

FLINT PLANNING COMMISSION
Meeting Minutes
September 22, 2020

Commissioners Present

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

Absent:

Harry Ryan
April Cook Hawkins

ROLL CALL:

Chairperson Wesley called the meeting to order at 5:33 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:

None

ADOPTION OF THE AGENDA:

M/S – Campbell/ Jordan
Unanimously carried by voice vote

MINUTES OF PREVIOUS MEETING:

August 25, 2020

Motion to approve the minutes from Aug 25, 2020, as corrected.

M/S –Jewell/Blower

The motion carried

MINUTES OF PREVIOUS MEETING:

August 8, 2020

Motion to approve the minutes from Aug 8, 2020, as corrected.

M/S –Jordan/Campbell

The motion carried

PUBLIC FORUM:

None

SITE PLAN REVIEWS:

None

CASE REVIEW:

None

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 S Associates, LLC. Mr. Rollinger said the ability of his client to build a new Walgreens Pharmacy is dependent upon the vacation of the alleyway which runs between their lots.

Commissioner Sorenson asked how the vacation would affect the neighboring businesses and if Walgreens would be vacating their current facility at Davison and Dort Hwy. Mr. Rollinger said he believed once the new store was running, the business at Davison would be shifted to the new store.

Mr. Rollinger explained members of the LLC, visited the barbecue shop at 1401 North Dort and it appeared to be closed. Commissioner Sorenson said she could support this because she drove by 1401 N. Dort and it was not in operation.

Commissioner Jordan said there have been other Walgreens stores closing within the area. Then said there is a concern about Walgreen building continuing to build properties only to abandon years later. Mr. Rollinger said the new store would have new designs and features which the other store did not have.

Commissioner Jordan asked Mr. Rolling to explain how the alley vacation would impact adjoining neighbors being able to access their property. Mr. Rolling explained the only area they were seeking to vacate was the portion of the alley between their parcels (lots 10-12 east and 13 - 15 west). Mr. Rolling explained if the Commission wished a larger portion of the Alleyway to be vacated A.S. Associates would want to accommodate access through the south gate for law enforcement and emergency vehicles.

Commissioner Jordan asked Mr. Rollinger if parcels 8, 9, 16, and 17 as shown on the map provided will still have access to the Alleyway from a southern route, not depicted on the map. Mr. Rollinger said the only portion of the Alleyway they were requesting to be vacated was between their parcels. Mr. Rollinger noted to build the new Walgreens they needed the portion of property between their parcel to build the new store. Commissioner Jordan said she wanted to make sure property owners along the south end of the Alley maintained access all the way through. Mr. Vandercook noted the Alley runs between Missouri Ave to the south and Ohio to the North.

Commissioner Wesley asked Mr. Vandercook to read aloud any correspondence that had been received from City Departments regarding the vacation. Mr. Vandercook said, the Engineer Mark Adas wanted to make the applicant aware there was a six-inch water main running along Ohio and Mead. If they required a bigger water main they would have to get permits from the Michigan Department of Transportation. Mr. Adas says "whole alleyway vacation no problem, partial vacation issue with turn around". Also, check consumers power for gas line or powered easements. The City Fire Department, Mike Cochren request the existing Public 15-foot Alleyway is completely vacated, with no partial Alley closure. The City of Flint Traffic engineering, Rob McGaha, says Dort Hwy entrance will be controlled by MDOT.

Commissioners discussed owners of property along the Alley way and public notices sent to them. Commissioner Wesley asked Mr. Vandercook if we had received any responses back from any of the owners. Mr. Vandercook said no.

Commissioner Wesley asked if there was anyone from the public wishing to oppose PC 20-381. None

Commissioner Wesley asked if there was anyone from the public wishing to support PC 20-381. None

Commissioner Jewell asked staff if there had been any other types of communications received regarding PC 20-381. Mr. Vandercook responded no.

Commissioners' and staff concurred the City Engineer and Fire Department requested the whole Alley way be vacated.

Commissioner Jordan asked staff if the Planning Commission has ever vacated a portion of an Alley where the applicant does not own the adjoining property. Mr. Vandercook said he would have to re-search this question with our Legal Department.

Commissioners discussed whether or not adjoining property owners perceived this application as a partial street vacation or a whole alley vacation. Commissioner Jordan said the application for Alley vacation and public notice, only included a portion of the Alley way.

Commissioner Jewell suggested postponing the hearing until the next scheduled meeting to allow for legal review. Commissioner Blower said she felt it was important to allow individuals who did not have an opportunity to provide comment at tonight meeting be given the opportunity to do so if the meeting was postponed. Commissioner Wesley agreed. Mrs. Thompson said if notice to neighboring residents was somehow inadequate or did not describe the nature of the alley way vacation it would be appropriate for the Commissioner to take comments from those residents at a subsequent meeting.

Commissioner Blower made a motion to postpone PC 20-381 application to vacate a public alleyway of 1415 through 1418 North Dort Hwy. Flint, MI. (Parcels: 41-08-239-008, 41-08-239-009, 41-08-239-001, 41-08-239-002) to the next scheduled Planning Commission meeting for reconsideration and review of staff comments.

Mr. Rolling asked if the postponement was based upon the recommendation of staff rather than the applicant. Commissioner Wesley said yes. Mr. Rollinger asked if that could be made clear with respect to the next meeting, at which point the deliberations would take place so that if anyone was concerned they would understand that it was motivated by the Departmental recommendations rather than the applicant. Commissioner Jordan noted that applicant had said he would willing to take the entire alley way if that ended up being a potential concern. Commissioner Jewell concurred.

Commissioner discussed having the applicant revise the application to include the entire alley way. Commissioner Wesley asked Mr. Rollinger if he would be willing to revise the application. Mr Rollinger said we have no objection if this is something the Planning Commission believes should be a part of its deliberations. Then said we don't know if that's the case, and we don't know how strongly Planning Commission members feel if that is a necessity in order to approve the application that was submitted. Commissioner Jewell said he was not looking for clarification he was just looking at a statement that was already publicly made that the applicant is receptive and accepting of a total alleyway vacation.

M/S –Blower/Campbell

The motion carried.

PC 20-382: SD Flint No 3, LLC, requests a Group E Special Regulated Use Permit for a medical marijuana facility at 1871 Tower, Flint, MI. (PID# 41-16-303-018)

Robert Schafer, presented the application on his behalf. Mr. Shafer introduced Webb Barton, Jacqueline Moore, and Legal Counsel Chris Payne.

Mr. Schafer explained they were requesting additional licenses at the facility and wanted to have three types of marijuana business going on at the one location. Mr. Schafer said they would like to improve the area. Commissioner Jordan asked Mr. Schafer if he was aware that as part of the relicensing process if you received this license that in a year's time you are required to report back on what your actual results were regarding to public benefits you identified in your application. Mr. Schafer said yes and we welcome it. Then said our policy has always been to hire Flint people and our priorities are Flint residents.

Commissioner Jewell asked Mr. Schafer to walk him through the facility and organizational structure. Mr. Schafer asked Ms. Moore to answer the questions on his behalf. Ms. Moore addresses the layout

of the facility and organizational structure. Mr. Schafer and Ms. Moore addressed the organizational structure and said currently their team is working to hire staff to fill positions.

Commissioner Jewell asked what the hours of operation will be. Ms. Moore said eight am. to seven pm. Monday through Saturday, and twelve pm. to six pm. on Sundays.

Commissioner Wesley asked if anyone from the public wished to speak in favor of PC 20-382. None

Commissioner Wesley asked if anyone from the public wished to oppose PC 20-382. None

Mr. Vandercook read a letter from Brian Asseltine owner of Superior Gun Drilling opposing the provisioning Center at this site.

Commissioner Sorenson made a motion to accept **PC 20-382**: SD Flint No 3, LLC, requests a Group E Special Regulated Use Permit for a medical marihuana facility at 1871 Tower, Flint, MI. (PID# 41-16-303-018)

M/S –Sorenson/Campbell

The motion carried.

PC 20-383: SD Flint No 2, LLC, requests a Group F Special Regulated Use Permit for a (Processing) marihuana facility at 1871 Tower, Flint, MI. (PID# 41-16-303-018)

Mr. Schafer and his main consultant/advisor Webb Barton presented the application.

Commissioner Wesley asked the applicant to tell the Planning Commission about the processing facility. Mr. Barton said the processing facility is 1670 sq. feet and will operate separately from the other marihuana business housed within the facility.

Commissioner Sorenson asked Mr. Schafer how many other facilities he owned Mr. Schafer said this is his only facility. Mr. Barton said he owns one and is the partner in two other facilities.

Commissioner Jewell asked the applicant to walk the Commission though the facility. Mr. Barton explained the how the facility was laid out. Mr. Barton discussed the security of the facility. Mr. Barton explained individual employee task. Mr. Schafer said he was excited about making, packaging and distributing products which he believed would increase jobs for the City of Flint.

Commissioner Jewell asked the applicant to explain waste management. Mr. Barton said we will be strictly adhering to state and federal laws as required by the license.

Commissioner Wesley asked if anyone from the public wished to oppose PC 20-383. None

Commissioner Wesley asked if anyone from the public wished to support PC 20-383. None

Commissioner Wesley asked Mr. Vandercook if the letter we received from Brian Asseltine pertained to PC 20-382, PC 20-383 and PC 20-384. Mr. Vandercook said yes. Commissioner Wesley asked that the letter be added to all three case files.

Commissioner Jordan moved approval of **PC 20-383**: SD Flint No 2, LLC, requests a Group F Special Regulated Use Permit for a (Processing) marihuana facility at 1871 Tower, Flint, MI. (PID# 41-16-303-018).

M/S –Jordan/Campbell

The motion carried.

PC 20-384: SD Flint No 4, LLC, requests a Group F Special Regulated Use Permit for a (Growing) marihuana facility at 1871 Tower, Flint, MI. (PID# 41-16-303-018)

Mr. Schafer presented the application. Commissioner Wesley asked Mr. Schafer to tell the Planning Commission about the Growing facility. Mr. Schafer said they have elected to use a sophisticated growing system and then asked Mr. Barton to explain. Mr. Barton said this will be a siloed business

within a campus of business. He said they are at the forefront of cleanroom technology with sophisticated air systems and grow environments. Then further explain their operations.

Commissioner Wesley asked what type of air filtration system they are planning to use. Mr. Barton said charcoal filtration to remove a vast majority of smell with very limited air exchanges. Mr. Schafer and Mr. Barton said they would be reaching out to Brian Asseltine to better educate him about how they will be dealing with odors.

Commissioner Jewell asked Mr. Barton how they will be dealing with waste management. Mr. Barton said you only have two types of waste in cultivation 1) nutrient waste and 2) plant waste. Then explained how they would deal with waste following strict state regulations.

Commissioner Wesley asked if anyone from the public wished to speak in favor of PC 20-384. None

Commissioner Wesley asked if anyone from the public wished to oppose PC 20-384. None

Commissioner Wesley recognized the letter sent from Brian Asseltine opposing all three Special Regulated use businesses (PC 20-382, PC 20-383 and PC 20-384).

Commissioner Jordan moved approval of **PC 20-384**: SD Flint No 4, LLC, requests a Group F Special Regulated Use Permit for a (Growing) marihuana facility at 1871 Tower, Flint, MI. (PID# 41-16-303-018).

M/S –Jordan/Sorenson

The motion carried.

REPORTS:

Status of Permanent Marihuana Ordinance:

Mrs. Thompson said there have been no changes since the last Planning Commission meeting.

Commissioner Jewell asked when the emergency ordinance expires. Mrs. Thompson said October 23, 2020. Commissioners discussed personally reaching out to individual City Council members to provide them with the necessary information to move the marihuana ordinance forward.

Status of Draft Zoning and Capital Improvement Plan:

Commissioner Wesley suggested Planning Commissioner reach out to City Council member to provide them with information to move the draft zoning ordinance forward.

In the absence of Ms. Wilcox presence Commissioner Jordan explained what Ms Wilcox had informed Commissioner Wesley and herself at their regular scheduled monthly meeting. Commissioner Jordan said Ms. Wilcox said that it was City Council's wish to hear the marihuana ordinance before taking up the zoning ordinance. But, recently there have been some conversations with City Council members who feel they can be done concurrently. Commissioner Jordan said Ms. Wilcox felt staff did not have the ability to manage in depth process of doing both marihuana and zoning code ordinances, but if council wants to move forward with the zoning code as is with the notion you can make changes down the line that was something staff could try to support.

Commissioner Jewell asked is this on the City Councils agenda. Mrs. Thompson said she knows they are discussing but unaware if it is actually on the agenda. Commissioner discussed how to get this on the City Councils agenda. Commissioner Jewell asked what if the public starts asking why these items are not being addressed. What if the media starts raising questions? Commissioner Jewell asked how is the leadership of the City Council and the leadership of the City Administration going to address those

items. Commissioner Jewell said the Planning Commission has done their job, made their recommendations, and passed their recommendations on to the City Council.

Commissioner Wesley asked if another letter should be sent from the Planning Commission to the City Council. Commissioner Jewell said it would be appropriate for a meeting to be set with the leadership of the Council and City Administration to clarify the status of these two ordinances (marihuana and zoning). Commissioner Wesley said he would reach out to the president of the City Council.

Commissioner Campbell noted the emergency marihuana ordinance expire on October 23, 2020.

Commissioner Wesley and Commissioner Jordan explained where the Capital Improvement Plan was currently and about recent discussions with Ms. Wilcox and Eric Scorsone.

Status of Staffing:

Mr. Vandercook said Ms. Wilcox informed him she was working on the contact with Rowe Engineering, and that hopefully by the beginning of next week we will be under contact with them.

Commissioner Wesley asked about staffing for the parks department. Staff said they were not able to report at this time, but Ms. Wilcox would be able to give an update during the next scheduled meeting.

RESOLUTIONS:

None

OLD BUSINESS:

Bylaws Committee:

Commissioner Wesley said the Commissioner had received the revised version. Mrs. Thompson said she had updated the bylaws according to the committee meetings that were held. Mrs. Thompson noted the Committee had referred to examples of bylaws from Ann Arbor, Grand Rapids and Seattle.

Mrs. Thompson discussed Urban Renewal Plan within the bylaws in Article 6, sections 11.

Commissioner Jordan said we should include the Capitol Improvement and Master Plan. But, we may not want to include including Urban Renewal Plan. Commissioner Jewell said her reason to be hesitant using Urban Renewal was because today it has the connotation of basically decimating neighborhoods of color in order to make room for expressways and other large infrastructure projects.

Commissioner Jordan said she would favor removing the language because it doesn't speak to actual plans that we currently look at, or the framework of social equity and community engagement that we currently orient ourselves to today. Commissioner Jordan suggested adding Neighborhood Plan to the bylaws with Capitol Improvement and Master Plan. Commissioners agreed to remove Urban Renewal Plan from the document. Commissioners Wesley requested this item be on the next meeting agenda under Resolutions. Mrs. Thompson requested that Commission members email her any suggested revisions for the bylaws.

Status of the Roster

Mr. Vandercook noted Suzanne Wilcox said she had a scheduled meeting with the Clerk office this Thursday to discuss the Planning Commission Roster.

Planning Commission Orientation Update:

Mr. Vandercook said there are two booklets that we can order 1) Planning Commissioners Toolkit and 2) Planning and Zoning Essentials. Commissioner suggested ordering both booklets. Mr. Vandercook said regarding the list that Commissioner Jewell and Jordan prepared to request information he would work to compile as much of the information prior to the next scheduled meeting.

NEW BUSINESS:

None

ADJOURNMENT:

M/S – Jordan/Sorenson

Unanimously carried.

Meeting adjourned at 9:03 pm.