

FLINT PLANNING COMMISSION
Meeting Minutes
August 25, 2020

Commissioners Present

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

Staff Present

Suzanne Wilcox, Director – Department of
Planning and Development
Bill Vandercook, Planner I
Keizzy Anpalagan, GIS Technician
Kelly Thompson, Assistant City Attorney
Kristin Stevenson, Planner II

ROLL CALL:

Chairperson Wesley called the meeting to order at 5:31 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:

Add under Old Business – Update from Bylaws Committee Review and Planning Commission
Member Orientation Update
Add under New Business – 223-0700

ADOPTION OF THE AGENDA:

M/S – Jewell/ Campbell

Motion to adopt the agenda as corrected

Unanimously carried by voice vote

MINUTES OF PREVIOUS MEETING:

August 11, 2020

Motion to approve the minutes from Aug 11, 2020, as corrected.

M/S –Jordan/Ryan

The motion carried, Commissioner Campbell abstained.

PUBLIC FORUM:

Commissioner Wesley noted PC 20-380 had been postponed until the September 8, 2020 meeting

Ray Hall representing the Coosa Nation Indian Tribe noted section one and section three of the Indian Self Determination Act. Then said they wanted to be involved with the building of the Commons. Mr. Hall said they also wanted to be involved with a vision center and meet with someone. Mr. Hall asked for a contact person and phone number. Mr. Vandercook provided his number at Planning and Zoning.

Edna Chaney's daughter addressed the Commission and asked what type of buildings were being planned for the development. Commissioner Wesley said the applicant would be addressing the proposed development in their presentation. Kristin Stevens's number was also provided to Ms. Chaney.

Dr. Monique Tate Chief of Coosa Nation Indian Tribe addressed the Commission in support of Mr. Hall.

Josephine Jones daughter addressed the Commission and asked about the future development plans surrounding Page and Donald Streets. Commissioner Wesley said the applicant would be addressing this during the presentation.

SITE PLAN REVIEWS:

SPR 20-934: D9 AG, LLC requesting a Group F Special Regulated Use Site Plan Review at 3711 Gorey Ave. (PID # 41-09-426-043)

Michael Klingler introduced himself, Attorney Brenda Williams, Steve Lando, and Architect Phil Bozek. Mr. Klingler said since the last Planning Commission meeting their site plan was revised as requested by the Planning Commission. Mr. Klingler said he would answer any question. Commissioner Wesley noted it appears all of the necessary changes have been made on the revised plan.

Commissioner Jewell asked Mr. Klingler to walk him through the facility. Mr. Klingler verbally walked the Commissioners through the facility and discussed the amenities within his application request.

Commissioner Jewell asked Mr. Klingler to address landscaping. Mr. Klingler said the plan only addressed grass in front of the building.

Commissioner Ryan asked Mr. Klingler about the growing and ventilation procedures that would be used at the facility. Mr. Klingler discussed the materials and ventilation procedures.

Commissioner Blower made a motion to approve SPR 20-934 - D9 AG, LLC requesting a Group F Special Regulated Use Site Plan Review at 3711 Gorey Ave. (PID # 41-09-426-043).

***M/S – Blower/Jordan
Unanimously carried***

SPR 20-935: Clark Commons LDHA c/o Norstar Development requesting a Site Plan Review of Clark Common Phase 3, located at scattered sites within the boundaries of Mary St., Louisa St., Saginaw St., and Martin Luther King Ave.

Adam Coppersmith with Frisco, Shaffer, and Pappas Architects for Norstar discussed the development proposal.

Commissioner Wesley asked what material will be used. Mr. Coppersmith said vinyl and brick siding with wood trim. Commissioner Jewell asked Mr. Coppersmith to explain the landscaping. Mr. Coppersmith discussed the landscaping plan.

Commissioner Jordan asked Mr. Coppersmith to explain the upcoming Planning Commission meeting for conditional use application. Mr. Coppersmith said several of the building is currently zoned B use group zoned for two-bedroom units. The use variance request is to allow for four units within a B zoned district. Commissioner Jordan said to be clear we are not acting on any potential use at this meeting. Commissioner Jordan noted if the Planning approved the site plan it would have to be on the condition of B zoning.

Commissioner Jordan asked Mr. Coppersmith to discuss setbacks requirements for the project. Mr. Coppersmith explained some of the setbacks did not meet the current zoning standards but had been approved by the Zoning Board of Appeals at their August 18, 2020 meeting.

Commissioner Jordan asked Mr. Coppersmith to discuss the maximum building heights and lot coverage for the development. Mr. Coppersmith said we do not exceed the standards. Commissioners Jordan discussed maximum lot coverage for the B district which by the standard is supposed to be 50% maximum coverage, but the lot coverage for 3.N shows 62.1%. Mr. Coppersmith concurred the lot coverage is greater than the standard. Commissioner Jordan asked Mr. Coppersmith if he would be addressing this particular issue at the upcoming Planning Commission meeting as part of their use variance request. Mr. Coppersmith said yes if it was possible to add to their use variance.

Commissioners' discussed lot percentage coverage standards and how to proceed to approve through the Planning Commission or through the Zoning Board of Appeals. Attorney Kelly Thompson said she would be glad to provide a legal opinion at the next scheduled meeting. Mrs. Thompson said her recommendation would be to postpone the site plan review until the next scheduled meeting.

Commissioner Jewell asked if the site plan review was postponed until the next meeting would it be appropriate to hold the Public Hearing portion first and then address the site plan. Mrs. Thompson concurred.

Mrs. Thompson asked the Commission to clarify the question presented so she can research to provide an opinion. Commissioner Jordan explained the current lot coverage proposed for at least one of the sites exceeds what is allowed in the ordinance. So, what is the proper procedure do they go to the Zoning Board of Appeals, or can it come before the Planning Commission and include with their request for conditional use at the next scheduled Planning Commission meeting.

Commissioner Jewell asked staff to provide minutes of the Zoning Board of Appeals meeting held on August 18, 2020, where they approved the setbacks.

Mr. Coppersmith asked if the Commission would approve the site plan contingent upon approval of the conditional use request at the next Planning Commission meeting on September 8, 2020. Commissioner Jordan noted if the Planning Commission moved forward with some level of site plan approval tonight it would be conditioned upon the use variance and resolution of the lot coverage question.

Commissioner Jewell made a motion to postpone SPR 20-935 to the September 8, 2020, Planning Commission meeting to be reviewed after PC 20-380 per the Planning Commissions discussion.

Mrs. Thompson asked Commissioner Wesley if staff could add the lot coverage percentage request to the September 8, Planning Commission agenda. Mr. Vandercook responded the deadline to send in legal ads for the September 8, 2020 meeting has passed.

Commissioner Jordan responded for clarification the lot coverage issue may have to be addressed at another Public Hearing, not on September 8, 2020, due to the fact there was insufficient time for a legal add to be published for the September 8, meeting.

M/S –Jewell/Campbell
Motion Carried

CASE REVIEW:

None

PUBLIC HEARING:

None

REPORTS:

Status of Permanent Marihuana Ordinance:

Mrs. Thompson said they have spoken to a few other staff members including Khalfani Stevens to assist with getting the permanent ordinance through City Council. The fifth extension of the emergency Marihuana Ordinance was approved and adopted by City Council on August 24, 2020. Mrs. Thompson said she would be working to get the permanent amendments passed before expiration in October 2020.

Status of Draft Zoning and Capital Improvement Plan:

Mrs. Thompson noted some City Council members wanted to have the ordinance come before City Council at the same time as the Marihuana ordinance. Then said Mrs. Wilcox can explain in more detail at the next scheduled meeting.

Status of Staffing:

No report provided

RESOLUTIONS:

None

OLD BUSINESS:

Marihuana Relicensing Policy (Routing Sheet):

Mrs. Thompson noted the forms have been distributed to individual departments. Then she said she had discussed with the point people within each department individually to explain the purpose of using the sheet to make the process more efficient.

Status of Planning Commission Membership Roster:

Mr. Vandercook said he was aware Ms. Wilcox had sent another e-mail to the City Clerk's Office and that Ms. Anpalagan and himself had visited the Clerk's office on August 24. The City Clerk, Inez Brown told them she would be able to prepare the information within a couple of days.

Bylaws Committee:

Commissioners' discussed updated bylaws that Mrs. Thompson emailed the Commissioners'. Commissioner Jewell asked if this was a draft. Mrs. Thompson said yes. Commissioner Jewell noted article 4 section 1-part b, regarding officer terms. Commissioner Jewell asked the bylaws committee to review this section regarding a person who was appointed to a public body being able to continue their term until they were reappointed or replaced. Mrs. Thompson said it was part of the City Charter from 2018. Commissioner Wesley and Jordan noted it was in the Michigan Planning and Zoning Enabling Act. Commissioners' discussed terms of appointments. Mrs. Thompson said she would research and address within the final draft version. Commissioner Jewell said the information regarding appointments from the City Clerk office will be helpful.

Planning Commission Orientation Update:

Commissioner Wesley asked Mr. Vandercook if orientation booklets were ordered. Mr. Vandercook said not at this time.

NEW BUSINESS:

Commissioner Campbell discussed 223-0700 and the billboards that say your marihuana can be delivered to you curbside. Commissioner Campbell asked if the law has changed to allow for Marihuana businesses without a building. Mrs. Campbell asked if it was fair if some owners have buildings while others take orders and do deliveries. Commissioner Jordan said this is a viable business associated with 223-0700. Mrs. Thompson said the law has not changed it does not allow for doing business without a building.

Mrs. Thompson discussed 2849 Miller Road and said it appears the business has not been in operation for possibly a couple of years. Then she noted there is a provision in the current marihuana ordinance which allows for someone to lose their grandfathered status if not in operation for a while. Mrs. Thompson said she wanted to bring to the Commissioners' attention because it might be necessary to put the business on a Public agenda.

Mrs. Thompson said she has discussed with the Building and Safety Division. Commissioner Jewell said it may be appropriate for Mrs. Thompson to follow up with the Chairman of the Planning Commission regarding any of the specifics raised and the appropriateness of putting this on the next agenda. Mrs. Thompson said she would prepare a memorandum to this point and make an official recommendation that can be put on record for the September 8th Planning Commission meeting.

ADJOURNMENT:

M/S – Ryan/Jordan

Unanimously carried.

Meeting adjourned at 6:45 pm.