

FLINT PLANNING COMMISSION
Meeting Minutes
February 11, 2020

Commissioners Present

Bob Wesley, Chair
Elizabeth Jordan, Vice-Chair
Harry Ryan
Robert Jewell
Leora Campbell
Carol-Anne Blower, Secretary
Absent:
April Cook Hawkins

Staff Present

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

Other City of Flint

Sheldon Neeley, Mayor
Brian Larkin, Chief of Staff

ROLL CALL:

Bob Wesley, Chair called the meeting to order at 6:19 p.m. Roll was taken, and a quorum was present. The meeting was held in South Building – Planning and Development Conference Room

ADDITIONS/CHANGES TO THE AGENDA:

Under reports add update status of draft zoning ordinance

ADOPTION OF THE AGENDA:

M/S – Jordan/Blower

Motion to adopt the meeting agenda

Unanimously carried.

MINUTES:

M/S – Jewell/Ryan

Motion to approve the minutes of 1-28-20 as noted and corrected.

Yes – Ryan, Jewell, Jordan, Wesley

Abstain – Blower, Campbell

Motion Carried

PUBLIC FORUM:

None

SITE PLAN REVIEW:

None

CASE REVIEW:

None

PUBLIC HEARING:

PC 20-358 4DMar, LLC / Mohamed El-Gazayerli Application for Medical Marihuana Facilities
Location Variance at 2401 S. Dort Hwy. (Parcel ID # 41-21-101-020)

Attorney Peter Tangalos spoke on behalf of 4DMar, LLC / Mohamed El-Gazayerli. Mr. Tangalos introduced Attorney Paul Weisberger and Chris Corwin, Property Manager. Mr. Tangalos said Mr. Weisberger would address the Application.

Commissioners concurred they are looking at locational standards and not the application.

Mr. Weisberger said he would limit his comments to the locational variance. Mr. Weisberger discussed several adult use properties adjacent to the property. Mr. Weisberger said the unique nature of them seeking a variance was they are not spreading out adult uses, but would adjoin other adult uses. Mr. Weisberger said we are seeking a variance from, is the ability to locate a combination of Provisioning Centers and Adult Entertainment businesses from four within a 2000-foot radius. Mr. Weisberger said there is an approved Provisioning Center to the north about 1000 feet and several other adult use businesses around the property.

Commissioner Jordan said she wanted to understand how this particular parcel necessitates a variance in a way others in the area may not. Mr. Weisberger said he thought a lot about this and said he knows the standard is unique. Mr. Weisberger said we are near adult use; our neighbor is adult use. Mr. Weisberger said what is unique is we are going right next store to adult entertainment businesses.

Commissioner Jewell asked if 4DMar, LLC presently owns the property. Mr. Weisberger said no we would be a tenant. Commissioner Jewell said ‘he understood when you were seeking the application staff informed you were not eligible for a variance due to you having more than four Group A’s and Group E uses within 2000 feet’. Mr. Weisberger said his assistant who put this together was given some time off and he was not aware if they had received the notice.

Commissioner Jewell said on page three of the application it says “Will the issuance of the variance still ensure that the spirit of the ordinance is intact?”. Commissioner Jewell said there were two key items 1) Application states “Yes subject to the City Council intent to add more provisioning centers to the City of Flint’s economy by uncapping the number of centers 2) reference in your presentation that the City has uncapped. Mr. Weisberger said that was his understanding.

Commissioner Jewell said the application also says “the City Council has uncapped the number of provisioning centers, allowing companies like ours to be part of this industry.” Commissioner Jewell requested Mr. Eriksson to clarify capping of facilities. Commissioner Jewell asked Mr. Eriksson if City Council changed the limitation on capping of facilities. Mr. Eriksson stated yes. Commissioner Jewell said it was his understanding in the present ordinance and proposed ordinance that the section regarding possibility of locations for Group A or Group E has not been changed. Mr. Eriksson said “the zoning, correct”. Commissioner Jewell said so there is still a limitation of four Group A and E within the 2000 feet. Mr. Eriksson confirmed. Commissioner Jewell said while businesses could increase due to the uncapping the ordinance still stands regarding limitations of four within the 2000 feet.

Commissioner Jewell asked Mr. Weisberger what makes this parcel unique. Mr. Weisberger said we are unique in the sense we are in close proximity to adult use. Commissioner Jewell said there are other properties opportunities available through the City. Mr. Moore confirmed there are other properties which meet all of the location variance standards. Commissioner Jewell said the variance request is in violation of the ordinance.

Commissioner Ryan asked Mr. Eriksson based upon the rubric and the way it was set up did it effect this application. Mr. Eriksson said he believed when the applicant originally applied there were only three adult use facilities but not a fourth medical marihuana facility. Mr. Eriksson said ‘in theory if this applicant applied first, the two-thousand-foot rule is not triggered and this variance is not necessary’.

Commissioner Campbell noted the application violates the 2000 feet rule and asked why we would let them open the Marihuana facility at the location.

Commissioner Wesley asked if anyone wished to speak in favor of: **PC 20-358** 4DMar, LLC / Application for Medical Marihuana Facilities Location Variance at 2401 S. Dort Hwy. (Parcel ID # 41-21-101-020) – None

Commissioner Wesley asked if anyone wished to oppose: **PC 20-358** 4DMar, LLC / Application for Medical Marihuana Facilities Location Variance at 2401 S. Dort Hwy. (Parcel ID # 41-21-101-020) – None

Commissioner Jewell asked staff if there had been any other communication phone calls, e-mails or people stopping by regarding the application. Mr. Moore said there had been no correspondence.

Commissioner Jordan made a motion to reject the request of **PC 20-358** 4DMar, LLC / Application for Medical Marihuana Facilities Location Variance at 2401 S. Dort Hwy. (Parcel ID # 41-21-101-020) with two findings 1) there are no unique property conditions specific to this parcel that would justify a location variance 2) that the spirit of the ordinance is to minimize the concentration of Group A and E uses and that granting this ordinance would go against the spirit of the ordinance.

M/S – Jordan/Blower

Motion to deny the variance

Unanimously carried.

PC 20-360 Adam Long Application for Rezoning at 6200 N. Dort Hwy. (Parcel ID # 47-29-102-044)

Adam Long presented the request for Rezoning. Mr. Long said ‘there is currently a Medical Marihuana Provisioning facility in operation at the property called Bocco Farms, owned by Regina King’. Mr. Long said he approached Ms. King because she had unused space within her building. Mr. Long said he was approved under the State’s Social Equity Program. Mr. Long said Ms. King was working with him to form a business partnership. Mr. Long said the Class A Adult Use license he was seeking was the smallest license (100 plant) the State offers. Mr. Long discussed the site and said it’s very secure location.

Mr. Long said he was seeking rezoning from the current D-6 to E which allows for Cultivation Centers.

Commissioner Jewell asked Mr. Long for clarification is there an existing business at the property. Mr. Long said yes there is a 12,000 sq. foot facility of which 4000 sq. foot is occupied by a Medical Marihuana Provisioning Center owned by Ms. King. Commissioner Jewell asked Mr. Long if he had an interest in the property. Mr. Long stated not currently. Commissioner Jewell said he wasn’t aware of the Planning Commission ever granting a non-existing entity a zoning change based on another existing business.

Mr. Long said Ms. King was willing to work with him to rezone the property and create a partnership. Commissioner Wesley said zoning stays with the property and not the individual.

Commissioner Jewell asked if Mr. Long has discussed with neighbors. Mr. Long explained how he had handed out a flyer and discussed with neighbors.

Commissioner Wesley asked if anyone wished to speak in favor of **PC 20-360** Adam Long Application for Rezoning at 6200 N. Dort Hwy. (Parcel ID # 47-29-102-044)

Regina King – spoke in favor

Commissioner Wesley asked if anyone wished to oppose **PC 20-360** Adam Long Application for Rezoning at 6200 N. Dort Hwy. (Parcel ID # 47-29-102-044) – None

Commissioner Jewell asked staff if there had been any other correspondence e-mails, drop-ins or phone calls. Mr. Moore said there was none.

Commissioner Wesley said regarding zoning remaining with the property, how does the Commission move forward with this request.

Commissioner Jewell said we don't have any documentation from the present owner of the parcel clarifying the intent to rezone the property. Commissioner Wesley said he didn't think the rezoning would create any hardship to the area because it would lessen intensity. Commissioner Jordan noted two examples from other request and what could be seen as similar and different. Commissioner Jordan said a similar factor is there is no adjacent properties with the same zoning designation. Commissioner Jordan said where we have considered denying a request was due to future land use because the future land use was incompatible with requested zoning change. Commissioner Jordan said in this case the future land-use is compatible with requested zoning change.

Commissioner Jewell discussed the two business entities having a memo of understanding outlining the intent of their partnership.

Commissioner Campbell asked Commissioners if they could remember any others who wanted to rezone someone else's property with a request to rezone D-6 property to E in the past. Commissioner Jordan said Commissioners discussion about requiring some type of memorandum of understanding between property owner and proposed business would be intended to cover the question, if it's not the property owner requesting the property change to make it clear and in writing what the relationship is and support for the change.

Commissioner Campbell asked if Commissioners knew if the owner wanted to make the zoning change. Commissioners and staff determined Regina King had signed the application. Ms. King confirmed she wanted the change of zoning.

Commissioner Jewell made a motion for approval of PC 20-360 the application for rezoning at 6200 N. Dort Hwy. (Parcel ID # 47-29-102-044) from D-6 to E Heavy Commercial Limited with administrative review and the conditions 1) there is a letter of intent received by staff by the present owner regarding endorsement of the application for zoning change and 2) appropriate memorandum of understanding of the intent of the operation as presented to the Planning Commission. If needed, staff will review with City of Flint Legal Department.

M/S – Jewell/Blower

Yes - Ryan, Jewell, Jordan, Wesley, Blower

No – Campbell

Motion Approved and moved to Flint City Council

Commissioner Jewell asked to add PC 20-360 under Case Review for an update of status at the next meeting.

Commissioner Wesley said there will be a recommendation of approval sent to Flint City Council.

REPORTS:

Update on amendments to the Zoning Code to allow for recreational marihuana business licensing

Mr. Eriksson said City Council broke a quorum for a first reading of the ordinance. Mr. Eriksson said he discussed the possibility of a Special Meeting with the City Clerk's office, so we can remain on track for a second reading on February 24. Mr. Eriksson said he was unsure how practical this was and they were considering the possibility of adopting the ordinance passed by the Planning Commission on an emergency basis and then adopting the ordinance through full process with no actual change. Mr. Eriksson said we did clear one important administrative hurdle which is satisfaction of the Zoning and Enabling Act by the recommendation of the changes to the Zoning Code by the Planning Commission. Mr. Eriksson said we don't have to extend the current emergency ordinance we could implement the proposed ordinance on an emergency basis and then extend through City of Flint Council means.

Commissioner Jewell asked Mr. Eriksson if there was a legislative committee which this was supposed to be presented. Mr. Eriksson said because of the extra week of deliberation of the Planning Commission we asked the City Clerk to walk on to Committee. Mr. Eriksson said this is a long standing practice, but not a requirement. Mr. Eriksson said the City Clerk informed him the ordinance would be distributed to various Council Members, but first Committee would be a Special Affair Committee.

Update on the Capital Improvement Plan (CIP)

Ms. Wilcox said she met with the City of Flint Chief Financial Officer and they are starting the process and looking to align with the City of Flint budget this year. Ms. Wilcox said she has talked with Department heads about funding. Ms. Wilcox said the last Capital Improvement Plan would be distributed to Department heads who have been instructed to update based upon funding they have available within their Departments. Ms. Wilcox said the process has been started and will be included with the budget for this year. Ms. Wilcox said City Administration is considering a two-year Capital Improvement Plan, so they can project for next year based on the City's financial situation, especially on capital improvements needed.

Ms. Wilcox discussed the zoning code and said the plan is to get the recreational marihuana ordinance adopted and take the Zoning Code to the City Council afterwards.

Commissioner Jewell asked if the Commission would consider writing a letter as to their position regarding the ordinance and forward on to City Council.

RESOLUTIONS:

None

OLD BUSINESS:

None

NEW BUSINESS:

None

ADJOURNMENT:

M/S – Jordan/Blower

Unanimously carried.

Meeting adjourned at 7:48 PM.