



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT PLANNING COMMISSION

Meeting Minutes
August 9, 2022

Commissioners Present

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

Staff Present

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

Absent:

April Cook-Hawkins

ROLL CALL:

Chairperson Wesley called the meeting to order at 5:48 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 from Flint, MI
Commissioner Blower: appearing in-person
Commissioner Jewell: appearing in-person

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

ADDITIONS/CHANGES TO THE AGENDA:

Jonathon Mateen suggested an edit to an item under case reviews, striking “*Marihuana Case Review, William Vandercook, Zoning Coordinator*” from **PC 22-9**.

Bill Vandercook requested that Green Buddha III, LLC – 408 S. Center Rd and Holistic Vibes Flint, LLC – 2849 Miller Rd be rescheduled to the August 23rd, 2022 Planning Commission meeting.

Commissioner Blower added “City of Flint Website and Posting of Agendas and Applications” to New Business.

ADOPTION OF THE AGENDA:

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



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT PLANNING COMMISSION

M/S – Campbell/Ryan
Unanimously carried by voice vote.

MINUTES OF PREVIOUS MEETINGS:

Minutes of July 12, 2022

Regarding language on Page 10 stating “Attorney Gurley asked that documentation be provided for the information the applicants provided...”, Commissioner Campbell asked if this has been received by staff. Mr. Vandercook stated that the applicants have provided documentation required under the marijuana ordinance. Mr. Vandercook added that tonight’s meeting will focus on reviewing one of the stakeholders.

Commissioner Jewell commented that the minutes cover the intent and focus on the discussions.

Commissioner Jewell made a motion to approve the minutes of July 12, 2022 as presented.
Commissioner Blower supported this motion.

Roll Call:

Commissioner Ryan: yes	Commissioner Cook-Hawkins: absent
Commissioner Campbell: yes	Commissioner Sorenson: unavailable (Zoom disconnect)
Commissioner Blower: yes	Chairman Wesley: yes
Commissioner Jewell: yes	

M/S – Jewell/Blower

5 yes – 0 no – 2 absent
Motion carried.

Minutes of July 26, 2022

Commissioner Jewell made a motion to approve the minutes of July 26, 2022 as presented.
Commissioner Campbell supported this motion.

Roll Call:

Commissioner Ryan: yes	Commissioner Cook-Hawkins: absent
Commissioner Campbell: yes	Commissioner Sorenson: unavailable
Commissioner Blower: yes	Chairman Wesley: yes
Commissioner Jewell: yes	

M/S – Jewell/Campbell

5 yes – 0 no – 2 absent
Motion carried.



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT PLANNING COMMISSION

PUBLIC FORUM:

Lance Boldrey from the Dykema Law Firm, representing Operation Grow dba butter, stated that he sent correspondence late last week regarding one of butter's owners. Mr. Boldrey stated this owner has a paraphernalia charge that was stated on the application. Mr. Boldrey stated the charge was for possession of marihuana paraphernalia in Texas, which was dismissed the day prior and no record of it is kept by the State of Texas. Mr. Boldrey said that the ordinance requires disclosure of controlled substance offences but was not sure if the paraphernalia charge was related and it was disclosed to be transparent, adding that the charge is based on items that are legal for adults to possess in Michigan. Mr. Boldrey stated that he does not believe the charge connects to the list of convictions in the ordinance, and that it would not impair the owner's ability to operate the facility in a safe and competent matter.

Dan Amori, Chief Operating Officer of Operation Grow dba butter, stated that the disclosure was made on the application for four additional licenses, adding the disclosure was for a Class C misdemeanor which has been dismissed.

Jackie MacDonald, a resident of the 8th Ward, spoke against Holistic Vibes Flint, LLC at 2849 Miller Rd. Ms. MacDonald stated marihuana businesses should not be located in residential areas.

PUBLIC HEARINGS:

N/A

SITE PLAN REVIEW:

N/A

CASE REVIEW:

Applicant Case Review

Operation Grow dba butter – 1110 Tower St.

Mr. Vandercook stated the applicants submitted all materials for the four additional medical Group F grow Class C licenses. Mr. Vandercook added that during review of the background checks one came back with an arrest, and thus the case is back with the Planning Commission as he believes the Zoning Coordinator does not have the ability to administratively make a decision.

Attorney Gurley agreed with Mr. Vandercook stating the ordinance specifies the Planning Commission will make a decision on the applicant and the ability to receive a license. Attorney Gurley noted concern that the applicant did not disclose the past misdemeanor with the original application, but at some point after the fact, though she would need more time to review to determine the time it took for the disclosure to take place.

Mr. Vandercook agreed and added that Mr. Amori made the disclosure after the August 5th meeting.



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT PLANNING COMMISSION

Chairperson Wesley asked if the information that the charge was dismissed has been verified. Mr. Vandercook replied that Mr. Amori had told him the information could be provided at this meeting. Chairperson Wesley asked Mr. Amori if that information was available. Mr. Boldrey stood up to speak stating he had the documents. Commissioner Jewell spoke to the Chair, stating that he felt it was appropriate for the documents to be submitted to the Chair for the Commission's review. Mr. Boldrey continued stating that when they were made aware disclosures were required for every stakeholder, that is when they disclosed this information to staff. Mr. Boldrey handed out a copy of the document to the Chair, adding that the disposition was dismissed yesterday following the stakeholder attending a safety driver course.

Chairperson Wesley read from the document, which stated the matter was dismissed August 4, 2022, fines and costs were assessed and paid, and was signed by Justice Kelly Ellis. Additional copies were passed to the commissioners.

Attorney Gurley referenced the ordinance *E (2) v.* saying that "for each applicant and stakeholder that an affirmation under oath as to whether they have never been indicted, charged with, arrested for, or convicted or plead not guilty or nolo contendere" and that this should have been disclosed with the original application, not after approval by the Planning Commission. Chairperson Wesley asked if the applicants would need to submit a new application with this information provided. Attorney Gurley responded that she is not saying that exactly, but that since new information has been provided more time will be needed to review it to ensure they are in compliance with the application process.

Commissioner Jewell asked about a reference to a previous misdemeanor and asked if this was separate to this incident. Attorney Gurley stated that she was referencing the ordinance and has not seen the actual application, adding that if they did not disclose what is required that the Commission will need to have a different conversation. Commissioner Jewell asked Mr. Vandercook if in his staff report had he shared that after the August 5th meeting a previous misdemeanor was disclosed by another one of the stakeholders. Mr. Vandercook discussed the history of this information being discovered, Attorney Gurley identified some items missing from the application for the one license that was already received, including the affirmations under oath in *E (2) v.* Mr. Amori was notified that this information was required, though the information was not requested from Mr. Amori at that time. After the notification Mr. Amori submitted the affirmations and disclosed the misdemeanor arrest. The question for the Commission is whether the additional licenses can be approved now that this additional information has been received.

Attorney Gurley stated that when she reviews applications she checks them against the ordinance, not the checklist, and that every item required by the ordinance should be in the application.

Commissioner Ryan asked if Attorney Gurley will still need to review and verify the information regardless of what the Planning Commission decides, adding that he believes it should be sent back to Attorney Gurley for review.



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT PLANNING COMMISSION

Chairperson Wesley asked Mr. Vandercook if he has the application and additional information. Mr. Vandercook said he did not have it readily available, but staff does have it. Chairperson Wesley said that the application could be supplied to Attorney Gurley for her review along with the case history that was submitted by the applicant at this meeting. Chairperson Wesley asked the commissioners and Attorney Gurley if the applicant needed to be sworn in and state that the information provided is truthful. Attorney Gurley stated this was not necessary, she will review the actual affirmation form that needs to be notarized when she reviews the application.

Commissioner Jewell supported Commissioner Ryan in believing the case should be reviewed by Attorney Gurley. Commissioner Campbell also noted agreement and asked if there was just one misdemeanor or two. Chairperson Wesley said it was just one misdemeanor.

Chairperson Wesley spoke to the applicants, stating the matter will go back for review by Attorney Gurley and another date will be set with a recommendation being given to the Commission.

Mr. Boldrey spoke but was inaudible for the first ten seconds. Mr. Boldrey stated there was no intent to deceive the Commission as it was not clear in the form that every stakeholder needed to have an affirmation.

Chairperson Wesley said it should be very clear in application documents what is required per the ordinance. Mr. Vandercook said that the checklist mentioned previously is being revised and updated and will be sent to Attorney Gurley and Suzanne Wilcox for review when it is ready. Attorney Gurley recommended that applicants read the ordinance when filing out applications as it is very explicit in what is required.

Chairperson Wesley noted **Green Buddha III, LLC – 408 S. Center Rd.** and **Holistic Vibes Flint, LLC – 2849 Miller Rd.** have been adjourned to the August 23rd meeting.

Mr. Vandercook added that Operation Grow has another application for five adult-use grow licenses that will be withdrawn pending review of the information that was provided, and a staff review under the new checklist.

City Council Action on Planning Commission Recommendations

Ms. Wilcox stated there were two items on the agenda, **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)** and **PC 22-13: Applicant, Denise Diller/Crossover Outreach, requests a rezoning from C-2 to D-2 at 807 Oak St. (PID 41-18-153-009) now identified as a part of 414 W. Court St. (PID 41-18-153-029).** Ms. Wilcox stated both items will be on the August 17th City Council committee meeting. Ms. Wilcox said that for the first item the Planning Commission recommended denial and for the second item the Commission recommended approval. Ms. Wilcox added that on the August 17th committee meeting there is the license approval recommendation from the Planning Commission to City Council for Quality Roots, Inc.



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT PLANNING COMMISSION

REPORTS:

Status of the draft Zoning Ordinance, Suzanne Wilcox, Director of Planning and Development

Ms. Wilcox said the draft Zoning Ordinance has been adopted by City Council and is expected to be enacted on October 29th. Ms. Wilcox shared that a timeline has been set for finalizing the Permanent Marihuana Ordinance before the new Zoning Ordinance is adopted. The numbering issue is set to be complete the next day. The timeline has the Permanent Marihuana Ordinance being sent to Council for first reading at their September 12th meeting and to be ready for second reading on October 10th. The Marihuana Ordinance must be adopted prior to October 29th or marihuana business in Planning and Zoning will need to be halted.

Commissioner Jewell asked that staff forwards the timeline memo that Ms. Wilcox mentioned. Ms. Wilcox stated she would send it as soon as she left the meeting.

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

Ms. Wilcox said there was no new information to provide. Phase II construction is underway, and additional funding is being identified. Once current challenges are completed a Steering Committee meeting will be held. Ms. Wilcox stated progress is happening and the project is expected to see completion.

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

Attorney Gurley reminded the Commission that there is a special meeting set for August 17th at 5:30 pm in the Dome Auditorium where the Director of the Cannabis Regulatory Agency (CRA) will be in attendance to answer questions.

Commissioner Jewell asked if this meeting was for information gathering and if the Commission is convening will it need to be a public notice. Commissioner Jewell also noted the Flint Journal has a notice for the Planning Commission Meeting on the 23rd which will be discussing the Permanent Marihuana Ordinance and asked if the Commission would receive a draft with changes made. Attorney Gurley stated the August 17th meeting was purely informational and did not need to be published in the newspaper. The August 23rd meeting needs to be published because that is the Public Hearing on the Permanent Marihuana Ordinance. Attorney Gurley stated she believed a draft with some substantive changes and the renumbering could be provided before the August 23rd meeting.

Chairperson Wesley noted commissioners should come prepared with any questions to the August 17th meeting.

Commissioner Jewell noted a concern that the time from Wednesday, August 17th to Tuesday, August 23rd is only six days and this may be a challenge for Attorney Gurley to complete on time.



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT PLANNING COMMISSION

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

Ms. Wilcox stated an update was given at the previous meeting and there are two projects that went to Council. One was adopted but the water credits in the amount of \$300 was not adopted. Ms. Wilcox shared that for the Capital Improvement Plan, ROWE Professional Services was brought on to work on getting information to develop the plan. Ms. Wilcox will be researching previous plans to find the most updated version and will send emails to the various departments introducing who will be reaching out to them. Jason Ball from ROWE will be working on this.

Marihuana Application Process Flyer, Suzanne Wilcox, Director of Planning and Development

Ms. Wilcox said this will be on hold until the Permanent Marihuana Ordinance is updated and finalized. Ms. Wilcox expects this to be complete towards the end of November.

Staffing Update, Suzanne Wilcox, Director of Planning and Development

Ms. Wilcox shared there were no new updates. Ms. Wilcox is reviewing the budget to see if there is funding to hire a Planner to assist Zoning due to the increased work load with marihuana. The RFP for the Choice Project Planner and Project Coordinator is expected to be complete this week.

Planning Commission Vacancies and Expired Terms, Bill Vandercook, Zoning Coordinator

Mr. Vandercook shared that him and Max Lester have been discussing the matter with the Clerk's Office and an appointment is set for Thursday, August 11th to review vacancies, expired terms, and staggering of terms.

Educational Updates, Bill Vandercook, Zoning Coordinator

Mr. Vandercook suggested discussing industrial hemp at the special meeting and reviewing the matter after the Commission has had a chance to talk with the Director of the CRA.

Commissioner Jewell requested an information sheet on the key aspects of industrial hemp and its role with the Regulatory Agency be provided to the Commission as a basic outline.

Commissioner Ryan asked for an understanding for industrial hemp used in textiles, such as clothing and rope, and how that may apply to the Permanent Marihuana Ordinance.

Mr. Vandercook asked if it would be an appropriate time to ask about caregivers at the special meeting, Attorney Gurley said it would but to be mindful that the Director is scheduled to be available for an hour and a half, and to prioritize questions that will directly affect the Permanent Marihuana Ordinance.

Commissioner Jewell suggested whoever is chairing or moderating should structure the meeting to keep pace and ensure all points are addressed. Chairperson Wesley suggested that Attorney Gurley moderate the meeting. Commissioner Campbell added that the public is allowed to attend, and this may add further time constraints. Chairperson Wesley agreed, adding that the Commission knows what



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT PLANNING COMMISSION

information is needed and that the Commission could note questions from residents when they address the Commission and take those into account.

Commissioner Jewell stated that to his understanding the purpose of the meeting is for the Planning Commission to seek additional information and that this does not necessarily mean the public can speak, as opposed to the public hearing on August 23rd. Commissioner Campbell said that may be the case, but if the public is there, they could be allowed to write down questions rather than excluding them entirely.

RESOLUTIONS:

OLD BUSINESS:

NEW BUSINESS:

Redevelopment Ready Communities (RRC) Update, Jason Ball, ROWE professional Services

Jason Ball from ROWE Professional Services spoke about work to prepare Flint to achieve certification with the Michigan Economic Development Corporation's Redevelopment Ready Communities program. The primary barrier to achieving certification was the adoption of the new Zoning Ordinance. Mr. Ball stated that with the adoption of the Zoning Ordinance we can move forward with other items that were on hold. Mr. Ball identified two items provided to the Commission that have been started to be brought in line with program requirements. Mr. Ball said ROWE is contracted to work on this to the end of the year. He is not sure if everything will be finalized with MEDC by then but that he believes the documents will be ready before the end of the year.

Mr. Ball also stated there is work being done on a comprehensive review of all application forms related to the Zoning Ordinance. Mr. Ball stated there should be updated forms completed and ready to be put online before the October 29th date the Zoning Ordinance goes into effect.

Mr. Ball spoke on the draft Conceptual Meeting Checklist, a checklist required by the State if there is an applicant for potential development that is not yet ready for site plan review but to identify any issues that could cause delays in the future.

Ms. Wilcox asked that Mr. Ball quickly cover what Redevelopment Ready Communities are and what the benefits are of getting this certification. Mr. Ball answered that there are two main benefits. One is that if you complete all the tasks the redevelopment process should be more streamlined for applicants and City staff. The second is that for many State resources like grants and competitive dollars, certification is either a prerequisite or certification gives you additional points or elevates the application.

Commissioner Jewell asked if the Conceptual Meeting Checklist meets the needs of staff. Mr. Ball stated that they have been meeting with Suzanne and that this information is being run by staff on a biweekly basis and that this is the second version.



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT PLANNING COMMISSION

Mr. Ball redirected to the draft Training Strategy, stating that the best practices according to the State is that the Planning Commission and Zoning Board of Appeals adopt a training strategy to stay up to date on emerging trends and best practices. There are things the State requires in general, but the specifics are up to staff and Commissioners. Mr. Ball said staff came up with draft goals, but it is up to the Planning Commission to adopt goals.

Mr. Ball read through the draft Training Strategy packet.

Mr. Ball noted the Capital Improvement Plan is in progress and does not expect it to be done by September. There is also a Public Participation Plan which is a requirement that outlines a process and opportunities for the public to provide input in the planning and development process, which should be available as a draft the next time Mr. Ball appears before the commission.

Commissioner Blower asked about marijuana forms that are listed as being on the website as of July 11th, stating that she could not find these forms. Mr. Ball stated the City updated the website right after the checklist was prepared so things may have changed since then.

Commissioner Ryan asked if City Council could also receive training in planning and zoning topics as many items from the Planning Commission and Zoning Board of Appeals ends up with the City Council. Mr. Ball said many communities hold joint trainings, but that the current focus is on getting the City ready for certification and then further changes can be made by the Planning Commission.

City of Flint Website and Posting of Agendas and Applications, Commissioner Blower

Commissioner Blower noted that there are forms that are missing or not available on the website and that the agenda for tonight's meeting was not posted.

Ms. Wilcox answered that there was a website update and as a result there are missing locations and incorrect staff names. Ms. Wilcox stated she has set a meeting with the website designer to address these issues.

Commissioner Campbell referenced back to the discussion on training, stating there used to be joint training with the Zoning Board of Appeals and that it is an excellent idea to resume these joint trainings.

ADJOURNMENT:

M/S – Campbell/Ryan

Unanimously carried by voice vote.

Meeting adjourned at 7:36 PM.