



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT PLANNING COMMISSION

Meeting Minutes
June 28, 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
Max Lester, Planner I

Absent:

April Cook-Hawkins

ROLL CALL:

Chairperson Wesley called the meeting to order at 5:17 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 in-person
Commissioner Blower: appearing in-person
Commissioner Jewell: appearing in-person

Commissioner Cook-Hawkins: absent
Commissioner Sorenson: appearing in-person
Chairperson Wesley: appearing in-person

ADDITIONS/CHANGES TO THE AGENDA:

ADOPTION OF THE AGENDA:

**PC 22-10: Quality Roots is referred to as PC 22-11 in the meeting, the correct case number is PC 22-10 and will be reflected as such in the minutes*

Mr. Vandercook requested **PC 22-10: Quality Roots, Inc.**, requests a Group E Special Regulated Use Permit for an adult-use (recreational) marijuana retail facility at 3001 Robert T. Longway Blvd. (PID 41-09-151-013) be added to public hearings, stating it was supposed to be on the agenda as it was postponed on the June 14th meeting for the June 28th meeting.

Mr. Vandercook asked that the I-475 Update be added under reports.



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

M/S – Campbell/Blower
Unanimously carried by voice vote

MINUTES OF PREVIOUS MEETINGS:

Chairperson Wesley asked for any corrections for the minutes of June 7th, 2022.

Commissioner Jewell noted a misspelling in the commissioners present section, the use of corrected instead of presented on Page 1, and a clarification on Page 5 that discussion was relating to the June 28th, 2022 meeting.

Commissioner Jewell made a motion to approve the minutes of June 7th, 2022 as corrected. Commissioner Blower supported this motion.

M/S – Jewell/Blower

Roll Call:

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

6 yes – 0 no – 1 absent

The motion carried.

The minutes of June 14th are incomplete and will be available at the July 12th meeting.

PUBLIC FORUM:

Mark Morgan spoke on PC 22-9, stating that the property has been a source of shame for the community for the past 15 years. Mr. Morgan stated the fencing around the property is falling down and that he hopes the property is developed and maintains quality standards.

Judy Priestly started to speak in favor of PC 22-9. Chairperson Wesley stated that there would be an opportunity to speak on this case during the public hearing. Chairperson Wesley also noted that he should have interceded when Mr. Morgan was speaking and that he would have the opportunity to speak again during the public hearing.



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PUBLIC HEARINGS:

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

Mr. Vandercook requested this case be postponed to the July 12th meeting, stating the necessary materials were received but not in time to prepare a staff report.

Chairperson Wesley postponed **PC 22-10** to the July 12th, 2022 meeting.

PC 22-9: Jaycee, LLC/Jeff Gappy, requests a rezoning from D-3 Community Business to D-5 Metropolitan Commercial Services at 3426 Richfield Rd. Flint, MI 48506 (PID 47-33-452-052).

Mr. Vandercook corrected the location from 3402 to 3426 Richfield Rd. Mr. Vandercook read the provided staff report.

Joe DiSanto, representing Mr. Gappy, began speaking. Commissioner Jewell asked Mr. DiSanto to confirm his name and that he is representing the owner Mr. Gappy. Mr. DiSanto confirmed. Mr. DiSanto stated that Mr. Gappy has owned the property for two years and has secured the property with temporary fencing, removed graffiti, and has attempted to stabilize the property. Mr. DiSanto stated that Mr. Gappy intends to convert the building into a climate controlled self-storage location with a possibility of opening some space to retail. Mr. DiSanto said that the location would have low traffic and that Mr. Gappy would hire three people. The hours of operation were stated to typically be from 8:00 am to 10:00 pm and the location would have security cameras.

Responding to a question from Commissioner Campbell, Mr. DiSanto stated the location would be remodeled and marketed for retail, if no tenants could be found the other section would be also used for self-storage. Mr. DiSanto said the appearance is outdated but the structure is sound. There were holes in the roof that have been patched. There was a fire that did damage requiring a portion of the supermarket to be reconstructed.

Commissioner Ryan asked if the applicant had spoken to residents in the area about their opinion of the proposed development. Mr. DiSanto said they had spoken with business owners that had rented dumpsters to the applicant when cleaning up the property, as well as the owner of the nearby diner. Commissioner Ryan asked if he had spoken to any residents. Mr. DiSanto stated he had not.

Commissioner Jewell asked for Mr. Gappy to step up to the podium and stated that the decision is not based on the future development idea for the location, but about rezoning. Commissioner Jewell asked Mr. Gappy if he knew that if the rezoning were approved that it would allow for other uses under the new zoning classification. Mr. Gappy stated that he is committed to using the space for self-storage. Commissioner Jewell replied that anyone who owns the property would be able to use the property for other uses and that a statement is not binding.

Commissioner Jewell restated that the Planning Commission's intent is to look at the rezoning and



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asked if Mr. Gappy was aware of what D-5 zoning would permit. Mr. Gappy confirmed that he does. Commissioner Jewell stated that the Zoning Board of Appeals and staff has recommended denial and asked the applicant to provide some insight of counterarguments or concern regarding the recommendation. Mr. Gappy spoke on the dilapidated building, invested money in the property, and the possibility for future development in the area. Commissioner Jewell stated that while these may be admirable, the issue is about rezoning and spot zoning.

Commissioner Jewell referenced back to Mr. DiSanto's comment about spot zoning and was corrected by Mr. DiSanto, who stated that he is aware of spot zoning but was not prepared to debate the issue of spot zoning with Mr. Vandercook at this time. Mr. DiSanto stated they first tried to get a use variance which was denied, as well as suggesting they seek a conditional rezoning. Commissioner Jewell stated that a rezoning is what was before the Planning Commission and that is what will be addressed.

Commissioner Campbell asked if they would be putting the (storage units) only where the grocery store used to be. Mr. DiSanto stated they would start there and that they would like to have retail businesses at the location as well. Mr. DiSanto stated the location had been marketed for five months with no interest shown so far. Commissioner Campbell asked how much storage space could fit into the area. Mr. DiSanto answered between 13,000 and 15,000 ft². Commissioner Campbell stated that she asked how much storage would occupy the area because any space that is not occupied could be used for any of the uses allowed under D-5 districts.

Chairperson Wesley added that zoning stays with the property and asked Mr. Vandercook if conditional zoning is a part of the Ordinance. Mr. Vandercook said that he is not sure if conditional zoning is an option.

Chairperson Wesley asked for anyone speaking in support of the rezoning request.

Judy Priestly spoke in support of the rezoning request, stating that she has spoken to residents in the area who also support the rezoning. Ms. Priestly believes the property will continue to sit abandoned unless it is rezoned.

Anthony Nobel stated he understood the spot zoning concerns but they are trying to bring economic opportunity to Flint. Mr. Noble stated that he believes when one building goes up it promotes other businesses to enter.

Mr. Morgan restated his earlier comments that he hopes for investment into this property with quality workmanship.

Chairperson Wesley asked for anyone speaking in opposition to the rezoning request. No one spoke.

Chairperson Wesley commented on the future zoning for this property not aligning, believing under the current and future zoning to be spot zoning.



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Commissioner Blower agreed with Chairperson Wesley and stated that this case is not about the project but about rezoning. Commissioner Blower stated that she believed redevelopment in this area is important, but their hands are tied due to spot zoning issues.

Commissioner Ryan stated that the request does not fit the area under the current or future zoning.

Commissioner Jewell spoke well of the applicant's efforts to revitalize the area and that the current issue is not the applicant's business plans for the area, but with the rezoning not being suitable for this area.

Mr. Vandercook exited the meeting at 6:13 pm.

Commissioner Jewell made a motion to deny **PC 22-9**: Jaycee, LLC/Jeff Gappy, requests a rezoning from D-3 Community Business to D-5 Metropolitan Commercial Services at 3426 Richfield Rd. Flint, MI 48506 (PID 47-33-452-052), based on the recommendations provided by staff. Commissioner Campbell supported the motion

Commissioner Wesley's computer shut down at 6:19 pm, the meeting was recessed until he could be logged back into Zoom.

M/S – Jewell/Campbell

Roll Call:

Commissioner Ryan: yes

Commissioner Cook-Hawkins: absent

Commissioner Campbell: yes

Commissioner Sorenson: yes

Commissioner Blower: yes

Chairman Wesley: yes

Commissioner Jewell: yes

6 yes, 0 no, 1 absent

The motion carried.

PC 22-12: Nathan Bell requests a conditional use permit to operate an office at 2113 W. Court St. Flint, MI 48503 (PID 40-14-480-029).

Chairperson Wesley asked Max Lester if they had the staff report for this case. Mx. Lester said they do not have the staff report. Chairperson Wesley stated that he believed this case was meant to be postponed. Nathan Bell was not present for the meeting.

Chairperson Wesley postponed **PC 22-12** until the July 26th, 2022 meeting.



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SITE PLAN REVIEW:

CASE REVIEW:

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

A letter was passed out from Kurt Neiswender, the architect representing the applicant.

Chairperson Wesley noted errors in the letter regarding dates.

Commissioner Jewell noted that he does not have information from staff regarding this case review.

Kurt Neiswender stepped up to the podium. Chairperson Wesley asked if 2765 Flushing Rd was an apartment complex. Mr. Neiswender confirmed it is. Chairperson Wesley asked if he knew when it came before the Commission previously. Mr. Neiswender stated the site plan initially came to the Commission in January (2021) and was approved with conditions, and those conditions were submitted and met around July 28th, 2021. Mr. Neiswender stated he was seeking an extension to the site plan approval while final engineering and material allocation is still in progress before the building permit is pulled.

Commissioner Jewell stated that to his understanding Mr. Neiswender is not the applicant and the letter given to the Planning Commission is not from Communities First, the owner of the property. Commissioner Jewell noted there was a considerable amount of time for the conditions of the original presentation of the development on Flushing Rd to be met. Commissioner Jewell wondered if Communities First has too many projects and is unable to keep up with deadlines but noted no one was available at this meeting to answer.

Commissioner Jewell asked at the discretion of the Chair to postpone this until the next meeting where staff can give full information for this case.

Chairperson Wesley noted that he has seen Mr. Neiswender appear with Communities First on many occasions and that global shortages could have an impact on developments.

Commissioner Jewell reiterated that if Communities First is having issues with supplies and access, the Commission should be informed on what kind of communication has been going on with staff. There were difficulties with conditions being fulfilled. Additionally, there is another Communities First project where there were concerns with the site plans. Commissioner Jewell stated that he does not feel comfortable granting an extension with the lack of materials provided.

Mr. Neiswender asked if the Zoning Ordinance allows a project to be represented by an agent of the applicant. Chairperson Wesley responded that typically a letter is supplied that grants the agent to speak for the applicant. Chairperson Wesley stated that he has seen Mr. Neiswender with the applicant



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Glenn Wilson many times and that he is not sure what additional information could be supplied to alter a decision.

Commissioner Jewell restated that he does not doubt that Mr. Neiswender is a representative of the applicant, but that the request is from an architectural firm and not Communities First or staff.

Commissioner Ryan agreed that there is no communication from staff or Communities First and asked if this could be postponed until the Commission had enough information to make an informed decision.

Suzanne Wilcox stated that Mr. Vandercook has had several conversations with Mr. Neiswender and that she believed he was prepared to speak on this but had to leave due to unforeseen circumstances.

Commissioner Blower asked to get confirmation from staff if there has been communication from Mr. Wilson or Communities First regarding the matter and that if there are issues due to supply shortages then that would be a reasonable request for an extension.

Commissioner Wesley adjourned **SPR 21-945** to the July 12th, 2022 meeting for a staff report.

REPORTS:

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

Ms. Wilcox stated there is no new information since the presentation at the last meeting. Ms. Wilcox said the Zoning Code is anticipated to appear at the July 11th, 2022 City Council meeting for Public Hearing, but she is unsure if there is a date for the second reading.

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

Attorney Joanne Gurley stated noted the Commission made suggestions and recommendations that needed to be added to the draft Permanent Marihuana Ordinance and asked if all Commissioners had a draft copy.

Chairperson Wesley suggested going through the draft over each change that was made.

Attorney Gurley noted a change that was not suggested was a change from Michigan Marihuana Regulatory Agency to Michigan Cannabis Regulatory Agency throughout the Ordinance and that the acronym was changed from MRA to CRA.

Attorney Gurley noted a change on Page 1 where Temporary Marihuana Event would appear with the other licenses in the Ordinance.

Attorney Gurley noted a change on Page 2 where the hours for a Temporary Marihuana Event would be from 11:00 am to 9:00 pm, where originally it was 11:00 pm.



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Attorney Gurley noted a change on Page 6 where a definition for Enclosed Locked Facility struck language saying “and/or registered qualifying patient.”

Attorney Gurley noted a change on Page 7 where acronyms used in the Ordinance are added to the definitions section.

Attorney Gurley noted a change on Page 7 where Places of Worship would have the last part of the section struck, ending at “as a tax-exempt entity”, removing “as determined by the City Assessor’s Office.”

Attorney Gurley noted a change on Page 10 where Temporary Marihuana Event License had an expounded definition added.

Attorney Gurley noted an item to be changed on Page 18 where there is an error that should instead read “substance use disorder”. Attorney Gurley answered a question Chairperson Wesley had on whether this is a proper term stating that it is in the DSM V.

Attorney Gurley noted a potential change on Page 23 regarding whether recreational marihuana licenses can be given if there is an existing SRU. Attorney Gurley stated she has not yet had time to meet with Mr. Vandercook on this point and this will be brought back.

Attorney Gurley noted a change on Page 25 regarding Class A Microbusiness, the section was removed and moved closer to the microbusiness section on Page 47.

Attorney Gurley stated that was the end of the substantive changes and suggested having a deeper discussion on Temporary Event Licenses. Attorney Gurley brought up a question from a prior meeting whether an applicant could apply for a license and set up at an unrelated event such as in a mobile truck. Attorney Gurley stated that first an event organizer would need to hold a Temporary Marihuana Event license and the vendors would need to already have licenses through the state. Attorney Gurley stated there is a question if they would need to also have a license through the city which will need additional research.

Attorney Gurley stated that for a marihuana event organizer to hold an event they would need a security plan with the State of Michigan, a diagram of the location, provisions for security, and a listing for all licenses participating. Attorney Gurley noted there are different types of events that could be held including events where only sales are allowed or where different types of products could be consumed and that these would need further discussion by the Planning Commission.

Commissioner Sorenson asked if vendors would need to pay a fee to the marihuana event organizer to appear at the event. Attorney Gurley stated that it appears vendors would pay a per day fee to the State of Michigan, and that the organizer could require vendors to carry liability insurance or carry liability insurance for the entire event.



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Commissioner Sorenson raised concern that the marihuana event organizer that holds the Temporary Marihuana Event license could unfairly gatekeep vendors from participating in an event.

Commissioner Jewell responded that his understanding is that an organizer that holds a license is overseeing their event and that they could hold the decision to decide who participates in their event. Commissioner Jewell added that the vendor would then have the opportunity to join a different event that would have them.

Attorney Gurley noted that the current Ordinance prohibits designated consumption, and it would need to be examined how that impacts temporary events.

Commissioner Sorenson asked if popup marihuana events would be events in and of themselves or would they appear at events like Back to the Bricks. Commissioner Jewell noted that Attorney Gurley may not have an answer for many of these questions immediately and that a special meeting may be helpful to further discuss outstanding concerns.

Commissioner Sorenson stated that the requirements for licensing in the City of Flint would not all relate to businesses located outside the city limits who may want to participate in a temporary marihuana event within the city.

Commissioner Sorenson asked if the event organizer would need to cover all vendors under their liability insurance. Ms. Wilcox stated it was her understanding that Attorney Gurley said the organizer could require vendors to carry their own insurance or cover all vendors under their insurance.

Chairperson Wesley asked Attorney Gurley to get in contact with someone with the State regulatory agency to join in for a special meeting and to check back in with the Commission to set a date for the special meeting.

Attorney Gurley added that industrial hemp is not included in the Marihuana Ordinance and could be brought up in the special meeting as well.

Commissioner Jewell gave a reminder that there are also the issues regarding SRUs raised by Mr. Vandercook that can also be addressed in the special meeting.

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

Ms. Wilcox said there has been progress despite gaps in staffing. A former Choice Initiative staff member has been contracted to handle some administrative tasks. Ms. Wilcox stated there has been some issues regarding funding, timing, and additional costs that are being addressed. Ms. Wilcox stated that three million in additional dollars has been identified and nearly secured. Ms. Wilcox shared that work with Norstar Development is progressing as well as communications with HUD with potentially more funding from HUD. Ms. Wilcox shared cautious optimism about getting an extension and



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be able to complete the project and continue to provide the supportive projects. Ms. Wilcox stated the people side of the project is progressing very well, with the neighborhood side potentially releasing a request for proposals for a management firm to assist with the administration and implementation of the grant as the two open positions are still unfilled. Ms. Wilcox said she could provide a better timeline for the project at the next meeting.

Commissioner Jewell asked Ms. Wilcox about a meeting with the partners. Ms. Wilcox stated that there was discussion on a meeting with the Steering Committee but there are bandwidth issues that are amplified by time constraints and lack of staff. Ms. Wilcox stated that once the backlogged issues are addressed, staff could move toward a meeting with the Steering Committee and share more broadly with the public. Ms. Wilcox said this may take time, maybe towards the end of August, but it is a matter of working through backlogged issues.

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

Ms. Wilcox stated that the information that was presented at the prior meeting for the American Rescue Plan is the mostly the same. Ms. Wilcox shared that the plan was shared in summary form to the City Council and that Ernst & Young is working on notice of funding opportunities. Ms. Wilcox stated the plan was available on the City's website and encouraged everyone to review it.

Ms. Wilcox stated the Capital Improvement Plan now has ROWE Professional Services workers contracted to move the plan forward by gathering information from departments and putting the plan together. Ms. Wilcox shared there was a meeting held two weeks ago with a follow up meeting this week and information requests are going out to other departments this week. Ms. Wilcox shared there would be an update ready for the next meeting. Ms. Wilcox said there will be a full drafted plan ready for review soon and that this work ties into Redevelopment Ready Communities work as well.

Staffing Update, Suzanne Wilcox, Director of Planning and Development

Ms. Wilcox shared that there is not much of an update at this time, the last of the applicants for the Planner I position have been interviewed and one candidate has been selected and is expected to start July 11th, 2022. Ms. Wilcox shared that candidates are being considered for the other Planner I positions and for the Community Development Grant Coordinator position applicants with transferable skills are being considered. Ms. Wilcox added that there a couple of people that are being considered for internships.

Commissioner Jewell asked about the Lead Planner Roy Lash and if there was an update on when he would be making a shift to be involved with the Planning Commission. Ms. Wilcox stated Roy Lash is currently focused on Choice Neighborhoods and Neighborhood Planning while those areas are under-staffed. Ms. Wilcox shared that Mr. Lash will take a more active role in Zoning when the contractors are brought on board with the under-staffed projects, the earliest time frame being the end of August.



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

Ms. Wilcox stated that she has not heard an update on this, but she would reach out to the City Council staff. Ms. Wilcox said she had heard there was a nominee for one of the wards but has not heard any updates since then.

Chairperson Wesley and Commissioner Jewell said the two wards with vacancies are Ward 2 and Ward 9.

Commissioner Jewell also raised the point that there are four commissioners that have their expiration dates for March 2023 and that his recollection is that expiration dates for commissioners should be staggered. Commissioner Jewell recommended checking with the Clerk's Office to determine the correct expiration dates.

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

Ms. Wilcox shared that there are more changes that need to be made due to changes in the process. Ms. Wilcox said the flyer likely will not be ready for another month while processes are being determined. Ms. Wilcox stated there is an issue regarding the State that is being researched as well as an internal review process that is in discussion regarding who reviews applications and what level of application review must occur. Ms. Wilcox said to expect the flyer at end of August at the earliest and potentially in September.

Educational Updates, Bill Vandercook, Zoning Coordinator

Chairperson Wesley moved education updates to a future meeting.

Zoning Board of Appeals Meeting Update, Bill Vandercook, Zoning Coordinator

Chairperson Wesley moved the Zoning Board of Appeals update to a future meeting.

I-475 Update, Jonathon Mateen, Zoning Support Planner/Planner I

Chairperson Wesley moved the I-475 to a future meeting as Mr. Mateen is currently at the meeting gathering information.

Commissioner Jewell stated that Mr. Vandercook and Mr. Mateen had informed him that based on the outcome of the meeting Mr. Mateen is attending, a report would be prepared detailing the role the Planning Commission would or would not have depending on the choices made on the I-475 redevelopment.

RESOLUTIONS:

OLD BUSINESS:

NEW BUSINESS:



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ADJOURNMENT:

M/S – Sorenson/Blower

Unanimously carried by voice vote.

Meeting adjourned at 8:08 PM.