

FLINT PLANNING COMMISSION
Meeting Minutes
January 14, 2020

Commissioners Present

Bob Wesley, Chair
Elizabeth Jordan, Vice-Chair
Carol-Anne Blower, Secretary
Harry Ryan
Robert Jewell

Absent

Leora Campbell

Staff Present

Suzanne Wilcox, Director-Department of
Planning and Development
Adam Moore, Lead Planner
Bill Vandercook, Planner I
Eriksson Eriksson, Assistant City Attorney

ROLL CALL:

Bob Wesley, Chair called the meeting to order at 6:11 p.m. Roll was taken, and a quorum was present. The meeting was held in the Committee-of-the-Whole Room, 3rd floor of the City Hall.

ADDITIONS/CHANGES TO THE AGENDA:

SPR 19-926 was moved to after Public Hearing PC19-353

Add under Reports, Zoning Code and Capital Improvement Plan

Add under New Business go over the Administrative procedures for Marihuana cases to streamline process

Correct spelling of 310 South Averill to 310 South Averill under PC 19-355

ADOPTION OF THE AGENDA:

M/S – Jewell/Blower

Motion to adopt the meeting agenda with revisions.

Unanimously carried.

MINUTES:

The Commission examined the minutes of 12-10-19.

M/S – Jewell/Jordan

Motion to approve the minutes of December 10, as corrected.

Unanimously carried.

PUBLIC FORUM:

Benjamin Horner – handed out a memo he created regarding the new marihuana ordinance for Commissioners consideration.

CASE REVIEW:

There were no Case Reviews.

PUBLIC HEARING:

PC 19-353: Dr. Jawad Shah for IINN Inc., request a Group E Special Regulated Use Permit for a medical marihuana provisioning center at 4500 South Saginaw St. (PID 41-30-206-075 and 41-30-206-076).

Commissioner Wesley asked if the applicant was present. Adam Moore, Lead Planner confirmed an affidavit was provided to allow Atif Bawahab to speak on behalf of Dr. Shah.

Commissioner Wesley asked Mr. Bawahab to explain their request.

Mr. Bawahab said they are seeking permit for their dispensary and provisioning center. Mr. Bawahab said they had previously met with the Commission and received approval for their cultivation and processing and their plan is to co-locate the licenses under the medical research exemption. They have a thriving medical practice in Flint, MI. Several of the patients they treat suffer from symptoms (epilepsy, seizures, brain injuries and pain) better treated through medical cannabis. Their plan is to operate purely for medical and clinical purposes. Mr. Bawahab introduced his team Marvin Karana Attorney, Adam Robert Property Manager and Kurt Neiswender Architect. Mr. Bawahab said he would like to defer to his team as needed to provide feedback and information on areas the Commission seeks further clarification.

Commissioner Jewell asked Mr. Bawahab if he would clarify the difference between his last presentation to the Commission and what was approved and focus of this application.

Mr. Bawahab explained the previous application was for cultivation and processing. Which he said was the growing of the flower and processing into different extract forms (oils, pills). The current application is purely for provisioning which would be the actual dispensary.

Commissioner Jewell wanted to clarify for the record a location variance was not necessary due the business being medical research.

Commissioner Jewell wanted to clarify for the record that a local park (Windiate) was over 500' from the business. Commissioners' conferred and determined the park was within 500' but due to the medical exemption was exempt from the zoning requirement. Mr. Moore clarified there are residential properties within 300' and a park within 500', but Flint's ordinance exempts them because they fall into our medical category.

Commissioner Jewell asked Mr. Bawahab to give them an update of security plan for the facility.

Mr. Bawahab deferred to Attorney Karana and Mr. Roberts. Mr. Karana said their security plan is still the same and was done by a specialized security group. Mr. Karana explained cameras and requirements had to be approved by the State before we could be licensed. Mr. Karana noted they plan on having a security guard on-site and extra cameras. Mr. Karana noted drops of cash received by employees will be transported to banking facility by armored vehicle, with no cash stored on-site. Mr. Roberts stated they currently have about 2 cameras set up with every entrance and exit of the facility covered. Mr. Roberts said cameras are also set up which enable them to see activity within the parking lot and around the building. Mr. Roberts noted they have a 24-hour security that maintains the building after hours.

Commissioner Wesley, asked if there are any other question from the Commission to the applicant.

Commissioner Wesley asked if there was anyone who wanted to speak in favor of PC 19-353.
No one spoke in favor.

Commissioner Wesley asked if there was anyone who wanted to speak in opposition of PC 19-353.
No one spoke in opposition.

Commissioner Wesley asked what is the desire of the Commission.

Commissioner Jewell asked staff if there had been any other communications e-mails, phone calls or walk-ins regarding the application. Mr. Moore stated there were no other communications received regarding the application.

M/S – Jordan/Ryan

Motion to approve PC 19-353: Dr. Jawad Shah for IINN Inc., request a Group E Special Regulated Use Permit for a medical marijuana provisioning center at 4500 South Saginaw St. (PID 41-30-206-075 and 41-30-206-076).

Unanimously carried.

Site Plan Review

SPR 19-926 Provisioning Center
Applicant: Dr. Jawad Shah
Location: 4500 South Saginaw St.
(PID#41-30-206-075 and 41-30-206-076)

Commissioner Wesley asked if the applicant was present.

Kurt Neiswender Architect, presented the site plan on behalf of the applicant. Mr. Neiswender explained to the Commission how this was the third component of the colocation which was separated from the previous July application for grow and processing. Mr. Neiswender explained how he had isolated just the provisioning portion of the project plan. He noted comments from staff have been covered as noted in the clouded bubbles on the plan. This included men's and women's barrier free bathrooms with a common corridor. Mr. Neiswender said the retail component required 19 parking spaces which are shown on the plans. Mr. Neiswender noted the parking lot lighting, trash areas, loading and existing spaces within the building are intonated on the plan. Mr. Neiswender said the suite is 2792 sq. ft., which is being utilized for provisioning. Then said the plans include security camera layout.

Commissioner Wesley asked if there were any questions from the Commission to the applicant.

Commissioner Jewell for clarification discussed the security plan. Commissioner Jewell asked the applicant to discuss the plan. Mr. Neiswender and Mr. Roberts discussed the interior and exterior security plan with Commissioners. Commissioner Blower asked the applicant if there was a room for security purposes where monitors will be located. Mr. Neiswender said the monitoring equipment would be located in the IT room shown on the plan. Commissioner Blower asked for clarification if the room would be secured. The applicant acknowledged it would be secured. Commissioner Blower noted in the past they had requested secured room be labeled on plans.

Commissioner Blower asked the applicant to walk them through the plans as a patient, and note if there was anything from an operational point of view you would add to the architects walk through. Mr. Karana

explained when customers walk into the facility secure room they will be required to provide a card to make purchases. If they don't provide a card, they will politely be asked to leave, or escorted by security out of the facility.

Commissioner Wesley asked if there were any other questions from the Commissioners to the applicant.

Commissioner Jewell reinforced the IT closet should be labeled a security closet as pointed out by Commissioner Blower.

Commissioner Wesley asked what is the desire of the commission.

M/S – Jordan/Jewell

Motion to approve SPR 19-926 for Provisioning Center located at 500 South Saginaw St., condition upon administrative review for labeling the IT/Security room.

Unanimously carried.

Commissioners postponed Commission meeting for Commissioner Wesley to make an emergency phone call.

Commissioner Wesley returned and the meeting resumed.

PC 19-354: Bruce Leach request a Group E Special Regulated Use Permit for an adult use (recreational) marijuana retail facility at 400 S Dort Hwy. (PID# 41-09-434-003).

Commissioner Wesley asked if the applicant was present. Bruce Leach Attorney and owner acknowledged he was.

Commissioner Wesley Asked Mr. Leach to discuss his operation.

Mr. Leach said they had been licensed with the State of Michigan and the City of Flint since 2018. He was here today to add the adult use capability to their existing provisioning center. Mr. Leach said the business has not been issued any violations to date from the City or State. Mr. Leach noted the only difference between the two businesses is the tax rates charged at registers for medical and recreational sales. Mr. Leach explained this was the only change whatsoever between their operations and their plans. Mr. Leach said everything has been approved at the State and all they were waiting on is the city attestation form. Mr. Leach said the signed form was needed to complete their State approval process. Mr. Leach said to enable and allow existing businesses especially grandfathered locations further services the need of the people and residence of Flint. Mr. Leach explained up to this point the ownership and site plan have been approved.

Commissioner Wesley asked if there were any questions from the Commissioners.

Commissioner Jewell asked staff to look at page two of the application request to confirm they were using the correct form. Mr. Moore and Mr. Eriksson confirmed it was the correct application. Mr. Moore said the temporary ordinance we are operating under applies medical to recreational so we are currently using the same forms.

Commissioner Jewell asked the Commission and staff to consider the staff review regarding location variance. Commissioner Jewell read a portion of the report concerning staff seeking guidance about the location variance. Reed Eriksson, Assistance City Attorney, responded to give clarification and said the City's position is that the State of Michigan views the provisioning center license and retail license as related licenses and evaluates them in the same manner. Mr. Eriksson said the City does not feel there is a need for a variance for recreational because of the State's approach to the issue.

Commissioner Wesley asked if it was necessary for the matter to go through the Zoning Board of Appeals or does the Planning Commission handle the matter. Mr. Eriksson responded we do not need a variance process. The City is not taking the position a medical marijuana facility needs a variance to operate the same operation for recreational license. Commissioner Jewell said it would be different if it was not a medical marijuana facility. Mr. Moore said for additional clarification if this were a group F use where the applicant was growing or processing or a group G use where he was not doing sales and the State did not consider this a similar use, a location variance would be required. Commissioner Jewell wanted to make sure Commissioners clearly understood why there was not a need for a location variance due to underlying conditions.

Commissioner Jewell addressed page six on the application and asked Mr. Moore to clarify. Mr. Moore said the applicant has provided additional required information which he brought to the meeting for Commissioners review. Commissioner Wesley reviewed the items and asked Commissioners to review for completeness.

Commissioner Jordan asked the applicant to clarify the different entities and what the role of Flow Provisioning is. Mr. Leach said this information was put into the application inadvertently and not met for this application it was an error.

Commissioners asked Mr. Moore to clarify un-checked items on the form. Mr. Moore said the items not checked were correct.

Commissioner Jewell asked the applicant if he would give a security plan up-date. Mr. Leach said they have had no security issues, and their facility is covered inside and out with security camera coverage. Mr. Leach said the State of Michigan inspected the building and required about seven more security cameras be installed.

Commissioner Jordan asked Mr. Leach to explain how his current business plan was modified or updated to include recreation. Mr. Leach said the focus was on patient care. Then said people who use recreationally use for self-harm. Mr. Leach explained the only operational difference is the tax base. Mr. Leach said none of their operational or marketing plans will change.

Commissioner Ryan asked if it's possible for an individual to have two licenses. Mr. Eriksson said yes and noted City ordinance has never taken an issue with consumption and possession because State law is very clear on the limits.

Commissioner Wesley, any other questions from the Commission to the applicant.

Commissioner Wesley asked if there was anyone from the public who wishes to speak in favor of the application. None

Commissioner Wesley asked if here was anyone wishing to oppose. None

Commissioner Wesley asked what is the desire of the Commission.

Commissioner Jewell asked staff if there had been any other communications emails, phone calls or walk-ins regarding the application. Mr. Moore responded there has been none.

M/S – Blower/Jewell

Motion to approve PC 19-354: Bruce Leach request a Group E Special Regulated Use Permit for an adult use (recreational) marihuana retail facility at 400 S Dort Hwy. (PID# 41-09-434-003).

Unanimously carried

Commissioner Wesley asked if there was any discussion from Commissioners

Commissioner Jewell asked if it was acceptable for staff to provide copies of items discussed not found in their packages. Commissioners agreed staff should provide copies at the next meeting.

Commissioner Jewell said this was an information request and not as a condition of approval.

Commissioner Jewell requested PC 19-354 be added to the Feb 11, PC meeting agenda under Case Review (copies of appropriate documents).

Commissioner Blower asked if the license was in effect now. Mr. Moore said the applicants medical license is currently up to date and have grounds for us to issue a City license and to sign the form as necessary to get their State license. Mr. Moore noted after they have their State license they can operate.

Commissioner Blower asked what the timeline would be for them to go through the process. Mr. Eriksson responded probably less than 30 days. Commissioner Blower asked if required inspections were current. Mr. Moore said yes. Commissioner Blower asked Mr. Moore if after issuing tonight's approval of motion could the applicant take it to the State to complete the process. Mr. Moore said yes.

Mr. Moore explained the process was triggered by the applicant coming to the City and requesting a State form be signed. Mr. Moore said first we want to make sure your medical license is straight before moving forward. Mr. Moore said there was a review of their application to ensure it was complete and all conditions were met. Mr. Moore explained he had discussed with the Legal Department and the City Administration regarding location variance and how we handle the application. Mr. Moore said we are all aware we are currently operating under a temporary ordinance which tries to fit the recreational into the medical ordinance.

Commissioner Blower asked for clarification, so we are not waiting on the permanent ordinance before they move on to the State for licensing. Mr. Moore said we approved them under the current temporary aka emergency ordinance. Commissioner Blower asked if that was ok to move forward to the State. Mr. Moore confirmed.

Commissioner Jewell noted staff should be clear and sensitive about the media and if information is given in err it should be corrected with the media.

PC 19-355 MPM-R Flint LLC – Joseph Jarvis for MPM-R Flint LLC, request a Group E Special Regulated Use Permit for an adult use (recreational) retail facility at 310 South Averill Ave. (PID # 41-09-451-013).

Commissioner Wesley asked if the applicant is present and asked the applicant to tell them about Common Citizen.

Joseph Jarvis the applicant and Mala Wald, manager presented. Mr. Jarvis noted they are a licensed medical provisioning center and have been in operation for 10 months. Mr. Jarvis said they would be using different tracking systems for medical and recreational, which the State requires. Mr. Jarvis said they are in good standing with the State and have been through multiple inspections. Mr. Jarvis explained people come to their business for pain treatment and different ailments or maybe want a wellness component to relax. Mr. Jarvis said this drives what we do with our store layout, hiring and training programs. Mr. Jarvis said the store was recently recognized by the International Council of Shopping Centers, the voice of retail real-estate. Mr. Jarvis noted there is no change in the way they are operating. Mr. Jarvis said they are set up to operate in the adult market and it's what they've designed for.

Commissioner Wesley asked if there were any questions from the Commissioners to the applicant.

Commissioner Jewell asked staff to clarify item number 22 on the application checklist regarding hazardous material and the statement: No hazardous material will be on-site. Mr. Moore said the applicant provided the missing information but it was not available for the meeting. Commissioner Jewell said we all recognize the issue was addressed back in May and said his concern was something may have changed since that time.

Commissioner Jewell noted on page 6 under applicant confirmation the box was not checked. Commissioners, staff and legal confirmed the application was a medical form being used for recreational because there was not a form currently available for recreational. Mr. Moore said he was in the process of creating a new form for Commissioner review.

Commissioner Jordan noted there was no signature on the application. Mr. Moore provided the original application which the Commissioners allowed the applicant to sign. Mr. Jarvis said he was completely prequalified at the State for adult use and when the Commission signs their assentation they can move to step two and get their State adult license.

Commissioner Jewell requested Mr. Jarvis walk Commission through their security plan. Mr. Jarvis said they have about 50 cameras installed throughout the facility. Mr. Jarvis noted they have full coverage of entrance and exit doors, parking inside and out with 24-hour surveillance. Mr. Jarvis said they have security presence on-site. Then explained everything is access controlled and how customers use ID card to enter and be escorted into a sale floor. Mr. Jarvis said they are part of the C.A.T.T. EYE program.

Commissioner Jewell asked Mr. Jarvis from initial approval to present have there been any significant enhancements of security. Mr. Jarvis said they added additional cameras. Ms. Wald said when they had LARA inspect they wanted to ensure every area of the facility could be seen. Mr. Jarvis said they added additional cameras to the safe vaults for clearer vision of the area as requested by the State.

Commissioner Blower asked Mr. Jarvis if their hours of operation would be changing. Mr. Jarvis said they will stay the same (9am-7pm) and Ms. Wald said by law they must close by seven. Mr. Jarvis said they don't anticipate any changes. Commissioner Blower expressed her appreciation for the phenomenal work done on facility and said it has changed the whole corridor.

Commissioner Wesley asked the Commissioner if they had any other questions for the applicant. None.

Commissioner Wesley asked if there was anyone wishing to oppose **PC 19-355** MPM-R Flint LLC – Joseph Jarvis for MPM-R Flint LLC, request a Group E Special Regulated Use Permit for an adult use (recreational) retail facility at 310 South Averill Ave. (PID # 41-09-451-013). No one opposed.

Commissioner Wesley asked if anyone wished to speak in favor of **PC 19-355** MPM-R Flint LLC – Joseph Jarvis for MPM-R Flint LLC, request a Group E Special Regulated Use Permit for an adult use (recreational) retail facility at 310 South Averill Ave. (PID # 41-09-451-013).

Derick Bow spoke in favor

Brad Jacobs spoke in favor

Commissioner Jewell asked staff if there was any other communication e-mails phone calls or walk-ins. Mr. Moore responded there has been none.

Commissioner Wesley asked what is the desire of the Commission.

Commissioner Blower asked staff about missing documents. Mr. Moore responded we were missing a signature which is now complete and a Hazardous Waste Plan. Mr. Moore confirmed the document was submitted but was not reviewed. Commissioners and staff discussed and determined it was in the original application submitted. Mr. Jarvis located the plan for Commissioners review and read a portion of the document. Commissioners agreed the plan provided at the meeting met the requirements. Mr. Eriksson said the plan was sufficient.

M/S – Blower/Ryan

Motion to approve **PC 19-355** MPM-R Flint LLC – Joseph Jarvis for MPM-R Flint LLC, request a Group E Special Regulated Use Permit for an adult use (recreational) retail facility at 310 South Averill Ave. (PID # 41-09-451-013).

Unanimously carried

Commissioner Wesley asked if there was any discussion

Commissioner Jewell asked if we could put the case on the next meeting agenda under Case Review and provide Commissioners with applicant signature page of document and Hazardous Waste Plan. Mr. Moore said the documents would be provided.

Reports

SPR-19-924: 2101 S. Dort Hwy. Mr. Moore said the corrections of mislabeled cover sheet on site plan and no consumption of use sign were corrected. Mr. Moore said the conditions were complete and approved administratively.

PC 19-350: Mr. Moore said the condition of applicant providing a legal operating agreement was met and approved administratively.

PC 19-925: Mr. Moore said the condition of labeling of security closet and un-blockage of camera view have been met and administratively approved.

Reed Eriksson, Assistant City Attorney, updated the Commissioners on the status of the Recreation Medical Marihuana Ordinance. Mr. Eriksson said he discussed with Administration and staff to prevent the back-up of applications possibly by creating an administrative process. The process could be offset by some means of neighbors having a function with the Commission through Public Hearings. Mr. Eriksson noted under the current ordinance the City has a license revocation process.

Mr. Moore explained how the two previous cases for recreational marihuana could have been administratively approved which would have lessened the backlog of applications. Mr. Moore explained there are twenty applications waiting for review by Commission and noted this does not include grow or processing. Mr. Moore noted they have had a significant number of inquiries about micro businesses which would be a new business type allowed in the permanent ordinance.

Commissioner Jordan asked Mr. Eriksson about streamlining process, was the process specifically for those who already have the medical permit and are seeking to add recreational. Mr. Eriksson responded yes. Commissioner Jordan asked so the twenty additional that haven't been heard yet under medical would have to come before the Planning Commissions. Mr. Moore explained new licensees require a Public Hearing.

Commissioner Blower asked how do we deal with the issue flow of traffic and details of businesses. Commissioner Blower explained smaller facilities may have parking restrictions. Mr. Moore said complaints could be brought before the body as previously discussed though the new ordinance. Mr. Eriksson said the only way this administrative review process works with City Administration is if we have a sufficient avenue for the residents who are effected by the business to voice their concerns at a public meeting.

Commissioner Jewell noted there are differences between medical and recreational business which the Commission addressed that staff overlooked like signatures or hazardous waste plans. One of the upsides of the Commission doing reviews is: 1) we act as a check and balance 2) it enhances for the public this wasn't something just done by staff or administration, but reviewed by public body 3) it adds for the city and the staff that the body asked about concerns and are comfortable with the request.

Commissioner Jewell discussed new facilities of retail and said if they are administratively reviewed you have supplanted the role of the Planning Commission and replaced the issue of support of a public body reviewing materials which may lead to a false perception we are handing out licenses.

Commissioner Ryan asked if future meetings should be held at 5:30 due to the amount of cases and would meetings be congested for the next couple of months. Mr. Moore said the next meeting was set aside for discussion of the draft marihuana ordinance, but future meeting would be full.

Commissioner Wesley asked Mr. Eriksson if he had any more items to bring before the Commission. Mr. Eriksson said he will be updating the ordinance with current standards for new license types as well as for designated consumption establishments. Mr. Eriksson noted using City zoning code for bars is a starting point and they have some good language from the State rules. Mr. Eriksson said State rules for Micro businesses will be incorporated.

Commissioner Wesley asked staff to update them on the new zoning code and capital improvement plans. Suzanne Wilcox, Director-Department of Planning and Development, updated the Commission. Ms. Wilcox explained that the zoning code is really dependent upon adoption of recreational marihuana ordinance. Ms. Wilcox said the band-width issue is real and staff who are working on the zoning code are the same ones working on the recreational marihuana ordinance. Once the marihuana ordinance is brought forward to City Council and in place the next step staff will undertake is the zoning code. Ms. Wilcox said she has discussed with administration and they want to see it moved forward, but do understand staffing issues.

Ms. Wilcox address the capital improvement plan and explained she had discussed with administration. Ms. Wilcox said she would be assisting administration with a budget and capital improvement plans with staff support.

Resolutions

None

Old Business

None

NEW BUSINESS:

Administrative procedures for marihuana cases.

Mr. Moore explained there is a backlog of applications for provisioning centers which have not gone through our internal site plan review process. Mr. Moore said if we wait for site plan review and approval we may increase our back log. Mr. Moore asked the Commission if it would be appropriate to bring applications for permits to the board without having site plans for review, and noted many of the applicants do not have site plans ready for review.

Mr. Eriksson said the application requires a public meeting and once they have their plans ready we could add them to a Commission meeting without giving public notice. Commissioner Jordan noted it has been our custom to have an applicant bring both before the board but it is not a regulation.

Mr. Moore said there are concerns about paper work provided commissioners and asked if it's appropriate to have executive summaries for provisioning centers or retail to cut down on materials provided. Mr. Eriksson said it was appropriate to have the amount of materials for grow and processor, but due to changes in rubric scoring now he would feel comfortable having provisioning centers provide executive summaries. Commissioner Jewell was in agreement. Commissioner Jewell suggested a check list for the executive summary be completed we had discussed prior and staff bring

the original application to Commission meetings. Mr. Moore discussed how he was currently revising the checklist for different business types. Commissioners expressed their desire to assist staff in streamlining the processes.

ADJOURNMENT:

M/S – Jewell/Ryan

Unanimously carried.

Meeting adjourned at 8:45 pm.