

FLINT PLANNING COMMISSION
Meeting Minutes - Approved
October 22, 2019

Commissioners Present

Robert Wesley, Chair
Elizabeth Jordan, Vice-Chair
Carol-Anne Blower, Secretary
Harry Ryan
Robert Jewell
Leora Campbell

Staff Present

Adam Moore, Lead Planner
Andy Aamodt, Zoning Coordinator
Bill Vandercook, Planner I
Reed Eriksson, Assistant City Attorney

Commissioners Not Present (None)

ROLL CALL:

Chairperson Wesley called the meeting to order at 6:07 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:

SPR 19-922 was moved to after Public Hearing.

SPR 19-923 was moved to after Public Hearing.

Commissioner Jewell requested adding Status Update on SPR 19-920 under Reports.

Commissioner Jewell requested adding status of building access and posting of planning commission meetings in relationship to the Open Meeting Act to under New Business.

ADOPTION OF THE AGENDA:

M/S – Blower/Jordan

Motion to adopt the meeting agenda with revisions.

Unanimously carried.

MINUTES:

The Commission examined the minutes of 10-8-19.

M/S – Blower/Jewell

Motion to approve the minutes as revised.

Motion carried. Wesley abstained.

PUBLIC FORUM:

No one spoke.

CASE REVIEW:

There were no Case Reviews.

PUBLIC HEARING:

PC 19-348: Application to transfer ownership of the provisioning center Club Medz at 2840 E Court St. (AKA 2838 E Court St. (PID # 41-16-101-021) from Aaron Pacheco to Brady Lane.

Aaron Pacheco spoke about the transfer request on behalf of his father Brady Lane and himself. Commissioner Jewell made the board aware that at the October 8, Planning Commission meeting the Commission postponed the ownership transfer request until 10-22-19. It was postponed, because the Commissioners wanted to make sure proper documentation was included with the transfer. Items required by the board included: corrections in the revised by-laws, and state issued sales tax certification. Mr. Pacheco stated they refiled for a sales tax license correcting the name, address and by-laws.

M/S – Blower/Campbell

Motion to approve PC 19-348: Application to transfer ownership of the provisioning center Club Medz at 2840 E Court St. (AKA 2838 E Court St. PID # 41-16-101-021) from Aaron Pacheco to Brady Lane.

Unanimously carried.

PC 19-349: Victor Korea requests a Special Regulated Use Permit – Group E for a provisioning center at 1420 E Pierson Rd (PID # 47-32-101-023).

Victor Korea presented his application request as the sole owner. Commissioner Wesley asked Mr. Korea to address the specifics of this location. Before Mr. Korea spoke, Commissioner Jewell said there were a couple of clarification issues he wanted to address. Commissioner Wesley asked Mr. Korea to discuss the difference between this location, and the location that was previously approved at the October 8th meeting. Mr. Korea noted the location applications are identical, but things that will be the most different will be the community plan. Mr. Korea said because it's at different location and there is a mobile home park across the street. Mr. Korea said his other facility is located within an area without any residents. Mr. Korea said while talking to the planning department he understood the location is considered an industrial area. Mr. Korea said, he wanted to give residents of the mobile home park priority to being hired. Mr. Korea noted he would be providing security and lighting that would benefit the park across the street. Mr. Korea noted the subject property was made up of five different parcels which he owns. Mr. Korea explained he made application to the assessing department to combine the five parcels and submitted a letter to the Planning and Zoning Division. Andy Aamodt explained, just for clarity, it's the expansion of a Special Regulated Use that needs Planning Commissions' permission. Mr. Korea wanted the commission to be aware of this.

Commissioner Jewell, discussed the separate entities (NGB Industries and NGB Pearson) operating at two different sites. Mr. Korea stated they are two separate legal entities operating at two different sites for clarification. Commissioner Jewell made mention of the application (page 13), requirements for growing and processing was not filled out. Mr. Korea explained he does not intend to be approved for growing at this review. Commissioner Jewell also commented about the portion of the application which states for office use only, which is something done as a follow up. Commissioner Jewell said the location complies, based on page 15 of the application.

Commissioner Campbell addressed a part of the application, which should be corrected. The affidavit found on page 182, makes reference to an LLC. Commissioner Campbell said it was signed by Mr.

Korea as the executive director, however, the rest of the application refers to the business as a corporation. Mr. Korea noted this was a mistake he would correct.

Commissioner Campbell was concerned about the location of the Provisioning Center, in relationship to the mobile home park across the street. Andy Aamodt noted the mobile home park was zoned commercial or industrial, not residentially-zoned as the ordinance requires. He also said the site was compliant with all zoning and locational standards.

No one spoke in opposition. No one spoke in favor. Staff reported there were no official communications.

M/S – Campbell/Ryan

Motion to approve PC 19-349: Victor Korea requests a Special Regulated Use Permit – Group E for a provisioning center at 1420 E Pierson Rd (PID # 47-32-101-023), with condition that “LLC” vs. “Inc.” documentation is corrected.

Unanimously carried.

SITE PLAN REVIEW:

SPR 19-922 Provisioning Center
Applicant: Victor Korea
Location: Location: 1420 E Pierson Rd. (PID # 47-32-101-023)
Contact: Contact: Victor Korea

Victor Korea presented his application request for the medical marijuana provisioning center. Mr. Korea discussed combining his five lots into one. Then asked the Commission for permission. Mr. Korea discussed his parking, dumpster location, and landscaping plan. Mr. Korea said he felt his lighting would be an improvement to the neighborhood. Mr. Korea showed the existing layout of his building, and his plan to modify the building.

Commissioner Jewell addressed the combination of lots, noted in AO.1.1 of the plan. Which states, property lines provided by owner and/or surveyor will be updated upon receipt of survey. Mr. Korea noted that referred to the four lots he planned to combine. Andy Aamodt noted the application for lot combination was in the commissioners’ packages.

Commissioner Blower asked Mr. Korea to address how the provisioning center would affect the mobile home park, across from the property. Commissioner Blower asked if Mr. Korea anticipated any light, noise, or traffic, which could create conflict with adjoining residents. Mr. Korea noted the mobile home park was directly across Pierson Road. Then explained there used to be a bar at the site. Mr. Korea said the proposed use of the property would be less intrusive to residents.

Commissioners asked to note they are aware of the pending parcel combination received, and are aware of Mr. Korea’s intent to combine lots.

M/S – Campbell/Jordan

Motion to approve SPR 19-922 - Provisioning Center at 1420 E Pierson Rd. (PID # 47-32-101-023) with the condition that the pending parcel combination is approved
Unanimously carried.

PC 19-350: Alex Hamo & Linda Murphy request a Special Regulated Use Permit – Group E for a provisioning center and a Special Regulated Use Permit – Group F for a growing facility at 1401 E Stewart Ave. (PID # 47-31-282-036).

Alex Hamo presented the requests. Mr. Hamo noted there would be two corporations. The Corporations have the same ownership and will be operating under one building. Mr. Hamo discussed plans to install security cameras and have a security guard patrol the area. Mr. Hamo noted the grow is in the back of the building, which is fenced. Then said the front is going to be the provisioning center.

Commissioner Jordan noted on the application there are several items for required documents, but there is nothing marked. Commissioner Jordan asked if this was an oversight. Commissioner Jewell said he had the same concerns. Commissioner Jewell asked if they could discuss the items. Commissioner Jordan noted the following: (1) page 3. assumed name registration documents was not marked, (2) copy of operation agreement of the applicant, (3) page 6. location area map of the medical marijuana facility and surrounding area, (4) page 7. hazardous material plan, (5) processing plan including a minimum description of the methods to be used.

Commissioner Jewell said he had a discussion with Mr. Aamodt regarding these items. Then asked if Andy could address the Commission.

Andy Aamodt discussed the operation agreement items. Mr. Aamodt said he has updated the application form template. Mr. Aamodt noted the processing portion was not applicable for this applicant. Mr. Aamodt explained the location met all MMFLA standards and obtains proper distances. Mr. Hamo stated there would be no hazardous materials used at the location.

Commissioner Jewell noted there are two separate entities operating at the site making application (Apollo Organics and Flower of Life). Commissioner Jewell asked Mr. Hamo if there is an operating agreement or memorandum of understanding between the entities. Mr. Hamo believed an operating agreement was in the application. Commissioners' searched for the agreement, but could not find within the application. Discussion followed between Commissioners regarding the need for a legal agreement between two separate entities.

Commissioner Campbell wanted to note that one-third of the building was not in use. Commissioner Campbell said the applicants' may return and make application to use the remainder of unused building.

Commissioner Jordan asked if there was going to be outdoor production, as referenced within the application. Mr. Hamo said no, it was not a part of this application.

No one spoke in opposition. No one spoke in favor. Staff reported there were no official communications.

Commissioner Blower asked the Commission if the applicant needed to check the hazardous and location portions of the application and update with planning staff. Commissioners conferred it should be include in the motion.

Commissioners discussed adding a conditional approval to a motion, requiring the applicant to supply a memo of understanding or legal operating agreement between the two separate entities.

Commissioner Jordan wanted the applicants to be aware they will be required to report on community benefits for relicensing and said results will factor into whether or not they are relicensed in the future. Mr. Hamo said he understood.

M/S – Campbell/Ryan

Motion to approve PC 19-350: Alex Hamo & Linda Murphy request a Special Regulated Use Permit – Group E for a provisioning center and a Special Regulated Use Permit – Group F for a growing facility at 1401 E Stewart Ave. (PID # 47-31-282-036), with condition upon applicant providing a legal operating agreement between the two separate entities, filling in all N/As on the application and administrative approval after conditions met.

Unanimously carried.

SITE PLAN REVIEW:

SPR 19-923 Provisioning & Growing Center
Applicant: Alex Hamo & Linda Murphy
Location: Location: 1401 E Stewart Ave. (PID # 47-31-282-036)
Contact: Contact: Kurt Neiswender, Sedgewick & Ferweda

Kurt Neiswender presented the request for the provisioning and growing center. Mr. Neiswender noted they are utilizing an existing building and not proposing additions or alterations to the outside of the building. Mr. Neiswender said uses discussed, are grow and a provisioning center operation, with 14,000 sq. ft. dedicated to growing. Mr. Neiswender explained signage will be modified to Flower of Life logo. Mr. Neiswender said parking spaces provided are more than adequate. Mr. Neiswender noted the existing lot size is 5.8 acres in total and abuts to industrial properties.

Mr. Neiswender reviewed the interior floor plan with the commissioners. Mr. Neiswender said the plan meets the barrier free requirements. Mr. Neiswender stated the building will have a secure emergency exit. Mr. Neiswender said the grow operation will have a separate entrance not open to the public.

Commissioner Blower asked where security monitoring will be located. Mr. Neiswender explained part of room 128, 124, and 107 would be used. Commissioner Blower asked Mr. Hamo if security would have access to these rooms. Mr. Hamos replied yes. Commissioner Blower asked Mr Hamo to address the flow of the building. Mr. Hamo explained how customers would be allowed to access the building to acquire product securely.

The commissioners addressed unique features of the plan. Including the method of growing, air cleaning, plant movement and rolling grow benches.

Commissioner Jewell asked the applicant to take a look at the site plan application. Commissioner Jewell asked Mr. Hamo, is this two entities. Mr. Hamo responded yes. Commissioner Jewell said it should be corrected accordingly.

Commissioner Wesley asked if there were any additional questions from the commission to the applicant (none).

M/S – Campbell/Ryan

Motion to approve SPR 19-923 – Provisioning and Grow Center at 1401 E Stewart Ave. (PID # 47-31-282-036), on condition upon the applicants updating and correct their original application.

Unanimously carried.

REPORTS:

Update on 19-920 regarding Mr. Korea's application two weeks ago for the Robert T. Longway. The Commission's intent was to approve the site plan subject to Mr. Korea providing landscape and volleyball area plans. Andy Aamodt noted Mr. Korea has not provided the plans, but should within a couple of weeks. Mr. Aamodt said once the plans come into the office he would call Commissioner Blower for administrative review.

RESOLUTIONS:

There were no Resolutions.

OLD BUSINESS:

Draft zoning code update. Adam Moore noted an informational presentation was provided to City Council last Wednesday. This was a special committee meeting to make Council aware of all pertinent information. Adam informed the Commission of several community meetings, which took place to make residents better aware of the current master plan, and proposed zoning ordinance. Commissioner Wesley asked if there was a time frame to get into ordinance. Assistant City Attorney, Reed Eriksson explained the process and said he would contact the Clerk's office.

NEW BUSINESS:

Status of building access and posting of the Planning Commission meetings in relationship to the Open Meetings Act.

Andy Aamodt and Adam Moore noted they have made plenty of requests to keep the lobby doors open. Mr. Moore noted he talked with the building manager today about keeping the doors open. Mr. Moore said planning staff have been placing a chair between doors to keep them open. Reed Eriksson Assistant City Attorney noted the City Attorney's office have had repeated request to facilities without response about this issue. Commissioners noted the meetings must be posted and doors kept open to the public. Commissioner Jewell asked if anyone has met with the City Administrator (Mr. Branch) regarding the issue, which has gone on for the last several weeks. Commissioners and staff discussed the possibility of moving the meeting to South Building. Commissioners decided to continue holding the meetings in the Committee-of-the-Whole Room, 3rd floor of City Hall. Commissioners request administration be aware of the situation and insure future access and posting to be in compliance with the Open Meeting Act.

Recreational Marijuana

Mr. Eriksson briefly discussed the state of the recreational marijuana ordinance. The recreational marijuana partial opt out ordinance did not pass as voted on by the council. The only avenue is an emergency ordinance which is only valid under the charter for 60 days. Mr. Eriksson explained he drafted two separate emergency ordinances for city council, which he hoped they would adopt on November 1, 2019. Commissioners discussed how the Cities limit on distance will be reduced if a State Act is enacted. Commissioners discussed the need for preparing a community awareness article.

Andy Aamodt informed the Commission he will be leaving the city shortly, as he has taken a job elsewhere.

ADJOURNMENT:

M/S – Jordan/Campbell

Unanimously carried.

Meeting adjourned at 7:48 pm.