



CITY OF BURTON
BURTON PLANNING COMMISSION MEETING
JULY 9, 2019
MINUTES

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chairperson Deb Walton at 5:00 PM.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Vaughn Smith	Councilman	Present	
Kevin Burge	Vice Chair	Present	
Mary Ann White	Commissioner	Present	
Tom Gorang	Commissioner	Present	
Deb Walton	Chairperson	Present	
John Benthall	Commissioner	Present	
Kris Johns	Commissioner	Present	
Robert Johnson	Commissioner	Absent	

2. Staff Present

Amber Abbey, Planning/Zoning Superintendent
Racheal Boggs, Deputy Clerk

C. PUBLIC HEARING

1. SPR #19-26 / ZC# 325

By: City of Burton
4303 S. Center Rd.
Burton, MI 48519

Re: Zoning Ordinance Amendment Chapter 157

For: To regulate marijuana establishments (recreational marijuana)

Mrs. Abbey provided a presentation of the draft of the Recreational Marijuana Ordinance. The following items were included:

Using the letter 'j' in the word marijuana as opposed to 'h' to stay consistent with the medical ordinance.

Locational limitation definition for distance requirements to make it clearer. It is property line to property line.

Definition of Establishment as well as other types licenses.

Section 2 establishes uses.

Same distance requirements as the medical side: 500 feet between facilities, 200 feet from residential, 1,000 feet from churches, school and daycare and public parks.

There is no reason for an additional special use permit for existing medical buildings.

Section 3 allows for all uses in the industrial zone.

Operational limitations- times are the same as medical, fully enclosed structure required.

Persons under age of 21 are not allowed to be on the property without state issued medical card.

Advertising so it doesn't appeal to minors.

Explanation of co-locations and stand alone buildings.

Site plan review requirements- same as medical: security, ventilation, etc. Must include detailed operations plan.

30 day license fee, annual renewal required, inspections to be done before operation begins after that, notification is required.

Designated consumption permits through ZBA approval similar to outdoor events.

Publication effective December 6th or when state accepts licenses.

Mrs. Walton opened the public hearing for members of the audience to be heard on SPR # 19-26 ZC # 325.

There were no comments from the audience.

Mr. Burge asked about loitering and enforcement.

Mrs. Abbey stated the Police Department will enforce this at the officers discretion.

Mr. Burge asked about age requirements.

Mrs. Abbey stated you must be 21 years old for recreational and 18 years old for medical.

Mr. Burge asked about small churches/worship centers.

Mrs. Abbey said if they are being assessed as a church, they are considered a church.

Mr. Burge stated under site plan requirements he thinks it should state "as deemed necessary" instead of "from time to time".

Mrs. Abbey stated all other ordinances within the city use this language.

Mr. Burge asked how the Police Chief feels about the ordinance.

Mrs. Abbey stated this is enforced by the Code Enforcer. He is comfortable with the Zoning Officer doing this.

Mr. Gorang asked if we honor other state marijuana cards.

Mrs. Abbey said yes, the state has allowed this.

Mr. Gorang asked about the fees.

Mrs. Abbey said, \$5,000 is what we do for medical. I imagine it will be the same.

Mr. Benthall asked if section 4 includes the parking lot.

Mrs. Abbey said, yes.

Ms. White read an article in the Flint Journal from Sunday, July 7, 2019 regarding social marijuana use and the state allowing special licenses for this. This allows retail stores to have smoking lounges.

Mrs. Abbey stated it sounds like the state is going to allow the retailer to consume in their building. I can look more into that part of it. If we need to make a change regarding consumption before the first reading goes to City Council we can do that.

Mr. Benthall asked about special consideration for designated consumption area permits in our ordinance.

Mrs. Abbey stated we will leave it and if the state makes a change, we can change it too.

Mr. Johns asked if there is a cap on the number of retail sites within the city. It would be nice to limit the overall exposure to see what the impact is on our city.

Mrs. Abbey stated if you do that, you have to have a competitive process. It is not simply pick a number. It has to be fair. We don't have the staff for that and we could be at risk of a lawsuit.

Mrs. Walton stated some of the other restrictions we have in place such as proximity to schools and churches already limits the numbers.

Mr. Burge agrees with Mrs. Walton. It will be hard to find a place with the restrictions we already have.

Mr. Smith stated he received a call from another Council Member with the same concerns as Mr. Johns. Because of our Master Plan and the way it is set up, our ordinance is working.

Mrs. Abbey stated it is working because of the way the city is uniquely set up; businesses next to houses, etc. You have to be able to defend the number you pick. There has to be logic behind the number. Our ordinance is simple in the way that it approves property not the person.

Discussion continued regarding picking a number of recreational facilities and potential lawsuits.

Mrs. Walton asked if there can be loitering signs.

Mrs. Abbey said, yes. I would suggest it be on the outside of the building.

Discussion ensued on specifications of the loitering sign and enforcement of loitering.

The Planning Commission decided to place a requirement of a black and white loitering sign citing the ordinance on the outside of the building.

Mrs. Abbey stated she will include language for loitering in the first reading of the ordinance for City Council. This will be Thursday, August 8, 2019. If approved, the second reading will be scheduled tentatively for Monday, August 19, 2019. City Council will receive the draft in plenty of time to review it.

Mrs. Walton asked if council can change anything in this draft.

Mrs. Abbey said, yes.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Kevin Burge, Vice Chair
SECONDER:	Mary Ann White, Commissioner
AYES:	Smith, Burge, White, Gorang, Walton, Benthall, Johns
ABSENT:	Johnson

D. APPROVAL OF MINUTES

1. Planning Commission - Regular Meeting - Jun 11, 2019 5:00 PM

No action was taken. The Planning Commission decided to act on these minutes at the next regular meeting.

E. ADMINISTRATIVE SITE PLAN REVIEW

1. SPR #19-23

By: Andrew Jones
5435 Raymond Ave.

Burton, MI 48509

Re: 3417 S. Dort Hwy. Burton, MI 48529

For: Comic Book Store

2. SPR #19-24

By: Jennifer Burke
2059 E. Schumacher St.
Burton, MI 48529

Re: 4330 S. Saginaw St. Burton, MI 48529

For: Furniture Sales

3. SPR #19-25

By: William Dempsey
P.O. Box 190331
Burton, MI 48519

Re: 2487 Bristol Rd. Burton, MI 48529

For: Washing Cars

Ms. White wants to know why this didn't come in front of the Planning Commission as a site plan review and not just administrative?

Mrs. Abbey stated this is a change of ownership. This is not open to the public. Basically, cars are only brought in to be detailed and then sent back to the import lot. This is a permitted use within that zone so there was no need for a site plan review.

F. AUDIENCE PARTICIPATION

None.

G. BOARD DISCUSSION

Mr Burge asked about the Davison Road traffic study.

Mrs. Abbey said there is nothing new. There are still some issues with the design of the traffic light.

Ms. White stated the lot at the GM plant is not wide enough for the trucks to turn around and they are going toward the center line.

Mrs. Abbey stated the design is still under way. The Police can still enforce traffic violations. So, if they are parking on Davison Road, call the Police.

Ms. White said they are also making a left hand turn there.

Mrs. Abbey stated the design of the traffic and the flow is to go right however, it doesn't mean they can't go left.

Mr. Smith stated he talked to the security guard there and they are transferring equipment from the old plant and some of the drivers are still learning the flow of the parking area. He asked about the employees exiting out of the back lot. The driveway is not big enough and it takes 15-20 minutes for them to exit.

Mrs. Abbey said that is private property. It is one in and one out. They should have done a right and left there. It was suggested to them at the time. They can absolutely do this if they want.

Mr. Smith asked about the beeping noise. Trucks are coming in at all times through the night and they back up and beep. What can we do about this? Also, I was told there is going to be a third shift there.

Mrs. Abbey stated she will look into the beeping and as far as she knows, it is only first and second shift.

Mr. Benthall stated regarding the noise, it probably has to be within a decibel limit.

Board discussion regarding the amount of employees at the GM plant and landscaping.

Mrs. Abbey stated she got an email from Speedway at Center Road and Court Street. There was an issue with the acquisition of the property so things were held up. Their site plan has expired by 2 months. Are you comfortable with an extension of 6 months so they can apply for the building permit?

The Planning Commission agreed to a 6 month extension to the site plan for Speedway on Center Road.

Meeting was adjourned at 6:20 PM.
