

FLINT PLANNING COMMISSION
Meeting Minutes
January 28, 2020

Commissioners Present

Bob Wesley, Chair
Elizabeth Jordan, Vice-Chair
Harry Ryan
Robert Jewell
Leora Campbell

Absent

Carol-Anne Blower, Secretary

Staff Present

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

ROLL CALL:

Bob Wesley, Chair called the meeting to order at 6:14 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:

Correct agenda mislabeling

Status of draft zoning ordinance follow-up and status of CIP

Add under Reports: Public Notices published in M-live - PC 20- 358 / PC 20-359 / PC 20-360

Add under Reports: Notice in Flint Journal of Michigan Department of Licensing (MMRA) Public Hearing to be held on February 12, 2020

Add Prior to Public Hearing (H.) consider receipt of last-minute updated ordinance Commissioners received.

Add under Old Business clarification of meeting time

ADOPTION OF THE AGENDA:

M/S – Jewell/Campbell

Motion to adopt the meeting agenda with revisions.

Unanimously carried.

MINUTES:

The Commission examined the minutes of 1-14-20.

M/S – Jewell/Jordan

Motion to approve the minutes of January 14, as corrected.

Motion Carried, Commissioner Campbell abstained.

PUBLIC FORUM:

No one spoke

Site Plan Reviews:

None

CASE REVIEW:

PC 19-354: Bruce Leach 400 S. Dort Hwy. Adam Moore Lead Planner provided a copy of Mr. Leach's signed application and affidavit Commissioners requested for review at the January 28, meeting. Commissioner Jewell said he appreciated staff following up with the documents.

Commissioners and staff discussed missing documents. Commissioner Jewell expressed his concern that documents were not provided ahead of the meeting. Commissioner Jewell was concerned over the lack of time for Commissioners to review the documents. After discussion, it was agreed that staff should include Case Review documents (copies) in packages Commissioners receive prior to meetings.

PC 19-355: Joseph Jarvis – Common Citizen 310 S Averill Ave. Mr. Moore provided the Commissioners with requested copy of Joseph Jarvis's signed application, which was not provided to Commissioners at the January 14, meeting. Commissioner Wesley said the document was satisfactory.

Commissioner Wesley asked Commissioner Jewell to discuss his concerns regarding the ordinance amendments that were received at the meeting. Commissioner Jewell noted Commissioners had received in their information packets for tonight's meeting, two documents Titled Chapter 50 Zoning. Commissioner Jewell explained how he had taken some time to review and consider the information that was provided prior to the meeting, however, was concerned by amendments to the ordinance that were received at the meeting.

Commissioner Jewell said upon his arrival tonight he was informed by staff there were updates which he had not been provided time to read. Commissioner Jewell stated that he felt it was inappropriate for the staff to provide information at the meeting, without notice of revisions.

Commissioner Jewell asked Commissioner Wesley if he had been informed of the updated ordinance. Commissioner Wesley stated he was not made aware of any changes to the information provided in the packets. Commissioner Jewell wanted to reiterate he had not reviewed pages 44-49 and therefore was not prepared to address these pages.

Mr. Eriksson said he apologized for the walk-on amendments to the ordinance. Mr. Eriksson said he has a brief presentation on the updates on the entirety of the ordinance and a very detailed explanation of the addition of Subsection U (pages 44 – 49). Mr. Eriksson said if the Commission preferred, he would present before the Public Hearing.

Commissioner Wesley asked what is the desire of the Commission. Commissioner Wesley asked Mr. Eriksson to present the ordinance so the Commissioners could raise their concerns during the Public Hearing. Commissioner Jewell said he was comfortable with the Chair deciding to allow Staff to present.

PUBLIC HEARING:

PC 20-357: Public Hearing to consider amendments to the zoning code to allow recreational marihuana licensing. The two sections in the Zoning Code that will be amended are:

- Chapter 50, Zoning; Article XXXII, Medical Marihuana Facilities Opt In Ordinance, §50-183

- Chapter 50, Zoning; Article XXIX, Special Regulated Uses, Medical Marihuana Facilities, §50-161 - §50-169

Commissioner Wesley gave the floor to Mr. Eriksson, who provided a presentation of all amendments before the Commission. Commissioner Ryan asked Mr. Eriksson if he could explain what business licenses were moved into Special Regulated Use Group E. Mr. Eriksson explained that information was in the presentation. Mr. Eriksson explained that the one of the most substantial changes to the Medical Marihuana Opt In Ordinance was removing the terms referring to only medical marihuana, as the City's proposed ordinance would cover both medical and recreational marihuana. Mr. Eriksson explained that the definitions for Growing Centers and Processing Centers refer to either medical or recreational marihuana facilities, which the State treats as similar uses. Mr. Erickson explained that the standards for Growing Centers and Processing Centers were not changing in the amended ordinance.

Mr. Eriksson said Retailer or Retail Facility was added to the definitions, which is the recreational equivalent of a Provisioning Center. Retail Facilities were added as a Group E use, subject to the same minimum operating standards currently in place for Provisioning Centers. The ordinance moves Safety Compliance into Special Regulated Use Group F along with Grow Centers and Processing Centers. The ordinance amendments move Secure Transport Facilities into Group E, which will allow for applications in D-5 zones and above. These business licenses were moved from Group F.

Mr. Eriksson explained that Group G is now available for the new marihuana types specific to recreational, which are Microbusinesses. The City's amended ordinance takes the same approach as the State, which requires applicants to comply with all the requirements applicable to a grower, processor, provisioning center or retailer at the site. All three use types are allowed in a Microbusiness. Microbusiness allows businesses to grow and process and sell from up to 150 plants.

Mr. Eriksson noted that Special Regulated Use Group G -- Micro Businesses -- may be "clustered", as the four or more within the 2,000 feet rule will not apply. Specifically, the "cluster" location restriction will not apply because the City believes there may be interest in a Microbusiness incubators. Microbusinesses are meant by the State to be very accessible business-type and Licensees without business experience could benefit from an incubator. The City is proposing Microbusinesses be allowed in zones D-3 and above, subject to the same distance requirements as Provisioning Centers.

Mr. Eriksson said they had also added Excess Grower as a type of grow license. Mr. Eriksson explained that the State of Michigan identifies Excess Grower as a separate license-type. Mr. Erickson further explained that the City ordinance already allows Class C Grow licenses to be stacked and an Excess Grower is a stacked Class C Grow license.

Mr. Eriksson explained changes or additions to the definition section of the ordinance. Mr. Eriksson directed Commissioners to page four of the amended ordinance and explained that "school" refers to a school that is either open or being used as a school or a school that is under construction to be opened at a future date. Mr. Moore clarified that an issuance of a building permit defined "under construction".

Mr. Erickson said another additional definition is "neighborhood", which is defined as an organized neighborhood association or by residents within 1,000 feet from a location, whichever is greater. Mr. Eriksson said it was important to have this as a specified definition, because of other amendments to the ordinance.

Mr. Eriksson explained how the amended ordinance would provide for improved procedures. These improved procedures were meant to improve on issues identified through the experience of implementing the Medical Opt In Ordinance over the years. Mr. Erickson explained one of the issues identified was the inability under the old ordinance for a business to move or change locations. Mr. Eriksson pointed out the subsection on Page 43 of the ordinance that allows businesses to move licenses with review before the Commission.

Mr. Eriksson then explained the proposed Limited Administrative Approval, and directed the Commissioners to pages 18-19. As described by Mr. Eriksson, Limited Administrative Approval would allow applicants, who already hold a medical Special Regulated Use, to seek a related recreational marijuana license on the same site without a Public Hearing before the Planning Commission. Administrative approval would only be allowed, if there are no modification to previously approved site plans or floor plans and the applicant meets all the existing distance requirements. Mr. Eriksson stated a grandfathered medical Provisioning Center that meets all the location requirements, could add a related recreational license without a Public Hearing before the Planning Commission. Mr. Eriksson explained that “similar” is defined by the State of Michigan as Provisioning Center to Retail, Grow to Grow, Processing to Processing. Such similar applications could be approved administratively, which Mr. Eriksson suggested, will make the process more business-friendly and alleviate the back-up of Public Hearings to be seen before the Planning Commission. Mr. Eriksson acknowledged concerns the Public Hearings serve a purpose to alert the City and the Planning Commission to issues brought by the public and absent an invitation by a Public Hearing concerns may or may not be raised.

Mr. Eriksson stated the amended ordinance is explicit on page 42 Subsection R 4, regarding lawful non-conforming locations, which do not meet the distance or zoning requirements, but are lawfully operating anyway are not entitled to administrative approval. Mr. Eriksson explained that legal non-conforming businesses medical Provisioning Centers could receive a recreational license with a Public Hearing to get an additional license.

Mr. Eriksson discussed a new procedure under Subsection Q for Resident Initiated Hearings and directed Commissioners to page 39 of the amended ordinance. Mr. Erickson, noted the new procedure allows for residents in the effected neighborhood -- where they live, work, or regularly visit -- to make complaints to the Zoning Coordinator about an offending site for any reason. Under this new process the City’s Zoning Coordinator would then set up a Case Review before the Planning Commission, which the complainant may attend and the responding licensee is required to attend. The Commission would then have a Case Review regarding the issues where residents and/or any other members of the public can make their case before the Commission. Resident Initiated Review, Mr. Eriksson expressed, adds a formal process for the licensee to hear the complaint and address them.

Mr. Eriksson stated if the issue that triggered the complaint is not corrected in a sufficient amount of time, and if city staff can substantiate a violation of City code, the complaint would move into the formal process of license suspension and revocation as existing in the ordinance. Mr. Eriksson said this gives residents a voice that includes the Planning Commission. Mr. Moore said the intention of the process is to provide a solution to complaints, though if they continue and are verified, the City can enter into a process of a formal Public Hearing and potential removal of license. Mr. Erickson concurred.

Mr. Eriksson said the amended ordinance also explicitly states minimum square footage for these uses must be in a single building or accumulatively in a collection of buildings. The amended ordinance also removes the portions relating to the application scoring, the application window, the rubric, and the license cap, Mr. Eriksson explained.

Mr. Eriksson stated the City would not, in this amendment to the ordinances, opt in to Designated Consumption Establishments. Mr. Eriksson explained to the Commissioners that there are only three communities listed on the LARA page which have opted for that license-type. Mr. Eriksson further stated that Designated Consumption Establishments are too new and present too many unknowns for the City to recommend those business license types. Mr. Eriksson said whether the City or Planning Commission address Designated Consumption Establishments in the future would be based on how those business play out in other communities. Mr. Eriksson said the State of Michigan's permanent rules for recreational marijuana are still being drafted and that the City would be following any developments. Mr. Moore noted that Designated Consumption Establishments are also known as Social Clubs or Marijuana Bars. Mr. Eriksson said the technical term is Designated Consumption Establishment.

Mr. Eriksson discussed the new Subsection U beginning on page 44, entitled Community Benefit Locational Exemptions. Mr. Eriksson said this is entirely new and meant to give some flexibility to applicants for locations, while making sure the interest of the residents and community are counter balanced.

Mr. Eriksson said the first is the Social Equity Program Exemption found in Section 1. Mr. Eriksson noted Flint is identified by the State of Michigan as one of 17 communities eligible for the State's Social Equity Program, which is meant to assist communities disproportionately affected by the prohibition of marijuana. Mr. Eriksson said applicants who apply for a Group G Special Regulated Uses - Microbusiness or who apply for a Group F Special Regulated Use strictly for a Class A Grow Facility may be eligible for an exemption from the 300 feet from residential district requirement without the need for a location variance, provide they meet the following criteria: 1) The applicant either as an individual or corporate entity and partners be residents of Flint. 2) The applicant individually or its members receive State approval for the Social Equity program. Mr. Eriksson continued by stating that the application in question for the City's Social Equity Exemption must be for a parcel zoned D-3 or D-4 for a Microbusiness or zoned E for a Class A Grow Facility. The applicant must be able to demonstrate their proposed facility will demonstratively be an asset to the neighborhood and will have minimal negative effects on the neighborhood. Mr. Eriksson explained negative impacts can include vehicle impacts, noise orders, emanating lights or excessive numbers of persons gathering around establishment. The application for the Social Equity Program, will remain subject to other locational criteria: schools, parks, and churches, Mr. Eriksson stated. The amended ordinance also allows for an applicant may also seek an alternative variance if they do not want to go through the exemption process.

Mr. Eriksson discussed Subsection 2: Blight Elimination Plan Exemption, which is not restricted to Flint residents and not restricted to Special Regulated Use Types E, F and G. Blight Elimination Plans would allow applicants to apply for a parcel within 300 feet of a residentially zoned property without a location variance. Mr. Eriksson explained the criteria that Blight Elimination Plan Exemption must meet, which are: 1) The applicant must meet with the City Blight Elimination Division to discuss blight issues within the neighborhood of the parcel subject to the application. 2) The applicant must meet with members of the neighborhood, including (if one exists) the neighborhood association to

discuss blight issues and the applicant's business plan. 3) The applicant must have a plan to elevate blight issues within 300 ft. of the SRU and greater neighborhood. Mr. Eriksson explained that the plan must be presented at a Planning Commission Public Hearing and must include a capital investment to address structural blight, within one year of business operation, and non-structural blight for the first five years of business operation. The Blight Elimination Plan must be approved by the Planning Commission and subsequently put into effect as the applicant operates with licenses in the future. Failure for the applicant to meet the requirements of the Plan, may result in non-renewal or license revocation. Mr. Eriksson noted Blight Elimination Plans were a voluntary process where the applicant could seek an alternative location variance.

Mr. Eriksson discussed Subsection 3 of section U, the Park Beautification Plan Exemption. Applicants who apply for Special Regulated Uses in groups E, F or G may apply for a Park Beautification Plan Exemption if they are within 500 feet of a park without a location variance. Mr. Eriksson explained that applicants must meet the following criteria: 1) Meet with City of Flint Planning and Zoning Division to discuss potential park improvements for the Park necessitating the exemption, 2) The applicant must meet with members of the surrounding neighborhood and associations to discuss potential park improvements for the park, 3) Applicants must meet with Adopt a Park group associated with the park (in the event one exists) to discuss the applicant's business plan as well, 4) Applicants must present a plan to beautify the park necessitating the exemption to the Planning Commission at a Public Hearing. 5) The plan must include a capital investment plan to improve recreational amenities in the park in the applicants first year of business and capital investment plan to support the park maintenance within the first five years of application of business operation. Mr. Eriksson stated that a Park Beautification Plan must be approved by the Planning Commission, be put into effect and continue while the business is in operation, and if the applicant fails to uphold their commitment it may be grounds for non-renewal of license or subject to revocation of license.

Mr. Eriksson added that Subsection 3 of the amended ordinance states that a licensee who wants to sell medical and adult use marihuana must maintain both license types and that these two license types were separate.

Commissioner Wesley asked if there were any questions from Commission to Mr. Eriksson.

Commissioner Jordan inquired about the proposed Resident Initiated Review process found on page 38 regarding residents who live, works or play in an area, and why the amended ordinance does not state "any person". Mr. Eriksson explained it was an attempt to prevent gamesmanship between vendors, who might issue complaints against each other. Mr. Eriksson continued to explain that the City wanted to try to make the ordinance as broad as possible in the ordinance to allow for those who would not be receiving Public Notices about a potential marihuana business to issue complaints.

Commissioner Jordan asked if the intention of the ordinance to focus on the people who might get a Public Notice but also to implicitly discourage nuisance complaints from business competitors. Mr. Eriksson stated Commissioner Jordan was correct.

Commissioner Jordan asked if there is any standing that a complaint would have to demonstrate, or would the standing be assumed. Mr. Eriksson said he didn't see City Staff doing a lengthy investigation process on the veracity of the complainant. Mr. Eriksson stated the reference to residents who live, work, or frequent the neighborhood in question was meant to be a check in case of abuse.

Commissioner Campbell asked Commissioner Wesley who currently held the position of Zoning Coordinator. Suzanne Wilcox responded at this point our Zoning Coordinator position is vacant. The position is posted and they have gone through an interview process. Ms. Wilcox explained that there were no qualified candidates found and the position was posted again. Ms. Wilcox stated that currently Adam Moore, the City's Lead Planner is fulfilling the role.

Commissioner Campbell stated that the Planning Commission discussed during the Master Planning process the Zoning Coordinator position, and that the Commission felt it's very important to make sure there that position is filled. Ms. Wilcox said she agreed, and explained the position was extremely important to Planning and Development. Ms. Wilcox said they are working with HR to fill the position with a qualified person.

Commissioner Jewell discussed the importance of the coordinator position. Commissioner Jewell pointed out that with Mr. Moore being currently designated the Zoning Coordinator and with Ms. Wilcox as designated head of Department, responsibilities need to be clear to insure work is being done. Commissioner Jewell commended Mr. Eriksson on the work done on the ordinance.

Commissioner Jewell wanted to thank those who worked on the draft marihuana ordinance. Commissioner Jewell had a concern about Limited Administrative Review on pages 17 and 18. Commissioner Jewell stated that the Commission discussed at the last meeting and expressed concerns about eliminating the Planning Commissions from the review and about public perception. The Public Hearing of Special Regulated Use allows the individuals an opportunity to express concerns, Commissioner Jewell stated. Commissioner Jewell continued by stating that a Public Hearing also provides opportunity for Commissioners to hear a case from all sides and make decisions accordingly.

Commissioner Jewell noted another concern about removing the Public Hearings was due to the lack of opportunity for property owners within 300 feet of applicant to express their concerns. Commissioner Jewell wanted the following points added to the record: 1) there will not be a Public Hearing for SRU 2) public perception could be 'how did that happen when I thought you had to get a SRU?' 3) larger perception issues as to why one group is being favored vs another group. Commissioner Jewell said applicants still must fill out completed paperwork. Commissioner Jewell stated that in the last two months there have been applications before the Planning Commission in which administratively, managerially, and staff wise the applications had gaps in them. Commissioner Jewell said staff did not fulfill their role and responsibility, but Commissioners acted as a check and balance which is their responsibility. Commissioner Jewell asked if there is potential for gaps without a public review process.

Commissioner Jewell asked if page 39 – Resident Initiated Hearings - could be a check and balance for Limited Administrative Review. Mr. Eriksson said that is the intention of staff in creating the ordinance. Commissioner Jewell said that Resident Initiated Hearings still does not address all the concerns he raised, but standing on its own the Resident Initiated Hearings are a good addition to the ordinance. Commissioner Jewell continued by stating that Resident Initiated Hearings allow us as a community to create an opportunity for residents within the immediate community to initiate a process and bring it back before the Planning Commission.

Mr. Eriksson responded by stating that only Public Hearing that the process would forgo, in attempt at slight efficiency, is one for an applicant who have already received their SRU and that meets the Location Restrictions. In that case, Mr. Eriksson continued, it would only be business parcels

receiving notices. Mr. Eriksson explained its only parcels where residents wouldn't be receiving notices where they are eligible to receive approval. Mr. Eriksson said he understood and appreciated concerns about staff review, but wanted to be clear some, if not a majority, of the issues pertained to documents being on file but not before the body for public hearing, but did not know if this gets into the realm of application materials being wholly missed. Mr. Eriksson felt its staff's intention in the long run to make the application process go smoother and potentially have less mandatory Public Hearings where it could be argued they are redundant. Mr. Eriksson said the Limited Administrative Approval not to undermine the purpose of a public hearing, but if you have only neighbors who are non-residential it seems an unnecessary bureaucratic step. Mr. Eriksson also stated that Staff intended to create that offset or balance with an immediate venue for a hearing with anyone with issues.

Commissioner Jewell said he appreciated Mr. Eriksson's statement, but still has other concerns about the internal administrative review, and public perception. Commissioner Jewell said he didn't want people getting the perception that the City was handing out licenses. Mr. Erickson said the difference is one is an existing marijuana business already we are just adding the same use but recreational, so Group E to Group E and Group F to Group F. The other is a wholly new business where we want the public to be on notice in a formal hearing. Commissioner Jewell said he wanted to be able to tell the public these issues were raised and discussed.

Commissioner Jewell asked, for administrative review, to what extent Staff would add "in consultation with the Chair of the Planning Commission or designee". Commissioner Jewell said his suggested language addresses concerns about public perception, public input, and public consideration, and addresses the issue of checks and balances.

Commissioners discussed ordinance changes with Staff regarding grandfathered businesses and proposed exemptions. Commissioner Jewell said the intent is for an exemption, but the applicant has requirements to meet before the exemption is granted. Mr. Erickson said the intention is to give an alternative to a variance, which is to have them take action to address and supplement any of the potential negatives their proximity to neighborhood or park. Mr. Eriksson said they would need a plan approved by the Planning Commission.

Commissioner Jewell asked Mr. Eriksson how does the City or the Commission make sure the requirements of the exemptions are enforceable? Mr. Erickson said there is built-in involvement with the neighborhood association and with residents immediately adjacent to these areas. Commissioner Jewell said resident-initiated hearings were important.

Mr. Moore explained there has been a lot of time taken listening to concerns of Council, Administration, potential applicants, current businesses, and many others. Mr. Moore said there were two concerns which needed to be addressed. The first is we have a geographical segregation of where business could locate. The east and south side of the city have many opportunities within the current ordinance. Mr. Moore stated without exemptions or reduction of location restrictions you have zero possibility of businesses in the first and second wards and one in the sixth ward. Considering group G licenses without exemption or variance you have zero potential for Microbusinesses in the first and second wards and two potential in the sixth ward. Mr. Moore addressed historic zoning which he said was part of the issue and another part is commercial parcels which exist in the wards adjoin residential property. Without removing location restrictions, the potential for business in these areas is restricted. Mr. Moore said that Social Equity was a guiding principle of the Imagine Flint Master Plan and therefore the City and Planning Commission should find a method to allow other parts of the City

ways to be involved in this investment, if they choose. Mr. Moore said we should find a way to get individuals into the marihuana business for social equity.

Commissioner Ryan asked if a school closed, would it still be considered zoned as a school. Mr. Moore said it must be an active school or a school under construction.

Commissioner Jordan noted under the Social Equity Program Exemption there is clear criteria which applicants would have to satisfy as to not having negative secondary effects on a neighborhood, but with the Park and Blight Exemptions these seemed to be missing. Mr. Erickson said the Commission would be able to address these issues through a Public Hearing and that applicants plans must demonstrate they are going to be good neighbors.

Commissioner Campbell asked what if there is not a neighborhood association. Mr. Erickson said neighborhood is defined as within 1,000 feet of a property. Mr. Erickson noted the applicant would have to show the Commission their outreach efforts. Mr. Erickson said he wanted to be explicit the applicant is still required to have a Public Hearing and the Commission could determine if their plan is insufficient.

Commissioner Jordan asked to what degree have the idea been vetted with park adopter groups who would be involved in the implementation. Mr. Moore said the Commission was the first to have the ordinance presented. Mr. Erickson said we have had discussions to involve groups. Mr. Moore said they have discussed having broader communications with the public and groups.

Commissioner Ryan wanted to know if the medical and recreational marihuana business must be separated. Mr. Erickson said they are subject to the State and City laws and the City does not have this built into the ordinance.

Commissioner Jewell noted as mentioned by Commissioner Jordan the partners and others are not aware of the proposed changes. Commissioners Jewell said we need to address the issues, so people feel there is inclusion and involvement. Mr. Erickson said this is the first of a minimum of four public meetings and hearings before being enacted.

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

Commissioner Wesley asked if anyone from the public wished to speak about:

PC 20-357: Public Hearing to consider amendments to the zoning code to allow recreational marihuana licensing on the two sections outlined within tonight's Agenda.

Chris Delmorone discussed his concern about parking and additional traffic due to a broader base of customers from recreational businesses. Mr. Delmorone addresses his concern about those previously licensed for medical were under a cap, but now the cap is eliminated. Mr. Delmorone said it seems unfair for those wanting a recreational license to be put on a waiting list behind those previously licensed for medical.

Councilman Mays said he was concerned about the emergency ordinance expiring and the need for another emergency ordinance. Councilman Mays was concerned about mailing of Public Notices to residence within 300 ft and not Churches within 500 ft. Councilman Mays stated Churches needed to

be notified. Councilman Mays said this is a good opportunity to bring in zoning votes if in fact zoning is addressed as it relates to grow and processing and overall plan. Councilman Mays said he would try to legislate when it comes to Microbusinesses social equity as a form of in-kind contribution. Councilman Mays said he was addressing social equity as it relates to blight and parks and in-kind contributions.

Mary Schaap addressed the Commission and said they have been waiting to see if the Commission was going to approve Microbusinesses. Mary said Microbusinesses would allow them to compete in the market and be able to grow a limited amount of product. Mary said the only way people can compete and there can be social equity, is if people can open Microbusinesses. Mary said she knows people are nervous with designated smoking establishments, but there are too many illegal social clubs throughout Flint. Mary said she can't compete with social clubs, which are membership based and selling products. Mary explained designated smoking establishments must be licensed through the State and would bring more business into Flint.

Victor Korea said he is in the medical marijuana business and felt recreational Microbusiness would benefit him.

Commissioner Wesley asked if anyone else wishing to address the Commission. None

Commissioner Wesley stated the Public Hearing is now closed.

Commissioner Wesley asked what is the desire of the commission.

Commissioner Jewell asked if there had been any other commentary from emails, phone calls or letters. Mr. Moore said we have received no additional comments for the Public Hearing.

Commissioners addressed next steps. Commissioner Jordan said they have a lot of information to digest. Commissioner Jordan said one of the things they have typically done when looking at significantly different ordinance is considering community outreach and involvement. Commissioner Jordan said it sounds like there has been a lot of involvement from stakeholders who have an interest in this process. Commissioner Jordan said Staff has eluded to input received from parties interested in Microbusinesses and from established business. Commissioner Jordan noted the exemption for residential and parks standards was a significant part of what was originally developed within the original ordinance based on concerns heard. Commissioner Joran said she was hesitant to institute all potential exemptions without having gone through a process of engagement with neighbors and park groups that have a significant stake in the process. Commissioner Jordan asked is it as important for us to reach out to these groups just as intentional as we have reached out to business groups.

Commissioner Wesley said that those groups to conduct outreach with would be neighborhoods and neighborhood associations. Commissioner Jordan said in the past we have done zoning workshops which have been intentional to connecting with Flint united and constituent groups. Commissioner Ryan said it was his understanding the public was free to come to Public Hearings and there was going to be four more public meetings. Commissioners and Staff conferred there would be three more public meetings.

Mr. Moore stated the ordinance has not been presented to any outside business or individuals. This was the first time the draft ordinance has been presented. Mr. Eriksson said this Public Hearing has come up at the preceding council meeting where this Public Hearing was addressed.

Commissioner Wesley asked what are the time constraints with the emergency ordinance. Mr. Eriksson replied the emergency ordinance expires at the end of February, and with the Planning Commission's recommendation, the City is on track to have the permanent ordinance adopted by that time without adjournments.

Commissioner Wesley asked the Commission, if they felt they should go forward to Council or take more time as a Commission to review documents. Mr. Moore said we value community involvement and having community led plans and noted in the lead up to Opt Out with Exception the City did community outreach prior to City Council meetings. Mr. Moore noted there is a Flint Neighborhoods United meeting coming up on Saturday and we can hold workshops prior to City Council. Mr. Moore said they would be very interested assisting with meetings and preparing informational flyers for dissemination. Mr. Moore said this would enable individuals to be aware of what is going on and give opportunity to speak formally or informally. Mr. Eriksson said Councilman Mays had to leave but wanted to make the Commission aware that he would be happy to have council chambers set aside for a pre-legislative community input meeting.

Commissioner Jewell said he was under a false assumption at the last meeting Commissioner would be discussing issues which needed to be addressed in the ordinance. He was not aware they would be addressing the actual ordinance this evening until he arrived. Commissioner Jewell said he was concerned that the Planning Commission and the City still need to have additional input. Commissioner Jewell said he had some concern about limited administrative review found on page 18, which would eliminate the Planning Commission from the process. Commissioner Jewell said he felt there were two items on the table being 1) additional public input concerning the exemptions 2) and the role of the Planning Commission in item number 8.

Commissioner Wesley said the Planning Commission needs to address some of these issues. Then asked what about a Special Meeting to address concerns. Commissioners discussed items and decided it would be prudent to prepare a fact sheet to distribute at upcoming meetings, so others had knowledge of what was being considered. Mr. Moore said their intention was to do outreach so people could respond.

Commissioners discussed continuing the Public Hearing at a Special Meeting on February 4th. Mr. Eriksson said the bylaws state a Special Meeting can be held within 24-hour notice. Then said we do not have enough time to give notice for a Public Hearing, but we could still take public comments at a Special Meeting.

Commissioners Wesley said to Commissioner Jordan's point if we are going to have a Special Meeting, we need to make it productive. We should have an outline noting what the special exemptions are.

Mr. Eriksson asked if it was the intention of this body that the Public hearing was closed and adjourned this meeting with continuation of a Special Meeting in a week's time. Commissions conferred. Ms. Wilcox said we will do public outreach at the Public Forum to encourage participation and we would prepare an Agenda with the Planning Commissions input. Mr. Moore suggested putting three items on

the Agenda 1) Limited Administrative Review 2) Public Benefit Exemptions 3) Resident Initiated Hearing process.

Commissioners and staff discussed preparing a fact sheet for community dissemination.

Commissioners discussed what time they should meet at future Planning Commission meetings and determined they will be at 5:30 pm.

Commissioner Wesley recognized Council Mays. Councilman Mays said a new Commissioner (April Cook-Hawkins) was approved by the Council. Mr. Moore said he had discussed this with Mr. Eriksson and the new Commissioner still needs to be sworn in by the City Clerk.

Commissioner Wesley asked for a formal motion for PC 20-357. Commissioner Jewell made a motion to postpone to a Special Meeting Tuesday February 4, 2020 at 5:30 to continue deliberation of the Public Hearing to focus on 1) Limited Administrative Review 2) Exemptions A, B and C. 3) and Resident Initiated Hearings process and other related items.

Commissioners discussed the Feb 4th agenda and topics.

M/S – Jewell/Jordan

Motion to approve.

Unanimously carried

Reports

Draft Ordinance and Capital Improvement Plan

Ms. Wilcox said there were no new updates.

Commissioner Jewell brought to Commissions attention of Public Notice published with duplicate listings (PC 20-358, PC 20-358, and PC 20-360). Commissioner Jewell asked staff to clarify the repeated case numbers. Mr. Moore said the City received an application for a Location Variance for a medical marihuana Provisioning Center. The variance was submitted from the cluster rule of 2,000 feet. Mr. Moore said this application for the Location Variance was supposed to be PC 20-358 and their application for medical marihuana provisioning center was supposed to be PC 20-359. Mr. Moore also discussed PC 20-360, which is a rezoning.

Commissioner Jewell discussed the State holding a Public Hearing on February 12, regarding Marihuana Permanent Rules.

Resolutions

None

Old Business

Commissioners agreed regular meetings will now be held at 5:30.

NEW BUSINESS:

None

ADJOURNMENT:

M/S – Jewell/Campbell

Unanimously carried.

Meeting adjourned at 9:06pm.