

FLINT PLANNING COMMISSION
Meeting Minutes
July 24, 2018

Commissioners Present

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

Staff Present

Corey Christensen, Zoning Coordinator
Kevin Schronce, Lead Planner/ Planner III
Andy Aamodt, Planner I
Reed Eriksson, Assistant City Attorney

Commissioners Not Present

Denise Allen
Leora Campbell
Phyllis McCree

ROLL CALL:

Chairman Wesley called the meeting to order at 6:10 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:

Addition of Planning Commissioner Conditions for Removal and ZBA Update to “Reports”.

ADOPTION OF THE AGENDA:

M/S – Blower/Ryan

Motion to adopt the meeting agenda as amended.

Unanimously carried.

MINUTES:

The Commission examined the minutes of 6-26-18 and made no changes.

M/S –Jewell/Jordan

Motion to approve the minutes of 6-26-18 as presented.

Unanimously carried.

PUBLIC FORUM:

No one spoke.

CASE REVIEWS:

There were no case reviews.

PUBLIC HEARING:

PC 18-322: Ron Bostick requests a variance from the 500’ medical marihuana facilities setback requirement from 1110 Tower St. (PID # 41-16-101-010) to a dedicated public park.

Ron Bostick and Justin Dunaskiss presented the variance request. Mr. Bostick purchased this property nine months ago. He described the building as functionally obsolete in terms of any warehousing or office

uses, as the structure is split up by many block walls. He also described that the access via Tower Street is too congested and narrow for any type of trucking to make consistent trips. He noted that most of their interest they receive is from Cannabis companies, however the property was not acquired with speculation about medical marihuana.

Justin Dunaskiss, consultant from Dunaskiss Consulting, spoke and argued that the variance would preserve the intent of the zoning ordinance and would protect residents. The problem at hand is the dedicated public park, Pierce Park and Pierce Park Golf Course. The golf course is currently closed and the Pierce Park portion that is open to the public is on the far corner of the parcel. He described one would have to travel over six-tenths of a mile to get from access points of the park to access points of the facility. He described that Dort Highway acts as a buffer with its different commercial and industrial uses. He also argued that the variance request would be granting the minimum use necessary. The property would be used for growing and processing. There would not be any retail traffic. He argued that the intent of the ordinance was to protect residents, and a growing or processing facility at this location would be doing so. He then argued that the property is unique in being buried down at the end of Tower St. With this factor, he predicted no residents would have any idea what's going on there, or at the other adjacent properties. The building was designed to be a food distribution facility. There are no windows. There is a singular, secure entrance point, and the construction is of strong block. He expressed confidence that public safety will be ensured. He also expressed that the property owner did not create any hardships or difficulties regarding this site.

Commissioner Jewell asked staff what the original park locational standards were in the MMFLA draft ordinance Planning Commission recommended to City Council. Reed Eriksson confirmed the original recommendation was 1,000 feet. Commissioner Jewell expressed that if their original standard was 1,000 feet, the non-compliance with the 500 foot standard is concerning. He also suggested clarification that the measurements are always measured by parcel line to parcel line. It is not a measurement of entrance to entrance. Mr. Dunaskiss described that where the usable area of the park is, the subject property would fit the ordinance. Pierce Park had obtained the former golf course, as it was gifted to the City, and therefore the park's land has expanded to cover the entire parcel. As of now, they are 350 feet from the total parcel. Mr. Jewell stressed the parcel-to-parcel measurement is what is followed. Mr. Dunaskiss is aware of that, and is why they are currently applying for the variance.

Commissioner Jewell asked Mr. Bostick about his efforts with selling or leasing the property. Mr. Bostick explained he is a real estate investor, and wants a return on the property. In doing so, he wants to find a suitable use for the property. He is looking to lease the property. He owns two vacant buildings in Flint and wants uses out of them.

Commissioner Ryan asked staff if there are any current or future plans for Pierce Park Golf Course to be reopened. Kevin Schronce verified that Pierce Park is being used, but there are no plans to reactivate Pierce Park Golf Course.

No one spoke in opposition to the variance request. No one spoke in support. Corey Christensen confirmed staff received no feedback.

Reed Eriksson clarified that the 500' park locational standard is in fact the standard relevant here.

Commissioner Jewell made the motion to deny PC 18-322. After discussion about the facts of finding, Commissioner Jewell withdrew the motion.

Commissioner Jordan mentioned that the first standard deals with feasibility for alternative uses. She asked about if there has been interest in the property from anyone. Mr. Bostick confirmed an auction company had interest, but they could not finalize the deal because the company was concerned about the accessibility of the site.

Reed Eriksson outlined the variance conditions the MMFLA ordinance lists. All these conditions have to be satisfied for a variance to be granted.

Commissioner Blower mentioned that in regard to the spirit of the ordinance, this location would make sense. Commissioner Wesley agreed that even with the variance staying with the property, he cannot see this becoming problematic because of the commercial and industrial buffer around the property.

M/S – Jordan/Blower

Motion to approve PC 18-322: variance from the 500' medical marijuana facilities setback requirement from 1110 Tower St. (PID # 41-16-101-010) to a dedicated public park.

Unanimously carried.

PC 18-323: Todd Metzger requests a variance from the 300' medical marijuana facilities setback requirement from 1273 Broadway Blvd. (PID # 41-06-480-024) to residentially zoned parcels.

Todd Metzger presented the variance request with Mark O'Brien and Mike Snyder. Mr. O'Brien has prior experience in the medical marijuana business. They want to reuse the Henry H. Stevens building. Mr. Metzger explains the building is built well. There are plans for making the windows bulletproof. They also have future plans for agriculture and solar in the area. Mr. Metzger stated their intended functions are consistent with the spirit of the ordinance.

Mr. Snyder explained that much of the Murray Hill neighborhood structures have been removed or vacant, and the area has transitioned away from residential uses. There is only 13% residential occupancy here. He explained that there are currently provisioning centers within 300 feet of residential properties. He also explained that within six months to become approved and operational, it is nearly impossible to newly construct a building. They are looking at this property because of the existing building.

Mr. Snyder described the community activism residents have undertaken to clear stumps, clear obsolete concrete paths, cut overgrowth, and overall maintained the area. He stated that many of these residents are in favor of using the property for a medical marijuana facility. Mr. Metzger has also bought numerous vacant lots and is working on turning them into urban gardens and orchards. Mr. Metzger argued that the wishes of the residents are being protected.

Mr. Snyder explained there is a land conflict created by the zoning map in that the subject, D-6, property is surrounded by residential properties, many of which are vacant. He also explained that the public's safety will be ensured because adequate parking will take congestion off the streets and increased security will benefit the neighborhood. He argued that job creation and education/ skills development will take place if this project goes forward.

Commissioner Jordan stated that the Green Innovation-1 future zoning district does indeed permit residential. Therefore, this area is not necessarily transitioning away from residential in terms of the future land use plan.

Commissioner Jordan asked if the photo in the booklet is existing. Mr. Metzger explained that it is not existing, it's just a vision they are looking to install in the potential facility. Commissioner Jewell commented that this photo can be misleading and there should be a disclaimer stating the image is potential.

Commissioner Jewell stated that the Planning Commission's residential locational standard recommendation was 500 feet. He expressed his concern that the parcel falls directly in the middle of a residential area. Just because residents are supportive of the variance at this time does not mean residents will be supportive of this in the future.

No one spoke in opposition. One neighborhood resident wrote a letter in opposition to the use of medical marihuana at the property.

Frederick Creger Sr. spoke in support of the variance. He owns seven properties in the area and sees this as an improvement to the neighborhood.

Vincent Mireles spoke in support of the variance. He owns six properties in the area. He has been working to clean up and maintain the area. He often cuts trees and breaks concrete. He has lived there since 1979.

Frederick Creger Jr. spoke in support of the variance. He expressed concern about robberies in the area. His property has been robbed many times. He thinks this will help keep thieves out.

Eleven neighborhood residents signed letters in support of the variance.

M/S – Jewell/Blower

Motion to deny PC 18-323: variance from the 300' medical marihuana facilities setback requirement from 1273 Broadway Blvd. (PID # 41-06-480-024) to residentially zoned parcels.

Yes – Blower, Jewell, Jordan, Wesley

No – Ryan

Motion failed.

Reed Eriksson explained the motion failed because a motion will need five concurring votes.

Commissioner Ryan explained his vote was "no" because area is downtrodden and he cannot see how it will make a permanent negative impact, especially considering the public is showing support.

M/S – Ryan/Jordan

Motion to postpone PC 18-323 to the next regularly scheduled meeting on August 14th.

Unanimously carried.

PC 18-324: Ermal Mandija requests a variance from the 1000' medical marihuana facilities setback requirement from 1174 Robert T. Longway Blvd. (PID # 41-07-253-020) to a pre-K through 12 school.

Ermal (Eric) Mandija presented the variance request. The subject parcel at 1174 Robert T. Longway is about 970 feet from the Way Academy school parcel. Mr. Mandija argued the measurement technique of parcel line-to-parcel line is what is making this parcel non-compliant. He pointed to the pointed corner of the school parcel which in effects the measurement. If this corner was cut out, the parcel would be com-

pliant and they would be able to apply for the medical marijuana provisioning center use. He also explained that the highway (I-475) acts as a buffer that would require a child to walk over 1,600 feet to get to one parcel to the other. With this, he argued, the spirit of the ordinance will be upheld.

Mr. Mandija stated they are currently operating two facilities in Detroit. They are active in the community and have renovated a building to allow other businesses to operate there. They are also working with the City of Detroit to fix the area sidewalks. Mr. Mandija stated they will be active in Flint as well if they are approved.

Commissioner Blower asked why they chose this property. Mr. Mandija explained that the current property owners, Treasure Enterprises, were defrauded. Currently, Mr. Mandija has a purchase agreement in place for the building next door. This building has back taxes and if the building is used they will be able to pay off the taxes.

Mr. Mandija commented that they will seal off the large windows and visible openings. The property is in the right zoning as a D-6 zone.

Commissioner Jewell asked if they presently own the building. Mr. Mandija stated they do not presently own the building.

Commissioner Jewell expressed he has concerns because ground was broken on June 26th for the new Flint Cultural Center School. Mr. Mandija stated he was not aware of this school. Kevin Schronce confirms that per state law, schools do not need local approval. This school will meet the definition of a pre-K through 12 school. The future school will be about 378 feet from the subject site.

Reed Eriksson mentioned it might be fair to postpone this meeting to allow the applicant to address the news that the future school is planned.

Mr. Mandija stated he has concerns about the definition of pre-K through 12 school in the MMFLA ordinance. Mr. Eriksson stated the applicant had inquired about this definition and explained he could not interpret and/or give the applicant a legal opinion on the definition's interpretation. An ordinance interpretation would be subject to the Zoning Board of Appeals' review.

Commissioner Jewell suggested a postponement would be appropriate in this circumstance.

Kevin Schronce stated if a postponement is decided, the locational standard from the new school will be active in the staff reports and the applicant will need to address that. Also, the applicant could apply for ordinance text interpretation through the ZBA. The applicant should not inquire the City's Legal Department regarding ordinance interpretations.

M/S – Jewell/Blower

Motion to postpone PC 18-324 to the next regularly scheduled meeting on August 14th.

Unanimously carried.

SITE PLAN REVIEW:

There were no site plan reviews.

REPORTS:

Planning Commissioner Conditions for Removal

Reed Eriksson presented his opinion between the new City Charter and the Planning Enabling Act. He stated on face, these are not conflicting. He does not think the new charter is wrong here.

ZBA Update

Corey Christensen updated the Commission on the previous ZBA meeting.

RESOLUTIONS:

There were no resolutions.

OLD BUSINESS:

MMFLA Rubric

Kevin Schronce updated the Commission that the MMFLA rubric was approved last night by City Council. The 45-day window will open soon. There were no substantive changes to the rubric other than slight point modifications.

NEW BUSINESS:

Choice Neighborhoods Grant

Kevin Schronce updated the Commission on the Choice Neighborhoods Grant. He reminded the Commission there will be upcoming developments which will need to undergo Site Plan Review.

Mr. Schronce clarified that everyone will leave Atherton East at the same time. No one will be left behind during any of the phases.

ADJOURNMENT:

M/S – Blower/Jordan

Unanimously carried.

Meeting adjourned at 9:05 pm.