

FLINT PLANNING COMMISSION
Meeting Minutes
February 28, 2017

Commissioners Present

Robert Wesley, Chair
Robert Jewell
Denise Allen
Patrick Ryals
Elizabeth Jordan, Vice Chair
Harry Ryan
Carol-Anne Blower, Secretary
Phyllis McCree

Staff Present

Corey Christensen, Zoning Coordinator
Kevin Schronce, Lead Planner
Reed Eriksson, City Attorney

Commissioners Not Present

Leora Campbell

ROLL CALL:

Chairman Wesley called the meeting to order at 6:20 p.m. Roll was taken and a quorum was present. The meeting was held in the Council Chambers, 3rd Floor, City Hall.

ADDITIONS/CHANGES TO THE AGENDA:

Commissioner Jewell requested SPR 17-875: Flint Root be moved to after the public hearing. Commissioner Jordan added draft charter comments to reports.

ADOPTION OF THE AGENDA:

M/S – Jewell/Allen

Motion to adopt the meeting agenda as amended.

Unanimously carried.

MINUTES:

The Commission examined the minutes of 1-24-17 and 2-15-17.

M/S – Allen/Ryals

Motion to approve the minutes of January 24, 2017.

Unanimously carried.

M/S – Allen/Ryals

Motion to approve the minutes of February 15, 2017.

Yes: H. Ryan – ward 1, P. Ryals – ward 2, R. Wesley – ward 5, R. Jewell – ward 6, D. Allen – ward 7, E. Jordan – Ward 9, C. Blower – ward 4.

Nay: None

Abstain: P. McCree – ward 8.

Motion carried 7-1-0

PUBLIC FORUM:

Whitney Johnson spoke against PC 17-303: Flint Odyssey House, Inc. She feels the neighborhood cannot withstand the burden of one more supportive housing facility.

Tamar Lewis spoke against PC 17-303: Flint Odyssey House, Inc. She owns property directly south of 1631 Neome Dr. and is opposed to this property being used for anything other than single family residential. She is offended by the practices of Flint Odyssey House, Inc because in her view they are deceptive. Her experience is that there have been a lot of nuisances at this property since Flint Odyssey House, Inc. moved in. She does not believe there is adequate parking.

Elaine Tipton spoke against PC 17-303: Flint Odyssey House, Inc. She feels this parcel is not zoned correctly and there will not be enough parking.

Debra Cod spoke against PC 17-303: Flint Odyssey House, Inc. She feels it is a nice program just not for Naomi Dr.

Daryl Jenkins spoke against PC 17-303: Flint Odyssey House, Inc. He drew attention to the fact Flint Odyssey House, Inc. has been doing work on the property without permits.

R L Mitchel spoke in support of PC 17-303: Flint Odyssey House, Inc. He believes it is a good cause.

Ronald Brown spoke in support of PC 17-303: Flint Odyssey House, Inc. He is the executive director for Flint Odyssey House, Inc. Mr. Brown recently spoke with Graff Engineering and believes there are 5 parking spaces available on the property. Mr. Brown drew attention to the Flint zoning code and he believes it is offensive. He particularly opposes the fact that drug addiction and feeble-mindedness are grouped together. The people in his facility are not primarily being treated for drug addiction, they are in recovery. He feels society discriminates against those with a history of drug addiction. He pointed out this property has a history of being used for group living. On presidents day he went around the neighborhood and talked with 6 property owners.

Commissioner Wesley closed the Public Hearing.

SITE PLAN REVIEW:

SPR 17-874: Fueling Station
Applicant: AMS Energy Ventures, Inc.
Location: South Flint Plaza Shopping Center (Fenton and Hemphill Rd.)
Parcel Id #41-30-302-002
Contact: Neil Greenbaum

Ethan Henderson and Neil Greenbaum provided the commissioners with additional materials.

Commissioner Jewell asked if these additional materials are the same as what the commissioners received in their packets. The information is mostly the same. The new materials contain renderings not provided in the packets.

Neil Greenbaum gave an overview of the project. He wants to put an above ground fuel tank in the South Flint Plaza. The reason he chose this location is because the retail at this strip mall is not succeeding. Mr. Greenbaum believes by bringing the fuel station into the plaza more people will spend money at the retail locations.

Commissioner Ryan asked how the fueling station will operate. Mr. Greenbaum replied it will be attended whenever it is open. They haven't picked hours yet but most likely it will be from early in the morning until late afternoon.

Commissioner McCree asked about the track record of safety with these types of fueling stations. Specifically, she wants to know the advantages of an above ground tank compared to below ground tanks. Ethan Henderson spoke regarding the safety. He is an engineer and a state certified tank installer. He is very familiar with these systems. There have been no instances of catastrophic leakages. They exceed all metrics of safety. The tank will be double hulled. If there is a leak of the primary tank then it will be protected by the secondary tank. It has been thoroughly tested and exceeds safety standards. He believes this tank system is superior to any other system. The advantage of an above ground system is it can be installed in two days, and it can be changed just as quickly. It is easier to maintain. The environmental impact will be negligible because they do not have to install a below ground tank.

Commissioner McCree asked if this is the only above ground tank in Genesee County. Mr. Henderson replied that it is. Commissioner McCree asked what proof there is that these tanks are superior. Mr. Henderson replied that it has taken awhile for this technology to develop. It is not common because it is not often viewed as an option, and it is a newer design.

Commissioner Jordan asked what communities these tanks have been installed in. Mr. Henderson replied they are more common internationally. There are currently thousands of above ground storage tanks across the United States. They are often found at private airports.

Commissioner Jewel asked how it shuts down in an emergency. Mr. Henderson replied that the only recorded accident was an “overfill.” There is an alarm when the tank is 90% full and it will shut off. The tank is extremely well protected.

Commissioner McCree asked if any products will be sold at the kiosk. There will not be.

Commissioner McCree asked if the tank is filled any differently than an underground tank. Mr. Henderson replied no, it is filled the same way. Fuelers will be familiar with this system and so there isn't an opportunity for increased accidents.

Commissioner Allen asked about the payment system, specifically what they will do if the credit card machine malfunctions. Mr. Greenbaum explained no matter what they will not take cash, only cards. If the credit card machine malfunctions they will manually process the payment.

Commissioner Jewell asked if this unit meets state and industrial standards. Mr. Henderson replied yes.

M/S – Ryals/Jordan

Motion to approve SPR 17-874, Fueling Station, at South Flint Plaza Shopping Center (Fenton and Hemphill Rd.) Parcel Id #41-30-302-002.

Unanimously carried.

CASE REVIEWS:

PC 17-303: Flint Odyssey House, Inc. requests a Principal Conditional Use Permit at 1631 Neome Dr., Flint, MI, 48502. Parcel ID #40-12-107-026.

Attorney Reed Erikson presented his report on the legal definition of “institutional” as well as “occupant”.

Commissioner McCree asked if there is a guarantee this facility will be used for mothers and children, and whether this could turn into a home without mothers and children. She was told that the language was pulled directly from the application, this facility is exclusively for mothers and children.

Commissioner Wesley provided a petition from neighboring residents with 13 signatures. The petition is opposed to the applicant's request for a conditional use permit.

Commissioner McCree asked if there was any consideration made for visitors or family. There is no parking available to accommodate visitors.

Commissioner Jordan asked if the planning commission can approve with conditions. Commissioner Wesley replied yes.

Commissioner Jewell emphasized no one is in opposition to the intent of the effort. The overall function is to protect the health, welfare and safety. However, this is a residential area and Flint Odyssey House, inc. is a corporate endeavor. It is Commissioner Jewell's opinion that Flint Odyssey House, Inc. should have made more of an effort to talk to their neighbors.

Commissioner Jordan explained she can understand the neighbor's concerns as well as the view of Flint Odyssey House, Inc. regarding the stigma associated with substance abuse disorders. She repeated that the Planning Commission has the ability to place restrictions on the permit. Commissioner Wesley stated enforcement will be difficult.

Kevin Schronce argued enforcement will be difficult if not impossible. City staff cannot monitor what goes on inside the house. It will be up to the neighbors to file a complaint if Flint Odyssey House, Inc. is in violation.

M/S – Allen/Ryals

Motion to approve PC 17-303: Flint Odyssey House, Inc. requests a Principal Conditional Use Permit at 1631 Neome Dr., Flint, MI, 48502. Parcel ID #40-12-107-026 with three conditions. First, the home will be exclusively for pregnant women and mothers with young children. Second, the Principal Conditional Use Permit will be revoked if there is a citation for parking, noise, or blight. Third, the maximum number of adults is capped at five.

Yes: H. Ryan – ward 1, P. Ryals – ward 2, R. Jewell – ward 6, D. Allen – ward 7, E. Jordan – Ward 9, Nay: P. McCree – ward 8, R. Wesley – ward 5, C. Blower – ward 4.

Motion carried 5-3

PC 17-305: RS-BM LLC, requests to establish a Special Regulated Use, Group E Medical Marihuana Provisioning Center, at 1871 Tower, Flint, MI, 48503, Parcel ID #41-16-303-018.

Brooke Malik spoke on behalf of the applicant. She gave an overview of the project and stated they chose this location because it is low in crime and already has a suitable structure.

Commissioner Ryals pointed out the hours in the packet do not align with what is permitted in the ordinance.

Commissioner Jewell asked for clarification on RS –BM, LLC and Flint Root. Ms. Malik explained RS-BM is the property owner and license holder. Flint Root would operate the business. The business operator needs to apply for the Special Regulated Use. Commissioner Jewell explained he needs an operational plan from the entity that will ultimately operate the business. Commissioner Jewell went on to ask what the organizational structure of Flint Root is.

Commissioner Allen asked what the day to day operation plan looks like. Ms. Malik replied that there will be 2 to 3 people for administration, 4-5 daily groundskeepers, 2 seed trackers, record keepers and 2-3 skilled processors. The caregivers may not all be there at the same time. Commissioner Allen pointed out these conflicts with the application which states there will be 7-9 employees total. Ms. Malik replied there will be closer to 20 employees, not counting the 15 caregivers.

Commissioner Allen asked where trucks will operate on the property. Ms. Malik explained that trucks will be buzzed in off Kelso Street.

Commissioner Ryals asked why there are guest areas on the site plans. Ms. Malik replied these areas are for people who want a tour of the facility.

Commissioner Allen recommended postponement. The commissioners provided the applicant with a list of 9 items they would like to see at the next meeting.

- 1) Clarification on the actual applicant for the license whether it is Flint Root or RS-BM, LLC. Who is the applicant?
- 2) An explanation of the organizational makeup of RM-BC, LLC and Flint Root.
- 3) An outline of the operation plan.
- 4) Any letters of support from their immediate neighbors.
- 5) Clarification on the difference between provisioning and cultivation.
- 6) An updated floor plan that clearly shows the use of each room.
- 7) That the applicant is familiar with the material.
- 8) Distinction between employees and caregivers.
- 9) The actual number of employees.

M/S – Allen/Ryals

Motion to Postpone PC 17-305, RS-BM LLC, request to establish a Special Regulated Use, Group E Medical Marihuana Provisioning Center, at 1871 Tower, Flint, MI, 48503, Parcel ID #41-16-303-018.
Unanimously carried.

REPORTS:

CIP: Kevin Schronce highlighted proposed changes from the draft presented at the previous planning commission meeting. David Sabuda gave an overview of the numbers and explained the costs attached to infrastructure improvement and where that money is coming from.

M/S – Allen/Ryals

Motion to approve the 2017 CIP understanding that some of the figures still need to be fine-tuned.
Unanimously carried.

Commissioner Jordan discussed planning commission comments for the draft charter review.

RESOLUTIONS:

No resolutions

OLD BUSINESS:

Mr. Schronce gave an update on the draft zoning ordinance. He is continuing to do outreach to City Council Members.

NEW BUSINESS:

There is no new business.

ADJOURNMENT:

M/S – Ryals/Allen

Unanimously carried