuild or get those homes repaired, based on the current non-conformity of that area?

Dr. Bolger

Not exactly. As a general rule, that would be the case. However, a number of years back, we rolled into the zoning ordinance an exception. So that if a single or two-family dwelling is damaged by fire it would be able to be authorized by the Building Department without having to go to the Board of Zoning Appeals. If it is any other kind of non-conforming use, then they have the additional burden of having to go to the BZA.

Chair Smith

In Map 71, you mentioned that there may be other PDs that the proposed rezoning may not be consistent with the Master Plan. After you have gone through that process, are you engaged with that team going through the Master Plan to get ahead of those PD sites that might need to be designated something different than the Master Plan?

Dr. Boger

We're looking at the 403 planned development locations within the City of Detroit. We're trying to identify all of those that are inappropriate to the PD District. It's a gradual process. In the past couple of years, the Commission and City Council have taken care of a few of those. But the radar screen contains a good number of them.

It just so happens that Zoning Map 71 has a lot of those. City Council, District 7, I'm not sure if it's Zoning Map 69 or whatever. There are a few others where there are a lot of old RMAs and PDs. Luckily, because most of those RMA PDs resulted in apartment buildings that the Master Plan is calling for low-density residential or medium-density residential, which are probably the most common Master Plan classification throughout the city. There's no Master Plan problem. There are a few places where it comes up, like it's a misfit. We talked with the Planning Department. We're looking at updating the Master Plan to see where it should be tweaked to reflect existing development or possible future development.

Commissioner Russell

Dr. Bolger, I think you already mentioned this, but I may have missed it. Out of all of these properties, are there any owners that were not contacted or were in opposition to the rezoning?

Dr. Bolger

There was little response to the Public Notices that were sent out. About six weeks ago, the Planning Commission Staff met with Councilmember Tate at a community meeting where we were able to walk through a good bit of this information ahead of time. No one that we talked to has

expressed opposition to is being proposed. I think there's some curiosity as to 'how come you're doing this'. Or does it need to be fixed? So, no, we haven't heard those specific opposition to any of these proposed rezonings.

Commissioner Russell

From my understanding it looks like there is a sort of free for all of those property owners because they are not restrictive because a PD requires you to come before us or - it's non-conforming - it seems like we're freeing. And all of the ones that you presented - that they really are compatible with the Master Plan. And then there - almost identical to the original zoning prior to the PD. Would that be correct?

Dr. Bolger

Yes, it would be. Whether we're talking about going to R1 to R3, or R5, single-family dwellings are permissible in all those districts. A duplex would be permissible in those districts. R3 and R5 allow a broader manner of use that could be considered as well.

Commissioner Udabe

Out of curiosity, do you have a map with all of these superimposed on one map so I can see their correlation to each other.

Dr. Bogler

This particular slide shows the eleven sites that we're talking about tonight. Depending on how good your vision is. Telegraph Road runs north-south, kind of through the center of that slide. West Seven Mile Road is closer to the bottom of it. You see Grand River in the diagonal - right in the lower left-hand corner. And at the very top going east/west is Eight Mile Road. They are equally distributed on the east side of Telegraph and on the west side of Telegraph.

Commissioner Udabe

Something I'm particularly concerned about is the choice of Lot 10. The recent potential Home Depot Lot. I'm curious why not have it be denser, meaning an R3 or an R5 designation to allow for more density but also more of a variety of potential uses.

Dr. Bolger

Good question and is something that we molded around. It seemed to be an area where because so much of the property is single-family - a majority of the lots, 70 out of 81 lots were single-family. You really have a feel driving up and down those streets. It's pretty much a single-family neighborhood. At the same time, we're interested in being able to provide more housing and more opportunities for development. Given the middle-level of housing apartment buildings are disappearing in much of the City of Detroit, if there were any. And going to R2 is a small step in the direction of allowing more options for housing to go in but still keeping much of the same character of the other area.

An R3 does bring in the possibility of some institutional uses that may or may not be the best fit for long-time residential lots. Other zoning classifications would be permissible R2 seems to be closest to the character of what has been there while opening the door to some new opportunities.

What's interesting about this particular site is that even though there are residential lots on Telegraph, it's backyards. If you're going south from Eight Mile down towards Seven Mile, you're looking at the fences that enclosed the backyards that the property is on Woodbine Street.

The east side of Telegraph is where you get something of a different character. With apartment buildings on some of the blocks there but also houses with the front porches facing Telegraph. Such is not the same on the west side.

Attachment II
CPC Meeting - April 3, 2025

5:15 PM Public Comments
In-Person

5:15 PM PRESENTATION – to consider the City Planning Commission’s initiative to amend Article XVII, Section 50-17-73, District Map No. 71 of the 2019 Detroit City Code, Chapter 50, Zoning, to change the PD (Planned Development District) zoning classification as currently shown at eleven locations to either an R1 (Single-Family Residential District) or an R2 (Two-Family Residential District) or an R3 (Low Density Residential District) or an R5 (Medium-Density Residential District) zoning classification.

RB

90 Mins.

Rhonda Williams

On the map, remember the plaza. The property that I own is two blocks away from here. If it remains PD, you’re technically not able to license. I want to open that home as a transitional home. I wouldn’t be able to license my home with the zoning being under PD, correct? It would need to be changed to an R3 for licensing, correct?

Dr. Bolger

Yes. The current zoning would not allow it. It doesn’t anticipate any kind of group living situation. The particular property you were talking about is the ---

Rhonda Williams

--- two homes down from Building 10, right on Telegraph. It’s the backyard, like you were describing. This is the plaza, and then it’s the brick wall, and then there’s one property, and one more over, so 19286 Woodbine.

Dr. Bolger

So, South of Frisbee.

Rhonda Williams

Yes.

Dr. Bolger

The PD, which is there – if you want to build a Home Depot, you can. If you want to do anything else, you can’t. What’s being proposed in terms of going to an R2 zoning classification might not allow for a group home. It definitely would not allow for it on a by-right basis. But any residential district would allow for something such as an adult foster care home or a childcare institution if it is for not more than six individuals. And that’s because State law allows those kinds of small group homes to go in as transitional housing if they are coming out of either an emergency shelter or folks who are trying to get clean. Those kinds of group living situations would only be allowed, I believe, when we are looking at something like an R3 or a more intensive zoning district classification. So, depending on what’s proposed, the PD that’s there right now is not supportive of that. The R2 also would not be ---and I can double-check the zoning ordinance right now. I don’t believe your ---

Rhonda Williams

--- It would be PD to R3. So, it would fall under the qualifications if it was zoned to an R3, it would fit.

Dr. Bolger

If we look at --- in the R2 District, the only group living land uses that would be permitted would be a religious residential facility if you're talking about a convent, rectory, parsonage, or a shelter for survivors of domestic violence. That kind of a shelter as opposed to an emergency shelter for the homeless, is permitted on a by-right basis on land zoned R2.

In the R3 zoning district classification, an adult foster care facility for more than six individuals is allowed on a conditional basis, fraternity or sorority house is permitted conditionally, a home for the aging is permitted conditionally, a residential substance abuse service facility would be permitted on a conditional basis on land zoned R3. Certain kinds of group living situations could be permitted in R3, but not in R2. When we look at usage such as an emergency shelter, or a rooming house occupied by folks who don't constitute a family under the zoning definition. Those would only be permitted on land zoned R4, R5, and R6, a higher zoning district classification.

Chair Smith

Can you speak to six people or less?

Dr. Bolger

The state law, Michigan Zoning Enabling Act preempts municipalities from prohibiting state license residential facilities, specifically, mental foster care facilities and child caring institutions that have no more than six individuals living there. Basically, the state law says, if you have a house permitted in that zoning district classification, you can't prevent one of these state licensed residential facilities from going in.

Chair Smith

So, she could have up to six individuals in R2, but not more than six.

Dr. Bolger

Correct. If they were licensed by the state as an adult foster care home or as a child caring institution.

There were no virtual participants.

Attachment III
CPC Meeting - April 3, 2025
Commissioners' closing questions and Answers after Public Comments.

Chair Smith

Does this meet the requirements for same-day action?

Dr. Bolger

A meeting subsequent to a Public Hearing would be the appropriate time for a vote to be taken on the Staff's recommendation. The Bylaws also provide that the bylaw provision can be suspended so that a vote can be taken at the same time, provided that there are no unresolved issues, that Staff has a recommendation to present and the commissioners are in agreement with suspending that rule.

Chair Smith

Do you perceive any additional challenges or corrections, or do you need to seek any specific response from us for this item?

Director Todd

When Commissioner Russell raised the question earlier with regard to whether or not we had received any objection, that was certainly our understanding. Our lead admin, Ms. Jeffers, was in the office earlier today. She received one of the individuals who was here at the meeting today who had their questions satisfied. But she has indicated via text to me that there was an individual who objected. I'm checking back now. So we do have that clarity.

Regarding the Bonnie Brook property, we did speak directly to that owner, and that owner did not have any issues. We did discuss – prior to the notice going out. The individual who now has raised some objections according to staff is a neighboring property owner. I guess that he or she lives immediately to the east of Bonnie Brook. We don't know what those objections are. If that person is present physically or virtually, they've not raised their hand to speak. So, certainly that is something that we would look to follow up on to address those concerns, whether you take action or not. But we did at least want you to be aware of that immediately arising issue.

Chair Smith

So, if I just heard the last part, regardless of whatever action we make tonight, you will follow up with that.

Director Todd

Yes.

Chair Smith

Dr. Bolger, are you prepared with a recommendation?

Dr. Bolger

Yes, commissioners. The report itself did contain – embedded in that report was our recommendation for a specific zoning district classification, site-by-site-by-site. So, our recommendations would be – we have recommendations on the sites. The commission would first have to vote to waive the provision to allow same-day action.

Chair Smith

Thank you. That concludes my questions.

Commissioner Russell

Does the staff desire same-day action? It seems pretty tight to me. I was going to ---

Dr. Bolger

If staff have no objection to action being taken tonight, our recommendations site-by-site are referenced in the report.

Commissioner Udabe

Number eleven, I'm curious about the choice for R1, and I feel like that is more restrictive than necessary. I'm wondering if we can consider moving it to an R2?

Dr. Bolger

The commission would be free to move toward any of the zoning district classifications. Frankly, the R1 classification that we are recommending is made with no expectation that housing would be the likely use to conform because of the floodplain adjacent issues that arise there. Certainly, one of the reasons we understand that was tied in with the discontinuation of the golf course was the flooding problems that occurred there. So, we're recommending R1 not so much because we anticipate a subdivision being able to go in there or single-family homes being developed, but because R1 is the zoning district that probably would offer the fewest opportunities for an abrasive use.

Commissioner Russell

I looked up that property. That outline - it looks like the owner now owns that parcel and the former golf course. One larger parcel than the outline that was shown. That was part of the boundaries of the original PD, and the larger parcel is zoned R1. So, this would make the entire parcel one singular zoning classification?

Dr. Bolger

Yes. I believe that's correct. And I believe that there may be a portion of the golf course abutting West Eight Mile to the east of Telegraph that may have a B4 zoning classification. It would restore the R1 that had been there before.

Commissioner Bennett

I want some clarity on the petitioner who just spoke about opening up a center in her home. Would this negatively impact what she wants to do?

Dr. Bolger

The speaker made a reference to transitional housing. Transitional housing is not a land use - when you look at the 300 land uses that are specified in the zoning ordinance, transitional housing is not one of them. As a practical matter and as a matter of funding from the federal government, or the state, or the county, or the city, transitional housing is important, and it can take the form of providing housing to folks who are otherwise homeless or maybe trying to put together a security deposit so that they can move into an apartment, or maybe for folks who are dependent on alcohol or drug issues. It could be for folks who are returning citizens who are coming out of incarceration.

Transitional housing is a way of providing support for people living together outside of a strict family situation. Or perhaps other folks dealing with similar issues, where they may be able to enjoy some kind of supportive service in addition to having a place to sleep and take their meals. So, it depends on the particular character of the transitional housing as to the kind of zoning land use they would be considered to have.

One clear example of being different is the ordinance – we talk about group living in general, the zoning ordinance treats survivors of domestic violence differently than it does other kinds of group living situations. It's permitted without having to go through the Public Hearing process. Mainly to provide security for the venue itself and the folks who live there. But other kinds of group-living situations are more tightly controlled.

Commissioner Bennett

Can her property be excluded from what the City is proposing?

Dr. Bolger

In general, a specific property ends up not being extracted from a rezoning, like a multi-blocker, a complete block rezoning. To avoid situations of possible spot-zoning questions that may arise as to why one particular property is surrounded in an area where other land is zoned differently, as to what would allow for that?

Director Todd

We've made two points. Again, I think to go back to what Dr. Bolger indicated earlier, the PD would only allow, again, the Home Depot on that property. So, the existing zoning certainly would not suffice for what she's talking about, unless we were to modify that PD to allow, so yet another rezoning or zoning amendment. That amendment type functions to do that. With the utility of that, again, it is questionable in light of again - needs no specifics in what we're otherwise trying to achieve through this amendment to rectify an incomplete development. A development that was never achieved.

The second point given - that you're certainly trying to determine whether or not you're comfortable with same-day action. At least as an underlying thought here to the extent that the issue raised by yourself, Commissioner Daniels, or Commissioner Udabe, or any of the others that may be there this could be reason to allow Staff to deal with it more deeper and come back at the next meeting would be an opportunity for us to deal with the particular property owner whose subject of your inquiry, Commissioner Daniels, as Dr. Bolger indicated, to ascertain what specifically she is looking to do and then maybe identify ways whereby that could be achieved also address some of the other issues.

Again, to the extent that you are comfortable, you could still direct the Staff to follow through with that. But we leave it to the commission in terms of what you are most comfortable with in terms of your action being clean and as comprehensive as possible for the request that is before you.

Commissioner Russell

I would like for us to consider Staff working with the property owner to see if there is something that can be done to allow her to move forward with her plans. I would hate to vote on this, and then it is not certain that it is under a business opportunity for what she is trying to accomplish.

Commissioner Lewis

I agree with Commissioner Daniels. I was wondering, Dr. Bolger, if you could bring up that map that shows No. 10 and give us an idea where her property would be located.

Dr. Bolger

(Referring to a map) If we look at this map, which contains all eleven locations. Site No. 11 goes almost – there are a certain number of houses on the southside of Frisbee that have remained as R1. But south of those lots all the way down to a line that's about 770 feet north of Seven Mile, going from Lenore over to Telegraph, that's where these 81 lots are located. So, Woodbine Street goes north/south; it's the first street west of Telegraph that goes through. The even-numbered addresses are on the east side of Woodbine. The odd-numbered addresses are on the west side of Woodbine.

Commissioner Lewis

I heard her say that she's two houses down from – is there any way where you can give an indication on that map where her house would rest? Is it further north or south, east?

Dr. Bolger

As I understand, it would be a couple of blocks south. So perhaps something less than 100 feet to the south of these houses that are on Frisbee.

Commissioner Lewis

So, that's an alley there (referring to a map). Is that an alley there?

Dr. Bolger

It looks like, yes. There would be at least--

Rhonda Williams

No, that's the wrong end. We're at Seven Mile and Telegraph, where the plaza is that you were referring to. That is on Seven Mile and Telegraph.

Dr. Bolger

Thank you. So, we're looking at this site, a shopping center –

Commissioner Lewis

Her property would be close to the northernmost portion of that boundary that you're showing, Dr. Bolger.

Dr. Bolger

If I'm understanding correctly, at the northwest corner of Seven Mile and Telegraph is where we see the existing strip mall, just to the north of that –

Commissioner Lewis

So, her house is where the Home Depot would have been?

Dr. Bolger

Yes. It was identified as one of the properties that Home Depot had been interested in.

Commissioner Lewis

Is there some way we could move forward with the waiver and vote on the matter? As was indicated, if there were a way that maybe her property and a few adjacent properties could be held off, and then the larger portion could be voted on this evening? There's no way to do a carve out, is that what I'm hearing?

Dr. Bolger

That's within your purview; that we examined the eleven different sites and how those would be rezoned is your recommendation.

Commissioner Lewis

My only concern is if she decides that she's going to open up a transition-type facility, and it is my understanding that, depending on the type, R2 may not allow her to do that. If there were an opportunity, as Commissioner Daniels has indicated, that we could move forward without – not necessarily leaving her in a PD situation, but with the opportunity to come back so that she can move forward with her business plans with the proper zoning.

Dr. Bolger

The commission could specify that certain properties would go into a different zoning classification. The notice of this Public Hearing, as the Chairperson read at the beginning, was to rezone eleven lots to an R3, an R5, or an R1 zoning district classification. I think as long as we're looking at those three classifications, an R2 is within the bounds of the notice that was given.

Commissioner Lewis

Thank you. Understood.

Chair Smith

I will share my thoughts, and then I will allow it to continue. The PD doesn't allow for that particular use, R1, nor does R2 allow for that particular use. I think that we have heard that R3 has some tendency to be more intensive for that neighborhood in character, and that R5 would probably be a lot more intensive for that area. I'm a little hesitant. When we talk about carving out spaces, what would have to be a more dense residential district to allow that use?

I guess the alternative to what I'm thinking is, can staff look at the R2 district itself to see if there is space to possibly explore along those types of uses in the R2 versus trying to make a cut-out for like this particular corner of a block for this neighborhood. And that's one side of it, and then the other is that resident – would they be allowed to request a rezoning for that parcel to an R3? Would that be considered spot-zoning to put an R3 in an R2?

Dr. Bolger

To answer this question. First, the property owner, yes, is able to request a rezoning of public land. We, of course, provide counsel that if something is likely to present a legal issue, that would be an uphill climb. A legal issue in point of not being consistent with the Master Plan. Although what we are suggesting is not consistent with the Master Plan. The Master Plan is out of date when it comes to this.

The first question that you had would involve a text amendment to the zoning ordinance and that is something that the – as commissioners are aware, we've done six different general text

amendments to the zoning ordinance where it's really getting into issues of like, maybe you should be permitted conditionally rather than prohibited or should be permitted by-right rather than conditional use. That's definitely something that we look at.

Currently at the R2 zoning district classification, which is what was proposed for the old Home Depot site. The only uses that are permitted of a residential nature on a conditional basis are multiple-family dwellings, but with only eight units, townhouses with a maximum of eight units, religious residential facilities, and school building adaptive reuses, and that's it.

So, the question, whether, for instance, a prerelease adjustment center for folks coming out of corrections whether should be added to the list of conditional residential uses. That's something that could be considered as a text amendment to the zoning ordinance. It would inevitably lead to a question of, if this one kind of group living situation were to be newly permitted, then what about substance abuse service facilities of other kinds of group-living situations?

Chair Smith

I will be curious what the staff comes up with if they were to look into that. Because I know we did something similar, or we did childcare. We looked at areas where we could open it up. So, it's not particular to one neighborhood, but holistically, the city can address that. I feel like we did it when we added the domestic violence language. I think we made some changes there. I would just be curious because it just may not be this particular street or this particular resident's home that may be facing the challenge that they want to do something with their house, but they can't because they are in R2, and R3 is too much of a jump for whatever that scenario. But I think it's worth looking at so we can address this holistically instead of in one particular Map 71.

Commissioner Lewis

We are changing the zoning. The residences in the area were zoned PD. Now the zoning, we are in the process of changing the zoning again and certainly the holistically way of looking at it, I am in one hundred percent agreement with the Chair. In terms of requiring this potential business owner to have to go through a zoning process when we're already in a rezoning process, personally, I would not want to put that hardship and that cost on this young lady, on this residence. Because she is here now voicing her – not necessarily voicing that she is against this, but she's trying to understand how she can reach her goals and work with us in terms of this rezoning. We know that if she has to come back and rezoned, number one, it's going to be a spot-zone, and there is a great deal of cost associated with that. So why not include, as the Chair has said, in a holistic way so that we won't place that hardship on her.

Commissioner Russell

I have a question and a suggestion. Dr. Bolger, I want to understand you. I heard you say that, per state law, we cannot deny those state-licensed facilities in a zoning district. Did I hear that correctly?

Dr. Bolger

Yes. That is correct. The specific terms that the State's Enabling Act mentions are state-licensed residential facilities, and the definition of that includes adult foster care homes for one to six individuals and childcare institutions for one to six kids. It does not include other group-living situations, which the state also licenses. So, the action that the State has taken to preempt local zoning only goes so far.

Commissioner Russell

We're not sure what type of facility is desired to be there. And that my suggestion would be that this is not the night to vote on it - and let the staff work out the logistics of what's possible and what they recommend.

Chair Smith

Can you clarify a state-licensed facility that provides this use in a non-state licensed facility that also provides this use? Are they the same, or are they separate tracks that the zoning ordinance clarifies? Operating under a State license or just having a home and operating it on your own.

Dr. Bolger

Mr. Chair. If someone is operating what amounts to an adult foster care facility or amounts to a childcare institution, state law requires that they be licensed. If someone is informally doing it, they do so at their own risk, and the appropriate state agency could take action against that.

When we look, for instance, as a follow-up with what Commissioner Russell was looking at, we look at the R3 zoning district classification. There's a handful of residential uses that are okay in R3 for Building, Safety, and Engineering to consider. They're listed as conditional uses. They would include adult foster care facilities from seven or more, individual fraternity or sorority houses, a home for the aged, a pre-release adjustment center, residential substance abuse service facilities, multiple-family dwellings where fifty percent or more of the units are efficiency units, and school buildings for adaptive uses that are residential.

So, there are some group-living situations that would be permitted. As it turns out if it's seven person or ten-person or a twenty-person AFC, it has to be licensed by the state. It would have to be licensed by the state, but the city also is able to hold the Special Land Use Hearing to make a determination, whether or not it's appropriate at this given location. The same thing for folks coming out of corrections or a treatment facility for folks dealing with alcohol or substance abuse.

Those kinds of group-living situations may be licensed and funded by the state, but they also require a special land use grant from the Building, Safety, and Engineering Department. If, for instance, this land or a portion of the land of the Home Depot site were rezoned to R3 rather than R2, it would open the door for someone who wanted to provide a group-living situation. But it would still require their particular proposal to go through the Special Land Use hearing process, where neighbors would be notified. They would be able to speak as to whether that's appropriate for that given location. So that's a significant difference between R2 and R3.

Chair Smith

I just want to clarify. In an R3 that use is a conditional land use from BSEED is not a permitted by-right.

Dr. Bolger

That's correct. It's permitted conditionally after a Public Hearing at the Building, Safety, Engineering, and Environmental Department.

Commissioner Harrison

I have a question related to 20400 Telegraph. In your presentation on the slide that follows the map, in the middle section, it says, "this land is proposed to be rezoned from PD to R1 and is classified in

the Master Plan as future general land use maps as recreation PRC. So the question that I have related to us rezoning it from PD to R1 is if the land is not envisioned as ever being supportive to R1, is this the right time to – would rezoning it create potential for complications later should there be something that might be proposed as R1 if there is a potential that – it doesn't sort align with Master Plan, the proposed future is PRC.

Dr. Bolger

The answer is yes. It does protect property. So that the owner of the property is of a mind today that they are not ready to develop it in any particular form. If next year, a proposal comes up that is something other than uses that are permitted under R1, they are back at this table to get the land rezoned, which is why we reached out - Mr. Gulock in our office has had contact with this landowner over the years. To inquire what that person's interest was. One of the curious things about the site because the Master Plan for that area looks at it as a recreational use. If we were to rezone to a land use consistent with that, such as a PR zoning district for parks and recreation, there's really no way for the landowner to make money off that.

Commission Harrison

I appreciate that, Dr. Bolger. So, the question I have is, and I recognize that we talk a lot about the need, but we've been in the process for more than a year now, rezoning these PDs to bring them back to previous zoning. Is this a case where we can leave this as a PD? Was consideration given to that? Why the change to R1 if this is the case, where R1 wouldn't be suitable even if we looked off at the far-off future?

Dr. Bolger

The reason for going away from the PD is because that development plan has been abandoned. At the moment, we still have language on the books that says three years after an authorization has been granted for a PD if nothing has happened, that authorization lapses. We've also determined that getting rid of that lapse of approval provision makes sense because people were developing run into big problems. A recession hits, the city goes through bankruptcy, there's a pandemic. So, in the future, once the six general text amendment become laws it is passed by the City Council. That three year lapse of approval goes away. We're still operating under that right now.

When we take seriously the fact that a PD if it is not being developed as proposed should go in the direction of allowing some kind development. It could be a different PD. When you think of Perfecting Church, we did have a situation where a PD was authorized, development didn't occur for a very long time and before steps could be taken an updated and a replacement PD was proposed and approved in that development continues.

So, if there were a proposal for a different kind of PD that could certainly be considered. At present, we don't have that kind of proposal. And if the owner of the property chooses to go that route, they could come back with a replacement PD or they may come back with a proposal to go to one of the standard zoning district classifications.

Chair Smith

I think what I heard if that development indicated they wanted to do something B4 related, we would have recommended for B4, but they didn't give us any indication of what designation we should be putting on that land. So we just kind of reverted to the least impacted.

Dr. Bolger

I believe Mr. Gulock asked specifically whether or not they preferred going to something like a B4, General Business classification. The owner indicated, no. Go back to the R1, then put it in the same zoning classification as the remainder of the site. So, what's being looked at with this rezoning is nine acres out of a forty-six-acre site.

Commissioner Harrison

Just one follow-up. As I'm thinking about this, I'm thinking about if there was a proposed development that came before us, a proposed R1, that wouldn't be in line with the Master Plan. So, we would automatically be against what we know to be the recommended land use future for it. I'm wondering, it's going to be something I have to consider, but I just wasn't thinking about it - is there any other way that we might be able to think about that so that we are unimagining thinking about the far-off future as we sort of do here? Is there a way that we can kind of envision, like what would get this going in the direction of at least giving an incentive to develop the thinking about, hey, this is where this could be going?

Dr. Bolger

That's a good point. We're recommending something that the Master Plan does not support. And, part of that is the recognition that the Master Plan supports, even though it may be desirable, doesn't allow for development, and doesn't allow for a landowner to realize gain off of the property, which raises other concerns about whether or not we're doing a regulatory taking of the property. If the City owned it, it could remain a building space. And that's not what we're considering.

Commissioner Harrison

Whether we rezoned it or not, that owner would still have to come back to rezone to do anything else other than single-families or the original PD.

Dr. Bolger

That's correct. And even in the instance if Staybridge Suites came back and said, "We're ready," they would need to come back in the same way that Perfecting Church did.

Chair Smith

I think we will anticipate this item coming back. Alright, we'll go and close this item.

5:15 PM Public Hearing Closed

**Attachment IV
CPC Meeting - April 3, 2025
General Public Comments**

Rhonda Williams

I just want to make sure that I'm clear. If it is rezoned for – because I do want to receive state funding for my home. Because these are the transition home, for like, - I don't know if I want to do male or female yet. But even which way they are incarcerated and the state is going to pay for them to be housed in my home. Will I still be able to receive state funding even if it's rezoned as an R2 or is that only under an R3. It would be licensed either which way it goes, but I want to be able to receive the funding from it as well.

Chair Smith

We typically like to reserve the follow up until the end. So, I want to make sure that you take a moment when we're done to follow up with that.

Rhonda Williams

Okay. So, I wait.

Chair Smith

Yes. Staff will get with you, and they will make sure that they can answer that in greater detail

Rhonda Williams

Okay.