



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT PLANNING COMMISSION

Meeting Minutes
September 28, 2021

Commissioners Present

Robert Wesley, Chair
Elizabeth Jordan, Vice-Chair
Carol-Anne Blower, Secretary
Leora Campbell
Robert Jewell
Lynn Sorenson
Harry Ryan
April Cook-Hawkins

Staff Present

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

Absent:

ROLL CALL:

Chairman Wesley called the meeting to order at 5:30 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: appearing remotely,
City of Flint, MI
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: appearing
remotely, City of Flint, MI
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:

Commissioner Jewell stated that the Site Plan Review Overview/ Process should be put on hold.

Commissioner Jordan stated that the Community Benefits Plan 50-183 U. (1) – (3) Social Equity, Blight and Parks on the Agenda was covered during last meeting and could be taken off the Agenda. William Vandercook, Zoning Coordinator, stated all the items under this section have been corrected.



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT PLANNING COMMISSION

ADOPTION OF THE AGENDA:

Commissioner Jewell motioned to adopt the agenda as corrected. Commissioner Blower supported the motion.

M/S – Jewell/Blower

Unanimously carried by voice vote.

MINUTES OF PREVIOUS MEETINGS:

Minutes of September 14th, 2021.

Commissioner Jordan made a motion to adopt the minutes of September 14th as corrected. Commissioner Campbell supported the motion.

Roll Call:

Commissioner Ryan, yes

Commissioner Campbell, yes

Commissioner Blower, yes

Commissioner Jewell, yes with corrections

Commissioner Cook-Hawkins, yes

Commissioner Sorenson, yes

Commissioner Jordan, yes

Chairman Wesley, yes

M/S – Jordan/Campbell

The motion carried

8 yes – 0 no

PUBLIC FORUM:

No one spoke for 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).

Corey Christensen, ROWE Consultant, provided a report to the Planning Commission as noted in the staff report for PC 21-413.

Brenda Williams, Attorney, and co-counsel Peter Grace presented the application. Ms. Williams stated that this location, under the ordinance, was grandfathered in 2017. Ms. Williams stated that there were a number of provisioning centers operating under a non-conforming status. Ms. Williams referenced R. (1) Lawful Non-Conforming and Grandfathered Locations of the City of Flint Marihuana Facilities Opt-In Ordinance. Based on this reference, Ms. Williams stated that the property is used in conformity with the land use and is in compliance under the ordinance. Additionally, Ms. Williams referenced R.



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT PLANNING COMMISSION

(3) Lawful Non-Conforming and Grandfathered Locations of the City of Flint Marihuana Facilities Opt-In Ordinance, noting a difference between provisioning centers and cultivation/grow facilities.

Ms. Williams stated that they should not have to do a Blight Elimination Plan as a legal conforming grandfathered marihuana facility. Ms. Williams stated that the grandfathered location was given a legal conformance status and all the rights that flow from such a designation. Ms. Williams stated that the ordinance leads to subjectivity since the ordinance does not specifically define how the measurements for a locational standard are taken. Jeff Brands, Architect, reiterated the subjectivity of how the locational standards are taken.

Additionally, Ms. Williams stated there was a neighborhood survey completed which showed support of the facility obtaining a SRU permit for an adult-use facility.

Mr. Grace stated that the Planning Commission has approved other grandfathered locations in D-3 zoning districts. Mr. Grace stated that during the April 27th Planning Commission meeting, an SRU application for Lindzy's Med Supply Station, zoned D-3, was approved without discussion on whether the zoning was incompatible with the Future Land Use. Mr. Grace stated that it was also a grandfathered medical provisioning center that was approved for a recreational license and was administratively approved at the Planning Commission. Mr. Grace also noted Green Culture located at 808 S Center Rd is also in the D-3 Zoning District. Mr. Grace also highlighted other cases for both Group E and Group F applications that are zoned D-6 and are within 300 feet from residential homes, where there was no consideration as to whether the applicant needed to apply for any community exemptions. Mr. Grace stated those locations are 6200 N Dort Highway Bacco Farms which is zoned D-6, stating it is well within the 300 feet from residential properties. Mr. Grace also highlighted 400 S Dort Highway, also known as Sweet Leaf, which is zoned D-6 and a Group E located at 3756 S Dort Highway known as Henndog's Holdings zoned D-6 but is within 1,000 feet from a park. Mr. Grace discussed the capital investment and the possible projects in correlation with the Blight Elimination Plan.

Commissioner Wesley asked Attorney Gurley to address the grandfathered status application and the concerns that Attorney Williams had in her argument for approval of the application.

Attorney Gurley stated that the grandfathered status that the property currently has is for a D-3. The applicant wishes to use a D-5 within a D-3, which the location was not grandfathered in for. Attorney Gurley stated that the location's purpose of having a grandfathered status was for a D-3 designation, which is the limit of the location according to the ordinance and the legislative history as to why this property was zoned and grandfathered in. Attorney Gurley stated that to allow the recreational license would be inconsistent with the Master Plan and the Future Zoning Map. Attorney Gurley also addressed the points brought up by Attorney Williams and Mr. Grace of previous grandfathered cases being allowed the recreational retail facility permits.



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT PLANNING COMMISSION

Commissioner Wesley made part of the record a survey done by Cheryl Krissoff stating that the West Flint Community Watch Neighborhood Association surrounding the above business conducted an opinion survey on August 6-8, 2021, of residents and businesses within 1,000 feet of the property. The survey asked “Should 3Fifteen Medical Marihuana also become a recreational adult-use sales location” with possible responses being yes, no, and unsure. No names or addresses were recorded. 53 opinions of residents and businesses were recorded. Residential answers were 23 yes, 12 no, and 18 unsure. Opinions of businesses were 0 yes, 4 no, and 1 unsure.

Commissioner Wesley asked staff to speak on how the city measures distance from residential zones and places of worship. Keizzy Anpalagan, GIS Technician, stated that every location confirmation uses crow fly distance. Crow fly distance is based on how noise and air contamination travel, which do not travel by walking distance or driving distance.

Commissioner Cook-Hawkins asked if there was a letter, or any correspondence received by the church. Commissioner Wesley stated he did not receive any correspondence from the church. Mr. Vandercook stated that there has been no correspondence. Commissioner Cook-Hawkins asked if the church was notified. Mr. Vandercook stated that he called the church, and no one answered. Attorney Williams stated that she also called the church and did not get a response.

Commissioner Campbell questioned if the Commission allowed an adult use in a D-3 district before and if the Commission should wait for the church to respond to this case. Commissioner Jordan stated that the legal guidance has changed and that there is no church exemption written into the code.

Commissioner Sorenson questioned if the church was operating as a church or as a community center. Commissioner Wesley noted that if it is operating as a community center, at any time it could revert back to a church. Commissioner Jewell stated that the property is established as a religious institution and provides these services. Additionally, Commissioner Jewell noted that it is not in the Commission’s purview to determine whether or not the property is a religious institution if it has already been defined as such.

Commissioner Cook-Hawkins questioned how 3Fifteen has been able to operate within 500-feet of a church. Commissioner Wesley stated that the property was grandfathered in. Mr. Christensen stated that the 500-foot rule was added to the ordinance after the original approval of the marihuana ordinance.

Commissioner Sorenson motioned to approve 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) based on the following findings: 1) that they have put together an attractive and aggressive Blight Elimination Plan and 2) the applicant has done business currently for three years without incident. Commissioner Cook-Hawkins supported the motion.



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT PLANNING COMMISSION

Commissioner Ryan stated that there is no church exemption and if the Commission approved this application a precedent will be set.

Roll Call:

Commissioner Ryan, no
Commissioner Campbell, no
Commissioner Blower, no
Commissioner Jewell, no

Commissioner Cook-Hawkins, yes
Commissioner Sorenson, yes
Commissioner Jordan, no
Commissioner Wesley, no

M/S – Sorenson/Cook-Hawkins
Motion denied.
2-yes 6-no

SITE PLAN REVIEW:

No site plan reviews.

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 stated he reached out to Doug Scott and has not received a response yet regarding the lighting agreement.

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.

REPORTS:

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

Attorney Gurley stated that there is still work to be by the Planning Commission in addition to the five changes that the Department of Law has come across that has provided conflicting information.

Attorney Gurley stated that the Planning Commission needs to review the Permanent Marihuana Draft Ordinance before it goes to City Council. Attorney Gurley stated the plan is to be working in unison with getting the draft ordinance summaries completed. Attorney Gurley stated that the permanent marihuana ordinance still needs some work, and that staff has started looking at the changes that need to be made. Attorney Gurley stated staff must make the marihuana ordinance more in line with the draft zoning ordinance once it's approved by City Council so that the ordinances mesh.



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT PLANNING COMMISSION

Commissioner Jordan asked if the Commission should add an exemption for places of worship. Attorney Gurley advised that if the Commission was considering that type of exemption that it be presented as staff is in the process of reviewing the ordinance. Commissioner Wesley asked the Commission to think about if a church exemption is something worth pursuing.

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

Chairman Wesley asked Khalfani Stephens, Director of Economic Development, if he would be providing this update. Mr. Stephens did not have an update for this meeting as he did not speak with Ms. Wilcox.

Commissioner Jewell noted that during a previous meeting, Mr. Christensen stated that Ms. Wilcox would provide an update regarding the status of marihuana related revenue.

Mr. Vandercook stated that there was approximately \$84,000 worth of revenues that came from the State of Michigan and those funds have been earmarked to address the needs of the Zoning Department.

Commissioner Jewell requested that staff provides a clear and concise update with a specific revenue amount and status of the use of the funds at the next Planning Commission meeting.

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

Attorney Gurley stated that Ms. Wilcox has already submitted most of the packet that is going before City Council. Attorney Gurley also stated there will be two on two meetings with various council members to go over the summaries that Attorney Gurley is working on. Commissioner Jordan asked when the two-on-two meetings would take place. Mr. Vandercook stated that they are still trying to schedule the meeting times.

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

Mr. Vandercook stated that the Commission has requested a bio from Lauren Marshall which will be provided at the next meeting.

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 legislative committee did not move PC 21-408 to City Council. The applicant can reapply to legislative committee in 30 days.

Status of I-475 Committee:



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT PLANNING COMMISSION

Mr. Stephens provided an update on the I-475 public meeting held on September 15th at the Flint Farmers' Market. Mr. Stephens stated that there were approximately 40 people in attendance for the first half of the meeting and 20 people in attendance for the second half. Mr. Stephens stated that the idea for a boulevard is still under consideration and is more an option than a probability.

Site Plan Review Overview/Process – Commissioner Jewell

No update.

Status of Zoning Board of Appeals meetings, Commissioner Blower

Commissioner Blower presented a general report about ZBA 21-2254 case from Ashley Furniture located at 3701 Lapeer Road. Commissioner Blower stated the applicant was seeking relief from the sign requirement along I-69 and that the Board approved the variance with a motion of 7 yes and 1 abstain.

Commissioner Blower provided an update of ZBA 21-2256, which was an appeal of the Planning Commission denial of PC 21-406 Native X LLC, requests a Group F Special Regulated Use Permit for an Adult-Use (Growing) marijuana facility at 3039 Airpark Dr. (PID 40-34-100-031). Commissioner Blower stated the applicant gave clarification and their opinion on what the Planning Commission did not get correct. Commissioner Blower stated the Zoning Board of Appeals upheld the decision with a vote of 6 to 1. Commissioner Blower stated she will be discussing her role on Zoning Board of Appeals with staff due to the fact that she did not have voting or discussion rights for this case based on staff suggestions. Mr. Christensen read from the Michigan Zoning Enabling Act Article 613. Mr. Christensen stated that the reason Commissioner Blower was unable to speak at the meeting was because of the contentious nature of the two cases going before the ZBA and wanted to be as cautious as possible. Mr. Christensen stated that staff has asked legal for a final decision and pending legal's decision Commissioner Blower cannot participate in discussion or voting for any cases that go before Zoning Board Appeals that have been heard at Planning Commission.

Commissioner Jewell asked for the status of ZBA 21-2257 and ZBA 21-2258, two cases that were denied by the Planning Commission. Commissioner Blower stated it was on the Zoning Board of Appeals agenda for last week and asked staff for clarification. Mr. Vandercook stated the applicant postponed.

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

Commissioner Jewell stated that Mr. Vandercook was going to give an update about the Community Benefits Plan item that was on the agenda. Mr. Vandercook stated in regard to Group B Community Benefits Checklist, during the original review it appeared that the Group G Micro Business and the



Sheldon Neeley
Mayor

CITY OF FLINT

FLINT PLANNING COMMISSION

Group A Grow (500 plants) were combined, and Ms. Anpalagan suggested separating them by columns to make it clear.

RESOLUTIONS:

No resolutions.

OLD BUSINESS:

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

Mr. Stephens asked what the Commission wanted for an update. Commissioner Jordan stated initially the Commission was interested in understanding the city's priorities for the investment of the funds. Commissioner Jordan stated in particular the Commission was looking to suggest ways in which the Master Plan and its implementation matrix could be one form of a guide for some of those priorities. Commissioner Jordan stated the needs, and that extensive civic engagement was conducted through the master planning process to identify some pressing needs and specific projects were prioritized. Commissioner Jordan also stated the Commission wanted to know the city's process and to know to what degree is the Master Plan able to be a tool of helping. Mr. Stephens stated that the Master Plan has not been a driving factor, however, none of the funds have been expended or even scheduled for expenditure. Mr. Stephens stated the executive branch has been looking at what is legally allowable, which continues to change. Mr. Stephens also stated that they are close to finalizing interim rules to put together a suggestion for City Council.

Commissioner Jewell noted that this issue was raised on May 11th and the same information continues to be reported. Commissioner Jewell shared that a meeting was to be held with the Chief Financial Officer to discuss the role of the Planning Commission in providing input in regards to how the Master Plan can support the allocation of the funds. Additionally, Commissioner Jewell noted that Mayor Neeley was holding ward discussions to gain input from residents regarding the funds. Commissioner Jewell shared that an update was expected this evening and recommended a discussion to held with Planning staff regarding follow through with reports.

NEW BUSINESS:

No new business.

ADJOURNMENT:

M/S – Sorenson/Blower

Unanimously carried by voice vote.

Meeting adjourned at 7:40 PM.