



**Sheldon Neeley
Mayor**

CITY OF FLINT

FLINT PLANNING COMMISSION

Meeting Minutes September 14, 2021

Commissioners Present

Robert Wesley, Chair
Elizabeth Jordan, Vice-Chair
Carol-Anne Blower, Secretary
Leora Campbell
Robert Jewell
Lynn Sorenson

Staff Present

Bill Vandercook, Zoning Coordinator
Keizy Anpalagan, GIS Technician
Corey Christensen, ROWE
Jonathon Mateen, Planner I
Joanne Gurley, Assistant City Attorney
Lauren Marshall, Planner I

Absent:

Harry Ryan
April Cook-Hawkins

ROLL CALL:

Chairman Wesley called the meeting to order at 5:35 p.m. Roll was taken and a quorum was present.

The meeting was via Zoom and phone conferencing as approved.

Assistant City Attorney Joanne Gurley read the Amendment to the Open Meeting Act adopted in Senate House Bill 1108 as passed on October 13, 2020, and signed into law on October 16, 2020.

Roll Call:

Commissioner Ryan: Absent
Commissioner Campbell: appearing remotely, City of Flint, MI
Commissioner Blower: appearing remotely, City of Flint, MI
Commissioner Jewell: appearing remotely, City of Flint, MI

Commissioner Cook-Hawkins: Absent
Commissioner Sorenson: appearing remotely, City of Flint, MI
Commissioner Jordan: appearing remotely, City of Flint, MI
Chairman Wesley: appearing remotely, City of Flint, MI

ADDITIONS/CHANGES TO THE AGENDA:

Mr. Vandercook requested to add SPR 21-946: Securecann Inc. is requesting a Site Plan Review at 2502 S Dort Hwy, Flint, MI 48507 (PID# 41-20-278-030 & -001) under case reviews so he could give an update.

Commissioner Jewell requested under the reports section to postpone Site Plan Review Overview/Process due to the length of the meetings and due to finalization of the staff presentation.



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ADOPTION OF THE AGENDA:

Commissioner Wesley asked for a motion to approve the agenda as revised. Commissioner Jewell motioned to accept the agenda as revised. Commissioner Blower supported the motion.

M/S – Jewell/Blower

Unanimously carried by voice vote

MINUTES OF PREVIOUS MEETINGS:

Minutes of August 24th, 2021.

Commissioner Jordan had revisions to the meeting minutes for changing the spelling from “flood plane” to flood plain. As well as page 4, the fourth paragraph down, the restaurant name is Empress of China.

Commissioner Jordan motioned to approve the Minutes of August 24, 2021 as corrected. Commissioner Blower supported the motion.

Roll Call:

Commissioner Ryan, absent

Commissioner Campbell, yes

Commissioner Blower, yes

Commissioner Jewell, yes with corrections

Commissioner Cook-Hawkins, absent

Commissioner Sorenson, yes

Commissioner Jordan, yes

Chairman Wesley, yes

M/S – Jordan/Blower

The motion carried

6 yes – 0 no – 2 absent

PUBLIC FORUM:

Chairman Wesley opened the public forum.

Councilwoman Galloway asked Commissioner Wesley about an email she and other residents received explaining that those who spoke at the August 24th, 2021 Planning Commission meeting in opposition to PC 21-415 could not speak again. Commissioner Wesley stated that those who spoke at the August 24th, 2021 meeting, if there were no additional comments or change in their statements, their opposition was already recorded in the August 24th meeting. Councilwoman Galloway asked what the Planning Commission was doing to ensure that the comments that were made on the August 24th meeting are put into this current public meeting. Commissioner Wesley stated that comments shared by residents at the August 24th meeting in opposition of PC 21-415 will be placed within the minutes of the current public hearing. Commissioner Jordan shared that a synopsis of the comments shared at the previous meeting were included in the September 14th, 2021 meeting minutes.



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Mrs. Mason, resident, asked when the outcome of PC 21-415 will be decided. Commissioner Wesley stated that hopefully by the end of the current meeting, September 14th, 2021, a final decision will be made.

Commissioner Wesley closed the public forum.

PUBLIC HEARINGS:

PC 21-413: Green Skies Healing Tree LLC, requests a Group E Special Regulated Use Permit for an adult-use (recreational) marihuana retail facility which integrates a Blight Elimination Plan Exemption (City of Flint Marihuana Ordinance §50-183 U (2)) at 3401 CORUNNA RD. (PID 40-23-101-010).

Chairman Wesley stated that this case is postponed until September 28th, 2021. Mr. Vandercook stated that the checklist for Group E Special Regulated Use will be provided for the next Planning Commission meeting.

PC 21-414: Theodore Van Steyn requests a rezoning from D-1 to D-3 at 703 S GRAND TRAVERSE. (PID 41-18-154-038). *Postponed by the applicant on 8-16-21 to Sept 14, 2021*

Cory Christensen, ROWE consultant, presented a report to the Planning Commission for PC 21-414 as provided to the Planning Commission in their packets.

Commissioner Campbell questioned the distance between the parcel and Trinity Baptist Church. Commissioner Wesley stated that the church is three blocks south of the parcel in question. Commissioner Sorenson also stated the location of Trinity Baptist Church compared to the parcel in question. Commissioner Sorenson also pointed out the Court Street Methodist Church is also a few blocks from the parcel. Commissioner Jewell also noted St. Matthews Church is also a few blocks away from the parcel in question.

Theodore Van Steyn, applicant, noted his specific use for the property and stated that he did submit architectural designs but noted that he needed to first obtain the rezoning before moving further with the project. The applicant was originally going to wait for adoption of the zoning change, however, decided that trying for a rezoning would be more cost effective for him to start his project sooner.

Commissioner Jewell asked if the applicant owns the property and for its current use. The applicant confirmed he owns the property and stated its prior use was office space. The applicant currently uses the property for personal use and to work out of. The applicant intends to keep the feel of a house, however, wants to upgrade the property to fully comply with all building codes for a commercial restaurant space.



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Commissioner Sorenson asked the applicant who his target market would be. Commissioner Sorenson also questioned the size of the property and if the applicant would have enough space for food prep and other restaurant related needs. The applicant confirmed the use of the basement for cold and dry storage as a possibility.

Commissioner Campbell asked the applicant if he intends on having a full bar. The applicant confirmed he plans on having a full liquor license.

Commissioner Wesley asked the applicant for an approximate seating capacity. The applicant stated around 60 people. Additionally, the applicant stated they are restricted by the parking requirements thus the parking size will influence the seating amount. Commissioner Sorenson asked if only one floor would be utilized or will the applicant be using the second story as well. The applicant is looking into using the second floor and has completed initial code reviews that comply with ADA.

Commissioner Wesley opened the floor for public comment in support of PC 21-414. No public comments were given in support.

Commissioner Wesley opened the floor for public comment in opposition of PC 21-414.

Chris Del Morone, resident, stated that there should be careful consideration when deciding the rezoning and the intended use of the property once rezoned. When rezoning a property, any use under that district could be used on said rezoned property. Mr. Del Morone also shared concerns about spot zoning and about the distance between the property and the churches mentioned above.

Commissioner Wesley asked Planning and Zoning staff if the notifications of the public hearing were sent out within the radius from the property. Mr. Vandercook confirmed staff sent out the 300 foot mailing notices. Commissioner Wesley asked if there were any email or phone calls in support or opposition of the rezoning. Mr. Vandercook confirmed no emails or phone calls were received about the rezoning.

Mr. Christensen stated in regards to what to look at when deciding a rezoning, the zoning enabling act requires one to look at the Master Plan when making a rezoning decision. Commissioner Wesley also stated that the religious institutions are significantly farther away from this location than what the current zoning states. Christensen stated that there are no locational requirements in terms of distance between religious institutions and the property.

Commissioner Campbell raised concern about the last line of the application where it states "I am requesting the rezoning in advance of the adoption of the Master Plan Zoning adoption". Commissioner Campbell questioned how long the applicant has owned the property. The applicant confirmed he has owned the property for five years. Mr. Christensen stated that the meaning behind that line in the application was that the rezoning that was approved by the Planning Commission for the Draft Zoning Code would permit him to use this property as he wishes, however, he cannot under



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the current zoning. The applicant is no longer waiting for the new zoning to be in effect and is requesting that the board make this rezoning case.

Commissioner Jordan motioned to recommend approval to city council to approve **PC 21-414:** Theodore Van Steyn requests a rezoning from D-1 to D-3 at 703 S GRAND TRAVERSE. (PID 41-18-154-038) with the following findings: 1) the rezoning does not constitute spot zoning because the change would bring the zoning into alignment with the future land use. Commissioner Blower supported the motion.

Commissioner Ryan, absent
Commissioner Campbell, yes for approval
Commissioner Blower, yes for approval
Commissioner Jewell, yes for approval

Commissioner Cook-Hawkins, absent
Commissioner Sorenson, yes
Commissioner Jordan, yes
Commissioner Wesley, yes

***M/S – Jordan/Blower
The motion carried***

6 Yes – 0 no – 2 absent

PC 21-415: Jeffrey Ferweda, AIA requests a rezoning from D-3 to E 922 S Center Road. (PID 41-16-228-099).

Mr. Vandercook presented a report to the Planning Commission for PC 21-415 as provided to the Planning Commission in their packets.

Commissioner Jewell stated his understanding of the application was that there was not any intent of a particular business or focus. Mr. Vandercook stated that the applicant had general ideas of permitted uses to use under zoning district E, however, there was no specific intent.

Commissioner Campbell stated that on her copy of the application it stated under proposed use “development for a mall restaurant and storage”. Commissioner Jewell stated the next sentence under proposed use states that “other possible uses for the property would include” and itemizes other possible uses.

Commissioner Jordan asked for clarification on the rezoning request, noting that if the rezoning was granted the property owner would be entitled to all of the uses permitted under the E zoning district regardless of the intent or lack of intent of the applicant. Mr. Vandercook confirmed that to be correct.

Commissioner Sorenson stated that it seemed more appropriate for the possible intended use of a restaurant/storage to fall under the current zoning district of D-3 rather than district E. Chairman Wesley noted that if the rezoning is granted, the zoning will stay with the property regardless of who owns it or who may own the property in the future.



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Mr. Christensen emphasized that the Master Plan and the draft zoning calls for this property to be transitioned into residential and the applicant is requesting industrial which is the opposite direction of the Master Plan.

Jeffery Ferweda, applicant, explained that investors interested in the property would like to use the property for uses within the E zoning district. The intended concept for the property is to have retail/restaurant/strip mall in the front of the property and a rental space in the rear for HVAC contractors. Mr. Ferweda also stated that the property could potentially be used for climate controlled storage. The applicant emphasized the traffic in the area would not change since there is relatively low traffic with that kind of business. Additionally, Mr. Ferweda stated that storage is only allowed in the E district and not in the D-3 district. The applicant argued that having this area be transitioned into residential would be a disservice, noting that current strip mall in the front of the property is 90-95% leased. The applicant stated that the goal is to get the most dollar amount of the property while being low impact on the neighborhood. Mr. Vandercook clarified that he informed Mr. Ferweda that the D-5 zoning district would allow for warehouse storage.

Robert Rollinger, property owner's attorney, stated that the initial staff report that was issued was inaccurate and contained no information about the application as submitted to the Planning Commission on July 1, 2021. The staff report referenced a marihuana growing facility or marihuana retail facility as a possible use of the property, neither of which are contained in the application. Mr. Rollinger stated that the staff report was focusing on a use of the property which has no relevance nor relationship to what the applicant is seeking to do with the parcel. Mr. Rollinger expressed the applicant and property owner's concern that the staff report left the Commission with a false sense of what the owner is seeking to do and may also have influenced their feelings about the application as submitted. Mr. Rollinger asked that the Commission consider tabling the rezoning request until the next Planning Commission meeting to allow the applicant, the owner, and Mr. Rollinger to provide a more elaborate explanation on what the applicant and the property owner are seeking to do. Mr. Rollinger also stated that neither he nor the applicant nor the property owner have seen the revised staff report. Mr. Rollinger wished to postpone to also allow for himself, the applicant and the property owner to be able to address any concerns the Commission has with the revised staff report.

Chairman Wesley stated that Commissioners received Mr. Rollinger's letter and will take it into when making their final decision.

Commissioner Jordan shared concerns about spot zoning and asked the applicant to address this. Mr. Ferweda stated that the rezoning would not be following the Master Plan, however, the Master Plan is planned for a transitional neighborhood. The applicant explained the proposed uses would be a great transition between existing commercial and residential. The applicant stated that the Master Plan is faulty and this area would be better suited to be zoned a more transitional use. The applicant did state that if an HVAC contractor would be allowable in a D-5 district, the applicant would be willing to do



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that, however, in the zoning district E it does state specifically the proposed intent of the property would be allowed.

Mr. Christensen provided clarification in stating that the Future Land Use Map does not call for this area to be transitional neighborhood, it calls for the area to be Traditional Neighborhood. Thus the intention of this area is to be single-family homes not a transition between different use types.

Commissioner Jewell asked the applicant to share the specific project that the applicant would like to develop. Mr. Ferweda stated that they have multiple people interested in the property to develop, however, they do not wish to be named at this point. Mr. Ferweda also confirmed that there is a concept idea that they wish to develop. Commissioner Jewell asked if there was a specific business plan. Mr. Ferweda confirmed there is no specific business or site plan. Mr. Ferweda asked to table the application until the next Planning Commission meeting so that the applicant could provide more concrete information regarding the intended use of the property if the rezoning were to be granted.

Commissioner Wesley restated that rezoning stays with the property not the applicant and that the risk when rezoning a property without a concrete plan from the applicant is that the applicant could change their mind on the intended use of the property.

Commissioner Campbell stated that since she has been on the Commission, there hasn't been such a large jump in rezoning a property. Commissioner Campbell asked the applicant if him or any investors have talked to residents within the neighborhood adjacent to the property. Commissioner Campbell also stated that a deciding factor is the fact that the residential neighborhood is close to the property and the needs and opinions of the residents need to be heard and responded to. Commissioner Campbell also reiterated that the Master Plan designates this area as a neighborhood and not manufacturing. Mr. Ferweda stated he personally has not spoken to residents of the neighborhood and noted that there were many residents from the August 24th, 2021 Planning Commission meeting who spoke in the public forum.

Mr. Ferweda addressed issues that were made from the public forum in the August 24th, 2021 Planning Commission meeting. Mr. Ferweda explained that the main concerns were centered around marihuana and increased traffic in the neighborhood. Mr. Ferweda expressed that the intention of the property would not include marihuana and that traffic in the neighborhood would not be affected because the property would have no access to the neighborhood. Mr. Ferweda insisted that the neighborhood would benefit by the rezoning that the applicant is asking for.

Commissioner Wesley opened the floor for public comments in support of PC 21-415. Mrs. Driskell spoke in favor of tabling PC 21-415 to allow the public access to the revised staff report.

Commissioner Wesley opened the floor for public comments in opposition to PC 21-415.



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**Taken from the Public Forum Section of the meeting minutes from August 24th, 2021.* A number of residents spoke. Comments were in opposition. Common concerns shared were based on the fact that the property has been an eye sore, no definitive understanding of what the applicant plans to do with the property, a perception that the owner would utilize the site for a marihuana facility which is next to a residential zone, a potential increase in noise and traffic, and the potential for air and light pollution. Additionally, several emails and voice messages in opposition were read into the record by Mr. Vandercook.

Councilwoman Galloway shared concerns regarding the public comment period, noting a disadvantage in being unable to share comments after the applicant's presentation. Councilwoman Galloway also stated she is against what the applicant said about the public opposition because she did not mention marihuana in her opposition from the August 24th, 2021 meeting. Councilwoman Galloway also stated that the applicant had the ability to speak, however, since the public made their opposition known at the previous meeting they no longer have the ability to speak. Councilwoman Galloway also stated that the current zoning is infact for retail and commercial use and if infact the applicant's plan is to use it as retail and commercial space, it already has the correct zoning to allow them to fully use the property.

Chris Del Morone, resident, stated his opposition for PC 21-415 and stated one should know the zoning of the property before buying it. Mr. Del Morone also stated that he believes the applicant has the correct zoning currently for what the proposed intent of the property is.

Commissioner Jewell asked if there have been any emails or phone calls in support or opposition for PC 21-415. Mr. Vandercook stated there was an email that had an attached video of the property from an individual who had previously spoken in opposition. Mr. Vandercook also stated that Mr. Ferweda had met with him and the Senior Building Inspector Michael Reiter about splitting off the north end of the property which would keep a piece of the property 300 feet away from the residential neighborhood.

Commissioner Jordan made a motion to recommend to council denial of **PC 21-415**: Jeffrey Ferweda, AIA requests a rezoning from D-3 to E at 922 S Center Road. (PID 41-16-228-099) with the following findings: 1) that the rezoning is spot zoning, meeting all aspects of the criteria for spot zoning including that the change would be incompatible with the Master Plan and the Future Land Use Map. In particular, one of the key principles that guided the Master Plan was the intentionality to buffer residential uses from any sort of incompatible use, which was an explicit intention with the Master Plan. If recommended to council for approval it would put no buffer between no less than 14 residential parcels and the parcel in question. Commissioner Jordan expressed that this motion had nothing to do with any intended use that the applicant may or may not have in mind. Also, noting that if the rezoning were to be granted anything allowed under the E zoning district would be allowed next to the residential areas. Commissioner Campbell supported the motion.

Roll Call:

Commissioner Ryan, absent

Commissioner Cook-Hawkins, absent



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Commissioner Campbell, yes for denial
Commissioner Blower, yes for denial
Commissioner Jewell, yes for denial

Commissioner Sorenson, yes for denial
Commissioner Jordan, yes for denial
Chairman Wesley, yes for denial

***M/S – Jordan/Campbell
The motion carried.***

6 yes – 0 no – 2 absent

SITE PLAN REVIEW:

SPR 21-954: Eddie Dado is requesting a Site Plan Review at 1817 N Saginaw St. (PID# 40-01-484-011).

Mr. Christensen presented a report to the Planning Commission for SPR 21-954 as provided to the Planning Commission in their packets.

Eddie Dado, applicant, stated they wish to start out as a station with two units. The applicant has been at the property for three years. The applicant stated they intend to enlarge their business within the property and have verbal community support.

Commissioner Campbell asked the applicant if they currently own the market. The applicant confirmed they own the market. Commissioner Campbell also asked about the two proposed buildings/additions. The applicant stated that one would be for a sit down restaurant and the other for rental office space. Commissioner Campbell wanted to confirm that the buildings would be handicap accessible.

Andy Andre, Civil Engineer for proposed site plan, confirmed that the buildings are ADA accessible. The site plans have ramp locations and handicap parking.

Commissioner Campbell made a motion to approve **SPR 21-954:** Eddie Dado is requesting a Site Plan Review at 1817 N Saginaw St. (PID# 40-01-484-011). Commissioner Blower supported the motion.

Roll Call:

Commissioner Ryan, absent
Commissioner Campbell, yes for approval
Commissioner Blower, yes
Commissioner Jewell, yes for approval

Commissioner Cook-Hawkins, absent
Commissioner Sorenson, yes
Commissioner Jordan, yes
Chairman Wesley, yes for approval

***M/S – Campbell/Blower
The motion carried.***



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6 yes – 0 no – 2 abstained

CASE REVIEW:

SPR 20-941: Sylvester Broome Empowerment Village is requesting a Site Plan Review at 4119 N Saginaw St. (PID# 46-36-428-059)

Mr. Vandercook shared that staff is still waiting on the lighting agreement. Mr. Vandercook also stated he would reach out to the applicant via email for an update for the next Planning Commission meeting on September 28th, 2021.

SPR 21-945: Communities First / Glenn Wilson is requesting a Site Plan Review at 2765 Flushing Rd., Flint, MI, 48504 (PID# 40-11-351-001).

Mr. Vandercook stated the applicant has met all the requirements and stated that Commissioner Wesley must sign off on it the next time he is in the office.

SPR 21-946: Securecann Inc. is requesting a Site Plan Review at 2502 S Dort Hwy, Flint, MI 48507 (PID# 41-20-278-030 & -001).

Mr. Vandercook stated that Commissioner Wesley came into the office and signed off on the plans. Mr. Vandercook also stated to remove this item from Case Reviews for the next Planning Commission meeting on September 28th, 2021.

REPORTS:

Status of Permanent Marihuana Ordinance, JoAnne Gurley, Assistant City Attorney:

Attorney Gurley stated she is working on summaries on the remaining twelve (12) articles that will be presented to administration on September 15th, 2021. The Legal Department has identified several issues pertaining to the permanent marihuana ordinance, which will be outlined in the report for City Council. Attorney Gurley stated she is doing the status of the draft ordinance which is the last 12 articles, giving a summary of those as well as providing the conflicted provisions of the permanent marihuana ordinance to go on the agenda for the committee meeting of council on September 22nd, 2021. Commissioner Jewell asked if there are two separate reports both going to council. Attorney Gurley confirmed this.

Status of Marihuana Related Revenue, Suzanne Wilcox, Director of Planning and Development:

Mr. Christensen provided an update stating that Khalfani Stephens indicated he would be at the next Planning Commission Meeting on September 28th, 2021 to give an update on marihuana related revenue.



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Status of Draft Zoning Ordinance, Suzanne Wilcox, Director of Planning and Development:

Attorney Gurley stated that the hope is to have the draft zoning ordinance adopted by October 4th, 2021. There is the deadline of September 30th, however, because of notice requirements, meeting dates, and times, the earliest time to have a decision on the draft ordinance would be October 4th. Attorney Gurley stated there may also be a request for a special meeting by City Council in order to gather as much information Council needs from the Legal Department in order to make a decision on the draft zoning ordinance.

Staffing Update, Suzanne Wilcox, Director of Planning and Development:

Mr. Christensen stated interviews for a Lead Planner and Building Inspector will begin next week.

Mr. Vandercook welcomed Lauren Marshall, Planner I, who started last week and will be assisting in the Zoning Department.

Status of Planning Commission Recommendation for PC 21-408 Shaltz Acquisitions LLC requests a rezoning from D-4 to D-5 at 448 S. Saginaw St. (PID 41-18-107-019), Suzanne Wilcox, Director of Planning and Development:

Mr. Vandercook stated that the Council Committee met on September 8th and postponed the meeting until September 22nd, 2021. A decision on whether or not to move this case to Council will be made at this meeting.

Status of I-475 Committee:

Mr. Mateen shared information on the M-21 corridor study. The study examined existing conditions, future no build conditions, and M-21 improvement alternatives. There are three different alternatives which include a one-way pair restriping, a two-way conversion, and a one-way pair reconstruction. The public survey examined interest in these three alternatives. The survey also has a question about intersection type on the west end which is near Ann Arbor St and an option for an interstate section type on the east end near Lapeer Rd. The results to this survey are available in the draft report. No final decision has been made as of yet. As funding becomes available MDOT will examine options and reference the study specific to the corridor. The three alternatives were evaluated based on traffic operations, safety, non-motorized facilities which include pedestrians and bicyclists, planning level construction cost, long-term operational costs, environmental impacts and context sensitive design. The report is publicly available via internet.

Mr. Mateen stated there was an invitation sent to the general public from the Michigan Department of Transportation to the I-475 public meeting taking place September 15th, 2021 at the Flint Farmers' Market from 4:30 pm to 7 pm. There will be presentations along with a section for public feedback and



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questions. Keizzly also stated that one can email mdot-i475@michigan.gov at any time to voice opinions on any aspects of the project.

Site Plan Review Overview/Process – Commissioner Jewell

This item was not discussed.

Community Benefits Plan 50-183 U. (1) – (3) Social Equity, Blight and Parks

Mr. Vandercook stated that the Commissioners received a memo with the intent of the ordinance and the Community Benefits Plan checklist. Prior to those going out for the Group G, staff noticed that potentially there could be a conflict with the boxes for D-3 and F at the top. Staff will review the documents again and make the correction. Commissioner Jordan stated that the checklist in the Community Benefits Plan is relating to the checklist for the exemptions that exist within the marihuana ordinance, and the social equity exemption, which is for people who live in the City of Flint, is related to the state's framework for social equity.

Status of Zoning Board of Appeals meetings, Commissioner Blower

No update.

RESOLUTIONS:

No resolutions.

OLD BUSINESS:

American Rescue Plan, Suzanne Wilcox, Director of Planning and Development

Mr. Christensen stated Suzanne Wilcox to be meeting with the CFO next week and intends to bring the CFO copies of the implementation plan from the Master Plan and will be advocating for the use of the Master Plan and determining how to allocate those funds.

NEW BUSINESS:

No new business.

ADJOURNMENT:

Unanimously carried by voice vote.

Meeting adjourned at 8:02 PM.