

FLINT PLANNING COMMISSION
Meeting Minutes - *Approved*
May 28, 2019

Commissioners Present

Robert Wesley, Chair
Elizabeth Jordan, Vice-Chair
Robert Jewell
Harry Ryan
Denise Allen

Staff Present

Suzanne Wilcox, Director of Planning & Dev.
Andy Aamodt, Zoning Coordinator
Adam Moore, Lead Planner
Andy Fedewa, Planner I
Reed Eriksson, Assistant City Attorney

Commissioners Not Present

Carol-Anne Blower, Secretary, excused
Leora Campbell, excused

ROLL CALL:

Chairperson 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 Planning & Development Conference Room, South Building of the City Hall.

ADDITIONS/CHANGES TO THE AGENDA:

There were no changes to the agenda.

ADOPTION OF THE AGENDA:

M/S – Allen/Jordan

Motion to adopt the meeting agenda as presented.

Unanimously carried.

MINUTES:

The Commission examined the minutes of 5-14-19.

M/S – Allen/Jordan

Motion to approve the minutes of 5-14-19 with revisions.

Unanimously carried.

PUBLIC FORUM:

No one spoke.

SITE PLAN REVIEW:

There were no Site Plan Reviews.

CASE REVIEWS:

There were no Case Reviews.

PUBLIC HEARING:

PC 19-339: Application for a Conditional Use permit for a group daycare at 1872 Springfield St. (PID # 41-16-427-024)

Monique Hendrix introduced the request as the applicant. Ms. Hendrix is moving to this new location at 1872 Springfield St. She will be buying the house. She stated she has worked in childcare for 19 years, and has never had an issue with neighbors. She stated the children will be in the backyard only when outside, and will not be allowed in the front yard. She has traditionally cared for children of 0-12 years old, with usually only around eight children at one time. A large family of six is cared for.

Commissioner Allen asked if there will be any employees or anyone else giving care to the children. Ms. Hendrix confirmed only she and her mother will be giving care.

Commissioner Allen asked if Ms. Hendrix is licensed by the State of Michigan. Ms. Hendrix confirmed she has been State-licensed for 19 years with no issues.

Commissioner Jewell asked if this new location, 1872 Springfield St., has been reviewed or approved of by the State. Ms. Hendrix confirmed if approved at this meeting, she will schedule an inspection with the State to inspect the premises. She needs this Planning Commission approval as part of her State application.

Commissioner Jewell asked about the reasoning for moving from the current location, on E Ninth St. to this location. Ms. Hendrix stated she would like to downsize to the Springfield St. house. Commissioner Jewell asked how many children she cares for currently. Ms. Hendrix confirmed she is licensed for up to 12 children currently, and came before the Commission for that approval in 2015. On average she has about eight children maximum, at one time.

Ms. Hendrix confirmed she will be residing in the house. It is an in-home day care. Commissioner Jordan asked about hours of operation and the staffing model. Ms. Hendrix confirmed there will be no staff besides her and her mother, and there will be two shifts. The first shift will be 8 am to 3 pm, and the second shift will be 3 pm to when the last child leaves which is usually around 10 pm. There is no weekend child care.

Commissioner Wesley asked if there are any overnight stays. Ms. Hendrix confirmed not frequently, with only one occurring in the past five months.

Commissioner Jordan asked if there is any fencing in the backyard. Ms. Hendrix confirmed there is currently no fencing. Commissioner Allen then asked if the present E Ninth St. location is fenced. Ms. Hendrix confirmed it is. Ms. Hendrix then followed up by stating she will install a fence if it is required.

Commissioner Jewell asked from a public safety standpoint for the children, if she is planning on getting a fence. Ms. Hendrix stated she was not planning on a fence, but will install one if required. Commissioner Jewell then asked if there are neighboring properties on all three sides. Ms. Hendrix confirmed there are properties on all three sides of the subject property. Commissioner Jewell expressed public safety concerns if there will be no fence. Ms. Hendrix expressed the children will be supervised, but reiterated she will install a fence. Commissioner Allen asked Ms. Hendrix if she has talked to any of the neighbors about installing a fence. Ms. Hendrix confirmed she has not.

Commissioner Wesley asked Ms. Hendrix if she is renting the property or buying it. Ms. Hendrix stated she will be buying the property. Commissioner Jewell asked if she has talked to any of the neighbors about the proposed day care. Ms. Hendrix stated she has talked to a few neighbors that had

come to her about her request, but the neighbors did not convey approval or disapproval or anything to be sensitive about.

Odessia Peterson spoke in favor of the request.

Commissioner Wesley noted several letters in support of the request. Commissioner Wesley added the letters to the record.

Scott Williams spoke in opposition to the request.

Crystal Williams spoke in opposition to the request.

Sam Williams spoke in opposition to the request.

Jonnie Ricks spoke in opposition to the request.

Patricia Marshall spoke in opposition to the request.

Linnette Phillips spoke in opposition to the request.

Lewis Becoats spoke in opposition to the request.

Commissioner Wesley noted several letters in opposition to the request. Commissioner Wesley added the letters to the record.

Staff confirmed there was no additional feedback.

Commissioner Wesley and Commissioner Jordan wanted to express this application is not a rezoning, rather a conditional use permit. This property would not permit any type of for commercial use, for example. The conditional use is specific for a day care for six to twelve children. This approval is good for the property as long as this day care use is in existence under this individual. If the individual moves, the conditional use expires.

Commissioner Jewell stated he has a number of findings with this request. One, that if there is no basement to the house, as brought up in public comment. If a correct statement, this is a safety issue for storms or hazardous items. There needs to be a place for safety for the children. Two, that there was no presentation to the Commission regarding the backyard and improvements such as fencing. No fencing for example presents concerns for both the children's safety as well as the neighborhood's preferences. The verbal presentation for the fencing and yard is not enough.

Commissioner Allen referenced a letter in opposition to the request. She stated from a personal perspective she is disappointed in the applicant, that someone working with children like she does would post inappropriately on social media.

Commissioner Allen stated the applicant can speak initially about the request. Then, the public can speak in favor or in opposition. Then, the Planning Commission is to observe and consider documentation to make a determination. The Planning Commission is not to go back and forth.

Commissioner Jordan stated she thinks there is a missed opportunity for the applicant to engage with the neighborhood ahead of time. However, Commissioner Jordan is sympathetic to the need for high-quality child care and believes children can be a great part of a neighborhood. Children can make up an inter-generational dynamic of people of all ages living together to make a community. She is hesitant to suggest that having children in a neighborhood will diminish the quality of life of a neighborhood.

Commissioner Ryan agreed that the applicant should have engaged the neighborhood. The letters in support of the applicant were from the neighborhood the applicant is moving from. However the neighborhood the applicant is moving to is not in support of the request and that should be considered.

Commissioner Jewell wanted to clarify that whether there is a basement or not, he still has concerns about the safety of the children.

M/S – Allen/Jewell

Motion to deny PC 19-339, Application for a Conditional Use permit for a group daycare at 1872 Springfield St. (Parcel ID # 41-16-427-024), based on the findings and feedback.

Unanimously carried.

Conditional Use permit denied.

PC 19-340: Application for a Special Land Use permit for outdoor business, seating, and food and beverage service at 550 S. Saginaw St. (Parcel ID # 41-18-113-012)

Mike Cieslinski presented on behalf of Mott Community College. This would allow for outdoor seating for the new student café and coffee shop. Commissioner Allen asked how many tables and chairs. Mr. Cieslinski answered there are six tables with four chairs each.

Commissioner asked about how the tables are attached. Mr. Cieslinski answered that the tables are set into the concrete. Commissioner Jewell asked what distance is from the seating fencing to the street is for accessibility reasons, Mr. Cieslinski replied there is 9' of clearance.

Commissioner Ryan asked what form of agreement the applicant has for use of the public property in a permanent fashion. Andy Aamodt answered that the Department of Public Works is aware of the extended sidewalk. Joe Martin with the owner, 550 Bears mentioned that this did go through Site Plan Review with the 'bump-out' shown. Andy Aamodt confirmed that it was through internal review under a previous Zoning Coordinator.

Commissioner Jewell stated that some form of city approval for the public right-of-way use should be seen by the Planning Commission and he asked if the City receives any type of revenue for giving up this use of the sidewalk to a business.

Commissioner Jordan inquired if there were other types of permits needed. Mr. Cieslinski replied that they applied for a limited Class C liquor license and lab usage, but hit a snag with Planning Commission approval for this outdoor seating. Commissioner Jordan stated there is an understanding that the approval process for outdoor seating greater than 8 seats rests with the Planning Commission.

Mr. Martin stated this is a special land use just for Mott Community College. If they were no longer using the site these structures would be removed.

It was then discovered the seating area was already installed prior to the time of this meeting. The Commission stated this is information that has to be disclosed by staff and the applicants up-front. Staff confirmed they were aware of this installation around two weeks prior to the meeting.

Vicki Van Buren spoke in favor.

No one spoke in opposition.

Staff confirmed two letters were received in support of the application.

M/S – Allen/Jordan

Motion to PC 19-340: Application for a Special Land Use permit for outdoor business, seating, and food and beverage service at 550 S. Saginaw St. (Parcel ID # 41-18-113-012) as presented.

Unanimously approved.

REPORTS:

Medical Marihuana submittal guidelines: A draft copy of the Medical Marihuana Facilities submittal guidelines was handed out to commissioners for review. A final draft will be presented at the next Planning Commission meeting held.

RESOLUTIONS:

There were no resolutions.

OLD BUSINESS:

Adam Moore spoke briefly about the Draft Zoning Code update.

NEW BUSINESS:

There was no new business

ADJOURNMENT:

M/S – Allen/Ryan

Unanimously carried.

Meeting adjourned at 8:20 pm.