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# City of Detroit

## CITY PLANNING COMMISSION

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July 16, 2024

### HONORABLE CITY COUNCIL

**RE:** Zoning and planning concerns with the proposed solar initiative

This report comes to you as a follow up to the privileged document prepared by the Legislative Policy Division (LPD) focusing on the legalities around zoning relative to the proposed solar initiative. This document comes without privilege and speaks largely to items addressed verbally during Your deliberations over the last three weeks, especially to the planning and zoning issues presented by the proposal.

### PUBLIC POLICY CONCERNS

The solar initiative presents Your Honorable Body with a number of public policy concerns as you deliberate over this matter. One such issue is the permissibility of this proposal under zoning. You have received writings with respect to the legality of such and CPC staff takes no issue with the assertion that one way to allow this project to move forward may be to establish an exemption of it from our Zoning Ordinance as an essential public service.

The City's Master Plan of Policies (MP), in simple terms, is a policy document that sets forward a vision and guides the physical development of the City. The Zoning Ordinance provides the more particular land use regulatory scheme to support and advance the MP. PA 110 of 206, the Michigan Zoning Enabling Act, provides the authority and prescription for administering zoning across the state. Section 125.3201 of the Act sets forth the purpose and intent of zoning in the State of Michigan:

***Regulation of land development and establishment of districts; provisions; uniformity of regulations; designations; limitations.** Sec. 201. (1) A local unit of government may provide by zoning ordinance for the regulation of land development and the establishment of 1 or more districts within its zoning jurisdiction which regulate the use of land and structures to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for*

*transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, and to promote public health, safety, and welfare.*

Zoning in the state of Michigan is clearly intended to be comprehensive in the regulation of all land use including public facilities and energy. Exemptions have been established in order to meet particular circumstances in one jurisdiction or another, as is born out in case law and the presence of exemption language in zoning ordinances across the state. Given that zoning is intended to be comprehensive, and the City of Detroit Zoning Ordinance is comprehensive by design, the introduction of exemption language, broadly or narrowly defined, presents a question of public policy. Such a decision should be thought of in the context of past practice and the current structure and provisions of the existing ordinance as well as the master plan it supports.

Historically, development projects initiated by the city or partner agencies, such as the development and ongoing improvement of the Civic Center through the PC zoning district, or the facilities of the Detroit Water and Sewerage Department and the Public Lighting Department have complied with the Zoning Ordinance or there was a reactive effort to create compliance. If we were talking about a small pump station or transformer yard nestled within a neighborhood that would be one thing, but in this instance, we are talking about multi acre solar generation facilities supplanting neighborhoods or portions thereof in conflict with both the MP and Zoning. Were there no viable option to introducing an exemption we could see the necessity, but since there are options, and the option of establishing a solar overlay can be achieved through an amendment to the Zoning Ordinance in the same time frame and manner an exemption would have to proceed. We suggest that an outright exemption to the Zoning Ordinance is not necessary. It is better with an initiative of this scale and importance to be proactively addressed in the Master Plan and specifically provided for in Zoning.

## **REVIEW**

We present the following narrative of items you may wish to consider as Council moves toward the completion of your negotiations with the Administration and deliberations over the solar initiative and the various action items before you.

### **Use Assessment**

If the City Planning Commission had been asked to review this proposal and develop a zoning solution, we would begin by assessing the proposed use and the provisions of the Zoning Ordinance, Chapter 50 of the 2019 Detroit City Code. The nature, character and scale of the proposed solar generation facilities would classify it as an industrial use. Generally speaking, the use would be best suited for an industrial or manufacturing zoning district M1, M2, M3, M4 or M5. Some argument might also be made for the B6 (General Services) zoning classification, which is the most intensive of our commercial zoning district classifications. In rural communities, Agricultural districts, which the city does not have, would be preferred for using farmland for solar fields. We could also look to the PD (Planned Development) district zoning classification which affords the City the ability to prepare a custom and specific zoning response to a given proposal and the particular challenges it may present. Lastly, we can develop an overlay district that would leave the existing zoning district in place but overlay it with

provisions to permit and regulate the proposed use. Overlay districts may be used to pilot new uses, for temporary activities and in special circumstances. CPC staff is in the process of drafting a text amendment to the Zoning Ordinance that would create a City Solar Station Overlay Area to accommodate the proposed solar stations that could provide the desired essential service exemptions to use regulations and development standards, while maintaining design oversight at the administrative level in a manner similar to other existing overlay areas in the Zoning Ordinance.

At present solar facilities of this type are only named and permitted in the PR (Parks and Recreation) zoning district classification as a conditional use. A conditional use requires a review and public hearing by the Buildings, Safety, Engineering, and Environmental Department (BSEED) in order to be permitted. This allowance in the PR district was created via a text amendment to the Zoning Ordinance, in order to facilitate the piloting of solar generation facilities at a site mutually agreed upon by DTE and the City. That site was O'Shea Park, which is situated at the edge of a residential community, along a freeway corridor and a major thoroughfare, where the adjacent land to the north and the east is industrially zoned. These factors made it a good candidate for the pilot.

As a pilot, it was never the vision or intent that the City's parkland or the PR zoning district would provide means whereby this use would develop and expand across the City. We were to evaluate the pilot and determine how to proceed with this use in the future. This was part of the work undertaken by Zone Detroit, the comprehensive update to the Zoning Ordinance that is still in progress.

### **Site Assessment**

The next step in our process would be the assessment of the proposed sites. We would look at the existing zoning in the area, actual land use and conditions of the land and structures, the Master Plan of Policies, transportation, etc. We would then make a cursory determination of the appropriateness of the site for the use, and if a change to zoning was feasible or even a text change to the provisions of the Ordinance. We might also find the use to be incompatible with the proposed setting and suggest a different site be pursued. If we find that an area is blighted and stagnating or is in transition from one use character to another, we would then explore the development of a new pattern of zoning and land use and prepare a corresponding change to the Master Plan of Policies and the Zoning Ordinance working with PDD. This would formally establish new public policy supportive of the new initiative and codify the change from the prior vision for land development.



Attached for your information is a preliminary profile of the three phase one sites presently before Your Honorable Body and the other sites up for future consideration. The profile includes an aerial view, census data, the Master Plan land use designations, and the zoning for each of the neighborhood sites. This is indicative of the sort of information we would amass in order to make our assessment.

## **Impacts**

The next step would be to assess the potential impacts of the proposed solar generation facilities upon the host community. We would look for answers to the following questions, among others, and identify mitigation measures.

1. What impacts might the proposed use have on community, health, and environment?
2. What will be the impacts to the existing street grid and the underlying infrastructure?
3. How will the vehicular and pedestrian circulation patterns be affected?
4. What will be the impacts of the design and operation of the facility?
5. What screening and buffering will be required to safeguard remaining residential activity?
6. What will be the resulting living conditions for remaining residents, businesses and other components of the community?
7. Where are the likely areas within the neighborhood that these facilities might expand to in future?
8. Will some residents be isolated in their neighborhoods as a result of the configuration of these facilities or at minimum inconvenienced or burdened with safety and security concerns?
9. What is being done to ensure the viability and success of the Solar neighborhood? How will remaining residents be supported and what will be done to encourage the sustainability and growth of the resulting community?
10. What blighting or otherwise negative influences would be removed, and what if any may be introduced?
11. What benefits, if any, in addition to those relating to solar generation might the host community realize?

Some of these questions could be answered through visuals presenting a conceptual or preliminary site plan and renderings projecting the images of how a completed facility may appear. Unfortunately, the Administration has elected to conduct the visioning and design development of the solar generation sites in the next phase of the project. Not having done so before the initiative was presented to Council gives one pause to question if the feasibility and viability of the facilities in each individual context has been adequately considered. Conceptual design is typically explored to an extent at the inception of a project like this as it is a key contributor to the development of the request for proposals. Having a sound understanding of the design, operation and possible appearance of these facilities could have better informed the development of the entire initiative, in particular the site evaluation and selection, acquisition and configuration, and the understanding and expectation of the residents who will be neighbors to these sites.

## **Approach**

CPC staff is certainly in support of the introduction of solar generation into Detroit's landscape and all of the benefits that accrue to it. We also welcome the inclusion of other forms of alternative energy and other innovative land uses. However, we differ with respect to the site

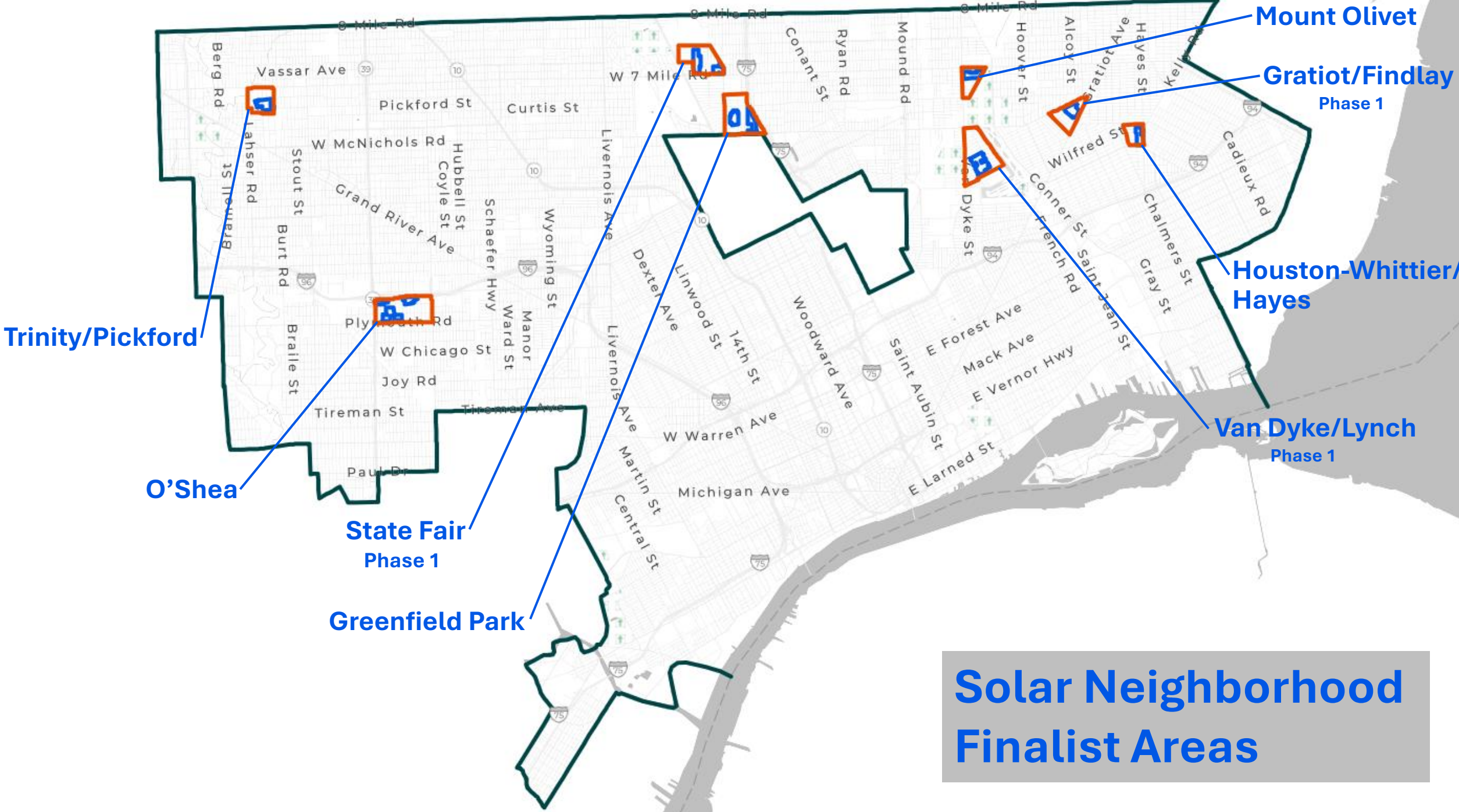
selection process and the lack of clear established public policy to underpin and guide this initiative. A process that was inclusive of the Master Plan and Zoning would have benefitted City and citizen in the site evaluation and selection process. Challenges could have been identified and proactively addressed earlier in the process. The effort was undertaken in order to bring the City into compliance with one ordinance only to be in conflict with Zoning and MP. A more wholistic approach to the initiative could have produced greater understanding and consensus, while addressing the obstacles encountered, rather than dismissing them. This project could have arrived at the Council table in more complete and acceptable fashion consistent with past practice and public policy.

Respectfully submitted,



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Eric Fazzinn, City Planner  
Dolores Perales, City Planner  
Phillip Keller, Esq

Cc: Trisha Stein, Chief Strategy Officer  
Ray Solomon, Group Executive Department of Neighborhoods  
Conrad Mallett, Corp Counsel  
Antoine Bryant, Director, PDD  
David Bell, Director, BSEED



Mount Olivet

Gratiot/Findlay  
Phase 1

Houston-Whittier/  
Hayes

Van Dyke/Lynch  
Phase 1

State Fair  
Phase 1

Greenfield Park

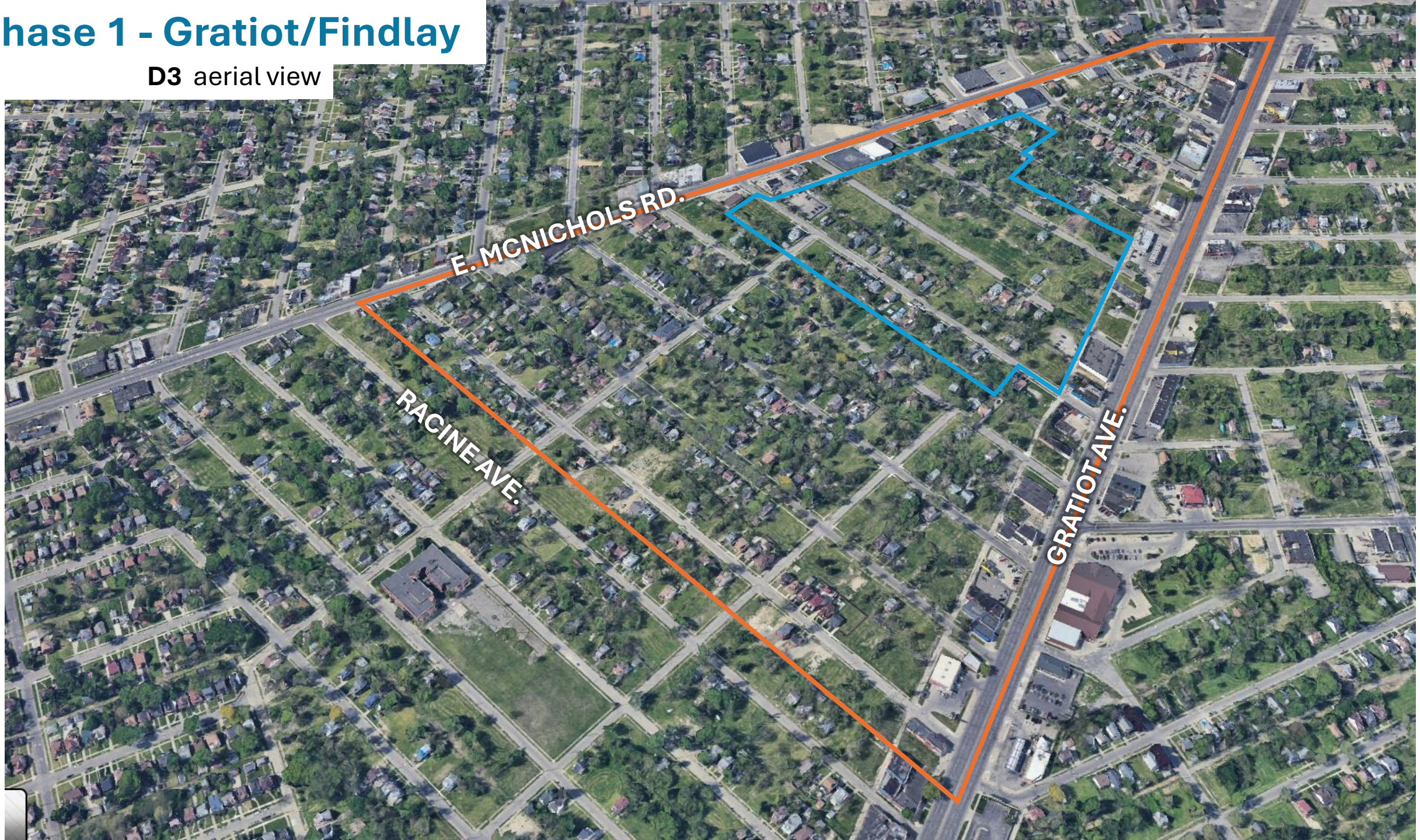
O'Shea

Trinity/Pickford

**Solar Neighborhood  
Finalist Areas**

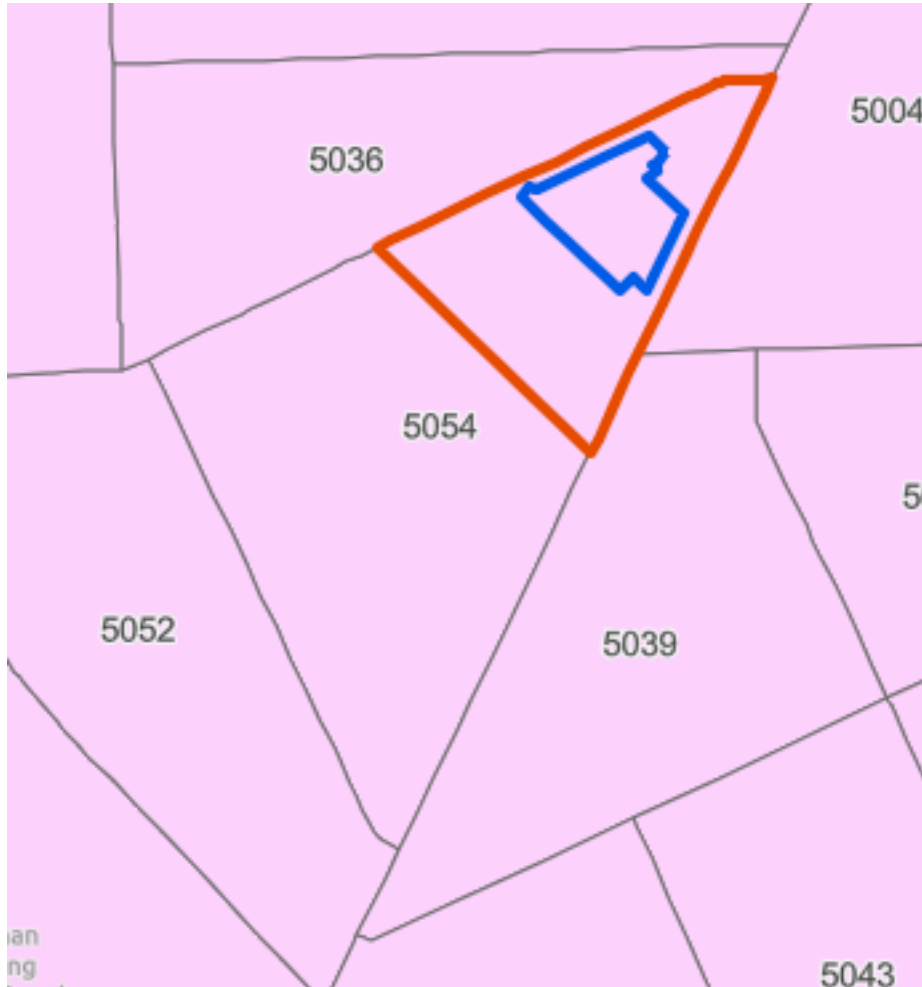
# Phase 1 - Gratiot/Findlay

D3 aerial view



# Gratiot/Findlay – Phase 1

Census data



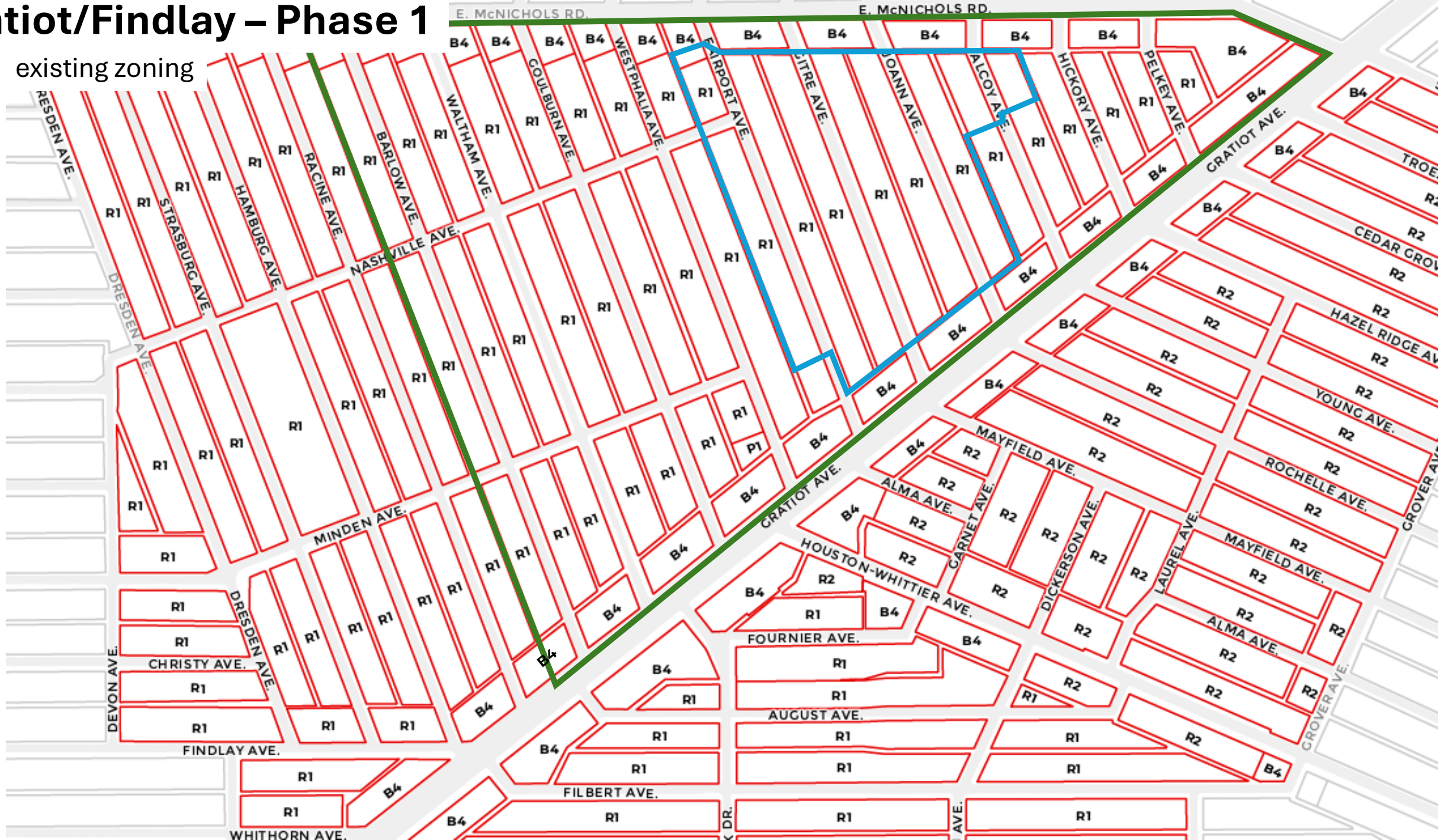
*Map of Census Tracts*

- 2020 Census Tract: *portion of* **5054**  
2020 Census Tract population: **1,927**  
2022 American Community Survey data:
- **759** households
  - Average household size **2.56**
  - **37%** owner-occupied
  - **63%** renter-occupied



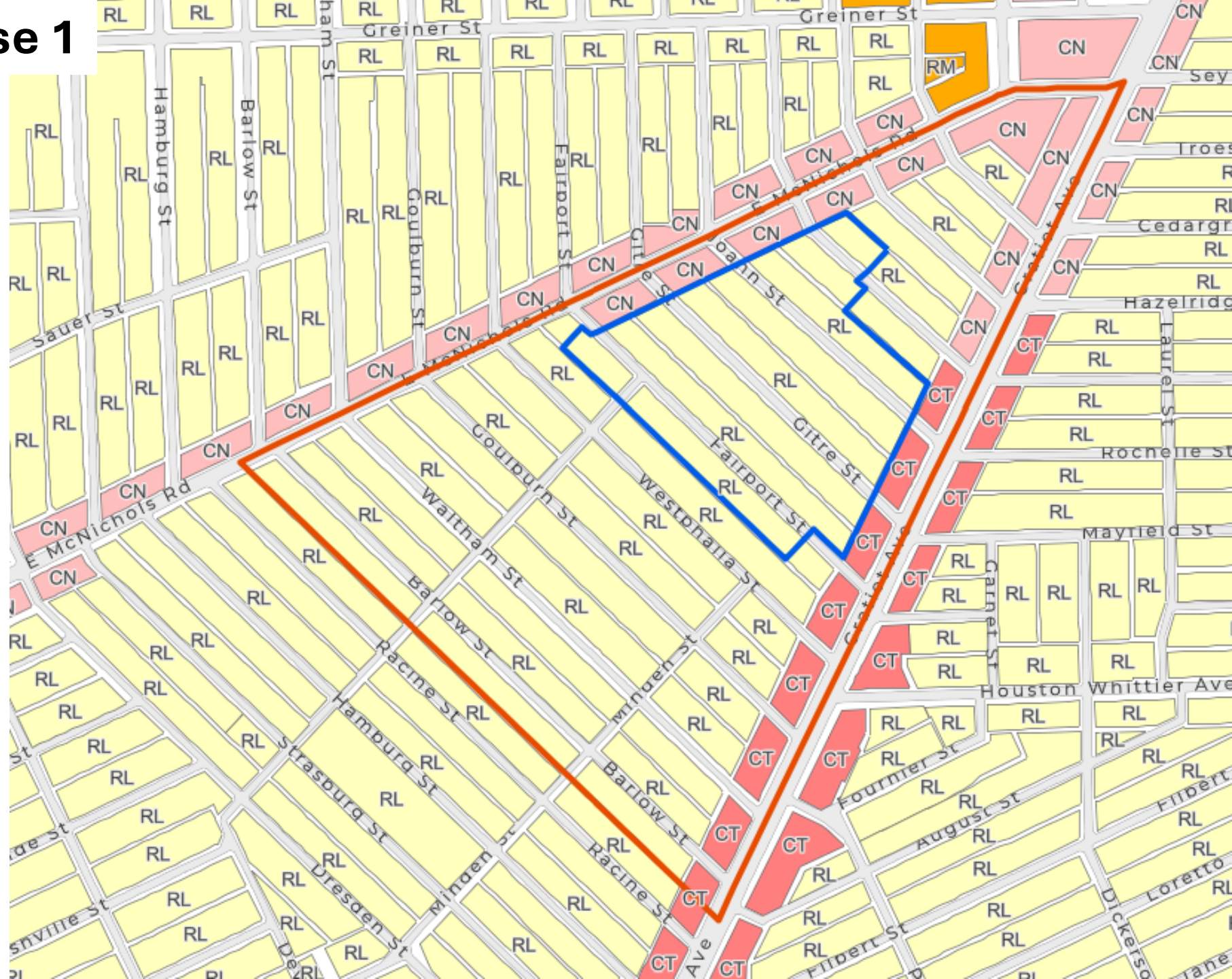
# Gratiot/Findlay - Phase 1

existing zoning



# Gratiot/Findlay - Phase 1

existing MP classification

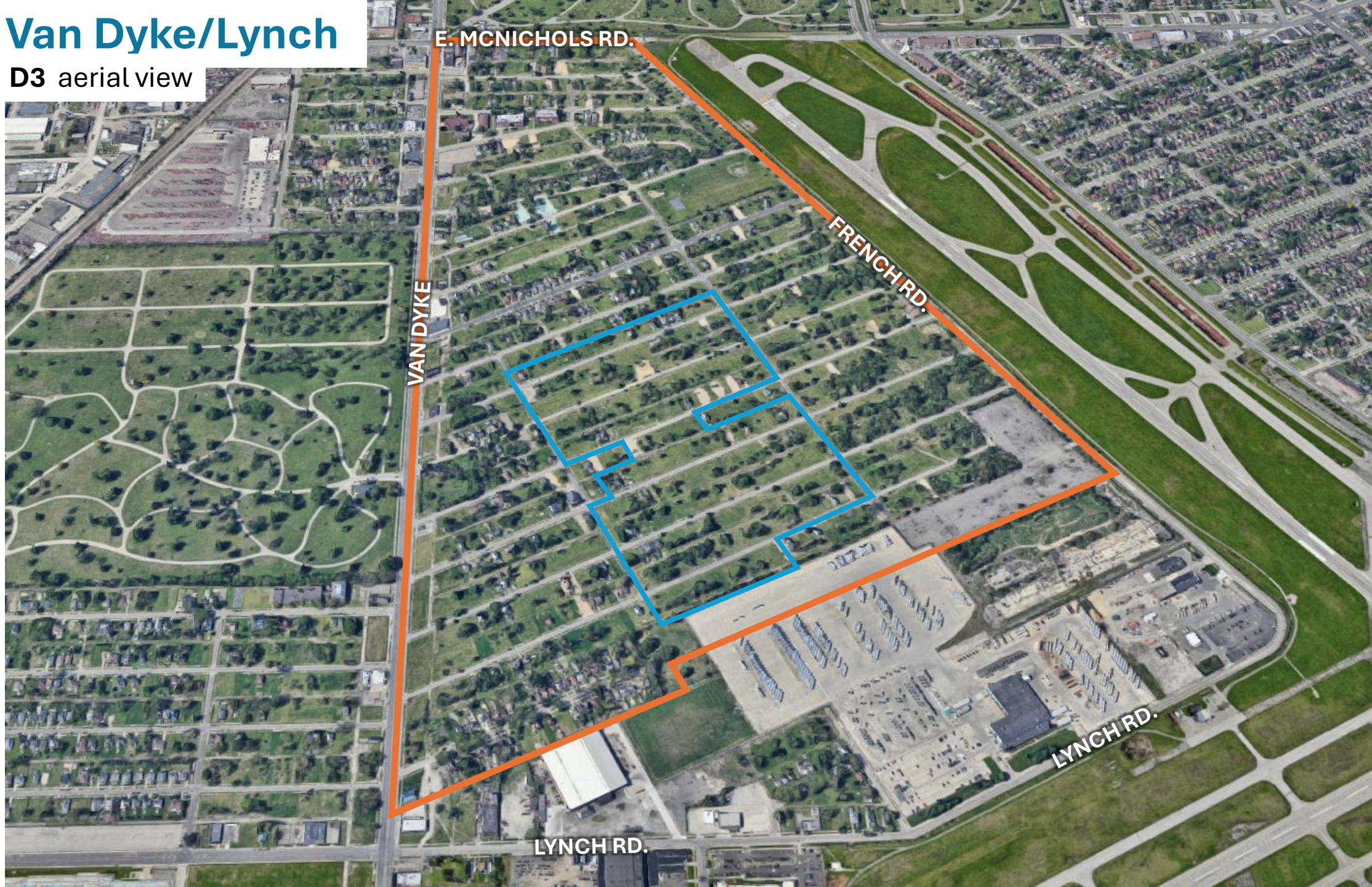


## Legend

- RL – Low Density Residential
- RM – Medium Density Residential
- CN – Neighborhood Commercial
- CT – Thoroughfare Commercial

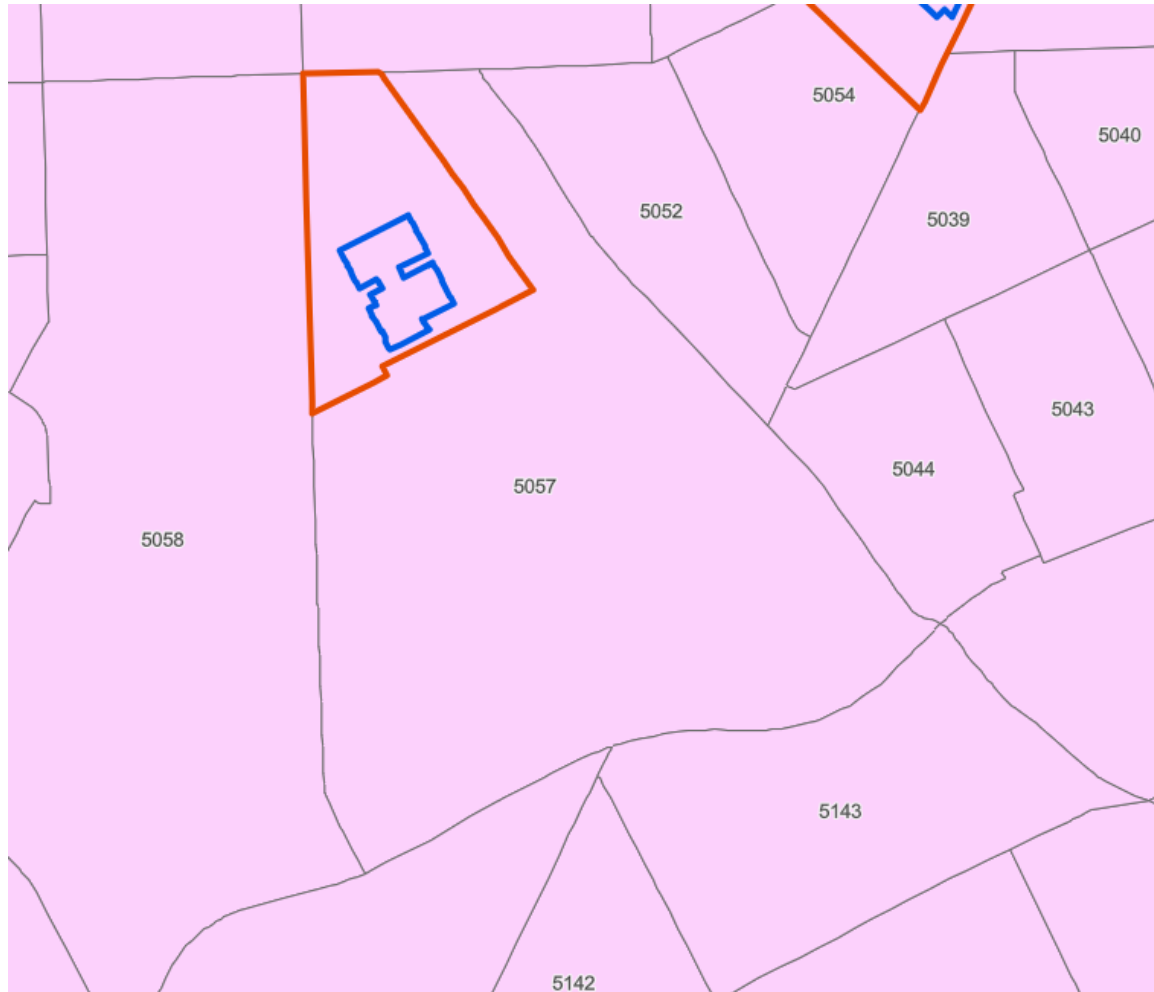
# Phase 1 - Van Dyke/Lynch

D3 aerial view



# Van Dyke/Lynch – Phase 1

Census data

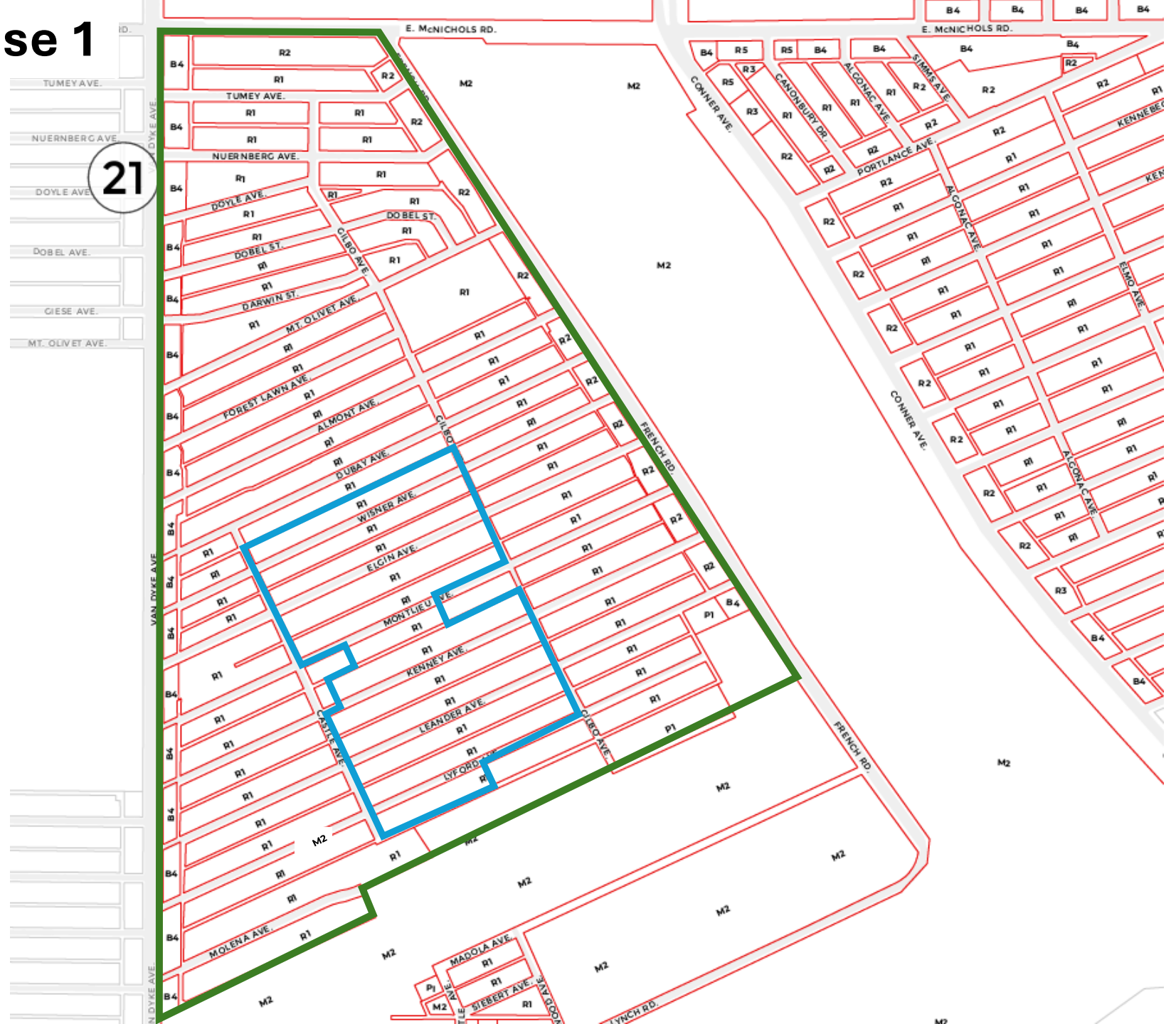


*Map of Census Tracts*

- 2020 Census Tract: *portion of* **5057**  
2020 Census Tract population: **2,936**  
2022 American Community Survey data:
- **1,047** households
  - Average household size **2.80**
  - **69%** owner-occupied
  - **31%** renter-occupied

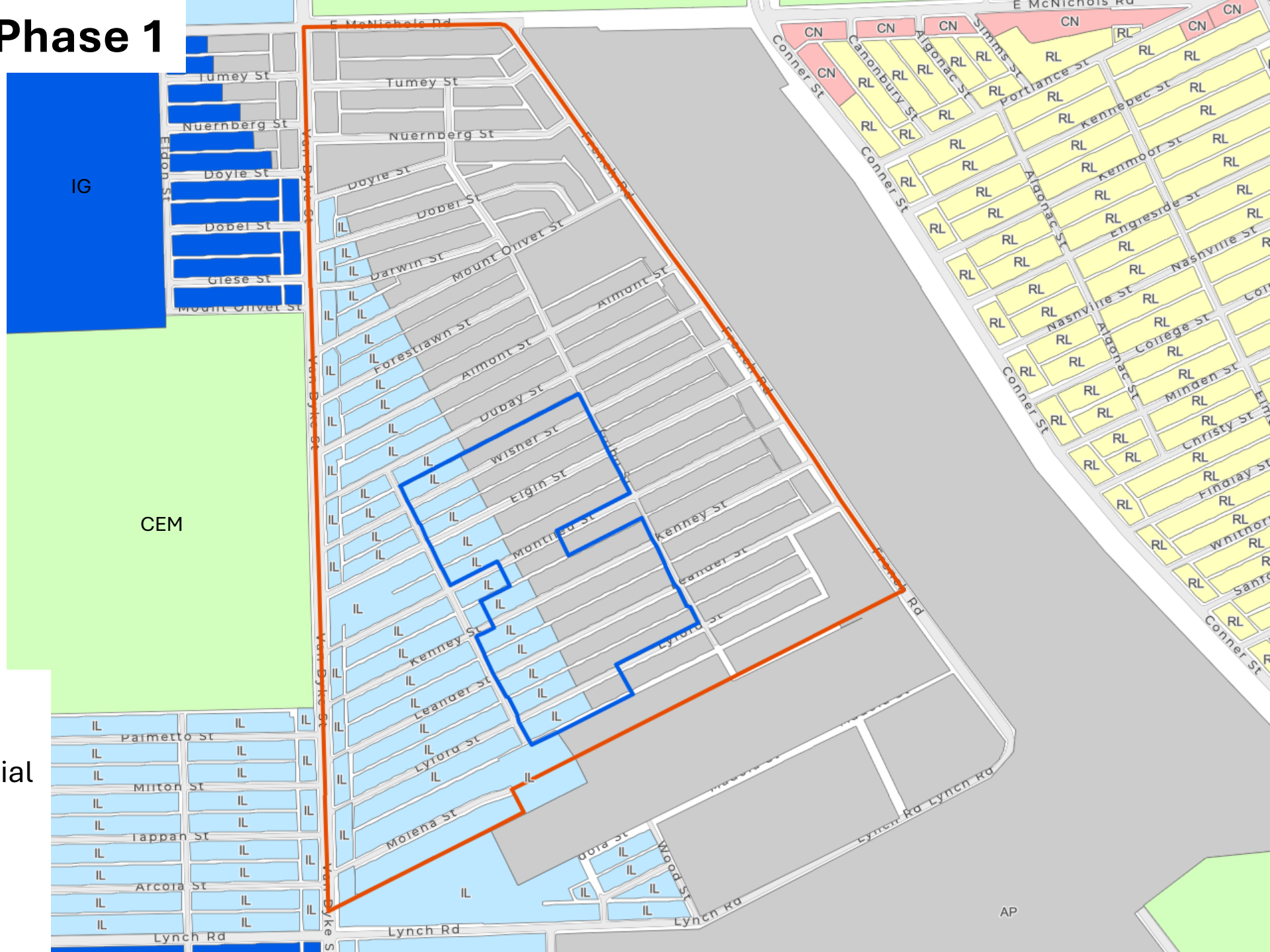
# Van Dyke/Lynch – Phase 1

existing zoning



# Van Dyke/Lynch – Phase 1

existing MP classification



## Legend

- RL – Low Density Residential
- CN – Neighborhood Commercial
- IL – Light Industrial
- IG – General Industrial
- CEM – Cemetery
- AP - Airport

# Phase 1 - State Fair

D2 aerial view



W. STATE FAIR

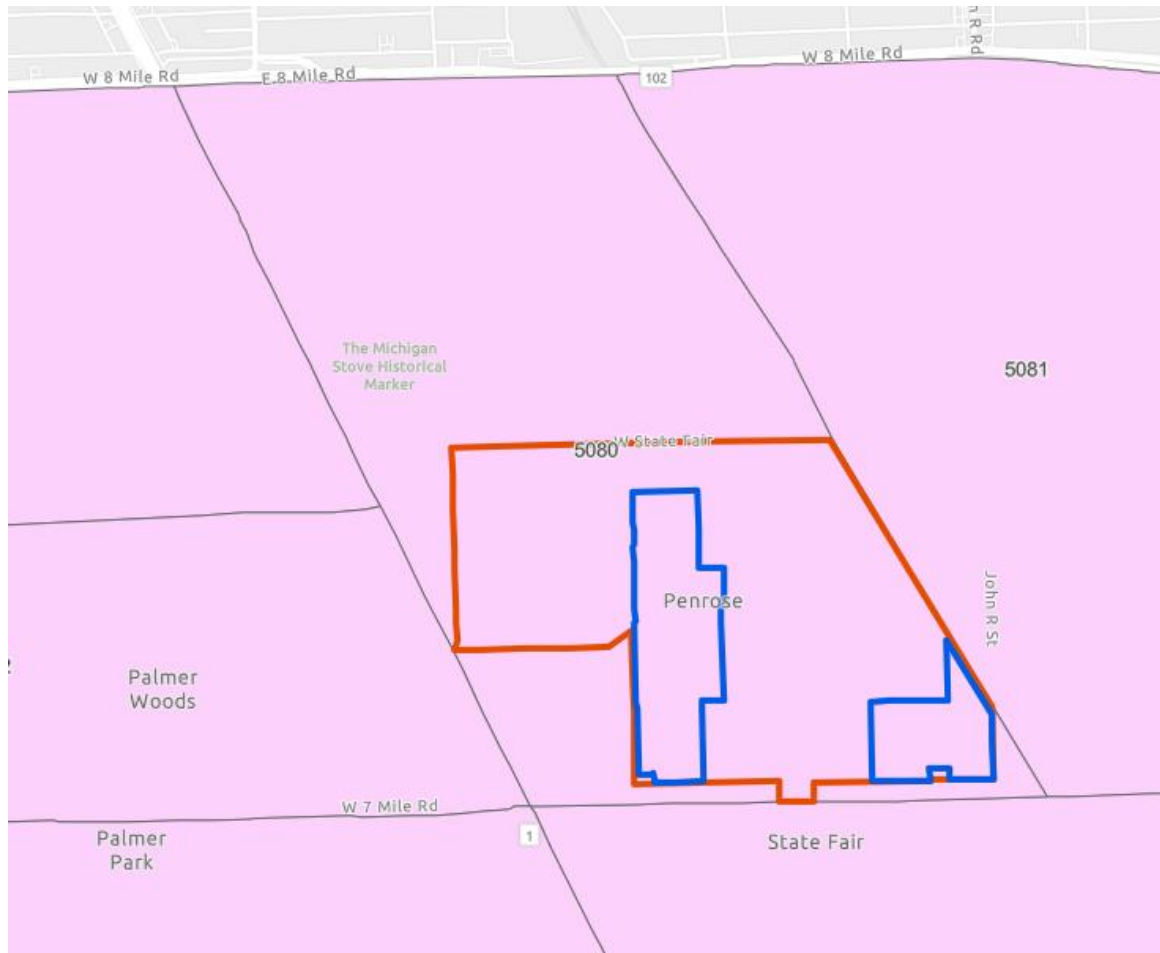
RAILROAD

WOODWARD AVE.

W. SEVEN MILE

# State Fair – Phase 1

Census data



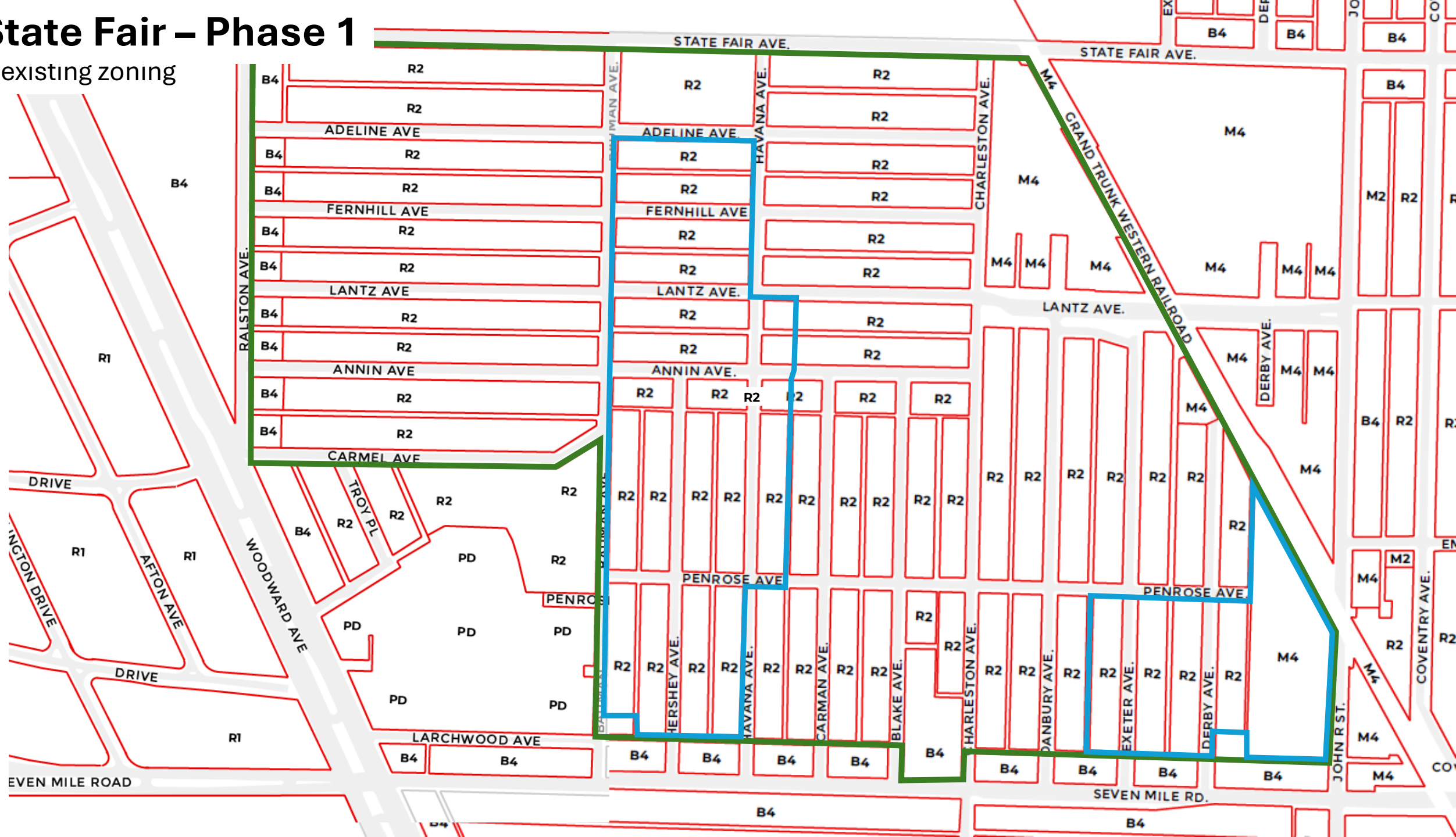
*Map of Census Tracts*

- 2020 Census Tract: *portion of* **5080**  
2020 Census Tract population: **1,098**  
2022 American Community Survey data:
- **580** households
  - Average household size **1.97**
  - **6%** owner-occupied
  - **94%** renter-occupied



# State Fair – Phase 1

existing zoning



# State Fair – Phase 1

existing MP classification

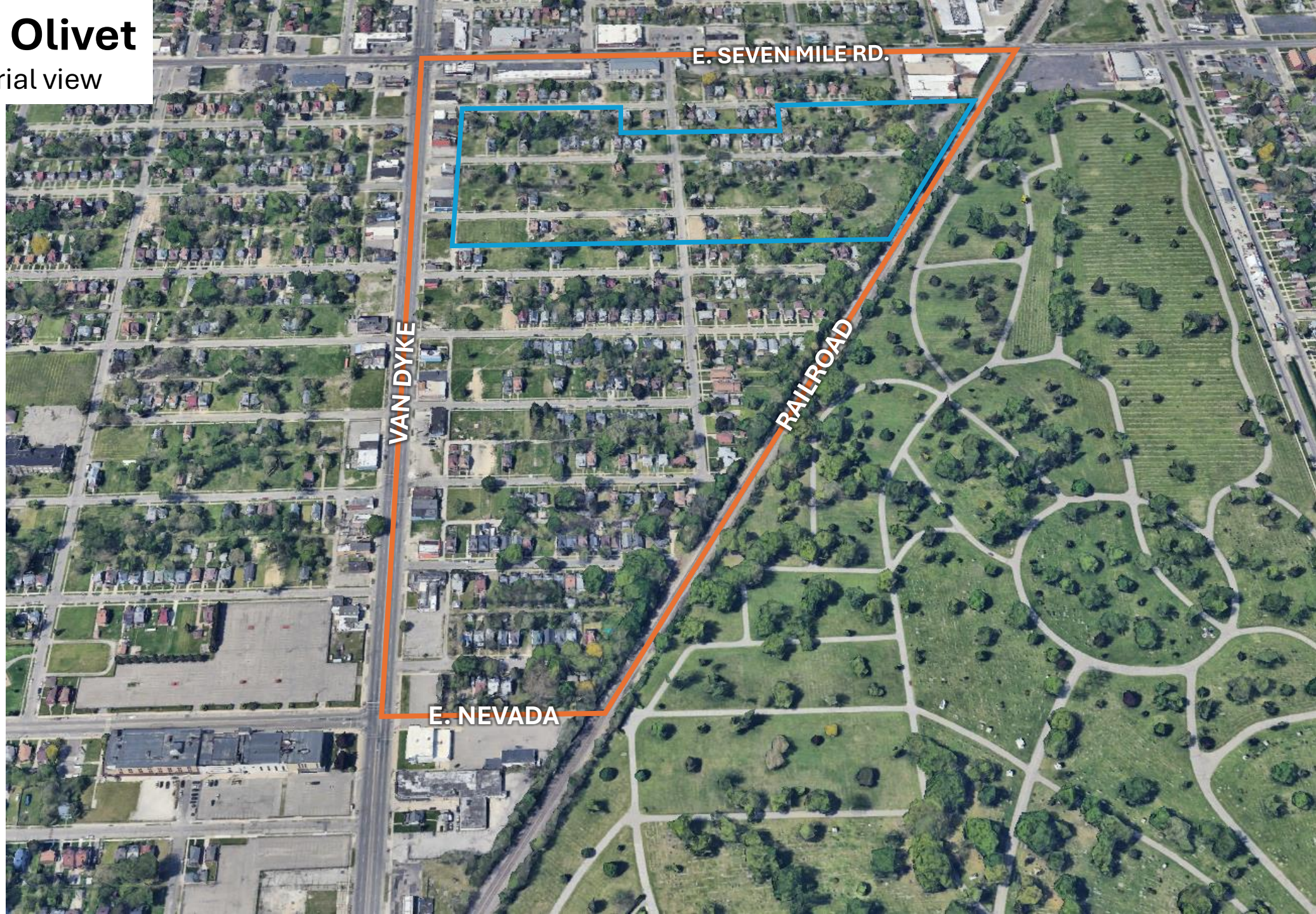


## Legend

- RL – Low Density Residential
- RLM – Low/Medium Density Res.
- CN – Neighborhood Commercial
- CT – Thoroughfare Commercial
- IL – Light Industrial
- INST – Institutional

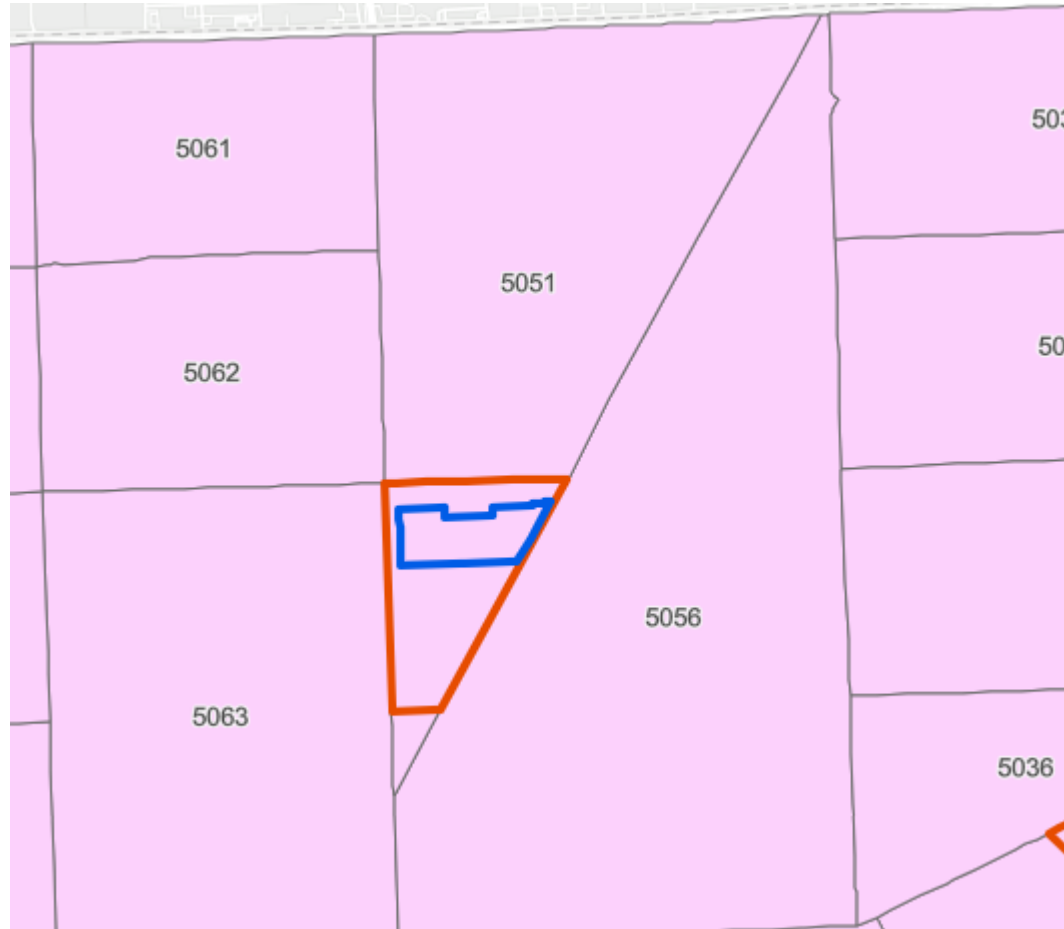
# Mount Olivet

D3 aerial view



# Mount Olivet

Census data



*Map of Census Tracts*

- 2020 Census Tract: *portion of* **5051**  
2020 Census Tract population: **2,888**  
2022 American Community Survey data:
- **1,595** households
  - Average household size **1.78**
  - **30%** owner-occupied
  - **70%** renter-occupied

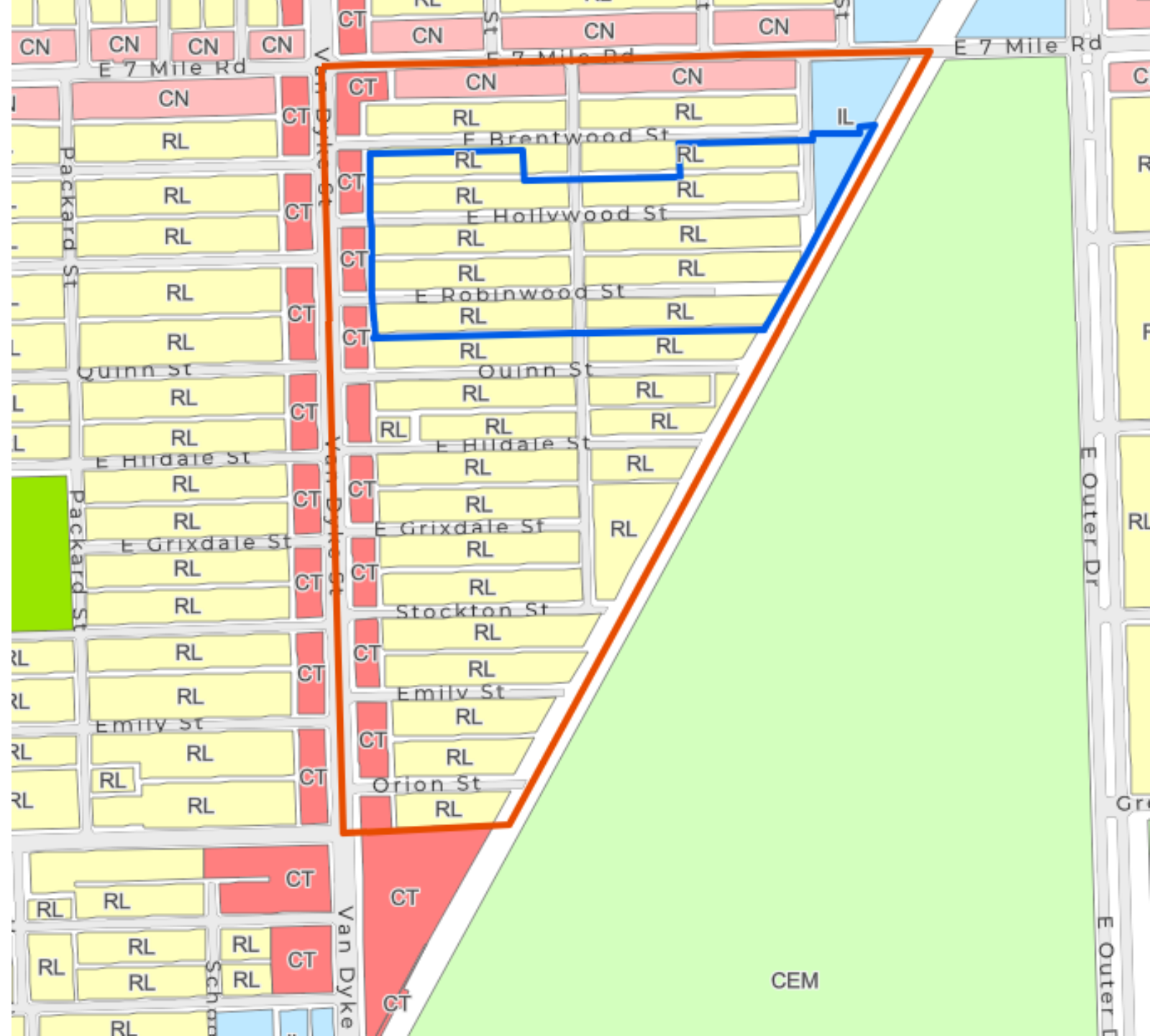
# Mount Olivet

existing zoning



# Mount Olivet

existing MP classification

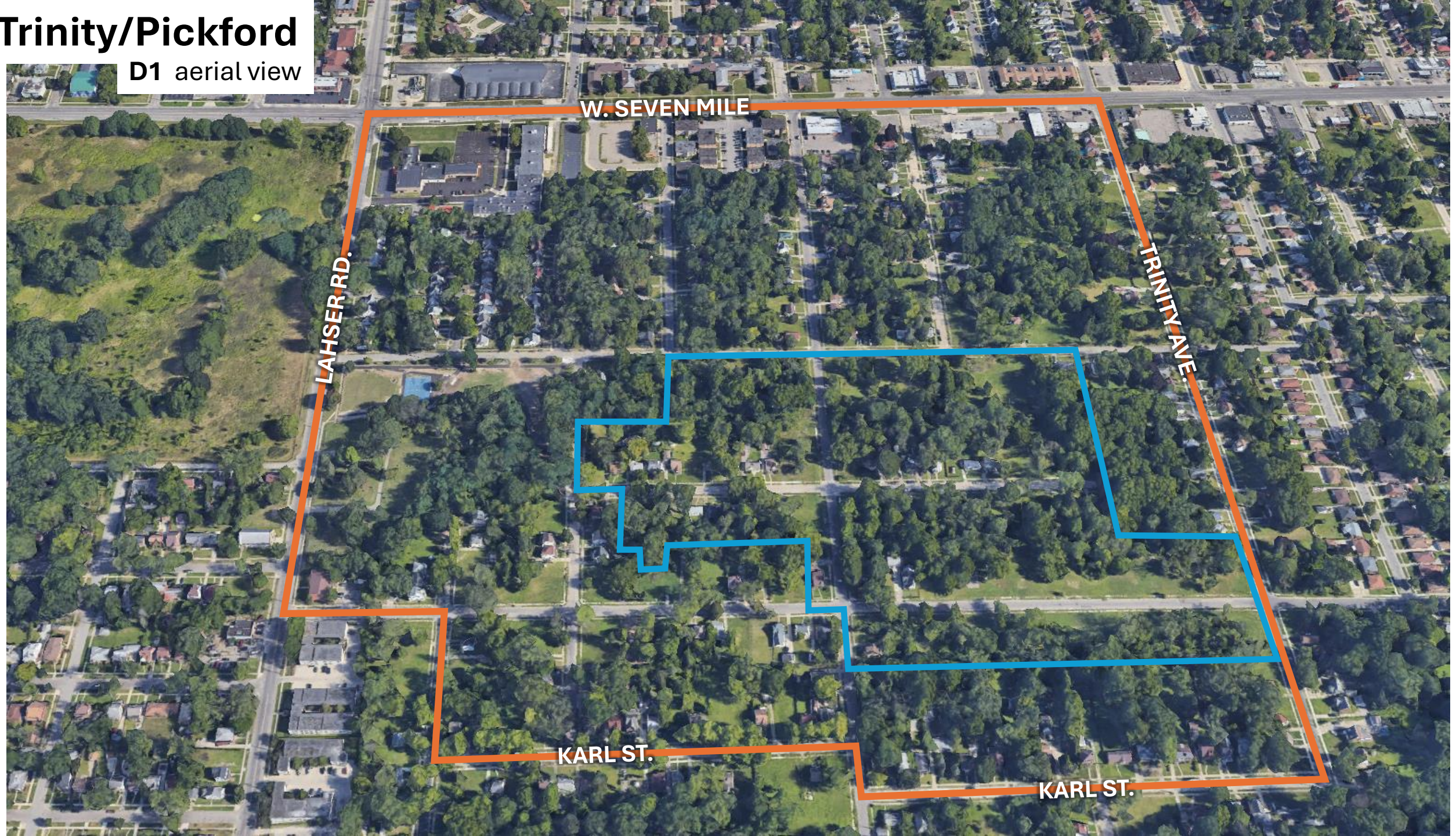


## Legend

- RL – Low Density Residential
- CN – Neighborhood Commercial
- CT – Thoroughfare Commercial
- IL – Light Industrial
- CEM - Cemetery

# Trinity/Pickford

D1 aerial view



W. SEVEN MILE

LAHSER RD.

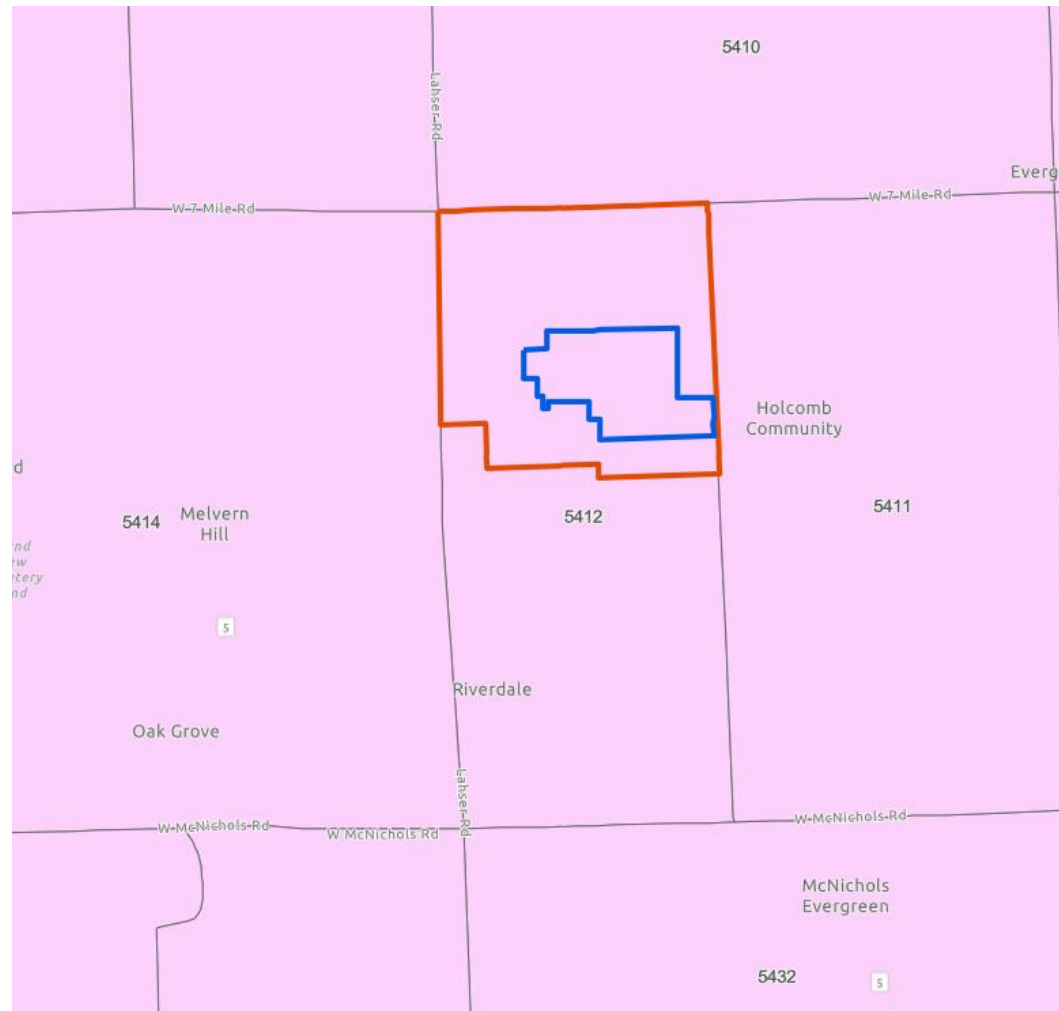
TRINITY AVE.

KARL ST.

KARL ST.

# Trinity/Pickford

Census data



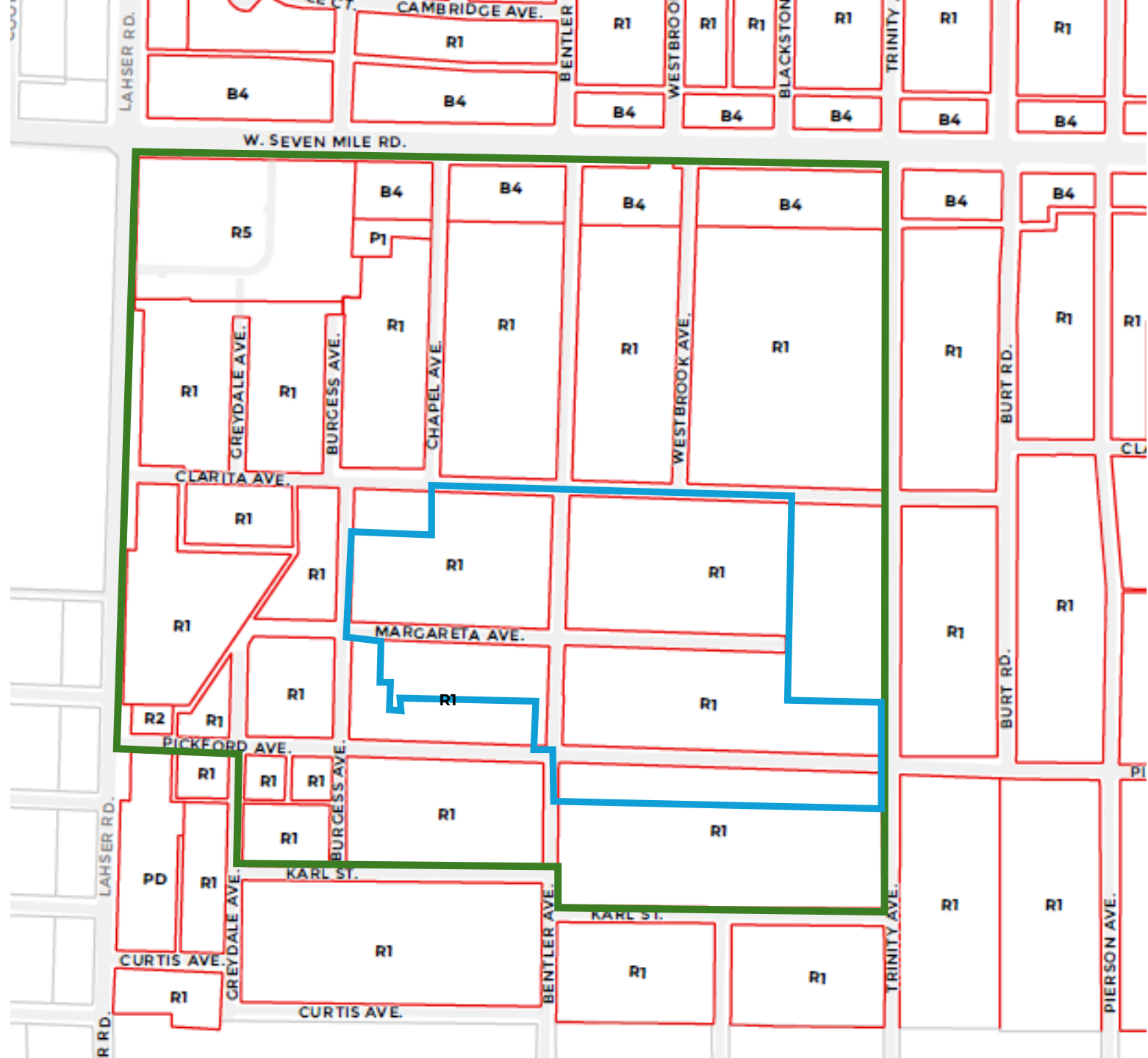
*Map of Census Tracts*

- 2020 Census Tract: *portion of* **5412**  
2020 Census Tract population: **2,046**  
2022 American Community Survey data:
- **897** households
  - Average household size **2.25**
  - **26%** owner-occupied
  - **74%** renter-occupied



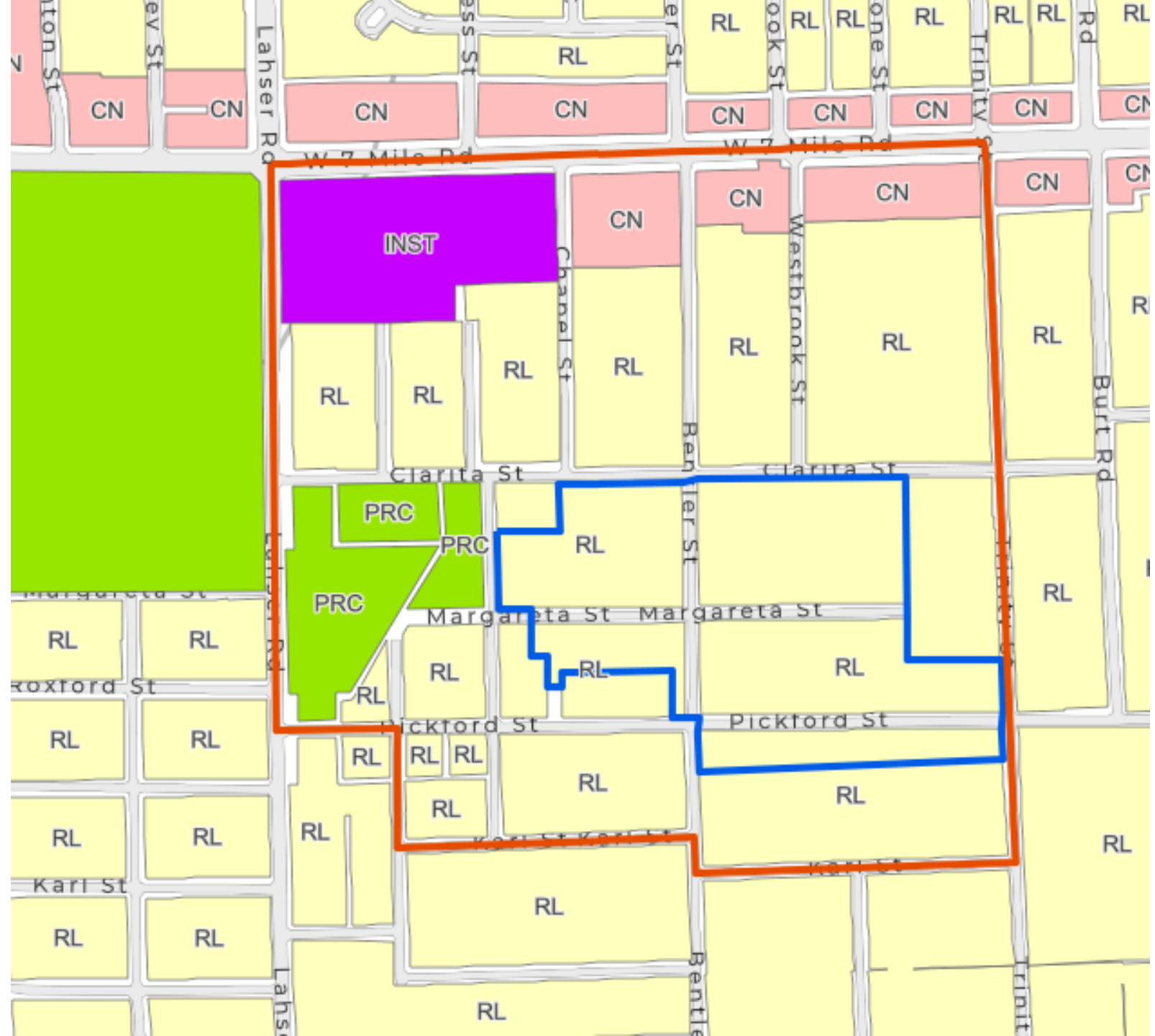
# Trinity/Pickford

existing zoning



# Trinity/Pickford

existing MP classification

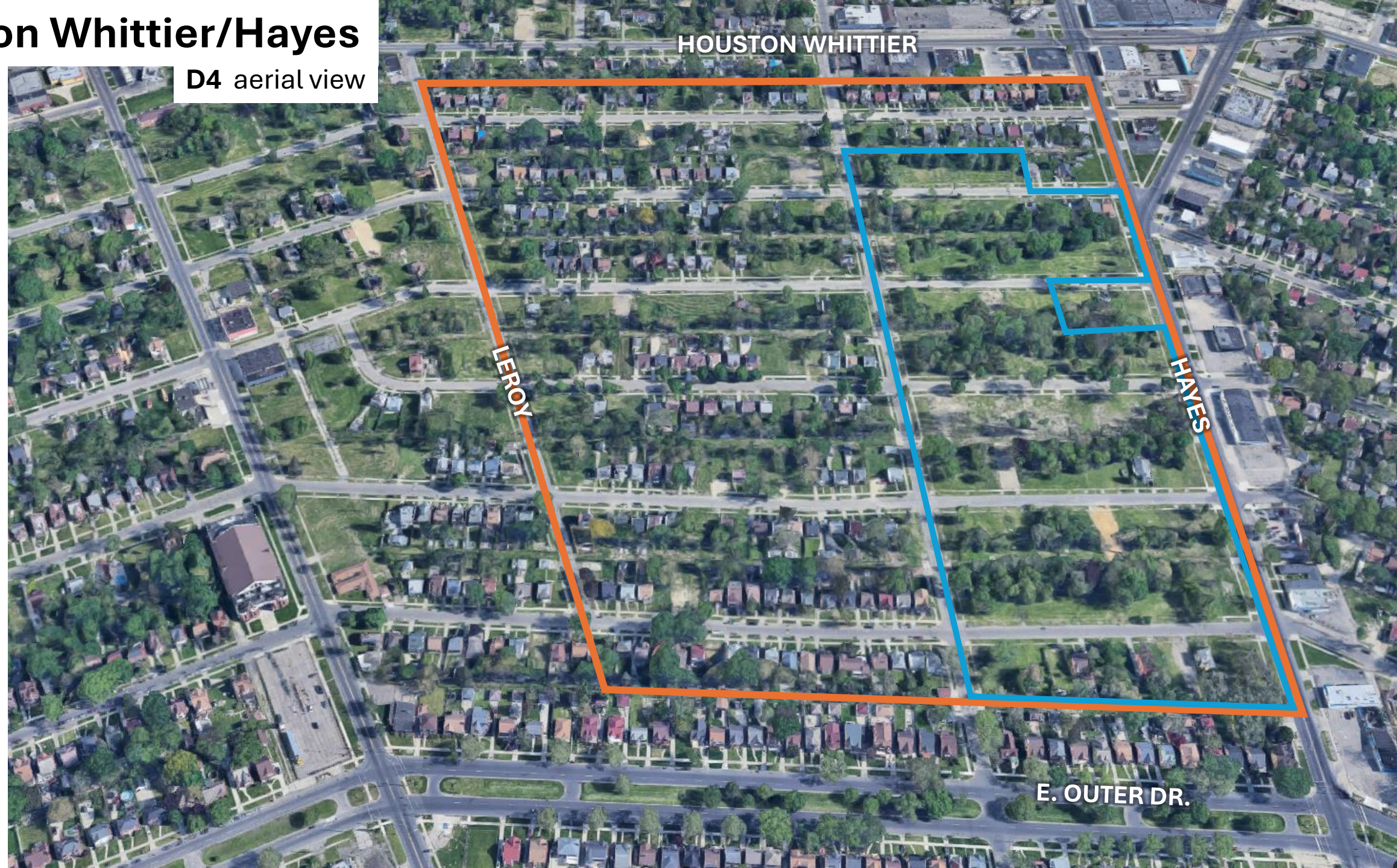


## Legend

- RL – Low Density Residential
- CN – Neighborhood Commercial
- INST – Institutional
- PRC – Recreation

# Houston Whittier/Hayes

D4 aerial view



HOUSTON WHITTIER

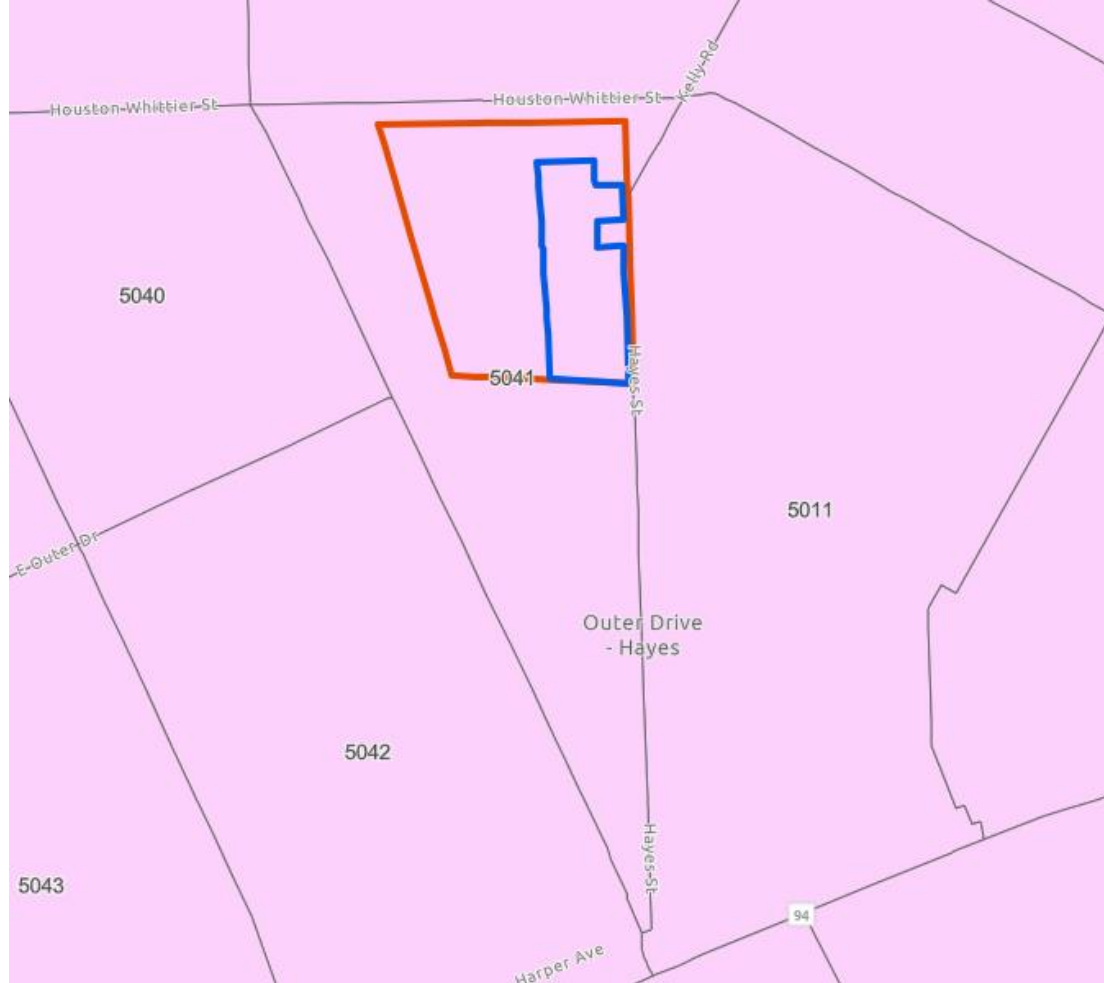
LERON

HAYES

E. OUTER DR.

# Houston Whittier/Hayes

Census data

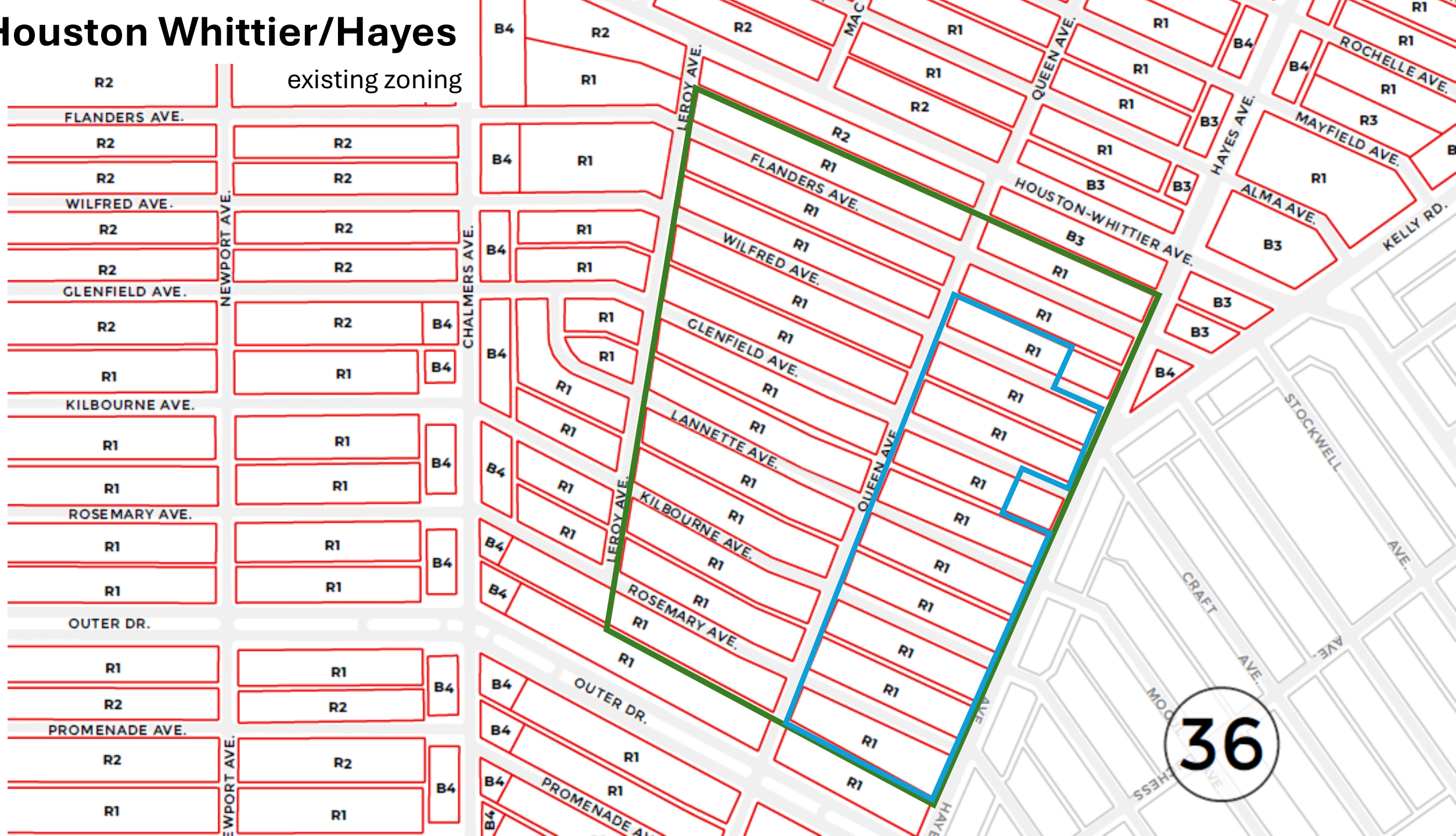


*Map of Census Tracts*

- 2020 Census Tract: *portion of* **5041**  
2020 Census Tract population: **1,173**  
2022 American Community Survey data:
- **551** households
  - Average household size **2.48**
  - **44%** owner-occupied
  - **56%** renter-occupied

# Houston Whittier/Hayes

existing zoning



# Houston Whittier/Hayes

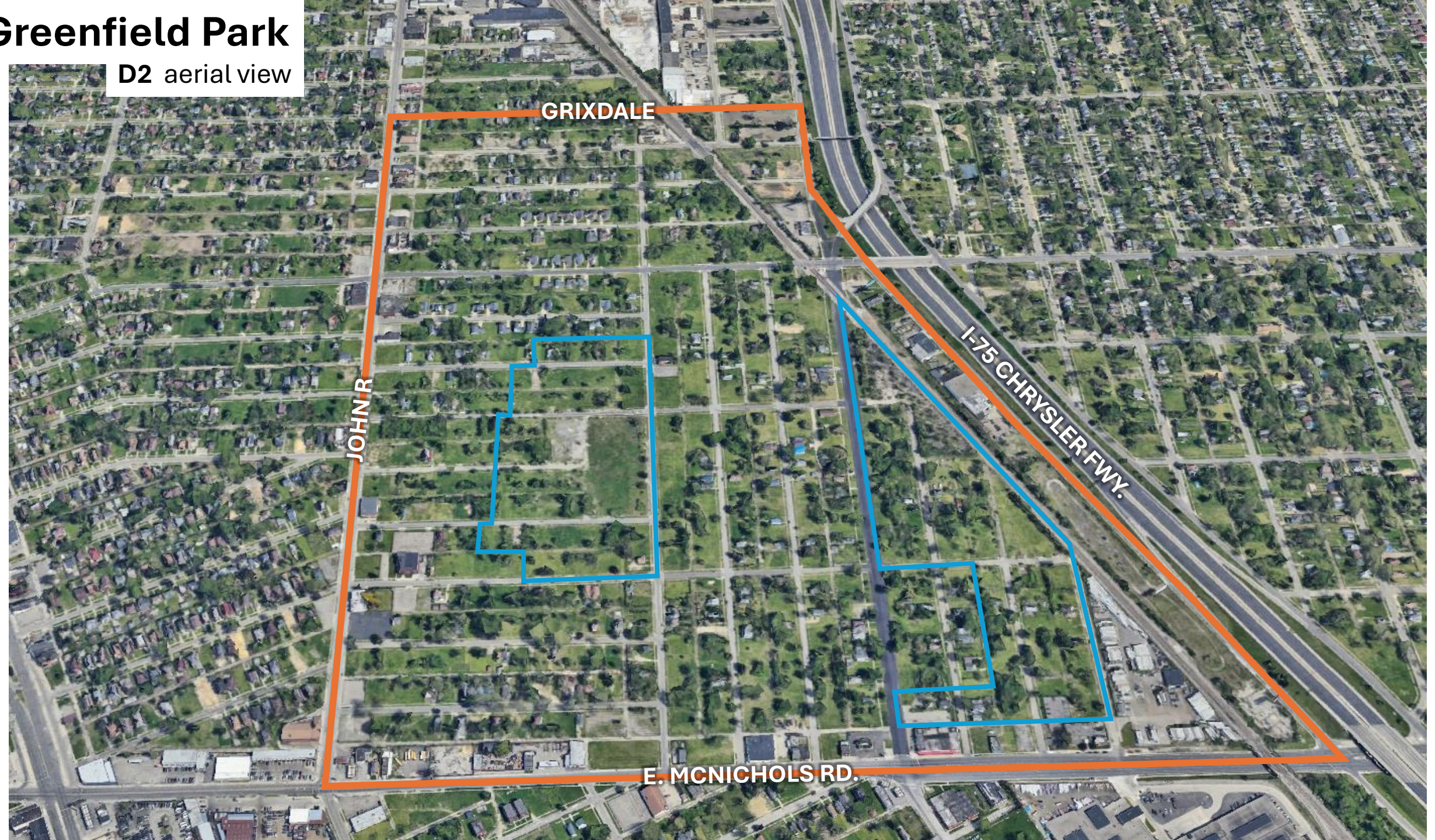
existing MP classification



- Legend
- RL – Low Density Residential
  - CN – Neighborhood Commercial
  - MTC – Mixed Town Center

# Greenfield Park

D2 aerial view



GRIXDALE

JOHN R.

I-75 CHRYSLER FWY.

E. MCNICHOLS RD.

# Greenfield Park

Census data



*Map of Census Tracts*

- 2020 Census Tract: *portion of* **5090**  
2020 Census Tract population: **1,975**  
2022 American Community Survey data:
- **633** households
  - Average household size **2.29**
  - **64%** owner-occupied
  - **36%** renter-occupied



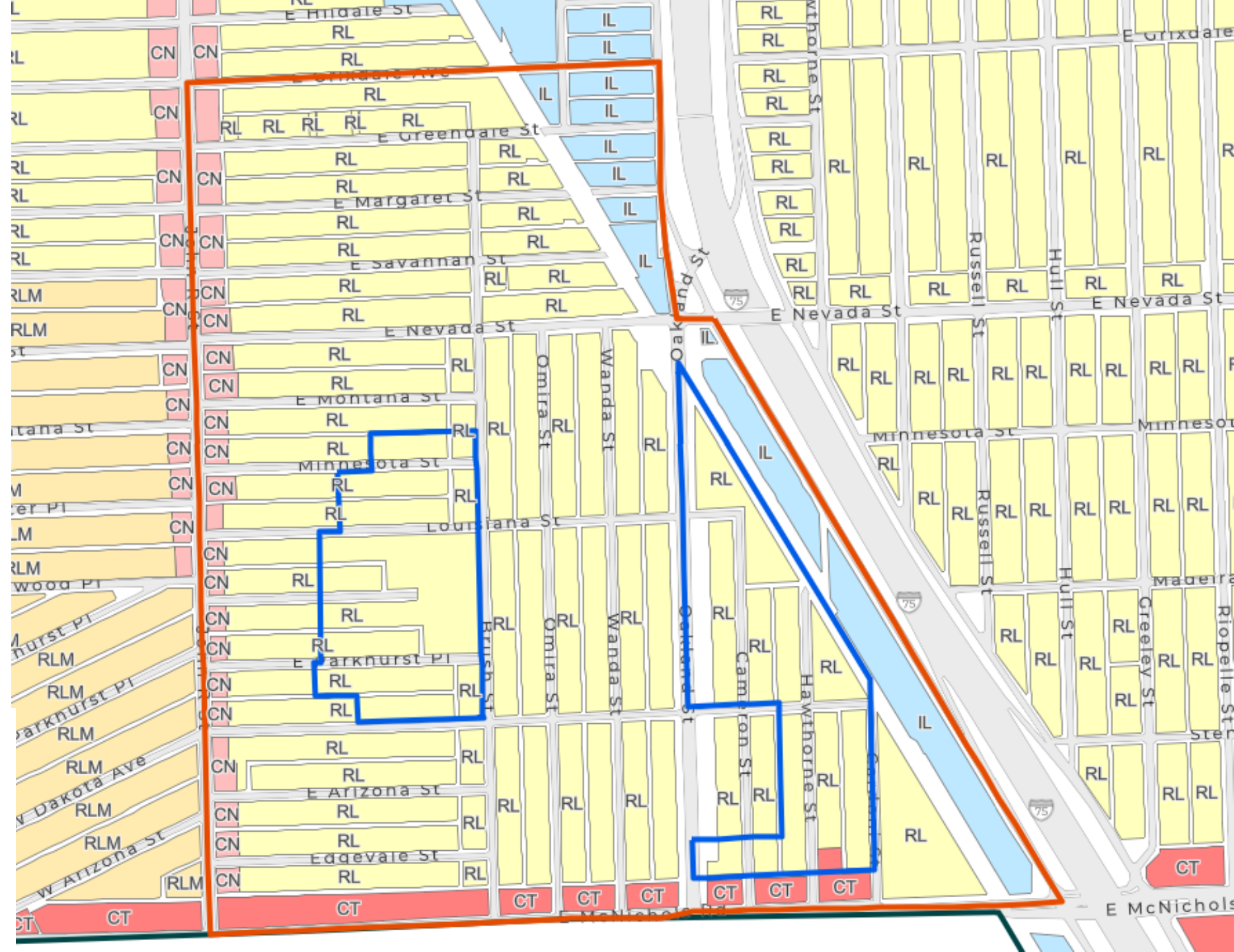
# Greenfield Park

existing zoning



# Greenfield Park

existing MP classification

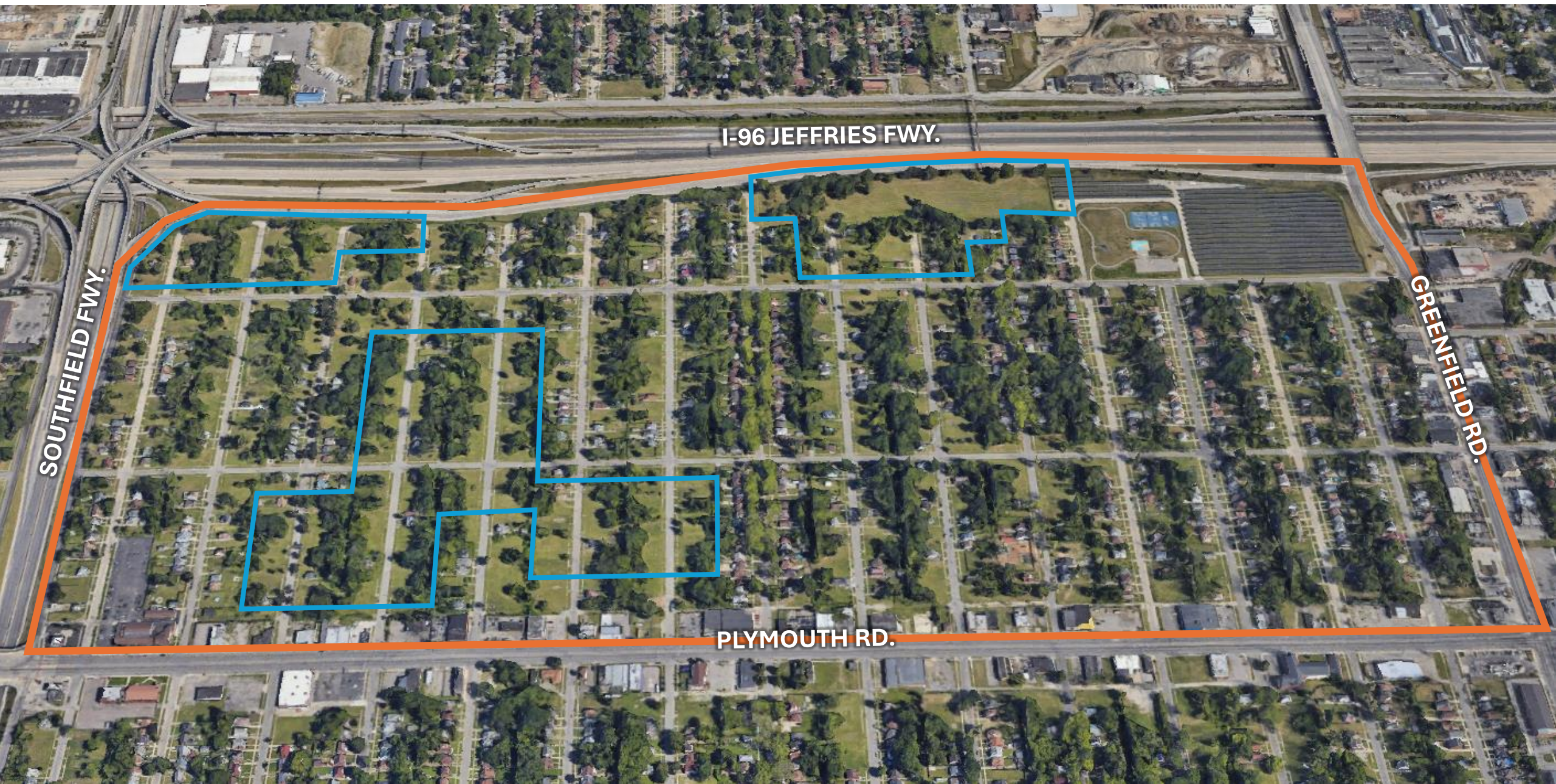


## Legend

- RL – Low Density Residential
- RLM – Low/Medium Density Res.
- CN – Neighborhood Commercial
- CT – Thoroughfare Commercial
- IL – Light Industrial

# O'Shea

D7 aerial view



I-96 JEFFRIES FWY.

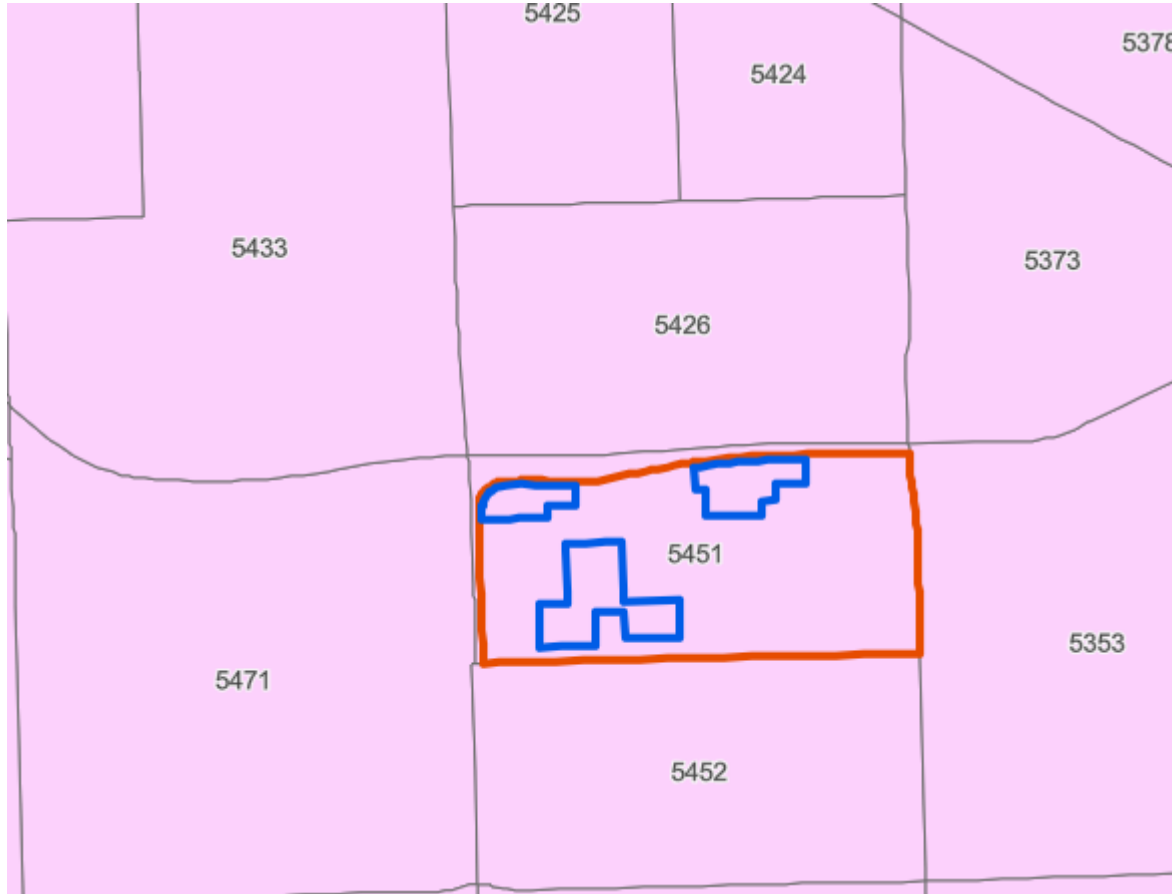
SOUTHFIELD FWY.

GREENFIELD RD.

PLYMOUTH RD.

# O'Shea

Census data



*Map of Census Tracts*

2020 Census Tract: **5451**

2020 Census Tract population: **1,026**

2022 American Community Survey data:

- **330** households
- Average household size **1.89**
- **45%** owner-occupied
- **55%** renter-occupied

# O'Shea

existing zoning



# O'Shea

existing MP classification

## Legend

CT – Thoroughfare Commercial

PRC – Recreation

RL – Low Density Residential

IL – Light Industrial

