



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT PLANNING COMMISSION

Meeting Minutes
April 12, 2022

Commissioners Present

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

Staff Present

Suzanne Wilcox, Director of Planning and Development
William Vandercook, Zoning Coordinator
Keizy Anpalagan, GIS Administrator
Joanne Gurley, Assistant City Attorney
Jonathon Mateen, Planner I
Max Lester, Planner I

Absent:

ROLL CALL:

Chairman Wesley called the meeting to order at 5:45 p.m. Roll was taken, and a quorum was present.

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

Roll Call:

Commissioner Ryan: appearing in-person
Commissioner Campbell: appearing
virtually in Flint, MI
Commissioner Blower: appearing in-person
Commissioner Jewell: appearing in-person

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

ADDITIONS/CHANGES TO THE AGENDA:

William Vandercook, Zoning Coordinator, requested to add Upcoming Seminars under Reports.

ADOPTION OF THE AGENDA:

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

M/S – Campbell/Jewell

Unanimously carried by voice vote

MINUTES OF PREVIOUS MEETINGS:

Commissioner Ryan made a motion to approve the minutes of March 22, 2022 as corrected. Commissioner Blower supported this motion.



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M/S – Ryan/Blower

Roll Call:

Commissioner Ryan: yes

Commissioner Campbell: abstained

Commissioner Blower: yes

Commissioner Jewell: yes

Commissioner Cook-Hawkins: yes

Commissioner Sorenson: yes

Chairman Wesley: yes

6 yes – 0 no – 1 abstain

Unanimously carried by voice vote

PUBLIC FORUM:

One member of the public spoke regarding crime in their area.

PUBLIC HEARINGS:

PC 22-4: Applicant, Kurt Neiswender, requests a special land use permit to allow for the parking of three food trucks on an existing parking lot at (PID 41-18-153-016).

Mr. Vandercook read the staff report provided to the Commission.

Commissioner Jewell asked for the address of the parking lot. Mr. Vandercook stated that the property is currently vacant and does not have an address, as such the parcel identification number is used on the agenda. Commissioner Jewell noted that the applicant does not own the property and asked if there is a letter of understanding giving permission for the use of the lot. Mr. Vandercook stated that the applicant is Kurt Neiswender, and the property owner is in attendance at the meeting. Additionally, Mr. Vandercook stated that a letter giving authorization was not received.

Commissioner Jewell asked if the permit is granted, does it last only if the business is running. Mr. Vandercook stated that he believed the special land use permit will run with the land. Commissioner Jewell asked if it is granted, does the owner of the property grant the use to the food trucks. Mr. Vandercook stated that the right would be granted from the property owner to the food truck owners. Commissioner Jewell stated that an agreement has not been received allowing the use. Mr. Vandercook stated that is correct.

Kurt Neiswender, applicant, presented the application. Mr. Neiswender stated that he is applying on behalf of the property owner. Mr. Neiswender clarified that he will not be parking the food trucks, he is simply the architect who prepared and submitted the application.

Mr. Neiswender stated that the project submitted indicates where food trucks will be placed as well as where patrons will stand. Additionally, Mr. Neiswender stated the parking requirement is met on site and no on street parking will be required.



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Mr. Neiswender stated that this project is only for the north half of the parking lot next to the old Anthony's Flower Shop. These are two separate parcels.

Commissioner Campbell asked if this was only for three trucks. The applicant confirmed this. The design shows that a maximum of three food trucks can park. The remaining space will be available to patrons who want to purchase food from the food trucks.

Mr. Vandercook stated that the application stated there will be parking on site as well as parking on Grand Traverse. The applicant stated the parking is on the east side of Grand Traverse. Mr. Neiswender stated the additional street parking is not to meet the minimum parking requirement, the onsite parking is enough. The street parking is not being added to the calculation, it is for convenience only.

Commissioner Sorenson asked if street parking is still available on the northeast corner. Mr. Neiswender confirmed this. Commissioner Sorenson asked if there will be a façade put on the old flower shop. Mr. Neiswender stated that the next step is to combine the parking lot with the flower shop parcel and redevelop the parcel. Right now, the applicant is only asking for the north side parking lot. This request is only for the food trucks. Commissioner Sorenson asked if the trucks will be parked around the shop. Commissioner Jewell noted that the food trucks will be put on the parcel next to the flower shop, which is currently a parking lot. Commissioner Sorenson noted that there have been food trucks parked next to the building previously. Mr. Neiswender stated that those food trucks were parked there last summer, and this request is to conform with the ordinance. The food trucks will not be parked next to the building.

Commissioner Blower asked if the food trucks will rotate or if they will be permanent and the hours of operation. Glenn Wilson, property owner, stated that the food trucks will be rotating. There are many food trucks interested, however, they have no finalized list. The food trucks will not be open past 9 pm. They plan to open on days the Farmers' Market is closed.

Commissioner Jewell noted concerns regarding requirements and guidelines. Commissioner Jewell noted that the application requires a notarized authorization giving permission for someone other than the property owner to apply. Additionally, Commissioner Jewell asked why Communities First, Inc. was not the applicant. Commissioner Jewell noted that no details of the project were provided to the Commission. Commissioner Jewell noted that this information would be helpful in making an informed decision.

Mr. Wilson asked if the plan that was submitted to staff was given to the Commission. Mr. Vandercook noted that the plan was not added to the package. Additionally, Mr. Vandercook noted that the site plan review will be the next step. Mr. Vandercook noted that the application states that the property owner must attend the meeting or have a representative with a notarized copy of authorization. The property owner is in attendance which means a notarized copy of authorization does not need to be provided.



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Chairman Wesley opened the floor for public comment in favor.

One member of the public spoke in favor.

Chairman Wesley opened the floor for public comment in opposition.

No one from the public spoke in opposition.

Mr. Vandercook stated that no other communications were received.

Commissioner Campbell asked if this request is to combine the two lots. Chairman Wesley clarified that this request is to park three food trucks on the parking lot next to the old flower shop.

Commissioner Jewell noted that the next step if granted is to provide a site plan and details on the project. Mr. Vandercook confirmed that this is correct and stated that the site plans will need to be routed out, a staff review completed, then a presentation to the Planning Commission. Commissioner Jewell asked who the applicant would be for the next step. Mr. Neiswender stated that the applicant would be the owner of the property.

Commissioner Jewell made a motion to approve PC 22-4 Applicant, Kurt Neiswender, requests a special land use permit to allow for the parking of three food trucks on an existing parking lot at (PID 41-18-153-016) with the understanding that the applicant is Communities First, Inc., and that the project fits into the ordinance as indicated in the staff report. Commissioner Blower supported this motion.

M/S – Jewell/Blower

Roll Call:

Commissioner Ryan: Yes
Commissioner Campbell: Yes
Commissioner Blower: Yes
Commissioner Jewell: Yes

Commissioner Cook-Hawkins: Yes
Commissioner Sorenson: Yes
Chairman Wesley: Yes

The motion carried.

7 yes, 0 no

PC 22-5: Applicant, Attorney William E. Semaan Jr, requests a medical marihuana facilities change in ownership from Trippy Forest, LLC to Miconor Enterprises, LLC at 1901 S. Dort Hwy (PID 41-16-351-020).

Mr. Vandercook noted a correction to the case number from PC 22-4 to PC 22-5. Mr. Vandercook read the staff report as provided to the Commission.



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Commissioner Jewell asked if there were anything that would raise concerns regarding the applicant for the transfer. Mr. Vandercook stated that there are no concerns.

Jason Kouza, owner of Miconor Enterprises, presented the application.

Commissioner Campbell asked if any changes would be made to the inside or the outside of the location. Mr. Kouza stated that they will cleanup the outside, but no structural changes will be made.

Commissioner Sorenson asked if the name of the location would be changed. Mr. Kouza confirmed that the name would be changed.

Commissioner Campbell asked if the property would remain as a Group E provisioning center. Brenda Williams, attorney, stated that the property is a Group E and that the purpose of the presentation is for a request for a change of ownership in compliance with the ordinance. A background check has been completed and any other requests will have to come back to the Planning Commission.

Commissioner Blower asked if it was a partial transfer and asked about the timeline for the transfer. Mr. Kouza stated that the transfer would be immediate, and the transfer is a full transfer, not partial.

Commissioner Jewell asked if there were any background issues that would raise concerns about the transfer. Mr. Kouza stated that there are no background issues that would raise any concerns.

Chairman Wesley opened the floor for public comment in favor.

No one from the public spoke in favor.

Chairman Wesley opened the floor for public comment in opposition.

One member from the public spoke in opposition noting concerns about marihuana use.

Mr. Vandercook noted that there was no other communication received.

Commissioner Campbell made a motion to approve PC 22-5 Applicant, Attorney William E. Semaan Jr, requests a medical marihuana facilities change in ownership from Trippy Forest, LLC to Miconor Enterprises, LLC at 1901 S. Dort Hwy (PID 41-16-351-020) Commissioner Cook-Hawkins supported this motion.

Commissioner Jewell noted that the application does comply with the City of Flint Marihuana Ordinance as stated in the staff report.

M/S – Campbell/Cook-Hawkins



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Roll Call:

Commissioner Ryan: Yes
Commissioner Campbell: Yes
Commissioner Blower: Yes
Commissioner Jewell: Yes

Commissioner Cook-Hawkins: Yes
Commissioner Sorenson: Yes
Chairman Wesley: Yes

The motion carried.
7 yes, 0 no

SITE PLAN REVIEW:

SPR 22-004: Communities First inc./Glen Wilson is requesting a Site Plan Review at: 422 West University Avenue (PID 40-12-457-008).

Mr. Vandercook read the staff report as provided to the Commission. Mr. Vandercook noted that the fence on the west side of the property is required to be a six-foot-high privacy fence. This is not noted on the site plan. Additionally, the building is 32-34 feet high, which is over the 30-foot maximum height requirement. FEMA and EGLE have new regulations for pre and post storm water calculations. In this case an agreement between the property owner and the City of Flint is required. The City Engineer has approved the agreement and it is now being reviewed by the City Attorney.

Commissioner Blower asked if the previously submitted site plan is identical to what was presented in 2019. Mr. Vandercook noted that there are changes that have been made, specifically regarding the privacy fence and the height of the building.

Commissioner Jewell noted that the site plan review contains comments from several departments and asked for an update on the status from other departments, particularly the Fire Department. Mr. Vandercook stated that the concerns have been addressed by the applicant to the satisfaction of the Fire Department and the Zoning Division's satisfaction. This applies to all concerns from department reviews.

Commissioner Sorenson asked if there is enough access for an emergency vehicle. Mr. Vandercook confirmed this.

Commissioner Campbell noted the district required conditions that are listed on page three of the site plan checklist and asked for clarification on the business activities of this request. Chairman Wesley noted that this request is for an apartment. Commissioner Jewell noted that the required conditions apply to the district, not the building.

Kurt Neiswender, Architect for the project, presented the site plan. Mr. Neiswender noted that the original site plan approval expired. The overall design, intent, layout, building location., and parking is the same. Between the last site plan approval and now, contaminated soils were discovered. Because



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there is state funding tied to the project, soil remediation is required. There is approximately 19,000 square feet of the site and 9,000 cubic yards of contaminated soil that needs to be removed. Due to this, the final grading design from the civil engineer has changed the slope of the site, which increased the height of the building from grade. To grade, the building is taller is 30 feet. Mr. Neiswender requested that the site grading be done administratively so that the project can proceed. The Building Department has allowed the soil to be remediated, which is a six-week process. To continue, Mr. Neiswender asked for the height condition to be reviewed administratively.

Commissioner Jewell asked if the difference of the height is two feet. Mr. Neiswender stated that the difference based on the elevation is three feet. Commissioner Jewell noted the issue of the privacy fence. Mr. Neiswender stated that a privacy can be added to the project to comply with the ordinance. Commissioner Jewell asked if the privacy fence requirement would also be addressed administratively, as well as the storm water agreement.

Chairman Wesley noted that the storm water agreement could be impacted by the remediation of the contaminated soil and asked if the calculation would be based on 30 feet. Mr. Neiswender stated that the grading plan could be revised while the remediation process is being done. Chairman Wesley asked what fix would be required. Mr. Neiswender stated that the civil engineer was not aware of the height requirement and the design they used was best for their design of the grading plan.

Mr. Vandercook stated that if the building is 30 feet it could be administratively reviewed, however, if it is above 30 feet it could not be done administratively. Commissioner Blower asked if the discrepancy only applies to the height of the building and not the overall site plan. Chairman Wesley confirmed this.

Commissioner Jewell noted that the issues include the height of the building from grade, the privacy fence, and the storm water agreement. Commissioner Jewell asked for a timeframe for these issues to be addressed and administratively approved. Mr. Neiswender stated that the May 10th meeting is the expectation to address the concerns.

Chairman Wesley asked Attorney Gurley for a timeline for the review of the agreement. Attorney Gurley stated that the review will be completed by Monday, April 18th. Mr. Vandercook noted that when the site plan is changed, the pre and post storm water calculations will be impacted, which will require a review from City Engineer Mark Adas.

Mr. Neiswender asked for a week to coordinate with the civil engineer and to give any comments to staff. Chairman Wesley stated that if the information is provided it will be administratively reviewed, otherwise the applicant will return for the May 10th meeting.

Commissioner Jewell made a motion to approve SPR 22-004 Communities First inc./Glen Wilson is requesting a Site Plan Review at: 422 West University Avenue (PID 40-12-457-008) administratively



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pending the applicant addressing the privacy fence, building height, and storm water agreement prior to the May 10th Planning Commission meeting or the applicant will return.

M/S – Jewell/Ryan

Roll Call:

Commissioner Ryan: Yes
Commissioner Campbell: Yes
Commissioner Blower: Yes
Commissioner Jewell: Yes

Commissioner Cook-Hawkins: Yes
Commissioner Sorenson: Yes
Chairman Wesley: Yes

The motion carried.
7 yes, 0 no

SPR 22-005: Applicant MI Organic Solutions, LLC requests a Site Plan Review for a Group E Adult Use Retail Facility at: 3549 S. Dort Hwy (PID 41-21-351-034).

Mr. Vandercook read the staff report as provided to the Commission.

Commissioner Jewell asked if the concerns of the Water Department have been addressed. Mr. Vandercook confirmed that the concerns of the Water Department and the Fire Department have been addressed. The applicant moved the fire hydrant to the location the Fire Department required. Mr. Vandercook noted that the Building Department's concerns were addressed as well.

Commissioner Jewell asked if there was anything the Planning Commission has overlooked. Mr. Vandercook stated that there is nothing else being overlooked.

Donald Baker, owner of First Dort Enterprises, presented the application.

Commissioner Campbell asked if the correct map was provided, as the date is 2015. Mr. Vandercook stated that a site plan provided should have the address 3549 S. Dort Hwy. In addition to the site plan, there is a security camera plan provided to the Commission.

Commissioner Jewell noted that it is the same building and setting and that there are only internal changes. Mr. Baker stated that they are adding walls to secure the retail space.

Commissioner Blower asked if there are any other significant changes to the site plan. Mr. Baker stated that there are no other changes to the site plan.

Commissioner Campbell made a motion to approve SPR 22-005 Applicant MI Organic Solutions, LLC requests a Site Plan Review for a Group E Adult Use Retail Facility at: 3549 S. Dort Hwy (PID 41-21-351-034). Commissioner Blower supported this motion.



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M/S – Campbell/Blower

Roll Call:

Commissioner Ryan: Yes
Commissioner Campbell: Yes
Commissioner Blower: Yes
Commissioner Jewell: Yes

Commissioner Cook-Hawkins: Yes
Commissioner Sorenson: Yes
Chairman Wesley: Yes

The motion carried.
7 yes, 0 no

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 stated that the signed agreement is complete. The conditions in the case review memo have all been met.

Chairman Wesley stated that this item can be removed from the Case Review and added to Reports for the next meeting.

REPORTS:

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

Suzanne Wilcox stated that an initial presentation of the draft zoning code to City Council will take place on April 20th during the Legislative Committee. After this meeting, the full ordinance will be presented to City Council during the first meeting in May.

Commissioner Jewell expressed thanks for this information.

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

Attorney Gurley noted that the City of Flint has collected over \$287,00 from five adult-use recreational marihuana licenses in effect as of December of 2020. Each license is bringing in \$56,000 approximately. This number could go up or down in the next year. Genesee County received over \$1,000,000 from 18 licenses. The City of Flint should receive the installment soon.

Attorney Gurley stated that there is a new license category that the State of Michigan is allowing, which is regarding hemp. Attorney Gurley stated that this conversation needs to be held with staff. The



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new name of the Michigan Regulatory Agency is now the Cannabis Regulatory Agency. This hemp license may need to be considered as being apart of the permanent marihuana ordinance. The deadline for the presentation of the permanent marihuana ordinance may be extended until this discussion is held.

Commissioner Cook-Hawkins asked if hemp is similar to CBD. Attorney Gurley stated that there is a formula used to extract THC which is akin to CBD, which can be used in various ingestible and nondigestible products. Attorney Gurley recommended that someone gives a presentation on the topic.

Commissioner Jewell noted that there are distinctions between hemp and marihuana and that hemp is used for various products. Commissioner Ryan also clarified the use of hemp and related products. Commissioner Jewell noted that materials should be put together regarding hemp and marihuana and distributed to the Planning Commission. Staff should also schedule a time to present to the Planning Commission regarding the new regulations.

Commissioner Jewell noted that to date a copy of the proposed of the permanent marihuana ordinance has not been received. This was initially scheduled to be distributed by the end of March. Commissioner Jewell stated that the draft needs to be presented to the Planning Commission. The hemp issues can be added later.

Attorney Gurley stated that a draft can be sent, however, it would not include the new zoning districts or information on hemp. There were four pages of recommendations that came from officer Birnie and recommendations from staff that have to do with specific zoning districts and whether certain establishments should be allowed in those areas. Attorney Gurley stated that her duties were to review whether there were conflicts with the permanent marihuana ordinance in comparison to state law.

Chairman Wesley asked for the draft to be given to Mr. Vandercook for distribution to the Planning Commission.

Commissioner Jewell asked for the draft of the changes to the permanent marihuana ordinance which includes a strikethrough of the old information.

Attorney Gurley stated that this is not what was done, her role was to make sure that the permanent marihuana ordinance complies with state law. Staff must do the strikethrough that Commissioner Jewell is requesting if there is a conflict between the ordinance and state law. The various zoning districts that will change once the permanent zoning ordinance is in place is what staff must substitute.

Commissioner Jewell noted that there may be a need for the staff and Attorney Gurley to clarify what is needed.

Ms. Wilcox stated that the City Council office needs to strike the ordinance through and stated that coordination is required between the Law Department and Zoning Division. There is a particular



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format required for the strikethrough which ROWE has completed. There is a specific process for strikethrough, it is not staff's responsibility.

Commissioner Jewell noted that previous attorneys completed the strikethrough process and presented the changes to the Planning Commission.

Chairman Wesley stated that this discussion will be continued during the next meeting.

Chairman Wesley asked for a motion to table to remaining items on the agenda. Commissioner Campbell made a motion to postpone the remaining items on the agenda until the April 26th meeting. Commissioner Jewell supported the motion.

Unanimously carried by voice vote

Choice Neighborhoods Initiative Update, Suzanne Wilcox, Director of Planning and Development.

This item was tabled to the next meeting.

American Rescue Plan/Capitol Improvement Plans, Suzanne Wilcox, Director of Planning and Development

This item was tabled to the next meeting.

Marihuana Applications Requiring City Council Approval

Ms. Wilcox requested to remove this item from the agenda. There are no pending applications requiring City Council approval.

Marihuana Application Process Flyer

This item was tabled to the next meeting.

Zoning Board of Appeals Meeting – Commissioner Blower

This item was tabled to the next meeting.

I-475 Update – Link to Resources

This item was tabled to the next meeting.

Status of Staffing



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Chairman Wesley noted the addition of Max Lester, Planner I, to the staff. Ms. Wilcox noted that a new Lead Planner, Roy Lash, has been hired. Mr. Lash will be joining the Planning Commission meetings soon. The department is working to backfill the Parks Planner position.

Upcoming Seminars

Mr. Vandercook stated that he will be sending out an invitation to a marihuana regulation seminar by ROWE.

RESOLUTIONS:

No resolutions.

OLD BUSINESS:

No old business.

NEW BUSINESS:

Election of Officers – April 26, 2022

This item was tabled to the next meeting.

ADJOURNMENT:

M/S – Ryan/Jewell

Unanimously carried by voice vote.

Meeting adjourned at 8:30 PM.