

FLINT PLANNING COMMISSION
Meeting Minutes
February 4, 2020

Commissioners Present

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

ROLL CALL:

Bob Wesley, Chair called the meeting to order at 5:39 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:

None

ADOPTION OF THE AGENDA:

M/S – Jewell/Campbell

Motion to adopt the meeting agenda

Unanimously carried.

PUBLIC FORUM:

Commissioner Wesley invited the public to speak about **PC 20-357** to consider amendments to the zoning code to allow recreational marihuana licensing. Commissioner Wesley provided clarification that the time to speak at this Special Meeting was during the Public Forum. Commissioner Wesley explained that there would be no speaking during the Public Hearing which was closed at Commission's last meeting.

Commissioner Wesley asked if anyone from the public wanted to address the Commission about the item on the agenda.

Benjamin Horner

Mr. Horner said he brought a memorandum to the City which was not considered. Mr. Horner said the zoning ordinance Commission is considering lists under Group A: medical marihuana Provisioning Centers, Retail Facilities and commercial marihuana Secured Transport Facilities, though doesn't highlight medical marihuana because we haven't really thought about medical marihuana patients and how they have come to this City for ten years. Mr. Horner stated it is one of the few safe places in Michigan where patients could acquire their medicine. Mr. Horner said now the ordinance amendments are grouping medical businesses in with retail locations. There is a big difference between medical marihuana and recreational. In this State and maybe this City big companies want to come in and destroy medical marihuana for patients. A retail location in Ann Arbor are charging three times as much as the street value for medical marihuana. Mr. Horner said he highly suggests reconsidering this

zoning ordinance and placing medical marihuana provisioning centers in its own category, so if there is grouping, medical marihuana is not kept out. Mr. Horner said he sent a memorandum to the Planning Commission, City Council and City Attorneys and have not heard back from them. Mr. Horner said he was requesting this document for review. Mr. Horner said he has been shut out and he knows patients have been shut out.

Adam Long

Mr. Long wanted to thank the commission for including the Social Equity Program Exemption. Mr. Long said the program would help him and other small business owners and benefit the City.

Karl Collyer

Mr. Collyer said he was proponent to recreational and medical Microbusinesses. Mr. Collyer said his concern is that the City of Flint citizens do not allow liquor stores within their residential areas. Mr. Collyer said now you're introducing recreational marihuana within residential districts, not sure this is the way to go. Mr. Collyer said he was not sure how the ordinance could be enforced and would like to hear more about the enforcement side.

Steve Lowry

Mr. Lowry said he doesn't have a problem with the amendment, but questions the Planning Commissioners ability to follow through on items regarding blight without a more detailed plan. Mr. Lowry said they struggle with an adjoining junk yard, which is not being enforced. Mr. Lowry said he felt like this was being thrown out there to be more palatable, because he doesn't see any attempt to enforce what already exists. Mr. Lowry said he did not have a problem with business placement.

Victor Korea

Mr. Korea said he is continually cleaning up his property. Mr. Korea said the only way to keep it clean is to lease to a tenant. Mr. Korea stated the new ordinance would allow him to find a tenant. Mr. Korea said he has a few people interested in leasing the building if the City allows Microbusinesses. Mr. Korea said the ordinance would help with blight.

Doris Patrick –

Ms. Patrick said she was appreciative of the Planning Commission allowing recreational cannabis. Ms. Patrick said however there are some issues. Ms. Patrick said she did not see liquor stores that are scattered throughout Flint being an issue. Ms. Patrick said across the country there is a large concern about cannabis and small businesses. Ms. Patrick said Flint, like the rest of the country has been inundated with large medical and now recreational marihuana corporations. Ms. Patrick said they have a lead on the start-up. Ms. Patrick said small businesses under what the State has termed social equity are coming in two years after large businesses. Ms. Patrick noted a lot of these large businesses are from out of state. Ms. Patrick said she finds this to be a conflict because social equity is for the community.

Ms. Patrick said so when you are doing your Planning Commission; would you please be cognizant of small business owner as opposed to the large corporations, regarding assisting small businesses with licenses and zoning. Ms. Patrick noted currently across the country small businesses and social equity programs are not getting the resources and help. Ms. Patrick said we are not really competing with large ones, but we are just trying to get established. Ms. Patrick said so when you're doing your zoning and your ordinances please be cognizant of that. Ms. Patrick said you started out by giving one section

of town all the medical marihuana and ignored other sections of town. Ms. Patrick said it should be in all wards.

Brian Burnett

Mr. Burnett said he supports the ordinance. Mr. Burnett felt this is something for the local community which should stimulate the economy. Mr. Burnet said if we don't do something for the residence of this City to empower them, we will continue to have the same type of economic conditions we have had over the past several years. Mr. Burnet asked the Commission to consider taking pawn, gun and liquor stores out of the equation when considering zoning.

Commissioner Wesley asked the public if anyone else wanted to address the Commission

Commissioner Wesley said that portion of Public Form is now closed

PUBLIC HEARING:

Commissioner Wesley noted the Public Hearing was a continuation of Public Hearing **PC 20-357** 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 and Chapter 50, Zoning; Article XXIX, Special Regulated Uses, Medical Marihuana Facilities, §50-161 – §50-169.

Commissioner Wesley said this meeting was a continuation/deliberation for the Commission from Commissions regularly scheduled meeting on January 28, 2020.

Commissioner Wesley asked the Commissioners what is your desire and where would you like to begin deliberations.

Commissioner Jewell said as a follow-up from our discussion last week there are a couple of items relating to the fact sheet 1) is section F License Evaluation Limited Administrative Approval found on page 18. Commissioner Jewell said they had discussion about Limited Administrative Approval. Commissioner Jewell said during our last Commission meeting there was discussion that the Commission add language after that application, "may be administratively approved in consultation with the Planning Commission Chairperson or designee." Commissioner Jewell said it would allow for public input and public over sight which is our primary responsibility. Commissioner Jewell said as we move forward considering amending a particular draft or portions of this ordinance he would like the Commissioners to consider this.

Commissioner Wesley said one of the items we previously considered was having the Planning Commission maintaining oversight of the process.

Commissioner Jordan asked Commissioner Wesley to establish what the process is and what the preference of the Chair is as to how do we modify the proposal before us this evening, so we can be clear on specific language. Commissioner Wesley asked Mr. Eriksson to address how this would look in the ordinance if Commissioners were to take a vote. Mr. Eriksson said depending on the complexity of proposed amendment if the amendments were clear we can implement them.

Commissioner Jewell said for the benefit of those present there were a number of items discussed at the last Commission meeting the Commissioners wanted to address. Commissioner Jewell said there were also some items which were brought up tonight the Commission wanted to address. Commissioner Jewell said going back to section F page 18, if it's appropriate I would like to make a motion that we include in item 8 on page 18 after where it says that application may be administratively approved to add the wording "in consultation with the Planning Chair or designee."

Commissioner Wesley noted it was moved and properly supported that it be inserted in subsection F-8 after approved prior to the comma add, "in consultation with the Planning Commission Chair or the Chair's designee."

***M/S – Jewell/Jordan
Unanimously carried.***

Commissioner Wesley asked if there were any other items for discussion.

Commissioner Jordan said one of the things she was mindful of was concerns individuals addressed this evening regarding the importance of enforcement and follow through particularly where there are potential exemptions to location standards. Commissioner Jordan said in recognition of those concerns if the Commission are going to entertain potential exemptions, it's only appropriate we look at enhanced accountability. Commissioner Jordan stated the amended ordinance already have a procedure in place for annual relicensing, which requires applicants to come back after one year and demonstrate they have lived up to their agreement. Commissioner Jordan said we need to look at a greater sense of accountability when we are looking at location exemptions. Commissioner Jordan said the concept she would like to suggest is when an applicant has received a location exemption that they actually have to have a Case Review with the Planning Commission at the point of their first annual re-licensure. Commissioner Jordan said this was to affirmatively demonstrate they were living up to their agreement. Commissioner Jordan said if people are getting a special exemption, they have a special responsibility to show how they are honoring their part of the bargain. Commissioner Jewell said he wanted to reinforce that it enhances the role of accountability and responsibility.

Commissioner Wesley asked Commissioner Jordan what the addition to the ordinance would look like and where it would fit into the ordinance. Commissioner Jordan said under section U Community Benefit locational exemptions. Commissioner Jordan said it would state something along the lines, "all businesses receiving a Community Benefit locational exemption shall appear before the Planning Commission for a Case Review upon the first annual relicensing period in order to demonstrate their compliance with the terms of that exemption."

Commissioner Wesley asked after the first year what recourse would someone from the community have. Commissioner Jordan said she believes there are two parts 1) Commission and Staff would have to check on the applicant's progress and re-certify every year 2) Commissioner Jordan discussed the resident initiated complaint process and said individual could file complaints with staff; which would then be taken up by the Planning Commission.

Commissioner Wesley asked any more discussion.

Commissioner Jordan made a motion to add to section U regarding Community Benefit location exemption found on page 44 stating “all businesses receiving a community benefit locational exemption shall appear before the Planning Commission as part of a Case Review upon the first annual relicensing of that permit.”

M/S – Jordan/Ryan
Unanimously carried.

Commissioner Wesley asked the Commission if there were additional items for discussion.

Commissioner Jewell said during the last meeting there was discussion regarding page 39, which made reference to Resident Initiated Hearings. Commissioner Wesley asked the Commissioners if there were any other concerns or further discussion from Commission regarding Resident Initiated Hearings. Commissioner Jordan asked if the current wording is somewhat restrictive. Commissioner Jordan stated currently the ordinance says “a resident who lives works and/or regularly visits a neighborhood in which a marihuana facility is located may make a formal complaint to the Zoning Coordinator.” Commissioner Jordan said potentially there are those who work in the area, but not residents. Commissioner Jordan suggested striking the word resident and adding the word person. Commissioner Jewell said this would cover residents and non-residents who frequented the area.

Commissioner Wesley asked the commission if they wanted to strike resident and add person under Resident Initiated Hearings.

Commissioner Jordan moved that under section Q-1 where it says a resident who lives works and/or regularly visits a neighborhood that the word resident be replaced with the word “person”.

M/S – Jordan/Blower
Unanimously carried.

Commissioner Wesley asked the Commission if they had other items to discuss.

Commissioner Jewell thanked the attendees for sharing their concerns and encouraged them to continue to bring their concerns before staff and the Planning Commission.

Commissioner Jordan noted those people who spoke about the value seen in social equity and micro enterprises. Commissioner Jordan said it was important to note there are multiple exemptions found in the ordinance and looked forward to hearing from Commissioners about the exemptions.

Commissioner Campbell said she was concerned about the 300 foot setback found on page 44. Commissioner Campbell asked Mr. Eriksson for clarification on the residential set back because she believed it was 500 feet. Mr. Eriksson said in the drafting of the original ordinance this body recommended 500 foot but City Council amended to 300 foot.

Mr. Eriksson addressed subsection U-4 the new language. Mr. Eriksson asked if the Commission would permit he would like to add licensees instead of businesses to allow for all recipients.

Commissioner Jordan said she would not see this as a departure from the motion.

Commissioner Wesley asked Mr. Eriksson if he would review highlighted changes. Mr. Eriksson said there have been three amendments so far 1) subsection F-8 to add the language in consultation with the Planning Commission Chair or designee. 2) subsection U-4 regarding the mandatory Case Review at re-licensure 3) the amendment of subsection Q-1 to replace the word resident with person.

Commissioner Wesley asked do the amendments address the Commissioners desire at this point and does the Commission feel comfortable with making a motion to pass the ordinance.

Commissioner Jewell made a motion to accept Chapter 50, Zoning; Article XXXII, Medical Marihuana Facilities Opt In Ordinance, §50-183.

M/S – Jewell/Campbell
Unanimously carried, with changes

Commissioner Jewell made a motion to accept Chapter 50, Zoning; Article XXIX, Special Regulated Uses, Medical Marihuana Facilities, §50-161 – §50-169.

M/S – Jewell/Ryan
Unanimously carried, with corrections as made this evening

Old Business

Mr. Moore said Commissioners decided to change meeting times to 5:30pm but for their regularly scheduled meeting to be held on February 11, Public meeting notices were set out for 6:00pm, so we need to meet at 6:00pm on Feb. 11. Mr. Moore said all further meeting will be held at 5:30pm; unless Commissioners change the time.

Mr. Moore noted there would be an election during the March 10, meeting and the Committee of the Whole Room would not be available. Mr. Moore suggested the Commission move the March 10, - meeting to the Planning and Development Conference Room.

ADJOURNMENT:

M/S – Jordan/Blower
Unanimously carried.

Meeting adjourned at 6:43pm.