

FLINT PLANNING COMMISSION
Meeting Minutes
August 14, 2018

Commissioners Present

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

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 - Excused
Leora Campbell - Excused

ROLL CALL:

Chairman Wesley called the meeting to order at 6:16 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:

There were no changes to the agenda.

ADOPTION OF THE AGENDA:

M/S – McCree/Jordan

Motion to adopt the meeting agenda as amended.

Unanimously carried.

MINUTES:

The Commission examined the minutes of 7-24-18 and made no changes.

M/S –Jewell/Jordan

Motion to approve the minutes of 7-24-18 as presented.

Unanimously carried.

PUBLIC FORUM:

Because the public hearing for PC 18-322 was closed at the previous meeting, the public spoke during the public forum.

Brenda Williams addressed her concerns about the Planning Commission making deliberate decisions in a democratic way. She stated there should be no bearing on the Council making alterations to the Planning Commission's recommended MMFLA draft. The Council is who makes the laws and ordinances. The Planning Commission should then be fair and treat the location variance like the ZBA. The legislative intent should be considered.

Frederick Creger spoke in favor of PC 18-322. He owns commercial and residential properties in the Broadway area. He does not hear opposition from anyone. He explained the applicants are trying to clean up the area.

Michelle Koslowski spoke in favor of PC 18-322. She has known the applicants for 25 years and described them as exceptional businessmen. She stated they are working hard on the building and the neighborhood. She believes projects like this can pull the city back together. She stated she is confused by the process, especially if the neighborhood is in agreement.

Jerry Dickenson, retired Deputy Chief of Flint Police Department, spoke in favor of PC 18-322. He knows the applicants and is confident that their business will be a safe, secure business. He believes the City will not have to spend for police resources pertaining to this project.

Elliott Law spoke in favor of PC 18-322. He lives on Bennett Ave. He is well aware of the building and said the applicants have been a “godsend” because they have been mowing and cleaning up the neighborhood. He thinks the neighborhood will be a better place with the business there.

Larry Armstrong spoke in favor of PC 18-322. He has lived near the building since 2002 and has been familiar with the neighborhood since 1974. He said no one has done more for the neighborhood during this time than Todd Metzger.

CASE REVIEWS:

There were no case reviews.

PUBLIC HEARING:

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. Commissioner Wesley and Commissioner Jewell clarified that the applicants should be presenting new information.

Mr. Metzger stated that residential component will be removed from Green Neighborhood-I and II in the Master Plan. He also argued that many of the current provisioning centers are within 300’ of residentially zoned properties. He stated that the subject property was spot zoned D-6. He claimed when he purchased the property in 2014, the proposed land use was in line with the Master Plan.

Mr. Metzger stated he has been working with the City’s blight coordinator to make efforts to remove blight. Mr. Snyder explained that crime will not increase from the provisioning center. He stated cameras will reduce crime and the increase of business-goers, security staff, and neighborhood presences will actually reduce crime. Mr. Metzger stated no crime has occurred at current provisioning centers, according to Flint Crime maps.

Mr. Metzger displayed revised photos from the last business plan, these photos showing more accurate images of what is going on in the interior.

Commissioner Jordan stated the Planning Commission recommended residential use being part of the Green Innovation zone in the draft zoning code. That is different than what might be described in the Master Plan, as the zoning code will be the regulatory document.

Commissioner Jewell asked if staff could provide clarification on issues the applicant has with the staff report. Kevin Schronce explained that future land use plans do not guarantee what the zoning will be.

Currently, staff is legally obliged to operate under the current zoning ordinance. The draft zoning code which the Planning Commission approved does include residential in Green Innovation-I. If the document Planning Commission approved will be legislatively adopted, Green Innovation-I will include residential and not medical marihuana. Corey Christensen reminded that the existing provisioning centers near residential were permitted under the old ordinance, and are grandfathered in. Regarding the conditions of the subject parcel, there are no conditions that prohibit the property to be used for D-6 uses.

Commissioner Jordan stated she appreciates the residents want the property to be cleaned up and reused, however for a variance to be granted, all five conditions need to be met.

M/S – Jordan/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, McCree

No – Ryan

Variance denied.

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.

Commissioner Wesley went over the documents the applicant provided the Commission. Reed Eriksson stated the applicant is awaiting FOIA information. He cannot speak to the status of the FOIA right now. If the applicant is in any way disadvantaged by the FOIA not being answered yet, he suggests the applicant considers requesting postponement.

Ermal (Eric) Mandija stated the FOIA request was precipitated from Commissioner Jewell’s comments about the school breaking ground. He stated he submitted the FOIA two weeks ago. Corey Christensen clarified the FOIA was received Friday, August 10th.

Commissioner Jewell suggested to make the decision to postpone until the applicant receives necessary information, because the applicant stated this preference in writing in the documents provided.

Mr. Eriksson stated the City will still be accepting applications pending a variance. The applicants can still apply for a medical marihuana use, contingent on the variance.

Commissioner Jordan requested that the applicant provide in writing that they want to go forward with the variance request tonight.

M/S – Jewell/Ryan

Motion to postpone PC 18-324 until September 25th meeting.

Yes – Ryan, Jewell, McCree

No – Blower, Jordan, Wesley

Motion failed.

The applicant stated they will proceed without the need of the FOIA, withdrawing statement (2)(a) of the documents. The applicant provided signed documentation stating “I, the applicant, agree to proceed without the FOIA.”

Eric Mandija spoke about the variance request. He stated they found the location in May. He approached Corey Christensen about the location. Mr. Mandija explained even if the school is built, the provisioning center operations will not cause interference with the school. They are overall looking to improve the location, and this location is central to the City, which is important for the medical patients. He stated that from the existing WAY Academy, the parcel's jutting shape makes them encroach the 1,000 foot locational standard. The provisioning center would be placed on the opposite side of the existing bar. He stated the buildings themselves will not be encroaching the standard.

Mr. Mandija stated he has issue with the definition of "pre-K through 12 school" (subsection L.3) and the way it states "houses students." In that instance, he does not believe parcel to parcel measurement should be used. He also stated that the actual distance, if you take the freeway ways in account, will be greater than 1,000 feet. If you walk or drive from the edge of the school parcel to the edge of the subject parcel, you will be well over 1,000 feet.

Mr. Mandija explained they intend to use off-duty officers and security guards to patrol the premises. They will equip the site with CATT-eye. They will remove the bar on the site. Harlon Green introduced himself and stated he has worked in Flint as an officer and has worked with the DEA. He works with Stealth Investigation & Security. He presently has a contract with the applicant and is familiar with the applicant's medical marihuana operation in Detroit. He explained they have a professional operation that safely provides medical marihuana. A provisioning center at the subject site would not even be seen from the school. They will take away the negative image of the existing bar and will put a college bookstore and smoothie shop on site as well. Mr. Green explained he has worked under Jerry Dickenson.

Commissioner Jewell explained the reasons for postponing last meeting were due to the establishment of the new school. The infrastructure is being prepared and presently built. He requested the applicants should better address the proposed school, instead of mostly addressing the WAY Academy school. Mr. Mandija stated this should not preclude them from being there right now or when the school starts, as they will be helping medical marihuana patients. Commissioner Jewell reminded the applicant that the proposed school was the whole purpose of last meeting's postponement. Commissioner McCree stated that a variance sticks with the land.

Jerry Dickenson spoke in favor of the variance request. He was once the City's Deputy Chief of Police. He stated these applicants and Harlon Green will have a safe and secure facility in regard to the school. The school will not even know they are there. They will not require any police resources, and there will be an increased tax base.

No one spoke in opposition. Corey Christensen confirmed he received an email in opposition, sent from a company who owns an office across the street. They are opposed to medical marihuana use at that address as they do not think the use is compatible with the neighborhood and think it will be detrimental.

Commissioner Jordan stated the subject property does not have compatibility with both WAY Academy and the future school. She explained this is a condition that stays with the property, so even if these applicants have the best of interests, the variance is still tied with the land.

M/S – Jordan/McCree

Motion to deny PC 18-324: 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.

Unanimously carried.

Variance denied.

SITE PLAN REVIEW:

There were no site plan reviews.

REPORTS:

There were no reports.

RESOLUTIONS:

There were no resolutions.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Kevin Schronce updated the Commission that the medical marihuana provisioning center, secure transport, and safety compliance application window is open until September 14th. He stated staff has yet to receive any growing or processing applications. He also updated the Commission on the recent State BMMR meeting.

ADJOURNMENT:

M/S – Blower/Jordan

Unanimously carried.

Meeting adjourned at 8:26 pm.