



**Sheldon Neeley**  
Mayor

## **CITY OF FLINT**

### **FLINT PLANNING COMMISSION**

#### **Meeting Minutes** **June 14, 2022**

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#### **Commissioners Present**

Robert Wesley, Chair  
Lynn Sorenson, Secretary  
Harry Ryan  
Leora Campbell  
Robert Jewell  
April Cook-Hawkins

#### **Staff Present**

William Vandercook, Zoning Coordinator  
Joanne Gurley, Assistant City Attorney  
Jonathon Mateen, Planner I  
Max Lester, Planner I

#### ***Absent:***

Carol-Anne Blower, Vice-Chair

#### **ROLL CALL:**

Chairperson Wesley called the meeting to order at 5:53 p.m. Roll was taken, and a quorum was present.

The meeting was held both in-person in the Dome Auditorium and via Zoom and phone conferencing as approved.

#### **Roll Call:**

Commissioner Ryan: appearing in-person  
Commissioner Campbell: appearing in-person  
Commissioner Blower: absent  
Commissioner Jewell: appearing in-person

Commissioner Cook-Hawkins: appearing virtually from Flint, MI  
Commissioner Sorenson: appearing virtually from Flint, MI  
Chairperson Wesley: appearing in-person

#### **ADDITIONS/CHANGES TO THE AGENDA:**

Chairperson Wesley asked if there were any additions or changes to the agenda. Bill Vandercook asked for 408 S. Center Rd, Green Buddha, LLC and 1110 Tower St, Operation Grow/Butter to be added to Case Review.

#### **ADOPTION OF THE AGENDA:**

Commissioner Wesley asked for a motion to approve the agenda. Commissioner Ryan motioned to accept the agenda as amended. Commissioner Campbell seconded the motion.

***M/S – Ryan/Campbell***

***Unanimously carried by voice vote***



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### **MINUTES OF PREVIOUS MEETINGS:**

Commissioner Jewell made a suggestion for the minutes of May 10, 2022 to reference that SPR 22-005 is Julie's Pawn Shop.

Commissioner Jewell made a motion to approve the minutes of May 10, 2022 as corrected. Commissioner Ryan supported this motion.

*M/S – Jewell/Ryan*

*Unanimously carried by voice vote*

### **PUBLIC FORUM:**

Steve Kiouis, an attorney for Green Buddha, LLC spoke. Mr. Kiouis stated he received a letter from Mr. Vandercook on May 23<sup>rd</sup> regarding the status of the grandfathered status of their location, which has been operating since 2015 as a medical marijuana provisioning center. Mr. Kiouis stated when renewing their license, Keizzy Anpalagan informed them they would need to submit documents for a full review. Mr. Kiouis stated that the package was submitted and that in December he asked for an attestation that the documents that the City of Flint needed had been submitted to go through the State. Mr. Kiouis stated that he was told the license would not be renewed and the grandfathered status had been lost because the facility had been shut down for renovations for over 30 days. Mr. Kiouis said the renovations took longer to complete due to Covid. Mr. Kiouis referenced § 50-183 and that he believes it became a conforming use.

Danny Amori, the COO for Operation Grow, spoke. Mr. Amori stated that stacked licenses allow a facility to grow more plants, and that the City of Flint allows for stacked licenses up to the State limit, which is unlimited stacked licenses. Mr. Amori stated that the ability to stack licenses, in addition to the potential workforce and power capacity, was a major consideration for choosing to locate in Flint. Mr. Amori stated they had applied for ten stacked licenses and the application was approved, but, they had only been issued one license.

Paul Weisberger, spoke on behalf of Green Buddha, LLC. Mr. Weisberger stated that marijuana provision centers are regulated under special regulated uses and that he understood a business needs to be reapproved as a special regulated use if it has been closed for more than 30 days. Mr. Weisberger referenced § 50-183 R(1). Mr. Weisberger stated that he believes the property gained legal conforming use status based on that section of the Marijuana Facilities Opt-In Ordinance. Mr. Weisberger spoke about the investment put into this location thus far and his desire to only need to have the SRU reapproved.



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### **PUBLIC HEARINGS:**

**PC 22-8:** Total Essence LLC, requests a Group F Special Regulated Use Permit for an adult-use (recreational) growing and processing marihuana facility at 2010 N. Dort Hwy. (PID# 41-04-352-031).

Mr. Vandercook requested that the case be withdrawn until the application is more complete. Mr. Vandercook stated that after review from the legal department, it was determined there were some items that Zoning did not check off.

Chairperson Wesley stated PC 22-8 will be removed from the agenda and returned once the application is completed between Zoning and the applicant.

**PC 22-9:** Jaycee, LLC/Jeff Gappy, requests a rezoning from D-3 Community Business to D-5 Metropolitan Commercial Services at 3402 Richfield Rd. (PID 47-33-452-052).

Mr. Vandercook stated the applicant requested to have this case postponed to the June 28th, 2022, meeting. Chairperson Wesley asked if there was a reason to postpone. Mr. Vandercook stated that there is not, and that the applicant had been informed that the applicant has the right to postpone the case two times before it gets removed from the agenda.

Chairperson Wesley stated that PC 22-9 is postponed until the June 28<sup>th</sup>, 2022, meeting.

**PC 22-10:** Quality Roots, Inc., requests a Group E Special Regulated Use Permit for an adult-use (recreational) marihuana retail facility at 3001 Robert T. Longway Blvd. (PID 41-09-151-013).

Mr. Vandercook recommended that this case be postponed to the June 28th, 2022, meeting due to missing items found after being reviewed by the City Attorney.

Chairperson Wesley stated PC 22-10 is postponed until the June 28<sup>th</sup>, 2022, meeting.

**PC 22-11:** ORP, LLC, requests a Group F Special Regulated Use Permit for a medical marihuana growing facility at 2905 Davison Rd. (PID 41-04-352-019).

Mr. Vandercook stated this case does not yet have the staff reviews completed appropriately and asks that the case be postponed.

Chairperson Wesley postponed PC 22-11 until the staff reviews are complete.

### **SITE PLAN REVIEW:**

**SPR 22-006:** Troy Farah requests a Site Plan Review at 220 W. Second St. (PID 41-18-111-006).

Mr. Vandercook read the provided staff report.



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Commissioner Jewell asked if the comments from the Water Department had been addressed. Mr. Vandercook stated that they were.

John Costa, architect for the project, stepped up to speak. Mr. Costa explained that they intend to add an additional 3,500 sq. ft. to the existing office building. Mr. Costa explained that the existing parking will be moved to the east side of the building with more spaces. The building addition will have the same look and materials as the existing building.

Chairperson Wesley asked if this was a federal building. Mr. Costa clarified that a federal agency is in the building.

Commissioner Jewell made a motion to support SPR 22-006 as presented. Commissioner Ryan supported the motion.

***M/S – Jewell/Ryan***

Roll Call:

Commissioner Ryan: yes

Commissioner Campbell: yes

Commissioner Blower: absent

Commissioner Jewell: yes

Commissioner Cook-Hawkins: yes

Commissioner Sorenson: yes

Chairman Wesley: yes

6 yes – 0 no – 1 absent

***Unanimously carried by voice vote***

### **CASE REVIEW:**

*City Council Action on Planning Commission Recommendations*

Mr. Vandercook explained that Director of Planning and Development – Suzanne Wilcox was called into a City Council Special Meeting and would not be attending. Chairperson Wesley asked if the actions of City Council were included in the Planning Commission packet, Mr. Vandercook confirmed they were.

*Marihuana Case Reviews*

#### **408 S. Center Rd, Green Buddha,**

Mr. Vandercook discussed a letter sent to Paul Weisenberger dated May 23, 2022. Mr. Vandercook stated that he believed because the business had been closed for over 30 days, the Special Regulated Use is no longer applicable to the location. Mr. Vandercook raised the question if the grandfathered status is still in effect.

Chairperson Wesley asked for Attorney Gurley’s opinion on the Planning Commission’s options to the grandfather status. Attorney Gurley stated that there is more information that likely needs to be gathered. Attorney Gurley stated that based on the information available the location was closed for



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more than 90 days and this was not communicated to the Zoning staff. Attorney Gurly stated that she would need to do more research and discuss the matter with the Zoning staff and the applicant before being able to give an answer. Chairperson Wesley set the matter to appear on the July 12<sup>th</sup>, 2022 meeting.

Commissioner Jewell asked that all concerns, issues, and clarifications that were raised by the applicant be addressed for the next meeting.

### **1110 Tower St, Operation Grow, LLC/butter**

Mr. Vandercook stated that the applicant shall come before the Planning Commission in 2019 and indicated they were seeking ten stacked licenses but only paid for one license. Mr. Vandercook stated the applicant paid \$1,500 and \$3,500 for the attestation. Mr. Vandercook stated that last month the applicant applied for four more licenses. Mr. Vandercook stated that the applicant wants the additional licenses to be approved administratively, but he does not believe this is allowable under the marijuana ordinance.

Chairperson Wesley asked how many licenses the additional four would give the applicant. Mr. Vandercook stated they would have five. Chairperson Wesley asked if there have been any changes to the facility since the first license was approved. Mr. Vandercook stated there have been changes to the site plan which is why he does not believe he can approve them administratively. Mr. Vandercook said that regarding stacked licenses in the ordinance the only mention is that stacked licenses are allowed, and that the State has further requirements.

Chairperson Wesley asked for Attorney Gurley to comment on the discussion. Attorney Gurley stated that the questions that were posed to the Zoning Division were how much the applicant paid. Also, if the applicant was applying for more than one license, did the Planning Commission know the applicant was applying for ten licenses. Attorney Gurley stated that the ordinance has some restrictions on square footage and that an evaluation would need to take place to determine if there is enough space for all the stack licenses request. Attorney Gurley said she is not sure if the stacked licenses can be administratively approved because the calculations that Mr. Vandercook would need to do would then need to go to the Planning Commission. Attorney Gurley added that the proper process would be for the applicant to pay for the number of licenses that they applied for, not to apply for a number of licenses and only pay for one, also adding that this is an example and not necessarily what happened in this case.

Mr. Vandercook stated that the Department of Licensing and Regulatory Affairs requires applicants to apply for and meet the requirements for individual licenses to stack licenses. Mr. Vandercook noted the original application was approved 7/9/2019. Chairperson Wesley asked if the Planning Commission had approved one license at that time. Mr. Vandercook stated the application requested ten licenses but was approved and paid for only one.



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Commissioner Jewell recalled a conversation on process of applications and reviews, that there were discussions of what would fall under administrative review. Commissioner Jewell said some of these discussions focused on if there were no major changes in the site plan that staff would process them and report changes to the Planning Commission and remain in consultation with the Chair.

Commissioner Jewell expressed concern that the Planning Commission is made aware of all aspects of cases as they come to the Commission and as they are processed by staff so that they remain informed.

Chairperson Wesley stated he believed the Planning Commission needs to see updated site plans as there have been changes to the structure. Chairperson Wesley said he believed calculations would need to be made to ensure the additional licenses would meet the requirements for the site. Chairperson Wesley asked Mr. Vandercook if it would require a new site plan. Mr. Vandercook stated he did not believe it was necessary. Mr. Vandercook asked the applicant if the State regulations would require them to separate the building for stacked licenses. The applicant stated that the licenses can be stacked under one roof and the licenses determine how many plants can be in the building.

Chairperson Wesley asked the applicant how much square footage the building was. Mr. Amori answered it is approximately 38,000 square feet. Christopher Klamkin, co-founder and CEO of Operation Grow, stated the master plan for the building is for 49,000 square feet and can hold 50,000 total plants if the stacked medical and recreational licenses are approved.

Chairperson Wesley referred to Mr. Vandercook. Mr. Vandercook stated he believed the plans they have would be appropriate to bring back to the Planning Commission for the four additional licenses the applicants are requesting.

Chairperson Wesley asked Attorney Gurley to restate her concerns so that the items are clear for the next meeting that this case appears in. Attorney Gurley stated the concerns are how many licenses did the applicant pay for, is there enough square footage to accommodate the stacked licenses under the ordinance, and if there were any changes to the site plan from when the first license was originally approved.

Chairperson Wesley asked when Mr. Vandercook would like to see this matter put back on the schedule. Mr. Vandercook said July 12<sup>th</sup>, 2022. Chairperson Wesley stated the matter would appear in the July 12<sup>th</sup> meeting where a decision would be made.

#### **REPORTS:**

##### *Update on the Draft Zoning Ordinance*

Mr. Vandercook stated the Draft Zoning Ordinance went to the Legislative Committee and was sent to City Council. The Ordinance went through first reading and will be sent for second reading.

Commissioner Jewell asked for clarification on whether there was objection or support during the meeting. Mr. Vandercook said he understood there was one councilmember that objected. Mr. Vandercook added that he believed Suzanne Wilcox (Director of Planning and Development) told him



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the Draft Ordinance will need to be published between the first and second readings. Commissioner Jewell asked that the objections mentioned be passed on to the Chair so that the Commission may be sensitive to people's concerns. Commissioner Jewell also asked if the Ordinance becomes effective after it goes through second reading and is approved. Attorney Gurley answered that the public hearing must be published 15 days prior to the second reading. Additionally, if it is approved by Council after the second reading, the Code must be published within seven days. After publishing there is a right to petition the City Clerk for any opposition to the Code which can delay things for at least thirty days. The Code can go into effect after the seven days or at a later specified time as designated by City Council.

Mr. Vandercook stated that he believes there was discussion of a ninety-day period. Attorney Gurley stated that it will be up to the City Council as long as it is past the seven days after publishing.

### *Status of the Marihuana Ordinance*

Attorney Gurley stated that she was on schedule to bring the changes to the June 28<sup>th</sup> meeting.

### *Choice Neighborhoods Initiative Update*

Chairperson Wesley moved this to the June 28<sup>th</sup> meeting as Ms. Wilcox is not present.

### *American Rescue Plan Update*

Commissioner Jewell stated that it was his understanding that the Mayor's special meeting was to discuss the American Rescue Plan. Commissioner Jewell stated his belief that an update with specific information would be appropriate for the Planning Commission.

### *Marihuana Application Flyer Update*

Mr. Vandercook stated that the flyer needs to be reviewed again as additional information that should be included has come to staff's attention. Chairperson Wesley said that with the changes being made recently that the flyer should be checked if everything is complete.

Chairperson Wesley stated this would be reviewed in the agendas for upcoming meetings.

### *Status of Zoning Board of Appeals Representative*

Chairperson Wesley stated no one has been identified yet to represent the Commission on the Zoning Board of Appeals. Commissioner Ryan asked if it is still standing that the representative would not be able to speak. Chairperson Wesley read from a paper included in the information packet that says the Commission representative can vote and speak on cases within the Zoning Board of Appeals, unless that case has appeared before the Planning Commission previously. Chairperson Wesley stated the Commission can review the Zoning Board of Appeals minutes in the meantime until a representative is found.

Commissioner Jewell stated his understanding that Dort Enterprises/Michigan Organics originally came before the Planning Commission for a special regulated use for a Group F operation in a D-6,



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and then was taken to the Zoning Board of Appeals not as an appeal of that decision, but to request a variance. Commission Jewell asked for an update to that. Mr. Vandercook stated that the request was denied and went to City Council and that to his knowledge has not been heard yet. Mr. Mateen confirmed it was denied by the Zoning Board of Appeal by a 4-4 vote and there was confusion if that meant it could come back to the Zoning Board of Appeals, but it cannot because the motion failed. Additionally, it was found in the Ordinance that any variances that have to do with marihuana have to come before the Planning Commission. Additionally, if the applicants wanted to continue to seek the variance it would have to come before the Planning Commission and did not go to Council.

### *Educational Update*

Mr. Vandercook read a notice from LARA sent out on March 7<sup>th</sup>, 2022, regarding class A marihuana microbusinesses and adult use marihuana research licenses.

Mr. Vandercook posed new regulations regarding license expiration timelines as a possible discussion for the next update.

Mr. Vandercook mention there are new social equity programs as well.

Commissioner Jewell asked for this information to be summarized and included in the packet for the next meeting.

### *Planning Commission Roster Update*

Mr. Mateen discussed two updated rosters for the Planning Commission. One is for the website and does not include contact information. The other is for Planning staff and includes contact information, home addresses, and term expiration dates. Mr. Mateen said that only four commissioners have up to date terms. Mr. Mateen stated staff will work on figuring out how to get these updated.

Discussion was held on the role of City Council in appointing Planning Commission members.

Commissioner Jewell stated it was his understanding that the mayor appoints all members to Commissions, Boards, etc and that it does not necessarily mean that the Mayor cannot receive recommendations. Commissioner Jewell also stated that to his understanding, anyone appointed to a public body continues to serve their term after it expired until they are reappointed or replaced.

### *I-475 Update*

Mr. Mateen referenced a flyer from M-DOT regarding a public meeting on June 28<sup>th</sup> that he will be attending and reporting on at the July 12<sup>th</sup> meeting. Mr. Mateen relayed that M-DOT will reveal which of the four options they will move forward with at this meeting.

## **RESOLUTIONS:**

## **OLD BUSINESS:**



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### **NEW BUSINESS:**

### **ADJOURNMENT:**

The Zoom recording for this meeting was automatically deleted, the adjournment motion and time is unknown.

*M/S – XXX/XXX*

*Unanimously carried by voice vote.*

Meeting adjourned at *X:XX PM.*