



**Sheldon Neeley**  
Mayor

# CITY OF FLINT

## FLINT PLANNING COMMISSION

### Draft Meeting Minutes February 22, 2022

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#### **Commissioners Present**

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

#### **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

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

Harry Ryan  
Robert Jewell  
April Cook-Hawkins

#### **ROLL CALL:**

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

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

#### Roll Call:

Commissioner Ryan: absent  
Commissioner Campbell: appearing  
remotely, City of Flint, MI  
Commissioner Blower: appearing in-person  
Commissioner Jewell: absent

Commissioner Cook-Hawkins: absent  
Commissioner Sorenson: appearing in-  
person  
Commissioner Jordan: appearing in-person  
Chairman Wesley: appearing in-person

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

William Vandercook, Zoning Coordinator, asked to add staffing updates and Zoning Board of Appeals meeting update under reports.

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

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

*M/S – Jordan/Blower*

*Unanimously carried by voice vote*

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



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The minutes of February 8<sup>th</sup>, 2022 were postponed to the March 8<sup>th</sup>, 2022 meeting.

Roll Call:

No roll call vote.

### **PUBLIC FORUM:**

No one from the public spoke.

### **PUBLIC HEARINGS:**

No public hearings.

### **SITE PLAN REVIEW:**

No site plan review.

### **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)**

Joanne Gurley, Assistant City Attorney, stated that she had an opportunity to review the agreement and a few changes need to be made. These changes are expected to be made by the end of the week, February 26<sup>th</sup>. At this point, it will be forwarded to Planning staff so that the representative from Sylvester Broome Empowerment Village can sign the document.

**SPR 21-947: SOZO Health is requesting a Site Plan Review at 1101 Robert T. Longway (PID# 41-09-251-001).**

Chairman Wesley stated that the site plans will be signed administratively. SPR 21-947 will be removed from the case review log.

**SPR 21-957: Henndogs Holdings LLC is requesting a Site Plan Review at 3756 S Dort Highway (PID# 41-20-476-048).**

Mr. Vandercook shared that he reviewed the renderings administratively with Chairman Wesley. There were three renderings provided showing all sides of the building, which was a condition of the motion for approval. Those three renderings have been approved administratively. The applicant has met all requirements.

### **REPORTS:**

*Staffing Update*

Chairman Wesley asked Suzanne Wilcox, Director of Planning and Development, for a staffing update.



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Ms. Wilcox shared that there has been little success in receiving applications for several vacant positions, which includes the Lead Planner, Urban Designer/Planner I, Zoning Support Planner, CNI Project Coordinator, CNI Planner I, and the Community and Economic Development Program Manager. The Development Tech position in the Building, Safety and Inspections has been filled. There are two applicants for the Lead Planner and CNI Planner I position. Human Resources is working towards scheduling interviews with these applicants. In order to address the difficulty with fulfilling vacancies, Human Resources is working towards completing a wage study.

Commissioner Jordan asked if there has been any thought on contracting more positions in order to provide support to staff. Ms. Wilcox stated that there are internal talks about contracting the Choice Neighborhood Initiative Coordinator position. Additionally, the contract with ROWE Professional Services is active until June and the Department is looking to extend this contract.

Ms. Wilcox shared that the Zoning Division is working to resolving a backlog of permit requests. Timelines have been identified for when applications will be presented to City Council. Most site plans that are backlogged have been reviewed and plans that require edits have been communicated to applicants. Contact is being made consistently to make sure site plans are edited and resubmitted for approval.

Ms. Wilcox stated that she is encouraging HR to revisit the wage compensation schedule. Additionally, the Planning Department offers alternative working conditions including hybrid remote scheduling and flex scheduling. A plan for employee retention continues to be developed.

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

Ms. Wilcox shared that the delay with presenting the zoning code to City Council is the requirement for the document to be formatted the way the Clerk's office requires. There is willingness from ROWE Professional Services to format the ordinance accordingly. A meeting has been held with City Clerk Inez Brown and her staff. The Clerk's office agreed to bring the ordinance forward as one code.

There are documents being sent from the Clerk's office, which have not been received yet. Ms. Wilcox will follow-up with the Clerk's office to get these documents. The clerk has agreed to not wait for the department meeting with all council members. The goal is to bring the ordinance forward at the first Council meeting in March.

### *Status of Permanent Marijuana Ordinance, JoAnne Gurley, Assistant City Attorney:*

Attorney Gurley shared that she has spoken with Planning and Zoning about the updates to the permanent marijuana ordinance. A meeting was held to review the recommended changes for the ordinance. Attorney Gurley deferred to Mr. Vandercook, as she could not attend the meeting.



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Mr. Vandercook shared that there has been an internal summary prepared and the document will be reviewed internally. Once the changes are reviewed by staff and the attorney, they can come back before the Planning Commission. The document will be ready for Attorney Gurley's review by the end of the week, February 26<sup>th</sup>. Attorney Gurley will review the LARA ordinance to ensure the changes are meeting the state ordinance.

Chairman Wesley asked not to put any undue stress on the Planning and Zoning Division and advised that no unreasonable timeframes be given. Chairman Wesley asked what timeframe Attorney Gurley has for review. Attorney Gurley stated that depending on the number of changes that need to be made, it could take a few weeks.

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

Ms. Wilcox stated that they were speaking of bringing the steering group together in order to provide an update regarding staffing. This has not happened and will likely take place mid-March.

Ms. Wilcox shared that Norstar is trying to close on financing this week. Additionally, staff is working with MSHDA to try to plug the funding gap for Norstar, as they did not receive funding in the October Low Income Housing Tax Credit (LIHTC) round. Despite the staff shortage, there is a lot of work done with the Choice Neighborhood project.

Comm. Jordan asked for feedback regarding the LIHTC funding denial. Ms. Wilcox stated that the application did not score highly enough because it did not fall into the required census tracts. MSHDA understands that this causes a problem for the City of Flint, and they are helping to find other funding opportunities.

*Educational Updates for the Planning Commission, William Vandercook, Zoning Coordinator*

Mr. Vandercook shared that due to the workload, there has not been enough time to prepare an educational update and asked to remove this agenda item. If there is something very important a commissioner would like to have presented, Mr. Vandercook asked for them to share it with him so that it can be prepared.

*Zoning Board of Appeals Meeting 2-15-2022 Update – Commissioner Blower*

Commissioner Blower shared that there was a Zoning Board of Appeals meeting last Tuesday, February 15<sup>th</sup>. Three applications were presented, one having to do with relief for a fence. The other two were non-use variances to provide relief from residential parcels and a place of worship for a pawn shop. The applicant, Julie's Pawnshop, received both variances.

Commissioner Blower shared that there was a brief discussion about her role as a Planning Commission representative to the ZBA.



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### **RESOLUTIONS:**

No resolutions.

### **OLD BUSINESS:**

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

Ms. Wilcox shared that the compliance firm Ernst & Young is in place, and they are working very hard to get the money moving. There is a team assembled at City Hall, which includes Planning & Development. The strategic plan and survey instruments used in the neighborhood planning process and economic development process were shared with this team. Ms. Wilcox highlighted priorities outlined in the Master Plan. The team is meeting biweekly and making sure to incorporate spending categories from the strategic plan outlined in the master plan.

City Council approved some expenditures from ARPA for essential pay for workers. These are the first expenses charged to the grant. The Mayor and City Council are hosting community meetings to ensure that residents have input for the funds. There have been two meetings held so far, two more are scheduled.

Ms. Wilcox will continue to provide updates as decision are made. Ernst & Young recognizes the importance of connecting the spending to existing plans.

There was no update on the capital improvement plan. Ms. Wilcox will try to prioritize this in order to ensure it is included in this upcoming budgetary year. Robert Widigan, Chief Financial Officer, will help in receiving information from departments, which has previously been a struggle.

Commissioner Jordan stated that the federal infrastructure funding bill is an important piece of ARPA and the CIP. Communities must apply to access this funding. This further reinforces the effort over the next few weeks so that the city can compete for the infrastructure money as well. Ms. Wilcox stated that she has heard this discussed, and believes that Lottie Ferguson, Chief Resiliency Officer, may be working on this.

Chairman Wesley stated that he read on the importance of the CIP in the Michigan Planner Magazine and recognized the importance of this in the City of Flint.

*Marihuana Applications Requiring City Council Approval*

Ms. Wilcox shared that this has been the bulk of the work over the past weeks. Since January, the department has been taking marihuana applications to City Council to address the deficiency of not having City Council approval of the licenses. To date they have approved all but eight licenses. There



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are eight on the agenda for Monday. Once these are approved, the department will bring resolutions in the normal course of business. Future applications will be routed accordingly. Based on the estimation of the current licenses yet to be approved by Council, there is an expectation to start getting on track bringing new licenses to Council. The anticipation is to bring the licenses two at a time starting April 26<sup>th</sup>. The belief is that we will be caught up by the first of June.

### *Commissioner Blower's Role as Planning Commission Representative*

Attorney Gurley stated she drafted a legal opinion on whether a Planning Commission member can participate and vote on cases that have been before the Planning Commission that are up before the ZBA. According to the Michigan Enabling Act, the participation of a Planning Commission member, who is a member of both bodies, is limited. The legal opinion goes on to state that the Planning Commission member who appears on the ZBA cannot vote or discuss any issues that have been before the Planning Commission that are presently before the ZBA. The case law points to this and derives its authority from the Michigan Zoning Enabling Act. This is a due process issue, where an applicant who is appealing a matter before the ZBA should not fear that their rights will be violated if a Planning Commissioner that appears on both bodies discusses that same matter.

Chairman Wesley asked what the representative's purpose is if the representative cannot bring clarity to cases that are presently before ZBA that were before the Planning Commission. Attorney Gurley stated that there are matters that go before the ZBA that have not gone before the Planning Commission. As far as state law is concerned, the due process issue trumps everything. The applicant can raise this issue if they feel their rights were violated. The staff reports provide clarification that is necessary for the ZBA.

Chairman Wesley stated that Supreme Court justices do not have to recuse themselves from deciding on cases that they may have a conflict of interest on. Attorney Gurley stated the supreme court justices have absolute immunity, which the Planning Commission and ZBA does not have. If an applicant came before the ZBA and they raise the issue pertaining to any discussion that may have transpired during their session with the Planning Commission, that involves a Planning Commission member, they are able to file suit against the City of Flint. Often, when an applicant files in circuit court, they raise every issue. Whether or not the issue is valid is for the court to decide, however, due process is a popular cause of action in ZBA cases.

Commissioner Blower stated that she has not been able to touch bases with Attorney Gurley but plans to. As Commissioner Blower raised at ZBA, she is unclear on her role if she is not there for clarity. Additionally, for cases that do go before ZBA, she is a second 4<sup>th</sup> ward representative, which is unfair to applicants.

Attorney Gurley stated they will explore what other roles she can fulfill on the ZBA as the appointed commissioner of the PC to the ZBA. Time can be scheduled to see what other information is available that will provide more clarity.



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Commissioner Jordan that April is when appointments are made, which is a good timeline to have a clear understanding of the role.

Attorney Gurley stated that there is value in Commissioner Blower's role providing updates about what the ZBA met on.

Commissioner Campbell asked if the Planning Commission denies a case, and the case is approved at ZBA, who will make the final decision as to which one is correct. Attorney Gurley stated that the ZBA has jurisdiction over four types of cases, so if the ZBA overturns a decision, the decision stands. The community has the right to petition the Council on the matter.

Ms. Wilcox stated the ZBA's role is to decide on appeals. Applicants can also choose to go to City Council for appeals, which is happening with 3801 W. Boulevard, which was denied by the Planning Commission during the December 14<sup>th</sup>, 2021, meeting. This applicant is going to City Council instead of ZBA. One reading has happened at City Council, the second reading will be heard during the first meeting in March.

Commissioner Blower asked if an applicant goes to City Council, would this be an appeal of the Planning Commission's decision or an appeal on the application. Ms. Wilcox stated that the City Council is not an appellate body like the ZBA, but has the responsibility for upholding the decision of the Planning Commission or overturning the decision of the Planning Commission.

Commissioner Campbell asked if the City Council will stand by the denials that the Planning Commission made. Ms. Wilcox stated that City Council does not have the same responsibilities as the ZBA. There is not a process in place that requires cases to return to the ZBA or PC after a City Council decision. All facts are presented to the City Council regarding applications, in this case the rezoning. The minutes, staff report, action notification, and other facts are presented. The hope is that City Council understands that the Planning Commission has made a decision based upon their understanding and laws that they follow.

Commissioner Campbell stated that this is something to think about educating the Planning Commission on.

Attorney Gurley shared that the concerns Commissioners have should be shared directly with their City Councilperson.



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### **NEW BUSINESS:**

#### *Marihuana Information*

Ms. Wilcox shared that the department would like to make the application process clearer to applicants. As such, a flyer outlining the next steps after Planning Commission approval is being created to solve this issue. The hope is for the Planning Commission to present this flyer to applicants once an application is approved. This will be presented to the Planning Commission at the next meeting. This will be another tool to use to communicate to applicants their next steps and deadlines and the consequences of not fulfilling the duties. Commissioner Campbell supported this endeavor.

### **ADJOURNMENT:**

*M/S – Ryan/Sorenson*

*Unanimously carried by voice vote.*

Meeting adjourned at 6:24 PM.