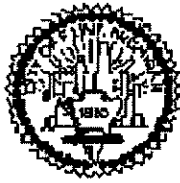


City of Flint, Michigan

*Third Floor, City Hall
1101 S. Saginaw Street
Flint, Michigan 48502
www.cityofflint.com*



Meeting Agenda - Final

Wednesday, February 9, 2022

5:00 PM

COUNCIL CHAMBERS

LEGISLATIVE COMMITTEE

*Dennis Pfeiffer, Chairperson, Ward 8
Allie Herkenroder, Vice Chairperson, Ward 7*

*Eric Mays, Ward 1
Quincy Murphy, Ward 3
Jerri Winfrey-Carter, Ward 5*

*Ladel Lewis, Ward 2
Judy Priestley, Ward 4
Tonya Burns, Ward 6*

Eva Worthing, Ward 9

Inez M. Brown, City Clerk

Davina Donahue, Deputy City Clerk

ROLL CALL

READING OF DISORDERLY PERSONS CITY CODE SUBSECTION

Section 31-10, Disorderly Conduct, Assault and Battery, and Disorderly Persons, and will be subject to arrest for a misdemeanor. Any person who prevents the peaceful and orderly conduct of any meeting will be given one warning. If they persist in disrupting the meeting, that individual will be subject to arrest. Violators shall be removed from meetings.

PUBLIC SPEAKING

Per the amended Rules Governing Meetings of the Council (as adopted by the City Council on Monday, June 12, 2017), two (2) minutes per speaker. Only one speaking opportunity per speaker.

COUNCIL RESPONSE

Per the amended Rules Governing Meetings of the Council (as adopted by the City Council on Monday, June 12, 2017), Councilpersons may respond to any public speaker, but only one response and only when all public speakers have been heard. Individual council response is limited to two minutes.

SPECIAL ORDERS

220042 Special Order/Marihuana Ordinances

A Special Order as requested by Council President Mays to discuss marihuana ordinances in the City of Flint.

210517 Special Order/Two Water Ordinances

A Special Order as requested by Councilperson Mays to discuss the two water ordinances (210423.1 and 210424) approved by City Council on September 27, 2021.

RESOLUTIONS

220062 Approval/Group E Marihuana Retail -- Adult Use License/Bacco Farms, LLC/6200 North Dort Highway

Resolution resolving that pursuant to Flint City Ordinance No. 50-183(E)(5), the appropriate city officials are hereby authorized to do all things necessary to issue a [Group E Marihuana Retail -- Adult Use] license to applicant Bacco Farms, LLC, located at 6200 North Dort Highway. [NOTE: Flint City Ordinance 50-183, the Marihuana Facilities Opt-In Ordinance, requires that the Planning Commission make a recommendation to the City Council for the issuance of a license to the applicant.]

220063 Approval/Group E Marihuana Retail -- Adult Use License/Common Citizen/310 South Averill Avenue

Resolution resolving that pursuant to Flint City Ordinance No. 50-183(E)(5), the appropriate city officials are hereby authorized to do all things necessary to issue a [Group E Marihuana Retail -- Adult Use] license to applicant Joseph Jarvis of Common Citizen, located at 310 South Averill Avenue. [NOTE: Flint City Ordinance 50-183, the Marihuana Facilities Opt-In Ordinance, requires that the Planning Commission make a recommendation to the City Council for the issuance of a license to the applicant.]

220064 Approval/Group E Marihuana Retail -- Adult Use License/Michigan Organic Solutions DBA/3549 South Dort Highway

Resolution resolving that pursuant to Flint City Ordinance No. 50-183(E)(5), the appropriate city officials are hereby authorized to do all things necessary to issue a [Group E Marihuana Retail -- Adult Use] license to applicant Donald Gregory Baker of Michigan Organic Solutions DBA, located at 3549 South Dort Highway. [NOTE: Flint City Ordinance 50-183, the Marihuana Facilities Opt-In Ordinance, requires that the Planning Commission make a recommendation to the City Council for the issuance of a license to the applicant.]

ORDINANCES

220066 Amendment/Chapter 50/PC-21-415/Jeffrey Ferweda/Rezoning/922 South Center Road/From 'D-3' to 'E'/Ward 7

An ordinance to amend the Code of the City of Flint has been requested by Jeffrey Ferweda (PC-21-415) to change the District boundaries or regulations established in Chapter 50 thereof, specifically allowing under 50-4 a zoning map amendment, as follows: 922 South Center Road, Flint MI, 40503, Parcel No. 41-16-228-099, legally described as UNPLATTED PART OF NE 1/4 OF SEC 16 T7N R73 DESC AS BEG AT A PT S 1 DEG 13 MIN 39 SEC E 520.03 FT AND S 88 DEG 14 MIN 45 SEC W, 50 FT FR THE NE COR OF SD SEC 16; TH ALG WLY LINE OF CENTER RD S 1 DEG 13 MIN 39 SEC E, 50 FT; S 88 DEG 14 MIN 45 SEC W, 720 FT; TH N 1 DEG 05 MIN 49 SEC W 225 FT; TH N 88 DEG 19 MIN 33 SEC E, 205 FT; TH N 1 DEG 19 MIN 03 SEC E, 146.15 FT; TH N 88 DEG 14 MIN 58 SEC E, 274 +/- FT; TH S 1 DEG 13 MIN 39 SEC E, 320.84 FT; TH N 88 DEG 14 MIN 45 SEC E, 240.5 FT TO POB. SPLIT ON 1/5/2009 FROM 41-16-228-094, from "D-3" Community Business and future zoned "Traditional Neighborhood" to "E" Heavy Commercial-Limited Manufacturing District. THE PLANNING COMMISSION RECOMMENDS DENIAL.

220067 Amendment/Chapter 50/PC-21-418/Greg Baker/Rezoning/3549 South Dort Highway/From 'D-6' to 'E'/Ward 9

An ordinance to amend the Code of the City of Flint has been requested by Greg Baker (PC-21-418) to change the district boundaries or regulations established in Chapter 50 thereof, specifically allowing under 50-4 a zoning map amendment, as follows: 3549 South Dort Highway, Flint MI 48507, Parcel No. 41-21-351-034, legally described as UNPLATTED PART OF SW 1/4 OF SW 1/4 OF SEC 21, T7N, R7E BEG AT A PT ON WLY LINE OF SD SEC, 595.2 FT DUE NORTH FROM

SWLY COR OF SD SEC; TH DUE NORTH ALG SD WLY LINE 79.75 FT; TH N 89 DEG 38 MIN E, 410 FT; TH DUE SOUTH, 139.67 FT; TH DUE WEST 20 FT; TH DUE SOUTH 273.5 FT; TH S 55 DEG 58 MIN 50 SEC E 24.13 FT; TH DUE SOUTH 13 FT; TH N 89 DEG 45 MIN 30 SEC W 60 FT; TH DUE NORTH 145.2 FT; TH N 89 DEG 45 MIN 30 SEC W, 90 FT; TH DUE NORTH 210 FT; TH N 89 DEG 45 MIN 30 SEC W, 260 FT TO BEG. EXC WLY 50 FT TO BE USED FOR RD PURPOSES from "D-6" General and Highway-Service District and future zoned City Corridor to "E" Heavy Commercial-Limited Manufacturing District. THE PLANNING COMMISSION RECOMMENDS DENIAL.

220068 Amendment/Chapter 50/PC-21-419/Darren Dado/Rezoning/3801 West Boulevard Drive/From 'D-6' to 'E'/Ward 3

An ordinance to amend the Code of the City of Flint has been requested by Darren Dado (PC-21-419) to change the District boundaries or regulations established in Chapter 50 thereof, specifically allowing under 50-4 a zoning map amendment, as follows: 3801 West Boulevard Drive, Flint MI 48502, Parcel No. 41-18-154-038, legally described as GENERAL MOTORS PARK NUMBER ONE LOTS 630 THRU 635 INCL, LOTS 678 THRU 691 INCL PART OF LOTS 734 THRU 742 INCL ALL DESC AS FOLLS: BEG AT A PT THAT IS S 89 DEG 16 MIN 24 SEC W, 576.29 FT AND S 11 DEG 00 MIN 09 SEC W, 234.70 FT AND S 36 DEG 50 MIN 43 SEC E, 621.43 FT AND S 26 DEG 30 MIN 52 SEC E, 499.08 FT AND S 21 DEG 55 MIN 01 SEC E, 184.51 FT AND S 00 DEG 21 MIN 36 SEC E, 1356.17 FT AND N 89 DEG 11 MIN 28 SEC E, 544.08 FT AND S 01 DEG 39 MIN 43 SEC E, 327.92 FT AND S 12 DEG 48 MIN 41 SEC W, 160.0 FT AND S 4 DEG 11 MIN 30 SEC W, 412.91 FT FROM NW COR OF SEC 32, T8N, R7E; TH S 4 DEG 11 MIN 30 SEC W, 29.36 FT; TH S 01 DEG 46 MIN 02 SEC W, 80.12 FT; TH S 01 DEG 46 MIN 02 SEC W, 170.3 FT; TH S 01 DEG 39 MIN 59 SEC E, 500.03 FT; TH N 28 DEG 14 MIN 59 SEC E, 288.57 FT ALG THE WLY ROW LINE OF W BLVD DR; TH CONT ALG SD WLY LINE N 28 DEG 13 MIN 08 SEC E, 484.34 FT; TH N 28 DEG 13 MIN 08 SEC E, 125.93 FT; TH S 88 DEG 20 MIN 01 SEC W, 430.0 FT TO POB from "D-6" General and Highway-Commercial Service District and future zoned City Corridor to "E" Heavy Commercial-Limited Manufacturing District. THE PLANNING COMMISSION RECOMMENDS DENIAL.

OUTSTANDING DISCUSSION ITEMS

210209 Discussion Item/Combining Lots

A Discussion Item as requested by Councilperson Winfrey-Carter to discuss combining lots, specifically for Peggy Brisbane-Noblitt. [Referral Action Date: 4/22/2021 @ City Council Legislative Committee Electronic Public Meeting.]

210294 Referral/Ordinance/Public Hearings/Rezoning

A referral as requested by Councilperson Galloway: re, she would like a copy of the ordinance that says rezoning issues need to have a public hearing. [Referral Action Date: 6-17-21 @ Electronic City Council Meeting.]

ADJOURNMENT



CITY OF FLINT

220062

RESOLUTION NO.: _____

PRESENTED: FEB - 9 2022

ADOPTED: _____

**Resolution for Approval of a Group E
Marihuana Retail – Adult Use License for Bacco Farms, LLC Located 6200 N
Dort Highway.**

BY THE CITY ADMINISTRATOR:

WHEREAS, Regina Momgaudas is the owner / operator of Bacco Farms, LLC, located at 6200 N Dort Highway; and

WHEREAS, Bacco Farms, LLC has a grandfathered medical marijuana location and has received approval for a Group E Marihuana Retail – Adult Use Permit/License for this location; and

WHEREAS, Flint City Ordinance 50-183, Marihuana Facilities Opt-in Ordinance requires that Planning Commission make a recommendation to the City Council for the issuing of a license to the applicant.

IT IS RESOLVED, Pursuant to 50-183 (E)(5), that the appropriate City officials are hereby authorized to do all things necessary to issue a license to applicant Regina Momgaudas of Bacco Farms, LLC, located at 6200 N Dort Highway.

APPROVED AS TO FORM:

Angela Wheeler
Angela Wheeler (Feb 1, 2022 13:15 EST)

Angela Wheeler, Chief Legal Officer

ADMINISTRATION:

CLYDE D EDWARDS
CLYDE D EDWARDS (Feb 2, 2022 20:12 EST)

Clyde D. Edwards, City Administrator

CITY COUNCIL:

Eric B. Mays
Eric B. Mays, Council President



CITY OF FLINT

RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: January 31st, 2022

BID/PROPOSAL# n/a

AGENDA ITEM TITLE: Resolution for Approval of a Group E Marihuana Retail – Adult Use License for Bacco Farms, LLC Located at 6200 N Dort Highway.

PREPARED BY: Suzanne Wilcox, Director, Department of Planning and Development

VENDOR NAME: Regina Momgaudas – Bacco Farms, LLC

BACKGROUND/SUMMARY OF PROPOSED ACTION:

Bacco Farms, LLC (Owner Regina Momgaudas) is a grandfathered location for medical marihuana and has received approval from the Flint Planning Commission for a Group E marihuana retail adult use permit/license for their provisioning center located at 1960 W. Hemphill Road.

Flint City Ordinance 50-183, Marihuana Facilities Opt-in Ordinance requires that Planning Commission make a recommendation to the city council for the issuing of a license to the applicant. This requirement has not been met for permit/licenses that have been approved by Planning Commission and awarded by the City. In order to be compliant with the ordinance and to make a recommendation to the State of Michigan Licensing and Regulatory Affairs (LARA), it is necessary that City Council approve the license for Regina Momgaudas/Bacco Farms, LCC at 6200 N Dort Highway.

FINANCIAL IMPLICATIONS: None

BUDGETED EXPENDITURE? YES ☐ NO ☒ IF NO, PLEASE EXPLAIN: n/a

Dept.	Name of Account	Account Number	Grant Code	Amount
		FY21/22 GRAND TOTAL		

PRE-ENCUMBERED? YES ☒ NO ☐ **REQUISITION NO:**

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☐ NO ☒
(If yes, please indicate how many years for the contract) YEARS

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (This will depend on the term of the bid proposal) n/a



CITY OF FLINT

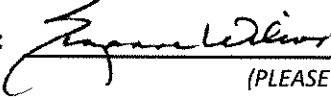
BUDGET YEAR 1

BUDGET YEAR 2

BUDGET YEAR 3

OTHER IMPLICATIONS (i.e., collective bargaining): n/a

STAFF RECOMMENDATION: (PLEASE SELECT): ☒ **APPROVED** ☐ **NOT APPROVED**

DEPARTMENT HEAD SIGNATURE:  **Director, Dept of Planning and Dev.**
(PLEASE TYPE NAME, TITLE)



CITY OF FLINT

220063

RESOLUTION NO.: _____

PRESENTED: FEB - 9 2022

ADOPTED: _____

**Resolution for Approval of a Group E
Marihuana Retail – Adult Use License for Common Citizen Located at 310 S
Averill Ave.**

BY THE CITY ADMINISTRATOR:

WHEREAS, Joseph Jarvis is the owner/ operator of Common Citizen, located at 310 S Averill Ave; and

WHEREAS, Common Citizen has a grandfathered medical marijuana location and has received approval for a Group E Marihuana Retail – Adult Use Permit/License for this location; and

WHEREAS, Flint City Ordinance 50-183, Marihuana Facilities Opt-in Ordinance requires that Planning Commission make a recommendation to the City Council for the issuing of a license to the applicant.

IT IS RESOLVED, Pursuant to 50-183 (E)(5), that the appropriate City officials are hereby authorized to do all things necessary to issue a license to applicant Joseph Jarvis of Common Citizen, located at 310 S Averill Ave.

APPROVED AS TO FORM:

Angela Wheeler

Angela Wheeler (Feb 1, 2022 10:57 EST)

Angela Wheeler, Chief Legal Officer

ADMINISTRATION:

CLYDE D EDWARDS

CLYDE D EDWARDS (Feb 2, 2022 19:43 EST)

Clyde D. Edwards, City Administrator

CITY COUNCIL:

Eric B. Mays, Council President



CITY OF FLINT

RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: January 31, 2022

BID/PROPOSAL# n/a

AGENDA ITEM TITLE: Resolution for Approval of a Group E Marihuana Retail -Adult Use License for Common Citizen Located at 310 S Averill Ave.

PREPARED BY: Suzanne Wilcox, Director, Department of Planning and Development

VENDOR NAME: Joseph Jarvis – Common Citizen

BACKGROUND/SUMMARY OF PROPOSED ACTION:

Common Citizen (Owner, Joseph Jarvis) is a grandfathered location for medical marijuana and has received approval from the Flint Planning Commission for a Group E marihuana retail adult use permit/license for their provisioning center located at 310 S Averill Ave.

Flint City Ordinance 50-183, Marihuana Facilities Opt-in Ordinance requires that Planning Commission make a recommendation to the city council for the issuing of a license to the applicant. This requirement has not been met for permit/licenses that have been approved by Planning Commission and awarded by the City. In order to be compliant with the ordinance and to make a recommendation to the State of Michigan Licensing and Regulatory Affairs (LARA), it is necessary that City Council approve the license for Joseph Jarvis/Common Citizen, located at 310 S Averill Ave.

FINANCIAL IMPLICATIONS: None

BUDGETED EXPENDITURE? YES ☐ NO ☒ IF NO, PLEASE EXPLAIN: n/a

Dept.	Name of Account	Account Number	Grant Code	Amount
		FY21/22 GRAND TOTAL		

PRE-ENCUMBERED? YES ☒ NO ☐ **REQUISITION NO:** 67

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☐ NO ☒
(If yes, please indicate how many years for the contract) YEARS

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (This will depend on the term of the bid proposal) n/a



CITY OF FLINT

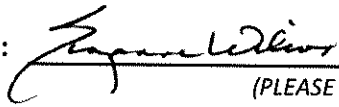
BUDGET YEAR 1

BUDGET YEAR 2

BUDGET YEAR 3

OTHER IMPLICATIONS (i.e., collective bargaining): n/a

STAFF RECOMMENDATION: (PLEASE SELECT): ☒ **APPROVED** ☐ **NOT APPROVED**

DEPARTMENT HEAD SIGNATURE:  Director, Dept of Planning and Dev.
(PLEASE TYPE NAME, TITLE)

FLINT PLANNING COMMISSION
Meeting Minutes
January 14, 2020

Commissioners Present

Bob Wesley, Chair
Elizabeth Jordan, Vice-Chair
Carol-Anne Blower, Secretary
Harry Ryan
Robert Jewell

Abesent

Leora Campbell

Staff Present

Suzanne Wilcox, Director-Department of
Planning and Development
Adam Moore, Lead Planner
Bill Vandercook, Planner I
Eriksson Eriksson, Assistant City Attorney

ROLL CALL:

Bob Wesley, Chair called the meeting to order at 6:11 p.m. Roll was taken, and a quorum was present. The meeting was held in the Committee-of-the-Whole Room, 3rd floor of the City Hall.

ADDITIONS/CHANGES TO THE AGENDA:

SPR 19-926 was moved to after Public Hearing PC19-353

Add under Reports, Zoning Code and Capital Improvement Plan

Add under New Business go over the Administrative procedures for Marihuana cases to streamline process

Correct spelling of 310 South Averill to 310 South Averill under PC 19-355

ADOPTION OF THE AGENDA:

M/S – Jewell/Blower

Motion to adopt the meeting agenda with revisions.

Unanimously carried.

MINUTES:

The Commission examined the minutes of 12-10-19.

M/S – Jewell/Jordan

Motion to approve the minutes of December 10, as corrected.

Unanimously carried.

PUBLIC FORUM:

Benjamin Horner – handed out a memo he created regarding the new marihuana ordinance for Commissioners consideration.

CASE REVIEW:

There were no Case Reviews.

PUBLIC HEARING:

PC 19-353: Dr. Jawad Shah for IINN Inc., request a Group E Special Regulated Use Permit for a medical marihuana provisioning center at 4500 South Saginaw St. (PID 41-30-206-075 and 41-30-206-076).

Commissioner Wesley asked if the applicant was present. Adam Moore, Lead Planner confirmed an affidavit was provided to allow Atif Bawahab to speak on behalf of Dr. Shah.

Commissioner Wesley asked Mr. Bawahab to explain their request.

Mr. Bawahab said they are seeking permit for their dispensary and provisioning center. Mr. Bawahab said they had previously met with the Commission and received approval for their cultivation and processing and their plan is to co-locate the licenses under the medical research exemption. They have a thriving medical practice in Flint, MI. Several of the patients they treat suffer from symptoms (epilepsy, seizures, brain injuries and pain) better treated through medical cannabis. Their plan is to operate purely for medical and clinical purposes. Mr. Bawahab introduced his team Marvin Karana Attorney, Adam Robert Property Manager and Kurt Neiswender Architect. Mr. Bawahab said he would like to defer to his team as needed to provide feedback and information on areas the Commission seeks further clarification.

Commissioner Jewell asked Mr. Bawahab if he would clarify the difference between his last presentation to the Commission and what was approved and focus of this application.

Mr. Bawahab explained the previous application was for cultivation and processing. Which he said was the growing of the flower and processing into different extract forms (oils, pills). The current application is purely for provisioning which would be the actual dispensary.

Commissioner Jewell wanted to clarify for the record a location variance was not necessary due the business being medical research.

Commissioner Jewell wanted to clarify for the record that a local park (Windiate) was over 500' from the business. Commissioners' conferred and determined the park was within 500' but due to the medical exemption was exempt from the zoning requirement. Mr. Moore clarified there are residential properties within 300' and a park within 500', but Flint's ordinance exempts them because they fall into our medical category.

Commissioner Jewell asked Mr. Bawahab to give them an update of security plan for the facility.

Mr. Bawahab deferred to Attorney Karana and Mr. Roberts. Mr. Karana said their security plan is still the same and was done by a specialized security group. Mr. Karana explained cameras and requirements had to be approved by the State before we could be licensed. Mr. Karana noted they plan on having a security guard on-site and extra cameras. Mr. Karana noted drops of cash received by employees will be transported to banking facility by armored vehicle, with no cash stored on-site. Mr. Roberts stated they currently have about 2 cameras set up with every entrance and exit of the facility covered. Mr. Roberts said cameras are also set up which enable them to see activity within the parking lot and around the building. Mr. Roberts noted they have a 24-hour security that maintains the building after hours.

Commissioner Wesley, asked if there are any other question from the Commission to the applicant.

Commissioner Wesley asked if there was anyone who wanted to speak in favor of PC 19-353.
No one spoke in favor.

Commissioner Wesley asked if there was anyone who wanted to speak in opposition of PC 19-353.
No one spoke in opposition.

Commissioner Wesley asked what is the desire of the Commission.

Commissioner Jewell asked staff if there had been any other communications e-mails, phone calls or walk-ins regarding the application. Mr. Moore stated there were no other communications received regarding the application.

M/S – Jordan/Ryan

Motion to approve PC 19-353: Dr. Jawad Shah for IINN Inc., request a Group E Special Regulated Use Permit for a medical marihuana provisioning center at 4500 South Saginaw St. (PID 41-30-206-075 and 41-30-206-076).

Unanimously carried.

Site Plan Review

SPR 19-926 Provisioning Center
Applicant: Dr. Jawad Shah
Location: 4500 South Saginaw St.
(PID#41-30-206-075 and 41-30-206-076)

Commissioner Wesley asked if the applicant was present.

Kurt Neiswender Architect, presented the site plan on behalf of the applicant. Mr. Neiswender explained to the Commission how this was the third component of the colocation which was separated from the previous July application for grow and processing. Mr. Neiswender explained how he had isolated just the provisioning portion of the project plan. He noted comments from staff have been covered as noted in the clouded bubbles on the plan. This included men's and women's barrier free bathrooms with a common corridor. Mr. Neiswender said the retail component required 19 parking spaces which are shown on the plans. Mr. Neiswender noted the parking lot lighting, trash areas, loading and existing spaces within the building are intonated on the plan. Mr. Neiswender said the suite is 2792 sq. ft., which is being utilized for provisioning. Then said the plans include security camera layout.

Commissioner Wesley asked if there were any questions from the Commission to the applicant.

Commissioner Jewell for clarification discussed the security plan. Commissioner Jewell asked the applicant to discuss the plan. Mr. Neiswender and Mr. Roberts discussed the interior and exterior security plan with Commissioners. Commissioner Blower asked the applicant if there was a room for security purposes where monitors will be located. Mr. Neiswender said the monitoring equipment would be located in the IT room shown on the plan. Commissioner Blower asked for clarification if the room would be secured. The applicant acknowledged it would be secured. Commissioner Blower noted in the past they had requested secured room be labeled on plans.

Commissioner Blower asked the applicant to walk them through the plans as a patient, and note if there was anything from an operational point of view you would add to the architects walk through. Mr. Karana

explained when customers walk into the facility secure room they will be required to provide a card to make purchases. If they don't provide a card, they will politely be asked to leave, or escorted by security out of the facility.

Commissioner Wesley asked if there were any other questions from the Commissioners to the applicant.

Commissioner Jewell reinforced the IT closet should be labeled a security closet as pointed out by Commissioner Blower.

Commissioner Wesley asked what is the desire of the commission.

M/S – Jordan/Jewell

Motion to approve SPR 19-926 for Provisioning Center located at 500 South Saginaw St., condition upon administrative review for labeling the IT/Security room.

Unanimously carried.

Commissioners postponed Commission meeting for Commissioner Wesley to make an emergency phone call.

Commissioner Wesley returned and the meeting resumed.

PC 19-354: Bruce Leach request a Group E Special Regulated Use Permit for an adult use (recreational) marijuana retail facility at 400 S Dort Hwy. (PID# 41-09-434-003).

Commissioner Wesley asked if the applicant was present. Bruce Leach Attorney and owner acknowledged he was.

Commissioner Wesley Asked Mr. Leach to discuss his operation.

Mr. Leach said they had been licensed with the State of Michigan and the City of Flint since 2018. He was here today to add the adult use capability to their existing provisioning center. Mr. Leach said the business has not been issued any violations to date from the City or State. Mr. Leach noted the only difference between the two businesses is the tax rates charged at registers for medical and recreational sales. Mr. Leach explained this was the only change whatsoever between their operations and their plans. Mr. Leach said everything has been approved at the State and all they were waiting on is the city attestation form. Mr. Leach said the signed form was needed to complete their State approval process. Mr. Leach said to enable and allow existing businesses especially grandfathered locations further services the need of the people and residence of Flint. Mr. Leach explained up to this point the ownership and site plan have been approved.

Commissioner Wesley asked if there were any questions from the Commissioners.

Commissioner Jewell asked staff to look at page two of the application request to confirm they were using the correct form. Mr. Moore and Mr. Eriksson confirmed it was the correct application. Mr. Moore said the temporary ordinance we are operating under applies medical to recreational so we are currently using the same forms.

Commissioner Jewell asked the Commission and staff to consider the staff review regarding location variance. Commissioner Jewell read a portion of the report concerning staff seeking guidance about the location variance. Reed Eriksson, Assistance City Attorney, responded to give clarification and said the City's position is that the State of Michigan views the provisioning center license and retail license as related licenses and evaluates them in the same manner. Mr. Eriksson said the City does not feel there is a need for a variance for recreational because of the State's approach to the issue.

Commissioner Wesley asked if it was necessary for the matter to go through the Zoning Board of Appeals or does the Planning Commission handle the matter. Mr. Eriksson responded we do not need a variance process. The City is not taking the position a medical marijuana facility needs a variance to operate the same operation for recreational license. Commissioner Jewell said it would be different if it was not a medical marijuana facility. Mr. Moore said for additional clarification if this were a group F use where the applicant was growing or processing or a group G use where he was not doing sales and the State did not consider this a similar use, a location variance would be required. Commissioner Jewell wanted to make sure Commissioners clearly understood why there was not a need for a location variance due to underlying conditions.

Commissioner Jewell addressed page six on the application and asked Mr. Moore to clarify. Mr. Moore said the applicant has provided additional required information which he brought to the meeting for Commissioners review. Commissioner Wesley reviewed the items and asked Commissioners to review for completeness.

Commissioner Jordan asked the applicant to clarify the different entities and what the role of Flow Provisioning is. Mr. Leach said this information was put into the application inadvertently and not met for this application it was an error.

Commissioners asked Mr. Moore to clarify un-checked items on the form. Mr. Moore said the items not checked were correct.

Commissioner Jewell asked the applicant if he would give a security plan update. Mr. Leach said they have had no security issues, and their facility is covered inside and out with security camera coverage. Mr. Leach said the State of Michigan inspected the building and required about seven more security cameras be installed.

Commissioner Jordan asked Mr. Leach to explain how his current business plan was modified or updated to include recreation. Mr. Leach said the focus was on patient care. Then said people who use recreationally use for self-harm. Mr. Leach explained the only operational difference is the tax base. Mr. Leach said none of their operational or marketing plans will change.

Commissioner Ryan asked if it's possible for an individual to have two licenses. Mr. Eriksson said yes and noted City ordinance has never taken an issue with consumption and possession because State law is very clear on the limits.

Commissioner Wesley, any other questions from the Commission to the applicant.

Commissioner Wesley asked if there was anyone from the public who wishes to speak in favor of the application. None

Commissioner Wesley asked if there was anyone wishing to oppose. None

Commissioner Wesley asked what is the desire of the Commission.

Commissioner Jewell asked staff if there had been any other communications emails, phone calls or walk-ins regarding the application. Mr. Moore responded there has been none.

M/S – Blower/Jewell

Motion to approve PC 19-354: Bruce Leach request a Group E Special Regulated Use Permit for an adult use (recreational) marihuana retail facility at 400 S Dort Hwy. (PID# 41-09-434-003).

Unanimously carried

Commissioner Wesley asked if there was any discussion from Commissioners

Commissioner Jewell asked if it was acceptable for staff to provide copies of items discussed not found in their packages. Commissioners agreed staff should provide copies at the next meeting.

Commissioner Jewell said this was an information request and not as a condition of approval.

Commissioner Jewell requested PC 19-354 be added to the Feb 11, PC meeting agenda under Case Review (copies of appropriate documents).

Commissioner Blower asked if the license was in effect now. Mr. Moore said the applicants medical license is currently up to date and have grounds for us to issue a City license and to sign the form as necessary to get their State license. Mr. Moore noted after they have their State license they can operate.

Commissioner Blower asked what the timeline would be for them to go through the process. Mr. Eriksson responded probably less than 30 days. Commissioner Blower asked if required inspections were current. Mr. Moore said yes. Commissioner Blower asked Mr. Moore if after issuing tonight's approval of motion could the applicant take it to the State to complete the process. Mr. Moore said yes.

Mr. Moore explained the process was triggered by the applicant coming to the City and requesting a State form be signed. Mr. Moore said first we want to make sure your medical license is straight before moving forward. Mr. Moore said there was a review of their application to ensure it was complete and all conditions were met. Mr. Moore explained he had discussed with the Legal Department and the City Administration regarding location variance and how we handle the application. Mr. Moore said we are all aware we are currently operating under a temporary ordinance which tries to fit the recreational into the medical ordinance.

Commissioner Blower asked for clarification, so we are not waiting on the permanent ordinance before they move on to the State for licensing. Mr. Moore said we approved them under the current temporary aka emergency ordinance. Commissioner Blower asked if that was ok to move forward to the State. Mr. Moore confirmed.

Commissioner Jewell noted staff should be clear and sensitive about the media and if information is given in error it should be corrected with the media.

PC 19-355 MPM-R Flint LLC – Joseph Jarvis for MPM-R Flint LLC, request a Group E Special Regulated Use Permit for an adult use (recreational) retail facility at 310 South Averill Ave. (PID # 41-09-451-013).

Commissioner Wesley asked if the applicant is present and asked the applicant to tell them about Common Citizen.

Joseph Jarvis the applicant and Mala Wald, manager presented. Mr. Jarvis noted they are a licensed medical provisioning center and have been in operation for 10 months. Mr. Jarvis said they would be using different tracking systems for medical and recreational, which the State requires. Mr. Jarvis said they are in good standing with the State and have been through multiple inspections. Mr. Jarvis explained people come to their business for pain treatment and different ailments or maybe want a wellness component to relax. Mr. Jarvis said this drives what we do with our store layout, hiring and training programs. Mr. Jarvis said the store was recently recognized by the International Council of Shopping Centers, the voice of retail real-estate. Mr. Jarvis noted there is no change in the way they are operating. Mr. Jarvis said they are set up to operate in the adult market and it's what they've designed for.

Commissioner Wesley asked if there were any questions from the Commissioners to the applicant.

Commissioner Jewell asked staff to clarify item number 22 on the application checklist regarding hazardous material and the statement: No hazardous material will be on-site. Mr. Moore said the applicant provided the missing information but it was not available for the meeting. Commissioner Jewell said we all recognize the issue was addressed back in May and said his concern was something may have changed since that time.

Commissioner Jewell noted on page 6 under applicant confirmation the box was not checked. Commissioners, staff and legal confirmed the application was a medical form being used for recreational because there was not a form currently available for recreational. Mr. Moore said he was in the process of creating a new form for Commissioner review.

Commissioner Jordan noted there was no signature on the application. Mr. Moore provided the original application which the Commissioners allowed the applicant to sign. Mr. Jarvis said he was completely prequalified at the State for adult use and when the Commission signs their assentation they can move to step two and get their State adult license.

Commissioner Jewell requested Mr. Jarvis walk Commission through their security plan. Mr. Jarvis said they have about 50 cameras installed throughout the facility. Mr. Jarvis noted they have full coverage of entrance and exit doors, parking inside and out with 24-hour surveillance. Mr. Jarvis said they have security presence on-site. Then explained everything is access controlled and how customers use ID card to enter and be escorted into a sale floor. Mr. Jarvis said they are part of the C.A.T.T. EYE program.

Commissioner Jewell asked Mr. Jarvis from initial approval to present have there been any significant enhancements of security. Mr. Jarvis said they added additional cameras. Ms. Wald said when they had LARA inspect they wanted to ensure every area of the facility could be seen. Mr. Jarvis said they added additional cameras to the safe vaults for clearer vision of the area as requested by the State.

Commissioner Blower asked Mr. Jarvis if their hours of operation would be changing. Mr. Jarvis said they will stay the same (9am-7pm) and Ms. Wald said by law they must close by seven. Mr. Jarvis said they don't anticipate any changes. Commissioner Blower expressed her appreciation for the phenomenal work done on facility and said it has changed the whole corridor.

Commissioner Wesley asked the Commissioner if they had any other questions for the applicant. None.

Commissioner Wesley asked if there was anyone wishing to oppose **PC 19-355 MPM-R Flint LLC** – Joseph Jarvis for MPM-R Flint LLC, request a Group E Special Regulated Use Permit for an adult use (recreational) retail facility at 310 South Averill Ave. (PID # 41-09-451-013). No one opposed.

Commissioner Wesley asked if anyone wished to speak in favor of **PC 19-355 MPM-R Flint LLC** – Joseph Jarvis for MPM-R Flint LLC, request a Group E Special Regulated Use Permit for an adult use (recreational) retail facility at 310 South Averill Ave. (PID # 41-09-451-013).

Derick Bow spoke in favor

Brad Jacobs spoke in favor

Commissioner Jewell asked staff if there was any other communication e-mails phone calls or walk-ins. Mr. Moore responded there has been none.

Commissioner Wesley asked what is the desire of the Commission.

Commissioner Blower asked staff about missing documents. Mr. Moore responded we were missing a signature which is now complete and a Hazardous Waste Plan. Mr. Moore confirmed the document was submitted but was not reviewed. Commissioners and staff discussed and determined it was in the original application submitted. Mr. Jarvis located the plan for Commissioners review and read a portion of the document. Commissioners agreed the plan provided at the meeting met the requirements. Mr. Eriksson said the plan was sufficient.

M/S – Blower/Ryan

Motion to approve **PC 19-355 MPM-R Flint LLC** – Joseph Jarvis for MPM-R Flint LLC, request a Group E Special Regulated Use Permit for an adult use (recreational) retail facility at 310 South Averill Ave. (PID # 41-09-451-013).

Unanimously carried

Commissioner Wesley asked if there was any discussion

Commissioner Jewell asked if we could put the case on the next meeting agenda under Case Review and provide Commissioners with applicant signature page of document and Hazardous Waste Plan. Mr. Moore said the documents would be provided.

Reports

SPR-19-924: 2101 S. Dort Hwy. Mr. Moore said the corrections of mislabeled cover sheet on site plan and no consumption of use sign were corrected. Mr. Moore said the conditions were complete and approved administratively.

PC 19-350: Mr. Moore said the condition of applicant providing a legal operating agreement was met and approved administratively.

PC 19-925: Mr. Moore said the condition of labeling of security closest and un-blockage of camera view have been met and administratively approved.

Reed Eriksson, Assistant City Attorney, updated the Commissioners on the status of the Recreation Medical Marihuana Ordinance. Mr. Eriksson said he discussed with Administration and staff to prevent the back-up of applications possibly by creating an administrative process. The process could be offset by some means of neighbors having a function with the Commission through Public Hearings. Mr. Eriksson noted under the current ordinance the City has a license revocation process.

Mr. Moore explained how the two previous cases for recreational marihuana could have been administratively approved which would have lessened the backlog of applications. Mr. Moore explained there are twenty applications waiting for review by Commission and noted this does not include grow or processing. Mr. Moore noted they have had a significant number of inquiries about micro businesses which would be a new business type allowed in the permanent ordinance.

Commissioner Jordan asked Mr. Eriksson about streamlining process, was the process specifically for those who already have the medical permit and are seeking to add recreational. Mr. Eriksson responded yes. Commissioner Jordan asked so the twenty additional that haven't been heard yet under medical would have to come before the Planning Commissions. Mr. Moore explained new licensees require a Public Hearing.

Commissioner Blower asked how do we deal with the issue flow of traffic and details of businesses. Commissioner Blower explained smaller facilities may have parking restrictions. Mr. Moore said complaints could be brought before the body as previously discussed though the new ordinance. Mr. Eriksson said the only way this administrative review process works with City Administration is if we have a sufficient avenue for the residents who are effected by the business to voice their concerns at a public meeting.

Commissioner Jewell noted there are differences between medical and recreational business which the Commission addressed that staff overlooked like signatures or hazardous waste plans. One of the upsides of the Commission doing reviews is: 1) we act as a check and balance 2) it enhances for the public this wasn't something just done by staff or administration, but reviewed by public body 3) it adds for the city and the staff that the body asked about concerns and are comfortable with the request.

Commissioner Jewell discussed new facilities of retail and said if they are administratively reviewed you have supplanted the role of the Planning Commission and replaced the issue of support of a public body reviewing materials which may lead to a false perception we are handing out licenses.

Commissioner Ryan asked if future meetings should be held at 5:30 due to the amount of cases and would meetings be congested for the next couple of months. Mr. Moore said the next meeting was set aside for discussion of the draft marihuana ordinance, but future meeting would be full.

Commissioner Wesley asked Mr. Eriksson if he had any more items to bring before the Commission. Mr. Eriksson said he will be updating the ordinance with current standards for new license types as well as for designated consumption establishments. Mr. Eriksson noted using City zoning code for bars is a starting point and they have some good language from the State rules. Mr. Eriksson said State rules for Micro businesses will be incorporated.

Commissioner Wesley asked staff to update them on the new zoning code and capital improvement plans. Suzanne Wilcox, Director-Department of Planning and Development, updated the Commission. Ms. Wilcox explained that the zoning code is really dependent upon adoption of recreational marihuana ordinance. Ms. Wilcox said the band-width issue is real and staff who are working on the zoning code are the same ones working on the recreational marihuana ordinance. Once the marihuana ordinance is brought forward to City Council and in place the next step staff will undertake is the zoning code. Ms. Wilcox said she has discussed with administration and they want to see it moved forward, but do understand staffing issues.

Ms. Wilcox address the capital improvement plan and explained she had discussed with administration. Ms. Wilcox said she would be assisting administration with a budget and capital improvement plans with staff support.

Resolutions

None

Old Business

None

NEW BUSINESS:

Administrative procedures for marihuana cases.

Mr. Moore explained there is a backlog of applications for provisioning centers which have not gone through our internal site plan review process. Mr. Moore said if we wait for site plan review and approval we may increase our back log. Mr. Moore asked the Commission if it would be appropriate to bring applications for permits to the board without having site plans for review, and noted many of the applicants do not have site plans ready for review.

Mr. Eriksson said the application requires a public meeting and once they have their plans ready we could add them to a Commission meeting without giving public notice. Commissioner Jordan noted it has been our custom to have an applicant bring both before the board but it is not a regulation.

Mr. Moore said there are concerns about paper work provided commissioners and asked if it's appropriate to have executive summaries for provisioning centers or retail to cut down on materials provided. Mr. Eriksson said it was appropriate to have the amount of materials for grow and processor, but due to changes in rubric scoring now he would feel comfortable having provisioning centers provide executive summaries. Commissioner Jewell was in agreement. Commissioner Jewell suggested a check list for the executive summary be completed we had discussed prior and staff bring

the original application to Commission meetings. Mr. Moore discussed how he was currently revising the checklist for different business types. Commissioners expressed their desire to assist staff in streamlining the processes.

ADJOURNMENT:

M/S – Jewell/Ryan

Unanimously carried.

Meeting adjourned at 8:45 pm.



CITY OF FLINT

RESOLUTION NO.: 220064

PRESENTED: FEB - 9 2022

ADOPTED: _____

**Resolution for Approval of a Group E
Marihuana Retail – Adult Use License for Michigan Organic Solutions DBA
Located at 3549 S Dort Highway.**

BY THE CITY ADMINISTRATOR:

WHEREAS, Donald Gregory Baker is the owner / operator of Michigan Organic Solutions DBA, located at 3549 S Dort Highway; and

WHEREAS, Michigan Organic Solutions DBA has a grandfathered medical marijuana location and has received approval for a Group E Marihuana Retail – Adult Use Permit/License for this location; and

WHEREAS, Flint City Ordinance 50-183, Marihuana Facilities Opt-in Ordinance requires that Planning Commission make a recommendation to the City Council for the issuing of a license to the applicant.

IT IS RESOLVED, Pursuant to 50-183 (E)(5), that the appropriate City officials are hereby authorized to do all things necessary to issue a license to applicant Donald Gregory Baker of Michigan Organic Solutions, located at 3549 S Dort Highway.

APPROVED AS TO FORM:

Angela Wheeler
Angela Wheeler (Feb 1, 2022 10:58 EST)

Angela Wheeler, Chief Legal Officer

ADMINISTRATION:

CLYDE D EDWARDS
CLYDE D EDWARDS (Feb 2, 2022 19:44 EST)

Clyde D. Edwards, City Administrator

CITY COUNCIL:

Eric B. Mays, Council President



CITY OF FLINT

RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: January 31, 2022

BID/PROPOSAL# n/a

AGENDA ITEM TITLE: Resolution for Approval of a Group E Marihuana Retail – Adult Use License for Michigan Organics Solutions DBA Located at 3549 S Dort Highway

PREPARED BY: Suzanne Wilcox, Director, Department of Planning and Development

VENDOR NAME: Donald Gregory Baker – Michigan Organic Solutions DBA

BACKGROUND/SUMMARY OF PROPOSED ACTION:

Michigan Organic Solutions DBA (Owner, Donald Gregory Baker) is a grandfathered location for medical marihuana and has received approval from the Flint Planning Commission for a Group E marihuana retail adult use permit/license for his provisioning center located at 3549 S Dort Highway.

Flint City Ordinance 50-183, Marihuana Facilities Opt-in Ordinance requires that Planning Commission make a recommendation to the city council for the issuing of a license to the applicant. This requirement has not been met for permit/licenses that have been approved by Planning Commission and awarded by the City. In order to be compliant with the ordinance and to make a recommendation to the State of Michigan Licensing and Regulatory Affairs (LARA), it is necessary that City Council approve the license for Donald Gregory Baker/Michigan Organic Solutions DBA at 3549 S Dort Highway.

FINANCIAL IMPLICATIONS: None

BUDGETED EXPENDITURE? YES ☐ NO ☒ IF NO, PLEASE EXPLAIN: n/a

Dept.	Name of Account	Account Number	Grant Code	Amount
		FY21/22 GRAND TOTAL		

PRE-ENCUMBERED? YES ☒ NO ☐ REQUISITION NO:

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☐ NO ☒
(If yes, please indicate how many years for the contract) YEARS

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (This will depend on the term of the bid proposal) n/a



CITY OF FLINT

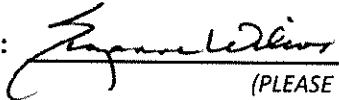
BUDGET YEAR 1

BUDGET YEAR 2

BUDGET YEAR 3

OTHER IMPLICATIONS (i.e., collective bargaining): n/a

STAFF RECOMMENDATION: (PLEASE SELECT): ☒ **APPROVED** ☐ **NOT APPROVED**

DEPARTMENT HEAD SIGNATURE:  Director, Dept of Planning and Dev.
(PLEASE TYPE NAME, TITLE)

FLINT PLANNING COMMISSION
Meeting Minutes
December 8, 2020

Commissioners Present

Robert Wesley, Chair
Harry Ryan
Leora Campbell
Carol-Anne Blower, Secretary
Robert Jewell
April Cook Hawkins
Lynn Sorenson
Elizabeth Jordan, Vice-Chair

Staff Present

Suzanne Wilcox, Director – Department of
Planning and Development
Bill Vandercook, Zoning Coordinator
Keizzy Anpalagan, GIS Technician
Kelly Thompson, Assistant City Attorney
Corey Christensen, Zoning Consultant (ROWE)

ROLL CALL:

Chairperson Wesley called the meeting to order at 5:31 p.m. Roll was taken and a quorum was present.

The meeting was via Zoom and phone conferencing as approved.

Mrs. Thompson read the Amendment to the Open Meeting Act adopted in Senate House Bill 1108 as passed on October 13, 2020 and signed into law on October 16, 2020.

Roll Call:

Commissioner Ryan: appearing remotely,
City of Flint, MI
Commissioner Campbell: appearing
remotely, City of Flint, MI
Commissioner Blower: appearing remotely,
City of Flint, MI
Commissioner Jewell: appearing remotely,
City of Flint, MI

Commissioner Cook Hawkins; remotely,
City of Flint, MI
Commissioner Sorenson; remotely, City of
Flint, MI
Commissioner Jordan: appearing remotely,
City of Flint, MI
Commissioner Wesley: appearing remotely,
City of Flint, MI

ADDITIONS/CHANGES TO THE AGENDA:

None

Commissioner Jordan made a motion to adopt the agenda.

ADOPTION OF THE AGENDA:

M/S – Jordan/Blower

Unanimously carried by voice vote

MINUTES OF PREVIOUS MEETINGS:

Minutes of November 10, 2020

Commissioner Jordan made a motion to approve the minutes *from November 10, 2020.*

Minutes of November 24, 2020

Commissioner Jewell made a motion to approve the minutes *from November 24, 2020, as corrected.*

M/S –Jewell/Campbell

Roll Call:

Commissioner Harry Ryan: Yes

Commissioner Campbell: Yes

Commissioner Blower: Secretary: Yes

Commissioner Jewell: Yes

Commissioner Cook Hawkins: Yes

Commissioner Sorenson: Yes

Commissioner Jordan: Vice-Chair: Yes

Commissioner Wesley: Chair: Yes

The minutes of November 24, 2020, were approved

PUBLIC FORUM:

None

SITE PLAN REVIEWS:

None

CASE REVIEW:

SPR 20-941 Sylvester Broome Empowerment Village

Commissioner Wesley explained it was brought to his attention that the offsite parking that was presented for the project was not owned by Sylvester Broome Empowerment Village, but the Land Bank. Commissioner Wesley said it was his understanding they were in negotiations with the Land Bank to acquire the property, but this was not brought up at the previous Planning Commission meeting. Commissioner Wesley said he had contacted staff to determine if this could be added to conditions of approval that they provide an agreement with the Land Bank. Mr. Vandercook said he had been in contact with Doug Scott from Rowe Professional Service regarding the issue and had not received a copy of an agreement between the two parties.

Mrs. Thompson informed the Commission about Roberts Rules and making a motion to reconsider. She said it was an option to reconsider the original vote on the site plans.

Commissioner Jordan noted Sylvester Broome could not move forward without owning the property and this detail was completed on the site plan. Commissioner Jordan felt staff should reach out to Sylvester Broome again to get proof of an agreement and/or purchase of the property, so the site plan can move forward. Commissioner Jordan noted the applicant had not satisfied other conditions needed for approval of the site plan which included variance for lot coverage and revising the pedestrian crosswalk diagram.

Commissioner Blower asked if the applicant would be going before the Zoning Board of Appeals for the variances prior to having final approval from the Planning Commission. Mr Christensen explained the meeting would be simultaneously due to Public Notices already being sent out. Mr Vandercook said the next Zoning Board of Appeals meeting is scheduled for December 15, 2020. Commissioner Blower asked if they go before the Zoning Board and receive approval for their variance request ha-

ven't they met the conditions of the Planning Commission motion, which would essentially be approval of their site plan prior to them coming back to us in January. Commissioner Wesley said no, they would have to come back before the Planning Commission to get their final approval of the site plan. Commissioner Jordan explained there were two contingencies listed 1) receiving a lot coverage variance and 2) having a signed memorandum of understanding with the City of Flint regarding who was going to be paying the light bill for the auxiliary parking lot. Mr. Christensen said additionally the plans needed amended to include a cross walk.

Commissioner Campbell made a motion to move SPR 20-941 to the January 12, 2020 Planning Commission meeting. Then said by this time they should be able to explain what has transpired with the project.

M/S –Campbell/Blower

The motion is unanimously carried.

PUBLIC HEARINGS:

PC 20-390: First Dort Enterprise LLC, request a Group E Special Regulated Use Permit for an adult-use (recreational) marihuana retail facility at 3549 South Dort Hwy. (PID# 41-21-351-034).

Greg Baker presented and introduced Ben Horner who would be assisting with the presentation. Mr. Baker said currently they are an operating medical dispensary and would like permission to operate as an Adult Use Recreational dispensary. Mr. Baker said they have been operating the medical dispensary for about one year now. Mr. Baker said he purchased the business from Ben Horner.

Commissioner Jordan ask Mr. Baker to explain what kind of fencing or buffer was between the facility and Cranberry Estates which would minimize impacts of the business on the adjoining mobile home park. Mr. Baker said there is a large fence running across the back of the property. Mr. Horner said the fence was chain link and about eight feet tall. Mr. Horner said there is no traffic going to the back of the trailer park and no gates to pass through the fence.

Commissioner Jewell asked Mr. Baker to walk him through the facility. Mr. Baker said in order to enter into the facility you have to be buzzed into a waiting room. Mr. Horner said when a facility becomes recreational they use the same store front and entrance to the facility. Within the store the computer system allows for two separate menus for medical and adult use recreational sales. The system tracks all sales and taxes separately. Mr. Horner said moving forward they would not be making changes to the existing store front or entrance. Mr. Horner explained once you come through security you will see display counters where if you are 21 years old you will be able to purchase Adult Use marihuana and / or medical where you need to have applied to the state medical marihuana program to make purchases.

Commissioner Jewell asked Mr. Horner to explain their internal and external security systems. Mr. Horner said their surveillance system is on a cloud which the City of Flint Police Department has access as well as the State Police. The system backs up all footage for 30 days. The system covers every square inch of places marihuana is transferred, brought in or leaving the building.

Commissioner Campbell said she was concerned about the adjoin residence. Commissioner Wesley said the adjoining property is zoned D-6 and the location was deemed eligible. Commissioner Campbell said staff put this into their report and asked was there not a need for us to know this. Mr Christensen said he put this information in the staff report for the Commissioner knowledge it's not required.

Then said the 300' residential buffer doesn't count when it's a mobile home park in a D-6 zone. Mr Thompson stated the 300' buffer was for residentially zoned parcels according to the ordinance and not for residence living in mobile homes within a nonresidential zoned district. Commissioner Jewell said the mobile home park is a business where they are providing living quarters.

Commissioner Wesley asked if anyone from the public wished to speak in favor of PC 20-390 (None).

Commissioner Wesley asked if anyone from the public wished to oppose PC 20 -390 (None).

Commissioner Jewell asked if there had been any other kinds of communications regarding PC 20-390. Mr. Vandercook said there has not been any communications regarding PC 20-390.

Commissioner Jordan moved approval of **PC 20-390**: First Dort Enterprise LLC, request a Group E Special Regulated Use Permit for an adult-use (recreational) marihuana retail facility at 3549 South Dort Hwy. (PID# 41-21-351-034). For the findings 1) they have been operating a medical marihuana retail provisioning facility the last several years without incident and 2) noting that while the residential use is in place it does meet the zoning requirement being 300 feet away from a residentially zoned parcels.

M/S –Jordan/Ryan

The motion is unanimously carried.

REPORTS:

Status of Permanent Marihuana Ordinance:

Mrs. Thompson said the Chief Legal Officer, Angela Wheeler requested the City put the permanent marihuana ordinance back on the agenda for the second reading and vote. Mrs. Thompson noted the Emergency Marihuana Ordinance expires on December 25, 2020 and if the permanent ordinance was not adopted it may be extended again.

Status of Draft Zoning Ordinance and Capital Improvement Plan:

Ms. Wilcox said staff had an internal meeting to discuss the zoning code to prepare to bring before City Council by January 2021. Ms. Wilcox asked the Commissioner to reach out to their Council Representatives.

Ms. Wilcox said she has been reaching out to Eric Scorsone for last year's Capital Improvement Plan for purposes of updating the plan and will continue trying to make contact with him. Ms. Wilcox said she had provided Mr. Schiffman with last year's plan that was approved by the Planning Commission to begin working on as a high priority project. Ms. Wilcox they expect to have a Capital Improvement Plan prepared this year to present to the Planning Commission. MS Wilcox noted the Cities Master Plan is out of compliance and is supposed to be updated every five years. Then said in 2018 there should have been an update. Ms. Wilcox said she would like to see the Master Plan as an agenda item for future Planning Commission meetings.

Status of Staffing:

Ms. Wilcox noted Jeff Schiffman was hired as the City of Flint new Lead Planner. Ms. Wilcox informed the board that Bill Vandercook was promoted to the City of Flint's Zoning Coordinator. Ms. Wilcox said she is currently working with HR to fill Mr. Vandercook former position as Planner I and

hoped to have the position filled soon. Ms. Wilcox noted she is working with HR to fill the CD Grants Coordinator position which is vacant do to the past Grant Coordinator moving to fill the vacated Parks Planner Position. MS Wilcox explained HR is also posting for positions within the Building and Safety Division.

Mr. Schiffman gave a brief summary of his background, and the Commissioners' welcomed him aboard.

Commissioner Jewell asked if it was possible to provide one or two small paragraphs regarding Mr. Schiffman's and Mr. Vander cook's background. Ms. Wilcox said she would provide this information to the Commissioners.

RESOLUTIONS:

Adoption of Revised City of Flint Planning Commission Bylaws:

Commissioner Wesley turned the meeting over to MS Thompson. Mr. Thompson said the Bylaws Planning Committee is proposing a wholesale amendment to the Planning Commission bylaws as we have discussed with the Planning Commission at previous meetings. Mrs. Thompson said we added a significant amount of provisions to clarify when conflicts of interest arise and how to handle them. Including having contact with other members and staff during meeting and when that's appropriate. Mrs. Thompson said some provisions pertaining to voting and a revision to the order of business on the agendas was also added. Mrs. Thompson said the revised bylaw was full of helpful information for members and staff. Then said whenever questions come up everyone should refer to the bylaws first. Mrs. Thompson said the revised bylaws were being presented to the Planning Commission tonight for possible adoption.

Commissioner Jewell said the revised bylaws provide a great outline for process and procedures for the Commissioners and staff for roles and responsibilities. Commissioner Wesley commended the work and efforts Commissioners and staff put into revising the bylaws.

Commissioner Jewell made a motion to approve a resolution to adopt the revised City of Flint Planning Commission bylaws as presented.

M/S – Jewell/Campbell

Roll call:

Commissioner Harry Ryan: Yes

Commissioner Campbell: Yes

Commissioner Blower: Secretary: Yes

Commissioner Jewell: Yes

Commissioner Cook Hawkins: Yes

Commissioner Sorenson: Yes

Commissioner Jordan: Vice-Chair: Yes

Commissioner Wesley: Chair: Yes

Unanimously carried

Mrs. Thompson said she would update the draft to a final version, date and send to the Planning Commission members.

OLD BUSINESS:

Bylaws Committee:

Status of Planning Commission Membership Roster:

Ms. Wilcox said she was working on agendas and minutes of Planning Commission meeting to update the roster. She has a draft roster and has scheduled a meeting with the City Clerk's office on Friday 13, 2020 to receive pertinent information to update. Commissioner Wesley noted the Commission should have the information by November 24.

Planning Commission Membership Orientation Packet:

Ms. Wilcox noted at this time staff was working to clear a backlog of zoning items and organizational deficiencies, but the binder is a priority. Ms. Wilcox said staff is working to provide the commission with a binder by January. Commissioner Jordan said she appreciated the update and efforts and offered additional assistance with the binders if needed. Commissioner Jewell said he concurred with Commissioner Jordan and was also available for support and assistance with the Orientation Packets.

I-475 Update:

Commissioner Wesley asked Ms. Wilcox to schedule a meeting with Brian Larkin. Ms. Wilcox said she would schedule the meeting.

NEW BUSINESS:

Commissioner Ryan asked about Planning Commissioners receiving City of Flint Cards. Commissioners discussed business cards previously received and information provided on the card identifying Commissioner role and function. Commissioners asked staff to add this to the list and pursue on behalf of Commissioners. Ms. Wilcox said we would do some research and determine the protocol for all City of Flint multiple member bodies and report back to the Commission.

ADJOURNMENT:

M/S – Ryan/Campbell

Unanimously carried.

Meeting adjourned at 7:18 pm.

220066

ORDINANCE NO. _____

A Proposed ordinance to amend Chapter 50 of the Code of the City of Flint has been requested by Jeffrey Ferweda (PC 21-415) for a rezoning at 922 S Center Rd (Parcel ID# 41-16-228-009) from D-3 Community Business to E Heavy Commercial-limited Manufacturing District.

The Planning Commission recommends DENIAL of a Zoning Ordinance map amendment concerning this property located in WARD 7.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. That the code of the City of Flint is hereby amended to change the District boundaries or regulations established in Chapter 50 thereof, specifically allowing under 50-4 a zoning map amendment, as follows:

922 S Center Rd Flint, MI 48503 parcel #41-16-228-099 legally described as UNPLATTED PART OF NE 1/4 OF SEC 16 T7N R7E DESC AS BEG AT A PT S 1 DEG 13 MIN 39 SEC E 520.03 FT AND S 88 DEG 14 MIN 45 SEC W, 50 FT FR THE NE COR OF SD SEC 16; TH ALG WLY LINE OF CENTER RD S 1 DEG 13 MIN 39 SEC E, 50 FT; S 88 DEG 14 MIN 45 SEC W, 720 FT; TH N 1 DEG 05 MIN 49 SEC W 225 FT; TH N 88 DEG 19 MIN 33 SEC E, 205 FT; TH N 1 DEG 19 MIN 03 SEC E, 146.15 FT; TH N 88 DEG 14 MIN 58 SEC E, 274 +/- FT; TH S 1 DEG 13 MIN 39 SEC E, 320.84 FT; TH N 88 DEG 14 MIN 45 SEC E, 240.5 FT TO POB. SPLIT ON 01/05/2009 FROM 41-16-228-094 from "D-3" Community Business and future zoned "Traditional Neighborhood" to "E" Heavy Commercial-limited Manufacturing District.

Sec. 2. This ordinance shall take effect on the ___ day of _____, 2022 A.D.

Approved this ___ day of _____, 2022 A.D.

Sheldon A. Neeley, Mayor

Inez M. Brown, City Clerk

APPROVED AS TO FORM:

Angela Wheeler
Angela Wheeler (Feb 1, 2022 15:50 EST)

Angela Wheeler, Chief Legal Officer



CITY OF FLINT

RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: February 1, 2022

BID/PROPOSAL# n/a

AGENDA ITEM TITLE: ORDINANCE RECOMMENDING DENIAL OF A REZONING REQUEST FOR THE PROPERTY AT 922 S CENTER RD. (PARCEL ID# 41-16-228-009) FROM D-3 TO E TO ALLOW FOR RETAIL MALL, RESTUARANTS OR STORAGE FACILITIES.

PREPARED BY Suzanne Wilcox, Director of Planning and Development
(Please type Name, Department, Phone Number)

VENDOR NAME: n/a

BACKGROUND/SUMMARY OF PROPOSED ACTION:

At its meeting on September 14th, 2021, the Flint Planning Commission DENIED the submitted request for a rezoning from D-3 Community Business District to E Heavy Commercial-limited manufacturing District (PID# 41-16-228-099). Mr. Ferweda had inquiries to develop the property including but not limited to retail mall, restaurants, and storage facilities (cold/climate controlled). The property is currently zoned D-3 and under the Master Plan zoning would be Traditional Neighborhood. An E Heavy Commercial-limited Manufacturing District would allow for heavy commercial and certain light manufacturing uses which are generally incompatible with uses appropriate in retail business districts, but which do not warrant an exclusive industrial classification. An E district prohibits uses of dwellings and residence of any kind. Planning Commission recommended denial of the proposed rezoning with the findings that it would constitute spot zoning and the proposed change is incompatible with the Master Plan and Future Land Use Map. Planning Commission also noted in the denial there would be no buffer between the property proposed for rezoning and 14 residential properties.

FINANCIAL IMPLICATIONS: No financial implications

BUDGETED EXPENDITURE? YES ☐ NO ☒ IF NO, PLEASE EXPLAIN: n/a

Dept.	Name of Account	Account Number	Grant Code	Amount
		FY19/20 GRAND TOTAL		



CITY OF FLINT

PRE-ENCUMBERED? YES ☐ NO ☒ REQUISITION NO: _____

ACCOUNTING APPROVAL: n/a Date: _____

FINANCE APPROVAL: n/a Date: _____

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☐ NO ☒

(If yes, please indicate how many years for the contract) _____ YEARS

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (This will depend on the term of the bid proposal)

BUDGET YEAR 1

BUDGET YEAR 2

BUDGET YEAR 3

OTHER IMPLICATIONS (i.e., collective bargaining): none

STAFF RECOMMENDATION: (PLEASE SELECT): ☒ APPROVED ☐ NOT APPROVED

Suzanne Wilcox

Director of Planning and Development
City of Flint, Michigan
Department of Planning and Development
1000 East Huron Avenue, Suite 200
Flint, MI 48906-1000

DEPARTMENT HEAD SIGNATURE: Suzanne Wilcox, Director, Dept. of Planning and Development
(PLEASE TYPE NAME, TITLE)



CITY OF FLINT

FLINT PLANNING COMMISSION
ROBERT WESLEY, CHAIRMAN

September 16, 2021

Jeffrey Ferweda
410 E Court St
Flint, MI 48503

RE: Planning Commission Action Notification

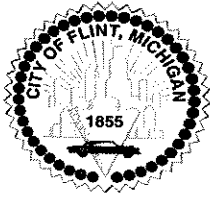
PC 21-415: Jeffrey Ferweda, AIA requests a rezoning from D-3 to E at 922 S Center Road. (PID# 41-16-228-099).

At its meeting on September 14, 2021, the Flint Planning Commission **DENIED** the request for a rezoning from D-3 to E at 922 S Center Road with the following findings: that the rezoning is spot zoning, meeting all aspects of the criteria for spot zoning including the change would be incompatible with the Master Plan and Future Land Use Map. One of the key principles that guided the Master Plan was the intentionality to buffer residential uses from any sort of incompatible use, which is an explicit intention of the Master Plan. The denial was not based on any intended use the applicant may or may not have in mind but was based specifically the requested rezoning classification.

If you have any questions, please contact the Planning & Zoning Office at (810) 766-7426 ext. 3060

Sincerely,

William Vandercook
Zoning Coordinator
City of Flint - Planning & Zoning Division
1101 S. Saginaw St. Rm. 5105
P: 810 766 7426 x 3060



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT PLANNING COMMISSION

Meeting Minutes
September 14, 2021

Commissioners Present

Robert Wesley, Chair
Elizabeth Jordan, Vice-Chair
Carol-Anne Blower, Secretary
Leora Campbell
Robert Jewell
Lynn Sorenson

Staff Present

Bill Vandercook, Zoning Coordinator
Keizzy Anpalagan, GIS Technician
Corey Christensen, ROWE
Jonathon Mateen, Planner I
Joanne Gurley, Assistant City Attorney
Lauren Marshall, Planner I

Absent:

Harry Ryan
April Cook-Hawkins

ROLL CALL:

Chairman Wesley called the meeting to order at 5:35 p.m. Roll was taken and a quorum was present.

The meeting was via Zoom and phone conferencing as approved.

Assistant City Attorney Joanne Gurley read the Amendment to the Open Meeting Act adopted in Senate House Bill 1108 as passed on October 13, 2020, and signed into law on October 16, 2020.

Roll Call:

Commissioner Ryan: Absent
Commissioner Campbell: appearing
remotely, City of Flint, MI
Commissioner Blower: appearing remotely,
City of Flint, MI
Commissioner Jewell: appearing remotely,
City of Flint, MI

Commissioner Cook-Hawkins: Absent
Commissioner Sorenson: appearing
remotely, City of Flint, MI
Commissioner Jordan: appearing remotely,
City of Flint, MI
Chairman Wesley: appearing remotely, City
of Flint, MI

ADDITIONS/CHANGES TO THE AGENDA:

Mr. Vandercook requested to add SPR 21-946: Securecann Inc. is requesting a Site Plan Review at 2502 S Dort Hwy, Flint, MI 48507 (PID# 41-20-278-030 & -001) under case reviews so he could give an update.

Commissioner Jewell requested under the reports section to postpone Site Plan Review Overview/Process due to the length of the meetings and due to finalization of the staff presentation.



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ADOPTION OF THE AGENDA:

Commissioner Wesley asked for a motion to approve the agenda as revised. Commissioner Jewell motioned to accept the agenda as revised. Commissioner Blower supported the motion.

M/S – Jewell/Blower

Unanimously carried by voice vote

MINUTES OF PREVIOUS MEETINGS:

Minutes of August 24th, 2021.

Commissioner Jordan had revisions to the meeting minutes for changing the spelling from “flood plane” to flood plain. As well as page 4, the fourth paragraph down, the restaurant name is Empress of China.

Commissioner Jordan motioned to approve the Minutes of August 24, 2021 as corrected. Commissioner Blower supported the motion.

Roll Call:

Commissioner Ryan, absent
Commissioner Campbell, yes
Commissioner Blower, yes
Commissioner Jewell, yes with corrections

Commissioner Cook-Hawkins, absent
Commissioner Sorenson, yes
Commissioner Jordan, yes
Chairman Wesley, yes

M/S – Jordan/Blower

The motion carried

6 yes – 0 no – 2 absent

PUBLIC FORUM:

Chairman Wesley opened the public forum.

Councilwoman Galloway asked Commissioner Wesley about an email she and other residents received explaining that those who spoke at the August 24th, 2021 Planning Commission meeting in opposition to PC 21-415 could not speak again. Commissioner Wesley stated that those who spoke at the August 24th, 2021 meeting, if there were no additional comments or change in their statements, their opposition was already recorded in the August 24th meeting. Councilwoman Galloway asked what the Planning Commission was doing to ensure that the comments that were made on the August 24th meeting are put into this current public meeting. Commissioner Wesley stated that comments shared by residents at the August 24th meeting in opposition of PC 21-415 will be placed within the minutes of the current public hearing. Commissioner Jordan shared that a synopsis of the comments shared at the previous meeting were included in the September 14th, 2021 meeting minutes.



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Mrs. Mason, resident, asked when the outcome of PC 21-415 will be decided. Commissioner Wesley stated that hopefully by the end of the current meeting, September 14th, 2021, a final decision will be made.

Commissioner Wesley closed the public forum.

PUBLIC HEARINGS:

PC 21-413: Green Skies Healing Tree LLC, requests a Group E Special Regulated Use Permit for an adult-use (recreational) marihuana retail facility which integrates a Blight Elimination Plan Exemption (City of Flint Marihuana Ordinance §50-183 U (2)) at 3401 CORUNNA RD. (PID 40-23-101-010).

Chairman Wesley stated that this case is postponed until September 28th, 2021. Mr. Vandercook stated that the checklist for Group E Special Regulated Use will be provided for the next Planning Commission meeting.

PC 21-414: Theodore Van Steyn requests a rezoning from D-1 to D-3 at 703 S GRAND TRAVERSE. (PID 41-18-154-038). *Postponed by the applicant on 8-16-21 to Sept 14, 2021*

Cory Christensen, ROWE consultant, presented a report to the Planning Commission for PC 21-414 as provided to the Planning Commission in their packets.

Commissioner Campbell questioned the distance between the parcel and Trinity Baptist Church. Commissioner Wesley stated that the church is three blocks south of the parcel in question. Commissioner Sorenson also stated the location of Trinity Baptist Church compared to the parcel in question. Commissioner Sorenson also pointed out the Court Street Methodist Church is also a few blocks from the parcel. Commissioner Jewell also noted St. Matthews Church is also a few blocks away from the parcel in question.

Theodore Van Steyn, applicant, noted his specific use for the property and stated that he did submit architectural designs but noted that he needed to first obtain the rezoning before moving further with the project. The applicant was originally going to wait for adoption of the zoning change, however, decided that trying for a rezoning would be more cost effective for him to start his project sooner.

Commissioner Jewell asked if the applicant owns the property and for its current use. The applicant confirmed he owns the property and stated its prior use was office space. The applicant currently uses the property for personal use and to work out of. The applicant intends to keep the feel of a house, however, wants to upgrade the property to fully comply with all building codes for a commercial restaurant space.



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Commissioner Sorenson asked the applicant who his target market would be. Commissioner Sorenson also questioned the size of the property and if the applicant would have enough space for food prep and other restaurant related needs. The applicant confirmed the use of the basement for cold and dry storage as a possibility.

Commissioner Campbell asked the applicant if he intends on having a full bar. The applicant confirmed he plans on having a full liquor license.

Commissioner Wesley asked the applicant for an approximate seating capacity. The applicant stated around 60 people. Additionally, the applicant stated they are restricted by the parking requirements thus the parking size will influence the seating amount. Commissioner Sorenson asked if only one floor would be utilized or will the applicant be using the second story as well. The applicant is looking into using the second floor and has completed initial code reviews that comply with ADA.

Commissioner Wesley opened the floor for public comment in support of PC 21-414. No public comments were given in support.

Commissioner Wesley opened the floor for public comment in opposition of PC 21-414.

Chris Del Morone, resident, stated that there should be careful consideration when deciding the rezoning and the intended use of the property once rezoned. When rezoning a property, any use under that district could be used on said rezoned property. Mr. Del Morone also shared concerns about spot zoning and about the distance between the property and the churches mentioned above.

Commissioner Wesley asked Planning and Zoning staff if the notifications of the public hearing were sent out within the radius from the property. Mr. Vandercook confirmed staff sent out the 300 foot mailing notices. Commissioner Wesley asked if there were any email or phone calls in support or opposition of the rezoning. Mr. Vandercook confirmed no emails or phone calls were received about the rezoning.

Mr. Christensen stated in regards to what to look at when deciding a rezoning, the zoning enabling act requires one to look at the Master Plan when making a rezoning decision. Commissioner Wesley also stated that the religious institutions are significantly farther away from this location than what the current zoning states. Christensen stated that there are no locational requirements in terms of distance between religious institutions and the property.

Commissioner Campbell raised concern about the last line of the application where it states "I am requesting the rezoning in advance of the adoption of the Master Plan Zoning adoption". Commissioner Campbell questioned how long the applicant has owned the property. The applicant confirmed he has owned the property for five years. Mr. Christensen stated that the meaning behind that line in the application was that the rezoning that was approved by the Planning Commission for the Draft Zoning Code would permit him to use this property as he wishes, however, he cannot under



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the current zoning. The applicant is no longer waiting for the new zoning to be in effect and is requesting that the board make this rezoning case.

Commissioner Jordan motioned to recommend approval to city council to approve **PC 21-414:** Theodore Van Steyn requests a rezoning from D-1 to D-3 at 703 S GRAND TRAVERSE. (PID 41-18-154-038) with the following findings: 1) the rezoning does not constitute spot zoning because the change would bring the zoning into alignment with the future land use. Commissioner Blower supported the motion.

Commissioner Ryan, absent
Commissioner Campbell, yes for approval
Commissioner Blower, yes for approval
Commissioner Jewell, yes for approval

Commissioner Cook-Hawkins, absent
Commissioner Sorenson, yes
Commissioner Jordan, yes
Commissioner Wesley, yes

M/S – Jordan/Blower
The motion carried

6 Yes – 0 no – 2 absent

PC 21-415: Jeffrey Ferweda, AIA requests a rezoning from D-3 to E 922 S Center Road. (PID 41-16-228-099).

Mr. Vandercook presented a report to the Planning Commission for PC 21-415 as provided to the Planning Commission in their packets.

Commissioner Jewell stated his understanding of the application was that there was not any intent of a particular business or focus. Mr. Vandercook stated that the applicant had general ideas of permitted uses to use under zoning district E, however, there was no specific intent.

Commissioner Campbell stated that on her copy of the application it stated under proposed use “development for a mall restaurant and storage”. Commissioner Jewell stated the next sentence under proposed use states that “other possible uses for the property would include” and itemizes other possible uses.

Commissioner Jordan asked for clarification on the rezoning request, noting that if the rezoning was granted the property owner would be entitled to all of the uses permitted under the E zoning district regardless of the intent or lack of intent of the applicant. Mr. Vandercook confirmed that to be correct.

Commissioner Sorenson stated that it seemed more appropriate for the possible intended use of a restaurant/storage to fall under the current zoning district of D-3 rather than district E. Chairman Wesley noted that if the rezoning is granted, the zoning will stay with the property regardless of who owns it or who may own the property in the future.



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Mr. Christensen emphasized that the Master Plan and the draft zoning calls for this property to be transitioned into residential and the applicant is requesting industrial which is the opposite direction of the Master Plan.

Jeffery Ferweda, applicant, explained that investors interested in the property would like to use the property for uses within the E zoning district. The intended concept for the property is to have retail/restaurant/strip mall in the front of the property and a rental space in the rear for HVAC contractors. Mr. Ferweda also stated that the property could potentially be used for climate controlled storage. The applicant emphasized the traffic in the area would not change since there is relatively low traffic with that kind of business. Additionally, Mr. Ferweda stated that storage is only allowed in the E district and not in the D-3 district. The applicant argued that having this area be transitioned into residential would be a disservice, noting that current strip mall in the front of the property is 90-95% leased. The applicant stated that the goal is to get the most dollar amount of the property while being low impact on the neighborhood. Mr. Vandercook clarified that he informed Mr. Ferweda that the D-5 zoning district would allow for warehouse storage.

Robert Rollinger, property owner's attorney, stated that the initial staff report that was issued was inaccurate and contained no information about the application as submitted to the Planning Commission on July 1, 2021. The staff report referenced a marihuana growing facility or marihuana retail facility as a possible use of the property, neither of which are contained in the application. Mr. Rollinger stated that the staff report was focusing on a use of the property which has no relevance nor relationship to what the applicant is seeking to do with the parcel. Mr. Rollinger expressed the applicant and property owner's concern that the staff report left the Commission with a false sense of what the owner is seeking to do and may also have influenced their feelings about the application as submitted. Mr. Rollinger asked that the Commission consider tabling the rezoning request until the next Planning Commission meeting to allow the applicant, the owner, and Mr. Rollinger to provide a more elaborate explanation on what the applicant and the property owner are seeking to do. Mr. Rollinger also stated that neither he nor the applicant nor the property owner have seen the revised staff report. Mr. Rollinger wished to postpone to also allow for himself, the applicant and the property owner to be able to address any concerns the Commission has with the revised staff report.

Chairman Wesley stated that Commissioners received Mr. Rollinger's letter and will take it into when making their final decision.

Commissioner Jordan shared concerns about spot zoning and asked the applicant to address this. Mr. Ferweda stated that the rezoning would not be following the Master Plan, however, the Master Plan is planned for a transitional neighborhood. The applicant explained the proposed uses would be a great transition between existing commercial and residential. The applicant stated that the Master Plan is faulty and this area would be better suited to be zoned a more transitional use. The applicant did state that if an HVAC contractor would be allowable in a D-5 district, the applicant would be willing to do



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that, however, in the zoning district E it does state specifically the proposed intent of the property would be allowed.

Mr. Christensen provided clarification in stating that the Future Land Use Map does not call for this area to be transitional neighborhood, it calls for the area to be Traditional Neighborhood. Thus the intention of this area is to be single-family homes not a transition between different use types.

Commissioner Jewell asked the applicant to share the specific project that the applicant would like to develop. Mr. Ferweda stated that they have multiple people interested in the property to develop, however, they do not wish to be named at this point. Mr. Ferweda also confirmed that there is a concept idea that they wish to develop. Commissioner Jewell asked if there was a specific business plan. Mr. Ferweda confirmed there is no specific business or site plan. Mr. Ferweda asked to table the application until the next Planning Commission meeting so that the applicant could provide more concrete information regarding the intended use of the property if the rezoning were to be granted.

Commissioner Wesley restated that rezoning stays with the property not the applicant and that the risk when rezoning a property without a concrete plan from the applicant is that the applicant could change their mind on the intended use of the property.

Commissioner Campbell stated that since she has been on the Commission, there hasn't been such a large jump in rezoning a property. Commissioner Campbell asked the applicant if him or any investors have talked to residents within the neighborhood adjacent to the property. Commissioner Campbell also stated that a deciding factor is the fact that the residential neighborhood is close to the property and the needs and opinions of the residents need to be heard and responded to. Commissioner Campbell also reiterated that the Master Plan designates this area as a neighborhood and not manufacturing. Mr. Ferweda stated he personally has not spoken to residents of the neighborhood and noted that there were many residents from the August 24th, 2021 Planning Commission meeting who spoke in the public forum.

Mr. Ferweda addressed issues that were made from the public forum in the August 24th, 2021 Planning Commission meeting. Mr. Ferweda explained that the main concerns were centered around marihuana and increased traffic in the neighborhood. Mr. Ferweda expressed that the intention of the property would not include marihuana and that traffic in the neighborhood would not be affected because the property would have no access to the neighborhood. Mr. Ferweda insisted that the neighborhood would benefit by the rezoning that the applicant is asking for.

Commissioner Wesley opened the floor for public comments in support of PC 21-415. Mrs. Driskell spoke in favor of tabling PC 21-415 to allow the public access to the revised staff report.

Commissioner Wesley opened the floor for public comments in opposition to PC 21-415.



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**Taken from the Public Forum Section of the meeting minutes from August 24th, 2021.* A number of residents spoke. Comments were in opposition. Common concerns shared were based on the fact that the property has been an eye sore, no definitive understanding of what the applicant plans to do with the property, a perception that the owner would utilize the site for a marihuana facility which is next to a residential zone, a potential increase in noise and traffic, and the potential for air and light pollution. Additionally, several emails and voice messages in opposition were read into the record by Mr. Vandercook.

Councilwoman Galloway shared concerns regarding the public comment period, noting a disadvantage in being unable to share comments after the applicant's presentation. Councilwoman Galloway also stated she is against what the applicant said about the public opposition because she did not mention marihuana in her opposition from the August 24th, 2021 meeting. Councilwoman Galloway also stated that the applicant had the ability to speak, however, since the public made their opposition known at the previous meeting they no longer have the ability to speak. Councilwoman Galloway also stated that the current zoning is infact for retail and commercial use and if infact the applicant's plan is to use it as retail and commercial space, it already has the correct zoning to allow them to fully use the property.

Chris Del Morone, resident, stated his opposition for PC 21-415 and stated one should know the zoning of the property before buying it. Mr. Del Morone also stated that he believes the applicant has the correct zoning currently for what the proposed intent of the property is.

Commissioner Jewell asked if there have been any emails or phone calls in support or opposition for PC 21-415. Mr. Vandercook stated there was an email that had an attached video of the property from an individual who had previously spoken in opposition. Mr. Vandercook also stated that Mr. Ferweda had met with him and the Senior Building Inspector Michael Reiter about splitting off the north end of the property which would keep a piece of the property 300 feet away from the residential neighborhood.

Commissioner Jordan made a motion to recommend to council denial of **PC 21-415: Jeffrey Ferweda**, AIA requests a rezoning from D-3 to E at 922 S Center Road. (PID 41-16-228-099) with the following findings: 1) that the rezoning is spot zoning, meeting all aspects of the criteria for spot zoning including that the change would be incompatible with the Master Plan and the Future Land Use Map. In particular, one of the key principles that guided the Master Plan was the intentionality to buffer residential uses from any sort of incompatible use, which was an explicit intention with the Master Plan. If recommended to council for approval it would put no buffer between no less than 14 residential parcels and the parcel in question. Commissioner Jordan expressed that this motion had nothing to do with any intended use that the applicant may or may not have in mind. Also, noting that if the rezoning were to be granted anything allowed under the E zoning district would be allowed next to the residential areas. Commissioner Campbell supported the motion.

Roll Call:

Commissioner Ryan, absent

Commissioner Cook-Hawkins, absent



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Commissioner Campbell, yes for denial
Commissioner Blower, yes for denial
Commissioner Jewell, yes for denial

Commissioner Sorenson, yes for denial
Commissioner Jordan, yes for denial
Chairman Wesley, yes for denial

M/S – Jordan/Campbell
The motion carried.

6 yes – 0 no – 2 absent

SITE PLAN REVIEW:

SPR 21-954: Eddie Dado is requesting a Site Plan Review at 1817 N Saginaw St. (PID# 40-01-484-011).

Mr. Christensen presented a report to the Planning Commission for SPR 21-954 as provided to the Planning Commission in their packets.

Eddie Dado, applicant, stated they wish to start out as a station with two units. The applicant has been at the property for three years. The applicant stated they intend to enlarge their business within the property and have verbal community support.

Commissioner Campbell asked the applicant if they currently own the market. The applicant confirmed they own the market. Commissioner Campbell also asked about the two proposed buildings/additions. The applicant stated that one would be for a sit down restaurant and the other for rental office space. Commissioner Campbell wanted to confirm that the buildings would be handicap accessible.

Andy Andre, Civil Engineer for proposed site plan, confirmed that the buildings are ADA accessible. The site plans have ramp locations and handicap parking.

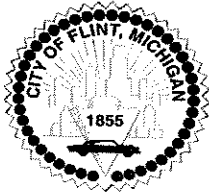
Commissioner Campbell made a motion to approve **SPR 21-954:** Eddie Dado is requesting a Site Plan Review at 1817 N Saginaw St. (PID# 40-01-484-011). Commissioner Blower supported the motion.

Roll Call:

Commissioner Ryan, absent
Commissioner Campbell, yes for approval
Commissioner Blower, yes
Commissioner Jewell, yes for approval

Commissioner Cook-Hawkins, absent
Commissioner Sorenson, yes
Commissioner Jordan, yes
Chairman Wesley, yes for approval

M/S – Campbell/Blower
The motion carried.



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6 yes – 0 no – 2 abstained

CASE REVIEW:

SPR 20-941: Sylvester Broome Empowerment Village is requesting a Site Plan Review at 4119 N Saginaw St. (PID# 46-36-428-059)

Mr. Vandercook shared that staff is still waiting on the lighting agreement. Mr. Vandercook also stated he would reach out to the applicant via email for an update for the next Planning Commission meeting on September 28th, 2021.

SPR 21-945: Communities First / Glenn Wilson is requesting a Site Plan Review at 2765 Flushing Rd., Flint, MI, 48504 (PID# 40-11-351-001).

Mr. Vandercook stated the applicant has met all the requirements and stated that Commissioner Wesley must sign off on it the next time he is in the office.

SPR 21-946: Securecann Inc. is requesting a Site Plan Review at 2502 S Dort Hwy, Flint, MI 48507 (PID# 41-20-278-030 & -001).

Mr. Vandercook stated that Commissioner Wesley came into the office and signed off on the plans. Mr. Vandercook also stated to remove this item from Case Reviews for the next Planning Commission meeting on September 28th, 2021.

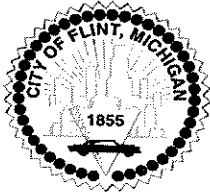
REPORTS:

Status of Permanent Marihuana Ordinance, JoAnne Gurley, Assistant City Attorney:

Attorney Gurley stated she is working on summaries on the remaining twelve (12) articles that will be presented to administration on September 15th, 2021. The Legal Department has identified several issues pertaining to the permanent marihuana ordinance, which will be outlined in the report for City Council. Attorney Gurley stated she is doing the status of the draft ordinance which is the last 12 articles, giving a summary of those as well as providing the conflicted provisions of the permanent marihuana ordinance to go on the agenda for the committee meeting of council on September 22nd, 2021. Commissioner Jewell asked if there are two separate reports both going to council. Attorney Gurley confirmed this.

Status of Marihuana Related Revenue, Suzanne Wilcox, Director of Planning and Development:

Mr. Christensen provided an update stating that Khalfani Stephens indicated he would be at the next Planning Commission Meeting on September 28th, 2021 to give an update on marihuana related revenue.



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Status of Draft Zoning Ordinance, Suzanne Wilcox, Director of Planning and Development:

Attorney Gurley stated that the hope is to have the draft zoning ordinance adopted by October 4th, 2021. There is the deadline of September 30th, however, because of notice requirements, meeting dates, and times, the earliest time to have a decision on the draft ordinance would be October 4th. Attorney Gurley stated there may also be a request for a special meeting by City Council in order to gather as much information Council needs from the Legal Department in order to make a decision on the draft zoning ordinance.

Staffing Update, Suzanne Wilcox, Director of Planning and Development:

Mr. Christensen stated interviews for a Lead Planner and Building Inspector will begin next week.

Mr. Vandercook welcomed Lauren Marshall, Planner I, who started last week and will be assisting in the Zoning Department.

Status of Planning Commission Recommendation for PC 21-408 Shaltz Acquisitions LLC requests a rezoning from D-4 to D-5 at 448 S. Saginaw St. (PID 41-18-107-019), Suzanne Wilcox, Director of Planning and Development:

Mr. Vandercook stated that the Council Committee met on September 8th and postponed the meeting until September 22nd, 2021. A decision on whether or not to move this case to Council will be made at this meeting.

Status of I-475 Committee:

Mr. Mateen shared information on the M-21 corridor study. The study examined existing conditions, future no build conditions, and M-21 improvement alternatives. There are three different alternatives which include a one-way pair restriping, a two-way conversion, and a one-way pair reconstruction. The public survey examined interest in these three alternatives. The survey also has a question about intersection type on the west end which is near Ann Arbor St and an option for an interstate section type on the east end near Lapeer Rd. The results to this survey are available in the draft report. No final decision has been made as of yet. As funding becomes available MDOT will examine options and reference the study specific to the corridor. The three alternatives were evaluated based on traffic operations, safety, non-motorized facilities which include pedestrians and bicyclists, planning level construction cost, long-term operational costs, environmental impacts and context sensitive design. The report is publicly available via internet.

Mr. Mateen stated there was an invitation sent to the general public from the Michigan Department of Transportation to the I-475 public meeting taking place September 15th, 2021 at the Flint Farmers' Market from 4:30 pm to 7 pm. There will be presentations along with a section for public feedback and



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questions. Keizzy also stated that one can email mdot-i475@michigan.gov at any time to voice opinions on any aspects of the project.

Site Plan Review Overview/Process – Commissioner Jewell

This item was not discussed.

Community Benefits Plan 50-183 U. (1) – (3) Social Equity, Blight and Parks

Mr. Vandercook stated that the Commissioners received a memo with the intent of the ordinance and the Community Benefits Plan checklist. Prior to those going out for the Group G, staff noticed that potentially there could be a conflict with the boxes for D-3 and F at the top. Staff will review the documents again and make the correction. Commissioner Jordan stated that the checklist in the Community Benefits Plan is relating to the checklist for the exemptions that exist within the marihuana ordinance, and the social equity exemption, which is for people who live in the City of Flint, is related to the state's framework for social equity.

Status of Zoning Board of Appeals meetings, Commissioner Blower

No update.

RESOLUTIONS:

No resolutions.

OLD BUSINESS:

American Rescue Plan, Suzanne Wilcox, Director of Planning and Development

Mr. Christensen stated Suzanne Wilcox to be meeting with the CFO next week and intends to bring the CFO copies of the implementation plan from the Master Plan and will be advocating for the use of the Master Plan and determining how to allocate those funds.

NEW BUSINESS:

No new business.

ADJOURNMENT:

Unanimously carried by voice vote.

Meeting adjourned at 8:02 PM.



CITY OF FLINT

FLINT PLANNING COMMISSION
ROBERT WESLEY, CHAIRMAN

STAFF REPORT (PC 21-415)

DATE: August 17, 2021

TO: City of Flint Planning Commission

STAFF REPORT BY: Bill Vandercook, Zoning Coordinator

ADMINISTRATIVE DEPT: Department of Planning and Development

SUBJECT: PC 21-415: Jeffrey Ferweda, AIA requests a rezoning from D-3 to E at 922 S Center Rd. (PID 41-16-228-099).

LOCATION: 922 S Center Rd.

AFFECTED WARD: Subject site is located in Ward 7.

PERTINENT SECTION OF THE ORDINANCE: **50-151 PLANNING COMMISSION — ACTION**

EXISTING LAND USE PATTERNS:

North- Commercial
East- Commercial
South- Residential
West- Residential

EXISTING ZONING PATTERNS:

Subject Property – D-3 (Community Business District)

North- D-3 (Community Business District)
East- D-3 (Community Business District)
South- A-2 (Single Family Medium Density)
West- A-2 (Single Family Medium Density)

ANALYSIS

When weighing the appropriateness of a rezoning request the most critical factor is conformity with the Master Plan. This means consistency with the relevant goals and policies as well as the land use plan. Rezoning requests that bring a parcel more in line with the Master Plan are ideal and should only be denied if the commission identifies a factor that renders the Master Plan inadequate, outdated, or flawed. The following are factors to consider when making your decision:

1. Mistake – A mistake in the Master Plan can be an assumption made based on incorrect data, an area on a future land use map that is incorrectly labeled, or other factors that, if known at the time of the Master Plan adoption, would have been corrected.
2. Changes in conditions – Master Plans are developed based on conditions as they

were when the plan was drafted. If conditions change then the adopted goals, policies, and land use decisions may no longer be valid.

3. Change in Policy – The Master Plan is the Planning Commission's vision for the city. When an issue arises that alters the Commission's vision, a decision can be made that is contrary to the current Master Plan.

The applicant, Jeffrey Ferweda, requests a rezoning from D-3 to E at 922 S Center Rd. The applicant intends to use the property for a Group F Growing and Processing facility. These types of Facilities, Group F Special Regulated Use, require properties to be located in an E, F, or G, zoning districts. Prior to Mr. Ferweda making the rezoning request he was informed staff would be preparing a report in opposition to allowing the rezoning request per City Zoning Code. Mr. Ferweda was also informed location standard for a Group F do not allow marihuana facilities within 300 foot of residence without receiving a variance and/or Planning Commission approval under 50-183 U. (2) -(3).

Update to staff report 9-10-12: Prior to the August 24, 2021, Planning Commission meeting Mr..Amil Kajy called Bill Vandercook and informed him that his application was not submitted for Marihuana and he did not intend to use the property for a marihuana facility if rezoned. Mr Vandercook informed him his Architect had told Mr Vandercook and Jonathan Mateen that he intended to apply for a Group F Grow facility if the rezoning request was approved. Additionally, it has come to my attention that Mr. Kajy applied for a Location Confirmation for a Group F facility at 922 S Drt Hwy., PID# 41-16-228-009

The subject property is surrounded by D-3 and A-2 zoned properties. Rezoning this parcel would not be in line with the current Master plan, or Zoning code. Under current zoning the property is zoned D-3 and the future zoning classification is "TN-2 Traditional Neighborhood", which does not permit marijuana provisioning centers. TN-2 is a district designed for medium density single family residences.

APPLICANT REQUEST:

Rezoning request from current zoning district D-3 to the proposed zoning district E.

STAFF RECOMMENDATION

Rezoning this parcel would be considered spot zoning which is not conducive under the City of Flint Current Master Plan or Zoning Code or Future Master Plan and proposed Zoning Code. Rezoning this parcel could set a president and provide other applicants in the future the right to rezone their property from D-3 to E to allow for Group F Marihuana businesses.

According to Brad Neumann, Michigan State University Extension - June 17, 2016: "illegal form of rezoning is spot zoning. This practice gets its name from the appearance of small spots of different zoning districts on a zoning map that otherwise has large contiguous areas in the same zoning district around the spots. To be considered a spot zone, the property, in most cases, must meet the following four criteria:

- *The area is small compared to districts surrounding the parcel in question.*
- *The new district allows land uses inconsistent with those allowed in the vicinity.*
- *The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.*
- *The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.*

Rezoning that have the four characteristics of spot zoning listed above run a high risk of invalidation if challenged in court and not consistent with the master plan. In some cases, master plans anticipate these relationships and provide for them (for example, a small commercial area may serve a residential neighborhood). In those cases where the master plan supports a relatively small zoning district that is dissimilar to the zoning that surrounds it, this is probably not a spot zone"

Following are the principal permitted uses for parcels zoned D-1 and D-3 under the City of Flint's current zoning ordinance:

ARTICLE IX - **D-3 COMMUNITY BUSINESS DISTRICT** § 50-46 PURPOSE. It is the purpose of D-3 districts to provide for the needs for both convenience goods and more common and often recurring shopping goods, and also personal and household services, of a population considerably larger than that served by neighborhood business districts. The principal establishment in such district will normally be one or several variety stores, supermarkets, super drugstores, clothing stores, shoe stores, household appliance stores, branch banks, etc. (Ord. 2046, passed 4-11-68; Am. Ord. 2078, passed - - ; Am. Ord. 2832, passed 5-10-82) § 50-47 PRINCIPAL PERMITTED USES. The following principal permitted uses are permitted outright in a D-3 community business district: (a) Generally. Any use permitted and as regulated in the D-2 district, except as hereinafter modified. (b) Retail, personal and business services. (1) Retail stores. Furniture and appliance stores, department stores, variety and dime stores, sporting goods stores, jewelry stores, general clothing, dry goods and apparel stores, mail order houses, bakeries employing not more than ten persons in production and having only stationary windows and required fire exits within 50 feet of a residence district and the like. (2) Eating and drinking places. Bars, restaurants, grills, cocktail lounges, including entertainment, subject to the provisions of subsection (3) of this subsection (b). Also, drive-in restaurants; provided, that the premises shall be screened by a six-foot solid wall or fence, or a chain link fence with a six-foot planting buffer maintained in a healthy condition where it adjoins or faces a residential district. (3) Entertainment. Nightclubs, theaters, halls for hire (including "bingo halls" and similar establishments not dedicated to gaming uses), penny arcades, bowling alleys and similar enterprises, but not within 50 feet of any residence district, unless a building having no openings other than stationary windows and required fire exits; subject to all applicable regulations and such licenses as may be required; also temporary amusement enterprises, when authorized by the City Council. (4) Offices. Office buildings of any kind. (5) Commercial art studios, including photographic studios, dance studios, radio and telecasting studios and the like. (6) Personal services. Health services and other personal service establishments. (7) General business services. Business, appliance and equipment repair shops, mimeographing, etc. printing shop employing not more than ten persons in production City of Flint Zoning Ordinance Article IX Page 44 and having only stationary windows and required fire exits within 50 feet of a residence district. (8) Business schools. Provided no equipment or machinery is employed which is not permitted in the D-3 district. (9) Outdoor advertising. Subject to the applicable regulations. (10) Limited light wholesale. Wholesaling of merchandise when incidental and secondary to a permitted retail use in the D-3 district and certain light wholesale businesses handling only the following: barber and beauty shop supplies, radio and television parts supplies, tobacco products or similar uses as determined by the Board of Appeals. (11) Motels and motor hotels. (12) Meeting places. Not within 50 feet, property line to property line, of any residence district, subject to all applicable regulations and such licenses as may be required. (c) Trades,

maintenance and repair. (1) Automotive services. In addition to those authorized in the D-2 district, automotive display (including used car lots), hire, sales, automatic car washes, minor auto repair; provided that all operations other than display and sales shall be conducted wholly within a completely enclosed building; and provided further, that any portion of a building used for repair of automobiles or as a public garage located within 100 feet from any residence district shall have no windows facing such residence district, other than stationary windows or required fire exits. All sales, display and hire of vehicles, if conducted outside of a completely enclosed building, shall be conducted on a paved asphalt or Portland binder surface. (2) Trades. Sheet metal, carpenter, plumbing or heating shops, furniture upholstery, paint, paper hanging, decorating or sign painting shops and similar enterprises; provided, that any building occupied by such use and located within 100 feet of any residence district shall have no openings facing such residence district, other than stationary windows or required fire exits. (3) Household services. Laundry, dyeing and dry cleaning shops; provided, that no building for any such use and located within 50 feet of any residence district shall have any heating or power plant, ventilating fan or other opening facing such residence district, except stationary windows and required fire exits; household goods and appliance repair shops, etc. (d) Residential uses. Any principal or conditional use permitted and as regulated in the C-1 district; provided, that if there are adjoining the D-3 district any residence districts which are less restrictive than the C-1 district, the regulation of the least restrictive of such adjoining residence districts shall apply. (e) Small animal/companion veterinary clinics. (Ord. 2046, passed 4-11-68; Am. Ord. 2078, passed - ; Am. Ord. 2832, passed 5-10-82; Am. Ord. 2872, passed 3-14-83; Am. Ord. 2972, passed 9-23-85; Am. Ord. 3053, passed 4-11-88; Am. Ord. 3159, passed 2-25-91; Am. Ord. 3237, passed 7-12-93; Am. Ord. 3329, passed 4-22- 96)

ARTICLE XIII - E HEAVY COMMERCIAL-LIMITED MANUFACTURING DISTRICT §

50-69 PURPOSE. The E heavy commercial-limited manufacturing district is intended to accommodate heavy commercial and certain light manufacturing uses which are generally incompatible with uses appropriate in retail business districts but which do not warrant an exclusive industrial classification. (Ord. 2046, passed 4-11-68) § 50-70 PRINCIPAL

PERMITTED USES. The following principal uses are permitted outright in an E heavy commercial-light manufacturing district: (a) D-5 and D-6 uses. Any principal use permitted outright and any principal conditional use as regulated in the D-5 and D-6 district, except as hereinafter modified. (b) Manufacturing uses. The processing, manufacturing, assembling and distribution such as the following: (1) Food Products. Bakery goods, candy, light meat packing, sausage making, canning, milk products, coffee roasting and the like; excluding fish products, slaughterhouses, sauerkraut, vinegar or yeast, manufacturing and rendering and refining of fats or oils, and except such as are first permitted or are prohibited in the F district; provided, that no building used as a bakery or other use customarily involving night operation shall have any opening, other than stationary windows or a required fire exit, within 50 feet of any residence district; and provided, that no space used for loading or unloading commercial vehicles in connection with such operation shall be within 50 feet of any residence district. (2) Pharmaceuticals. General pharmaceutical products, cosmetics and toiletries. (3) Products from the following previously prepared materials. Bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal, except where presses over 20 tons rated capacity are employed, shell, textiles, tobacco, wax, wire, wood and yarns. (4) Pottery and Figurines. Using previously pulverized clay, and kilns fired only with gas or electricity. (5) Novelties. Including musical instruments, toys, rubber or metal stamps and other small rubber products. (6) Appliances. Electrical and electronic

appliances, instruments and devices, television sets, radios, phonographs, electric and neon signs, and the like. (7) Light Sheet Metal Products. Including heating and ventilating equipment, cornices, eaves and the like. City of Flint Zoning Ordinance Article XIII Page 54 (c) Miscellaneous uses. Provided no part of a building occupied by such uses shall have any opening, other than stationary windows or required fire exits, within 50 feet of any residence district. (1) Welding shops or other metal working or machine shop. Excluding, within 200 feet of any residence district, punch presses over 20 tons rated capacity, drop hammers and other excessive noise-generating machine-operated tools. (2) Foundry. Casting lightweight nonferrous metals, or electric foundry not causing noxious fumes or odors. (3) Rag cleaning. Bag, carpet and rag cleaning; provided, that necessary equipment is installed and operated for the effective recovery of dust. (4) Ice Manufacturing. Any cold storage plants. (Ord. 2046, passed 4-11-68) § 50-71

220067

ORDINANCE NO. _____

A Proposed ordinance to amend Chapter 50 of the Code of the City of Flint has been requested by Greg Baker (PC 21-418) for a rezoning change for the property at 3549 S Dort Highway (Parcel ID# 41-21-351-034) from D-6 General and Highway Commercial-service District to E Heavy commercial-limited manufacturing District.

The Planning Commission recommends **DENIAL** of a Zoning Ordinance map amendment concerning this property located in WARD 9.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. That the code of the City of Flint is hereby amended to change the District boundaries or regulations established in Chapter 50 thereof, specifically allowing under 50-4 a zoning map amendment, as follows:

3549 S Dort Highway, Flint MI 48507
parcel ID# 41-21-351-034 legally described as UNPLATTED PART OF SW 1/4 OF SW 1/4 OF SEC 21, T7N, R7E BEG AT A PT ON WLY LINE OF SD SEC, 595.2 FT DUE NORTH FROM SWLY COR OF SD SEC; TH DUE NORTH ALG SD WLY LINE 79.75 FT; TH N 89 DEG 38 MIN E, 410 FT; TH DUE SOUTH, 139.67 FT; TH DUE WEST 20 FT; TH DUE SOUTH 273.5 FT; TH S 55 DEG 58 MIN 50 SEC E 24.13 FT; TH DUE SOUTH 13 FT; TH N 89 DEG 45 MIN 30 SEC W 60 FT; TH DUE NORTH, 145.2 FT; TH N 89 DEG 45 MIN 30 SEC W, 90 FT; TH DUE NORTH, 210 FT; TH N 89 DEG 45 MIN 30 SEC W, 260 FT TO BEG. EXC WLY 50 FT TO BE USED FOR RD PURPOSES from D-6 General and Highway-Service District and future zoned City Corridor to E Heavy Commercial-limited Manufacturing District.

Sec. 2. This ordinance shall take effect on the ___ day of _____, 2022 A.D.

Approved this ___ day of _____, 2022 A.D.

Sheldon A. Neeley, Mayor

Inez M. Brown, City Clerk

APPROVED AS TO FORM:

Angela Wheeler
Angela Wheeler (Feb 1, 2022 17:14 EST)

Angela Wheeler, Chief Legal Officer



CITY OF FLINT

RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: February 1, 2022

BID/PROPOSAL# n/a

AGENDA ITEM TITLE: ORDINANCE RECOMMENDING DENIAL OF A REZONING REQUEST FOR THE PROPERTY AT 3549 S DORT HIGHWAY (PARCEL ID# 41-21-351-034) FROM D-6 TO E TO ALLOW FOR A MARIHUANA PROCESSING FACILITY.

PREPARED BY Suzanne Wilcox, Director of Planning and Development
(Please type Name, Department, Phone Number)

VENDOR NAME: n/a

BACKGROUND/SUMMARY OF PROPOSED ACTION:

At its meeting on December 14th, 2021, the Flint Planning Commission DENIAL the submitted request for a rezoning from D-6 General and Highway Commercial-service District to E Heavy Commercial-limited Manufacturing District (PID# 41-21-351-034). Mr. Baker intended to add a Marihuana Processing Facility. This property is a grandfathered location for medical marihuana. The property is currently zoned D-6 and under Master Plan zoning would be City Corridor. An E Heavy Commercial-limited Manufacturing District would allow for heavy commercial and certain light manufacturing uses which are generally incompatible with uses appropriate in retail business districts, but which do not warrant an exclusive industrial classification. Planning Commission recommended denial based on the findings that the rezoning would be considered spot zoning and that it is incompatible with the Future Land Use map. Planning Commission also noted that this area is to remain commercial and not light industrial further noting the incompatible surrounding land uses.

FINANCIAL IMPLICATIONS: No financial implications

BUDGETED EXPENDITURE? YES ☐ NO ☒ IF NO, PLEASE EXPLAIN: n/a

Dept.	Name of Account	Account Number	Grant Code	Amount
		FY19/20 GRAND TOTAL		

PRE-ENCUMBERED? YES ☐ NO ☒ REQUISITION NO:



CITY OF FLINT

ACCOUNTING APPROVAL: n/a Date: _____

FINANCE APPROVAL: n/a Date: _____

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☐ NO ☒
(If yes, please indicate how many years for the contract) YEARS

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (This will depend on the term of the bid proposal)

BUDGET YEAR 1

BUDGET YEAR 2

BUDGET YEAR 3

OTHER IMPLICATIONS (i.e., collective bargaining): none

STAFF RECOMMENDATION: (PLEASE SELECT): ☒ APPROVED ☐ NOT APPROVED

DEPARTMENT HEAD SIGNATURE: Suzanne Wilcox, Director, Dept. of Planning and Development
(PLEASE TYPE NAME, TITLE)



CITY OF FLINT

FLINT PLANNING COMMISSION
ROBERT WESLEY, CHAIRMAN

STAFF REPORT (PC 21-418)

DATE: December 2, 2021

TO: City of Flint Planning Commission

STAFF REPORT BY: Bill Vandercook, Zoning Coordinator

ADMINISTRATIVE DEPT: Department of Planning and Development

SUBJECT: PC 21-418: First Dort Enterprises LLC, Michigan Organic Solutions DBA requests a rezoning from D-6 to E at 3549 S Dort Hwy (PID 41-21-251-034).

LOCATION: 3549 S Dort Hwy

AFFECTED WARD: Subject site is located in Ward 9.

PERTINENT SECTION OF THE ORDINANCE:

1. § 50-151 PLANNING COMMISSION — ACTION
2. ARTICLE XII – D-6 GENERAL AND HIGHWAY COMMERCIAL-SERVICE DISTRICT § 50-63 PURPOSE.
3. ARTICLE XIII - E HEAVY COMMERCIAL-LIMITED MANUFACTURING DISTRICT § 50-69 PURPOSE.

EXISTING LAND USE PATTERNS:

North- Commercial
East- Commercial
South- Commercial
West- Commercial

EXISTING ZONING PATTERNS:

Subject Property – D-6 (Commercial)

North- D-6
East- D-6
South- D-6
West- D-6

ANALYSIS

The applicant, First Dort Enterprises LLC, Michigan Organic Solutions DBA, requests a rezoning from D-6 to E at 3549 S Dort Hwy. the applicant intends to use the property for a marihuana processing facility. This parcel is zoned City Corridor in the draft zoning ordinance and the land

use classified is "City Corridor" in the Master Plan.

When weighing the appropriateness of a rezoning request the most critical factor is conformity with the Master Plan. This means consistency with the relevant goals and policies as well as the land use plan. Rezoning requests that bring a parcel more in line with the Master Plan are ideal and should only be denied if the commission identifies a factor that renders the Master Plan inadequate, outdated, or flawed. The following are factors to consider when making your decision

1. Mistake – A mistake in the Master Plan can be an assumption made based on incorrect data, an area on a future land use map that is incorrectly labeled, or other factors that, if known at the time of the Master Plan adoption, would have been corrected.
2. Changes in conditions – Master Plans are developed based on conditions as they were when the plan was drafted. If conditions change then the adopted goals, policies, and land use decisions may no longer be valid.
3. Change in Policy – The Master Plan is the Planning Commission's vision for the city. When an issue arises that alters the Commission's vision, a decision can be made that is contrary to the current Master Plan.

The CC "City Corridor," district in the Master Plan is described as, "an area of the city that accommodates a wide range of commercial and institutional uses strung along Flint's major roadways." These uses include, "retail, service, and employment related uses typical along City Corridors." More specifically, this designation is intended to, "host a range of commercial uses of varying types and intensities, including commercial uses that serve and draw customers from a larger region, including grocery stores and large format retailers. Smaller commercial can also be located along the City Corridor as standalone uses." This appears to be incompatible with the request to rezone this parcel from a commercial zone to an industrial zone. The Master Plan intends to preserve this area for commercial activity and possibly expand the commercial offerings. Rezoning this parcel to E would be moving away from the vision of the Master Plan. The E district would be out of character for the area and could be considered spot zoning.

STAFF RECOMMENDATION

Approval of this rezoning will bring the parcel out of compliance with the Master Plan.





CITY OF FLINT

FLINT PLANNING COMMISSION
ROBERT WESLEY, CHAIRMAN

December 14th, 2021

Donald Baker
3549 S Dort Highway
Flint, MI 48507

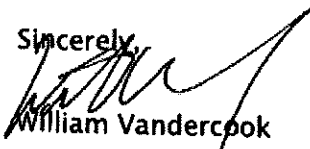
RE: Planning Commission Action Notification

PC21-418: First Dort Enterprises LLC requests a rezoning from D-6 to E to allow for a Marihuana Processing Facility at 3549 S Dort Highway (PID# 41-21-351-034).

At its meeting on December 14th, 2021 the Flint Planning Commission **DENIED** the request for a rezoning from D-6 to E to allow for a Marihuana Processing Facility at 3549 S Dort Highway (PID# 41-21-351-034) based on the following findings: 1) the site is surrounded by D-6 districts and can be considered spot zoning, 2) importantly it is incompatible with the future land use plan, the future land use for this area is to remain commercial and not light industrial further noting that rezoning does stay with the property, also noting even though it is a residential use adjoining the property it is not residentially zoned and so there are several potential incompatible uses, if the rezoning were to be approved it could potentially impact that trailer park community. Also noting two items 1) the appreciation to reaching out to neighbors, again this is not a question of this particular business but whether to allow any and all businesses permitted under an E designation and 2) it may be that other cities allow processing within commercial areas, however, the City of Flint does not currently and that is something that if it were to be changed that would have to be changed with the ordinance in terms of getting the Draft Zoning Code adopted then taking amendments to the Marihuana code. If that's something the applicant believes ought to be changed then that would have to be addressed in the local ordinance and not something that the Planning Commission is in a position to act on.

If you have any questions, please contact the Planning & Zoning Office at (810) 766-7426 ext. 3060.

Sincerely,



William Vandercook

Zoning Coordinator

City of Flint - Planning & Zoning Division

1101 S. Saginaw St. Rm. 5105

P: 810.766.7426 x.3060

220068

ORDINANCE NO. _____

A Proposed ordinance to amend Chapter 50 of the Code of the City of Flint has been requested by Darren Dado (PC 21-419) for a rezoning change for the property at 3801 W. Boulevard Dr. (Parcel ID# 47-32-311-018) from D-6 General and Highway Commercial – Service District to E Heavy Commercial Limited Manufacturing.

The Planning Commission recommends **DENIAL** of a Zoning Ordinance map amendment concerning this property located in WARD 3.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. That the code of the City of Flint is hereby amended to change the District boundaries or regulations established in Chapter 50 thereof, specifically allowing under 50-4 a zoning map amendment, as follows:

3801 W. Boulevard Drive, Flint, MI 48502
parcel #41-18-154-038 legally described as
GENERAL MOTORS PARK NUMBER
ONE LOTS 630 THRU 635 INCL, LOTS
678 THRU 691 INCL PART OF LOTS 734
THRU 742 INCL ALL DESC AS FOLLS:
BEG AT A PT THAT IS S 89 DEG 16 MIN
24 SEC W, 576.29 FT AND S 11 DEG 00
MIN 09 SEC W, 234.70 FT AND S 36 DEG
50 MIN 43 SEC E, 621.43 FT AND S 26
DEG 30 MIN 52 SEC E, 499.08 FT AND S
21 DEG 55 MIN 01 SEC E, 184.51 FT AND
S 00 DEG 21 MIN 36 SEC E, 1356.17 FT
AND N 89 DEG 11 MIN 28 SEC E, 544.08
FT AND S 01 DEG 39 MIN 43 SEC E,
327.92 FT AND S 12 DEG 48 MIN 41 SEC
W, 160.0 FT AND S 4 DEG 11 MIN 30
SEC W, 412.91 FT FROM NW COR OF
SEC 32, T8N, R7E; TH S 4 DEG 11 MIN
30 SEC W, 29.36 FT; TH S 01 DEG 46
MIN 02 SEC W, 80.12 FT; TH S 01 DEG
46 MIN 02 SEC W, 170.3 FT; TH S 01

DEG 39 MIN 59 SEC E, 500.03 FT; TH N
28 DEG 14 MIN 59 SEC E, 288.57 FT ALG
THE WLY ROW LINE OF W BLVD DR;
TH CONT ALG SD WLY LINE N 28
DEG 13 MIN 08 SEC E, 484.34 FT; TH N
28 DEG 13 MIN 08 SEC E, 125.93 FT; TH
S 88 DEG 20 MIN 01 SEC W, 430.0 FT TO
POB from “D-6” General and Highway
Commercial – Service District and future
zoned “City Corridor” to “E” Heavy
Commercial Limited Manufacturing

Sec. 2. This ordinance shall take effect on
the ___ day of _____, 2022 A.D.

Approved this ___ day of _____,
2022 A.D.

Sheldon A. Neeley, Mayor

Inez M. Brown, City Clerk

APPROVED AS TO FORM:



Angela Wheeler (Jan 21, 2022 16:38 EST)
Angela Wheeler, Chief Legal Officer

CITY OF FLINT



CITY OF FLINT

ACCOUNTING APPROVAL: n/a Date: _____

FINANCE APPROVAL: n/a Date: _____

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☐ NO ☒
(If yes, please indicate how many years for the contract) YEARS

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (This will depend on the term of the bid proposal)

BUDGET YEAR 1

BUDGET YEAR 2

BUDGET YEAR 3

OTHER IMPLICATIONS (i.e., collective bargaining): none

STAFF RECOMMENDATION: (PLEASE SELECT): ☒ APPROVED ☐ NOT APPROVED

DEPARTMENT HEAD SIGNATURE: _____
(Suzanne Wilcox, Director of Planning and Development)

CA ORDINANCE APPROVAL FOR COUNCIL: CLYDE D EDWARDS
CLYDE D EDWARDS (Jan 24, 2022 13:41 EST)
(Clyde Edwards, City Administrator)



CITY OF FLINT

FLINT PLANNING COMMISSION
ROBERT WESLEY, CHAIRMAN

STAFF REPORT (PC 21- 419)

DATE: December 8, 2021

TO: City of Flint Planning Commission

STAFF REPORT BY: Bill Vandercook, Zoning Coordinator

ADMINISTRATIVE DEPT: Department of Planning and Development

SUBJECT: PC 21-419: Darren Dado requests a rezoning from D-6 to E to allow for a Marihuana Facility at 3801 W. Boulevard Drive. (PID 47-32-311-018).

LOCATION: 3801 W. Boulevard Drive

AFFECTED WARD: Subject site is located in Ward 3.

PERTINENT SECTION OF THE ORDINANCE: **§ 50-151 PLANNING COMMISSION — ACTION**

EXISTING LAND USE PATTERNS:

North- Vacant - Commercial
East- Open Space Commercial Public
South- Open Space Commercial Public
West- ROW

EXISTING ZONING PATTERNS:

Subject Property – D-6 (General Highway and Commercial Services)

North- D-6 (General and Highway Commercial-Service District)
East- A-2 (Single-Family Medium Density District – Open Space)
South- A-2 (Single-Family Medium Density District)
West- I-475

ANALYSIS

The applicant, Darren Dado, requests a rezoning from D-6 to E at 3801 W. Boulevard Dr. The applicant intends to use the property for a marihuana facility. This parcel is zoned City Corridor in the draft zoning ordinance and the land use is classified as "City Corridor" in the Master Plan. When weighing the appropriateness of a rezoning request the most critical factor is conformity with the Master Plan. This means consistency with the relevant goals and policies as well as the land use plan. Rezoning requests that bring a parcel more in line with the Master Plan are ideal and should only be denied if the commission identifies a factor that renders the Master Plan inadequate, outdated, or flawed. The following are factors to consider when making your decision

1. Mistake – A mistake in the Master Plan can be an assumption made based on incorrect data, an area on a future land use map that is incorrectly labeled, or other factors that, if known at the time of the Master Plan adoption, would have been corrected.
2. Changes in conditions – Master Plans are developed based on conditions as they were when the plan was drafted. If conditions change then the adopted goals, policies, and land use decisions may no longer be valid.
3. Change in Policy – The Master Plan is the Planning Commission's vision for the city. When an issue arises that alters the Commission's vision, a decision can be made that is contrary to the current Master Plan.

Overall, this request appears to bring the parcel out of compliance with the Master Plan. The "City Corridor" land use classification is described in the Master Plan as "an area of the City that accommodates a wide range of commercial and institutional uses strung along Flint's major roadways." This classification is intended to, "host a range of commercial uses of varying types and intensities, including commercial uses that serve and draw customers from a larger region, including grocery stores and large format retailers."

Although there is no direct one-to-one correlation between the current zoning districts and the Master Plan's proposed districts, the D-6 district appears to be more consistent with this vision for the City Corridor land use classification than the proposed E zoning. The D-6 district is described in the zoning ordinance as, "intended to accommodate primarily those establishments offering accommodations, supplies or service to motorists, and certain specialized uses, retail outlets, repair and service establishments, which, although serving the entire city or a major section thereof, do not customarily locate in the central business district or in community business districts." The E district is described in the zoning ordinance as, "intended to accommodate heavy commercial and certain light manufacturing uses which are generally incompatible with uses appropriate in retail business districts but which do not warrant an exclusive industrial classification."

There are nearby parcels zoned industrial. The nearest parcel to the west, located across 1-475, is zoned G Heavy Manufacturing. The parcel is well buffered from other properties due to its located between I-475 and the Flint River. For these reasons, approval of the requested rezoning would not be disruptive or inconsistent with the character of the area.

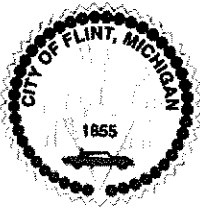
STAFF RECOMMENDATION

Approval of this rezoning will bring the parcel out of compliance with the Master Plan.



POWERED BY
esri
Mxnet

1001 W. Boulevard



CITY OF FLINT

FLINT PLANNING COMMISSION
ROBERT WESLEY, CHAIRMAN

December 14th, 2021

Darren Dado
11184 Maple Shores
Goodrich, MI 48438

RE: Planning Commission Action Notification

PC21-419: Darren Dado requests a rezoning from D-6 to E to allow for a Marihuana Facility at 3801 W Boulevard Drive (PID# 47-32-311-018).

At its meeting on December 14th, 2021 the Flint Planning Commission **DENIED** the request for a rezoning from D-6 to E to allow for a Marihuana Facility at 3801 W Boulevard Drive for the following findings of: 1) spot zoning and 2) that it does not comply with the Master Plan.

If you have any questions, please contact the Planning & Zoning Office at (810) 766-7426 ext. 3060

Sincerely,

William Vandercook
Zoning Coordinator
City of Flint - Planning & Zoning Division
1101 S. Saginaw St. Rm. S105
P: 810.766.7426 x.3060