

FLINT PLANNING COMMISSION
Meeting Minutes
October 27, 2020

Commissioners Present

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

Absent:

April Cook Hawkins
Leora Campbell
Lynn Sorenson

Staff Present

Suzanne Wilcox, Director – Department of
Planning and Development
Bill Vandercook, Planner I
Keizzy Anpalagan, GIS Technician
Kelly Thompson, Assistant City Attorney
Corey Christensen, Zoning Consultant (ROWE)

ROLL CALL:

Chairperson Wesley called the meeting to order at 5:36 p.m. Roll was taken and a quorum was present.

The meeting was via Zoom and phone conferencing as approved.

ADDITIONS/CHANGES TO THE AGENDA:

Adopted as amended: Old Business: PC Planning commission orientation packet status: I-474
Planning: New Business Island street vacation

Moved case reviews PC 20-381, PC 20-385, PC 20-386, and PC 20-387 under public hearings.

Commissioner Jewell made a motion to adopt the agenda as noted with revisions.

Moved PC 20-386

ADOPTION OF THE AGENDA:

M/S – Jewell/Ryan

Unanimously carried by voice vote

MINUTES OF PREVIOUS MEETING:

Commissioner Jewell made a motion to approve the minutes *from Sept. 22, 2020, as corrected.*

M/S –Jewell/Ryan

The motion carried

PUBLIC FORUM:

None

SITE PLAN REVIEWS:

Commissioner Jewell discussed an email sent out by staff asking Commissioner to review a site plan included in their packets and provide feedback regarding questions and concerns before the meeting. Commissioner Jewell said he understood the applicant was working on a timeline but was concerned about the appropriateness of Commissioner passing on questions or concerns before the public meeting.

Commissioner Wesley said Commissions may be setting a precedent in doing this. Then he asked if any of the Commissioners had responded to the email sent out by staff. Commissioner Jordan noted she did respond and understood there is a standing practice that staff follows up with applicants before meetings with the site plan and checklist items. Then noted some text of her email included “site plan review checklist includes information marked in the no column when the district dimensional requirements shown for setbacks isn't met. I'm guessing staff has already raised those questions with the applicant as part of the usual process?”

Corey Christensen said as long as we are not meeting with more than a quorum it's not a violation of the Open Meetings Act. So it is a common practice for Commissioner members to raise issues with staff regarding applicants on a one on one basis before meeting so we can resolve issues before we get to the public meeting. Mr. Christensen said regarding exparte contact it deals with communication with the applicant. Commissioner Blower agreed with Mr. Christensen and Commissioner Jordan. Commissioner Wesley said we can communicate with staff but not the applicant.

Mrs. Thompson said Mr. Christen had explained it properly as long as Commissioner responds only to the planning staff as opposed to resending an email replying to all its not considered communication of the Commission. Ms. Thompson noted as long as the communication is one on one through planning staff it is appropriate. Commissioner Wesley asked if this satisfied his question. Commissioner Jewell said yes.

SPR 20-936: Goyette requesting a Site Plan Review at 3842 Gorey Ave. (41-09-427-023).

Before the presentation, Mrs. Thompson received a notification from the City of Flint's Chief Legal Officer, Angela Wheeler regarding a notice that had to be read according to the Open Meetings Act. Mrs. Thompson read the amendment to the Open Meetings Act which required each commissioner' to state “ he or she is attending the meeting remotely and identify their physical location.

Commission Wesley noted Oct. 27, 2020, Planning Commission meeting was via Zoom Meetings

Roll Call:

Commissioner Ryan: appearing remotely, City of Flint, Genesee County, MI
Commissioner Campbell: absent
Commissioner Blower: appearing remotely, City of Flint, Genesee County, MI
Commissioner Jewell: appearing remotely, City of Flint, Genesee County, MI
Commissioner Cook Hawkins; Absent
Commissioner Sorenson; absent
Commissioner Jordan: appearing remotely, City of Flint, Genesee County, MI

Commissioner Wesley: appearing remotely, City of Flint, Genesee County, MI
Chairman Wesley noted the amendment to the Open Meeting Act would be read at future meetings prior to roll call.

Leif Johnson, General Manager Service Department Goyette Mechanical presented the site plan. Mr. Johnson said they would be adding a two-story 7400 square foot addition to the existing building.

Mr. Christenson addressed the Commission regarding the err made regarding the setback on the site plan checklist and said it was an err on the part of staff, not the applicant, which Commissioner Jordan brought to our attention. Then noted the applicant was not in violation of the 20-foot setback rule but did not show a chart on the site plan which shows what the actual zoning is for the district and actual setbacks required and provided for the district.

Commissioner Jewell asked about the dumpster located on-site. Jeff VanCamp of Creekwood Architecture said there is an existing dumpster shown on the plan.

Commissioner Blower made a motion to approve Goyette requests for Site Plan Review at 3842 Gorey Ave. (41-09-427-023) with administration follow-up on the setback chart on the site plan and confirmation of the existing dumpster.

M/S –Blower/Jewell
The motion is unanimously carried.

CASE REVIEW:

Suzanne Wilcox notified the Commission that the City Council approved the vacation of Island Street between North Grand Traverse and Kearsley Street at their October 21, 2020 meeting. Ms. Wilcox said the City said the Council passed a resolution to retain an easement down Island Street to access a sewer line in perpetuity.

PUBLIC HEARINGS:

PC 20-381: Application for Flint Planning Commission to Vacate a Public Alleyway of 1415 – 1419 N. Dort Highway, Flint, MI. (Parcels: 41-08-239-008, 41-08-239-009, 41-08-239-001, 41-08-239-002).

Attorney Robert Rollinger presented the application on behalf of A and S Associates, LLC. Mr. Rollinger noted he had appeared at the September 22, Planning Commission meeting at which time the Planning Commission moved the meeting for further deliberation. This was due to 1) the Commission requesting the application be amended to include the vacation of the alleyway to its terminus at Missouri Avenue. 2) The Commission also requested we send a letter to Mr. William Kitsonas at 2614 Swayze Street Flint MI. Mr. Rollinger said the letter sent was received on October 9th, but he had not gotten a response from Mr. Kitsonas. Commission Wesley asked if staff had received any correspondence from Mr. Kitsonas. Mr. Vandercook said no. Commission Wesley asked if staff sent out a notification to the adjoining residence. Mr. Vandercook responded yes.

Commissioner Jordan moved Commission recommend to City Council the approval of vacation of the Alleyway that includes the entire 15-foot Alleyway along with the street address of 14 15 to 1419 North Dort Hwy including the portion of the highway from their towards its terminus at Missouri Street.

M/S –Jordan/Blower
The motion is unanimously carried.

PC 20-385: 976 Wood St., LLC request to Street Vacation.

Commissioner Wesley noted the case was postponed at the request of the applicant.

PC 20-386: Genesee Health System (Karry Steele) request street vacation of 1415 Beach St. between 9th and 10th street.

Ms. Steele introduced herself, Director of Business Operations, and the project members including Doug Scott, Rowe Professional Services Co., and Jeff Mason, HED

Ms. Steele said Genesee Health Systems is looking to build a 60,000 square building at the south corner of Saginaw and 9th street between 9th and 12th streets. Ms. Steele said Genesee Health, formerly known as Genesee Community Health has been in the community since 1967. They care for infants to older adults with complex mental health issues. They are looking to build the new facility is primarily due to the water crisis and children and families affected by the water crisis. Ms. Steele said the reason they need a new building is that they are currently operating out of three buildings and want to consolidate services.

Jeff Mason, HED said hopefully the building will become a cornerstone building to enhance further development in this area. The building meets height requirements being under 35 feet.

Commissioner Wesley discussed the location of the building lying between 9th and 10th street.

Commission Jordan asked what the impact will be on traffic flow. Doug Scott said Beach street between 9th and 10th street will be closed and Beach street between 10th and 12th will become two-way traffic. North of 9th street up to is currently one way and four lanes which would go down to two lanes possibly to Court or 5th street. Mr. Scott said MDOT is currently working to put 9th street on a road diet which would take that down to two lanes one way. Mr. Scott said they have been discussing these items with Mak Adas City Engineer.

Commissioner Jordan discussed the communication from City staff (Engineer, Traffic, and Fire) and said there doesn't appear to be a written agreement regarding these issues. Mr. Scott said Mr. Adas stipulated for him to agree to the street vacation 1) the neighborhood needed to be notified Mr. Scott explained the had completed this task 2) beach street from 12th street would become two way 3) Beach street from 9th north to Fifth street or Court would need to be converted to two way. Commissioner Jordan noted Mr. Ada's letter includes covering project cost.

Commissioner Jewell noted the Fire Marshall and traffic engineering raise some concerns about the street vacation. Commissioner Jewell noted Mr. Adas's comments regarding utilities that need to be addressed. Commissioner Jewell said there are a variety of issues that need to be addressed before it appropriate to decide to vacate Beach street. Commissioner Jewell read a portion of Mr. Adas's letter regarding the street vacation which stated " The City of Flint utility water main sanitary and storm sewers will need to be addressed for the Beach street and Simpson Court before the street vacation is approved completely.

Commissioner Wesley said we have nothing to go on except what traffic Engineering and the City Engineer have said about the street vacation.

Ms. Wilcox discussed the meetings that were held with Genesee Health Systems and contractors with Mark Adas who did communicate his concerns which were shared with the commission. Then said the City is in strong support of the project. Ms. Wilcox said she appreciated Commissioner Jordan's recommendation of a memorandum and/or agreement that may be executed by the City and Genesee Health Systems which addressed the concerns associated with the project. Ms. Wilcox asked if executing an agreement between Genesee Health Systems and the City of Flint could be a way to move forward with the project.

Commissioner Ryan stated he would like to see a signed document from the Fire Department and City Traffic engineer approving the project. Commissioner Blower said she relies on the City Engineer and City Departments and need to see the conditions discussed are met before moving forward with a motion. Commissioner Jordan concurred and said it would be important to work out a written agreement covering the concerns of different city departments.

Mr. Mason said Genesee Health Systems would like to move forward with an agreement and we are willing to work with the City to make this happen. Mark Adas provided a narrative and we can work with this to create an agreement.

Mark Adas joined the meeting. Commissioner Wesley asked Mr. Adas if he would like to address his concerns regarding Beach street vacation between 9th and 10th. Mr. Adas said 1) he requested Genesee Health Systems contact everyone in the neighborhood 2) make Beach Street from 10th to 12th two way 3) make Beach Street from 9th to 5th Street two way 4) relocate or eliminate utilities.

Commissioner Wesley asked if anyone from the public who wished to speak in favor of the vacation of Beach Street

Khalfani Stephens, Economic Development Director spoke in favor of the street vacation on behalf of the administration.

Ms. Wilcox spoke in favor of the project and said this would benefit the Saginaw corridor.

Dexter Clark of Genesee Health Systems spoke in favor of the street vacation.

William Winiarski, Chairman Greater Flint Mental Health Facilities Inc. Mr. Winiarski said they will be the owner of the building. Mr. Winiarski said they are willing to work on the items of concern and work out an agreement as this is a very important project to GHS and the community. Mr. Winiarski said they are willing to pay for all costs associated with addressing the items of concern discussed as a project expense.

Commissioner Wesley asked if anyone from the public who wished to speak in opposition to the vacation of Beach Street.

Commissioner Jordan asked Mr. Winiarski if all costs include all factors identified by the City including everything related to traffic flow changes, the fire hydrant relocation, cost of relocation any utilities, and any other cost listed by the City Engineer of fire Department. Mr. Winiarski said yes. Commissioner Jordan asked Mr. Winiarski if he was authorized to make those commitments on behalf of the applicant. Mr. Winiarski said yes as the Chairman of The Greater Flint Mental Health Facilities Inc., future owner of the building. Commissioner Jordan noted the Genesee Health system was the applicant. Mr. Winiarski said they will be leasing the building.

Commissioner Wesley asked the Commission if they would be will to hold a Special Planning Commission meeting to give the applicant and City time to draft an agreement for review by the Commission.

Ms. Wilcox said she would work with staff from the City Law Department Administration and Genesee Health systems to create a memorandum and/or agreement that represents all of the Cities' interest.

Commissioners agreed to hold a special meeting on November 4th at 5:30 PM regarding Genesee Health System's request to vacate Beach Street.

Commissioner Jewell made a motion to postpone the present public hearing of PC 20-386 Genesee Health Systems request of a street vacation of 1415 Beach Street between 9th and 10th street to a Special meeting for Wednesday 4, 2020 at 5:30 pm to continue the review of the application with the requested information as discussed.

M/S –Jewell/Ryan

The motion is unanimously carried.

PC 20-387 Genesee Health System (Karry Steele) request Street Vacation of 1410 Simpson Court between 9th and 10th street.

Commissioner Jewell made a motion to postpone PC 20-387 Genesee Health System request of street vacation of 1410 Simpson Court between 9th and 10th street to a Special meeting established on Wednesday, November 4th, 2020 with the understanding the Commission would not be completing the public hearing we would be conducting it in whole.

Commissioner Wesley asked Genesee Health Systems if this was agreeable to them. Kerry Steel said yes.

Commissioner discussed the postponement of the Public hearing for PC 20-387 to the Special meeting afterwards Commissioners Jewell withdrew his motion to postpone PC 20-387 and Commissioner Jordan withdrew her support as Commissioner. Mrs. Thompson agreed the Public portion of the case should be heard at this meeting, not at a Special Meeting.

PC 20-387 Genesee Health Systems (Kerry Steele) request street vacation of 1410 Simpson Court between 9th and 10th street.

Commissioner Wesley asked Ms. Steele if there were any other comments that you would like to make regarding your request other than those made on PC 20-386. Mr. Mason replied we have no additional comment at this time.

Commissioner Ryan had no other comments at this time. Commissioner Jewell had no other comments at this time. Commissioner Blower had no additional comments at this time. Commissioner Jordan had no additional comments at this time. Commissioner Wesley had no additional comments at this time.

Commissioner Wesley asked if anyone from the public wanted to speak in favor of PC 20-387.

Commissioner Wesley noted anyone who spoke in favor of PC 20-386 did not have to speak again.

Commissioner Jewell made a motion to postpone PC 20-387 to the Special meeting on November 4, 2020, at 5:30 pm. to continue the discussion and review the proposed application and requested information as discussed.

M/S –Jewell/Ryan

The motion is unanimously carried.

REPORTS:

Status of Permanent Marihuana Ordinance:

Mrs. Thompson said the emergency marihuana ordinance was extended for the sixth time by City Council. We have arrangements to move the proposed ordinance forward. Ms. Thompson wanted to inform the Commission that the fifth marihuana ordinance expired last Thursday because by the time it was called there wasn't a quorum present to adopt. City Council voted to extend on Monday 26, 2020. Ms. Thompson wanted to make the Commissioner aware this left three days without an ordinance in place, but we had received no marihuana applications submitted during this time. Ms. Thompson said she would be working with City Council to have the permanent ordinance adopted before the seventh extension. Commissioner Wesley asked if there was a date set for Council to take the case up again. Ms. Thompson said no. Mrs. Thompson said she would discuss with the Chief Legal office and Council staff to determine when it can be put on the agenda.

Commissioner Wesley discussed a City of Detroit marihuana ordinance that was unique which gave preference to apportion of minority residence. Mrs. Thompson said she could find out more about the ordinance and report back to the Commission at the next meeting.

Status of Draft Zoning Ordinance and Capital Improvement Plan:

Ms. Wilcox explained the draft zoning ordinance has not been brought to City Council but the staff and some Council members are interested in bringing the ordinance forward. Ms. Wilcox recognized Corey Christensen of Rowe Engineering who is on staff now which gives us more capacity to deal with the zoning ordinance. Ms. Wilcox noted the City beginning their budgeting process and she had recently reached out to Eric Scorsone and Amanda asking they provide her with the last Capital Improvement Plan they have in place now. This will allow us to do a better job preparing this year's Capital Improvement Plan. Ms. Wilcox said the goal is to be compliant with the requirements of the Master Plan this year so Commissioner can react.

Commissioner Wesley said he has discussed with the Mayor and it seems everyone agrees the zoning ordinance needs to be put on a Council agenda soon.

Commissioner Jewell asked Ms. Wilcox to update the Commission on other staffing dynamics in the Planning Office. Ms. Wilcox said while we are glad to have Mr. Christenson and the professional services of Rowe engineering we are still seeking a Zoning Coordinator. Ms. Wilcox said we have had some very competent Zoning professionals working at the City in the past and Human Resources is working with her to continue with this standard. Ms. Wilcox noted the Lead Planner position is still vacant and interviews are still underway to fill the position. Ms. Wilcox said one of the Community Development Grant coordinators recently moved into the Parks Planner role which is a key component of our planning efforts.

Ms. Wilcox said they have a draft park Master plan that is being prepared to take to City Council which will make funding opportunities available from the MDNR. This is currently unavailable because we do not have a park plan in place.

RESOLUTIONS:

Bylaws Committee:

Mrs. Thompson noted the draft bylaws were provided in Commission packets. Mrs. Thompson said she made some changes made on recommendation from Commissioners. Commissioner Wesley said he is satisfied with the Bylaws and commended Commissioner Jordan, Blower, and Mrs. Thompson for their assistance. Commissioners' agreed the bylaws were well-drafted and were pleased with the draft. Mrs. Thompson said this was a very tough overhaul of the previous bylaws and felt questions that routinely come up are now embedded in the bylaws. Mrs. Thompson said that should questions arise during future meetings regarding proper procedures our bylaws would answer those questions for the Commissioners.

Commissioner discussed the draft bylaws with Mrs. Thompson. Commissioner Jewell suggested holding off on making any decision on adopting these bylaws until the next regularly scheduled meeting and add to the agenda under resolutions as Adoption of City of Flint Planning Commission revised Bylaws.

Commissioners' concurred after Commissioner Jordan read the adopted bylaws from 12-12-2006 that it takes 2/3 vote from Commissioner to amend. Commissioner must be given written notice five days before a meeting to amend bylaws. Mrs. Thompson said email can be considered in writing and she could send out an email notification to the Commissioners.

Commissioner Jewell made a motion to add Bylaws under Resolutions at the next regular scheduled meeting on November 10th, 2021: to consider the Adoption of revised City of Flint Planning Commission Bylaws and that staff will notify Commission members five day prior.

M/S –Jewell/Ryan

The motion is unanimously carried

Mrs. Thompson said she would send out an email notifying the Commissioner.

OLD BUSINESS:

Status of Planning Commission Membership Roster:

Ms. Wilcox said she reached out to the City Clerk's office. She has a meeting on Friday, November 13, and once we have the information we can update the roster to include existing and new appointments. Commissioner Jewell said the original request for the information was back in June and haven't received the information for over four months. Commissioner Jewell asked if he made an FOIA request how long does it take to respond. Mrs. Thompson said five business days with a possible ten-day extension. Commissioner Jewell said information regarding Commission appointments is public information and falls under the auspices of FOIA. Mrs. Thompson said FOIA requests are for records in the city's possession. Then said in this case if we don't have the most recent information on a document then the FOIA request would be denied on that basis. Commissioner Jewell asked if he requested City Council minutes and meeting notes regarding the appointments and terms would that fall under FOIA. Mrs. Thompson said she would like to get clarification from Commissioner Jewell about notes and comments. Commissioner Jewell said the point he was trying to make is that the Planning Commission is a public body and the information needs to be provided regarding our role and function and need to be passed on accordingly. Commissioner Jewell said another point he wanted to make was that if we don't take care of the detail we are not taking care of business. HE also wanted to make sure we are clear about expectations and the things that are of importance for us to do our respective jobs. Commissioner Wesley said not having the roster doesn't mean we are not taking care of business. Commissioner Jewell noted that his inquiry focused on our respective responsibilities. He also stated that the city council acted on Commissioner Cook-Hawkins, Sorenson, and Wesley, and his appointment prior to the original request to an updated roster.

Orientation Booklet:

Commissioner Wesley said the two booklets we received are a part of what we are requesting. Then said Commissioner Jordan showed us an orientation booklet that we had previously received and that is what the Commission is requesting. Commissioner Wesley said we can't complete at this time because we don't have a new zoning ordinance, bylaws, and permanent marijuana ordinance and roster needed to create the new orientation booklet. Commissioner Jewell said our original intent was to put together a Planning Commission Member Orientation Packet to include a variety of information. Mr. Christensen said he would assist Mr. Vandercook in putting the information together. Commissioner Wesley said he will work with Ms. Wilcox, Mr. Christensen, and Mr. Vandercook to complete the work.

NEW BUSINESS:

I-475:

Commissioner Jordan said she had seen an M-live announcing there was going to be a public meeting held online to discuss the plan to fill in I-475 in the downtown area and turning it into a Boulevard. Commissioner Jordan said Brian Larkin presented the concept. Ms. Wilcox said she was not aware of the meeting until the day before or of the meeting. Ms. Wilcox said she was generally aware of discussions that CS Mott had about I-475 when Kevin Srounts was working as a Planner for the City of Flint. Ms. Wilcox said she had reached out to Brian Larkin but hadn't heard back from him yet. Ms. Wilcox said she felt there is some overlap with some neighborhood planning areas. Ms. Wilcox said there is some value in having dialogue between Planning staff and administration and will bring information regarding this to the Commission's attention when received.

Commissioner Jordan said she was concerned as to how this is being presented particularly in contrast to the commitment the Planning Commission made to the Master Plan for transparency and civic involvement and open participation. Commissioner Jordan reported that people in the chat asked to know if the Planning Department knew about this and how it is connected to the Master Plan. Commissioner Jordan said she was surprised that this would have gone to the public domain without Planning Staff being made aware of it. Commissioner Jordan said we have a Master Plan and made a commitment around the importance of civic involvement and engagement and it doesn't come across well when the idea that affects so many people have been that far developed without residence seeming to know anything about this.

Commissioner Jewell said if you look at the Michigan Enabling Act, roles and functions of the Planning Commission, and bylaws and intent of this particular land-use project it seems appropriate a meeting should be scheduled. Commissioner Jewell said it would be appropriate to have the Chair of the Planning Commission, Ms. Wilcox, and Brian Larkin in attendance. Commissioner Jewell noted the meeting should take place to provide information as to the Planning Commission's roles regarding land-use processing and Master Plan etc. and provide Commissioner with an update at the next regularly scheduled meeting.

Commissioner Wesley said the project would have to come before the Planning Commission and allow for public hearings and notifying those affected. Commissioner Wesley said he did not feel we needed to jump into the efforts of the administration. Commissioner Jewell said his intent is purely a recommendation for communication.

Commissioner Blower said she was observing and only made aware at a previous Zoning Board of Appeals meeting. Commissioner Ryan said he was not aware of the plans. Commissioner Jordan said MDOT was in a position to invest some funds into improvements to I-475 and if that is the case felt it would be appropriate to focus on some type of public input process.

Commissioner Wesley noted he would work with Suzanne and possibly call Brian Larkin to keep a line of communication open so that when needed we can keep the public apprised of proposed plans for I-475.

Commissioner Ryan asked if we could contact members who were not at tonight meeting regarding the Special Meeting to be held on November 4, 2020. Ms. Thompson said she would include the information about the Special meeting within the email about the bylaws and send out to the commissioners.

ADJOURNMENT:

M/S – Jewell/Ryan

Unanimously carried.

Meeting adjourned at 9:03 pm.