



CITY OF BURTON

BURTON ZONING BOARD OF APPEALS MEETING

JANUARY 18, 2018

MINUTES

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Commissioner Steve Welch at 5:00 PM.

A. PLEDGE OF ALLEGIANCE

1. Roll Call

Attendee Name	Title	Status	Arrived
Terry Parker	Commissioner	Excused	
Scott Hynes	Commissioner	Present	
Steve Welch	Commissioner	Present	
Tim Rapacz	Commissioner	Excused	
Deb Walton	Commissioner	Present	
Michaeline Ward-Terry	Commissioner	Present	
Donald Standel	Commissioner	Present	
Timothy Miller	Commissioner	Present	
Christina Conley	Council Representative	Present	

B. STAFF PRESENT

Amber Abbey, Planning/Zoning

Chief Osterholzer, Police Dept.

Charles Abbey, DPW Deputy Director

Lt. Odette, Police Dept.

Marcy Kimball, Clerk's Office

C. NOMINATIONS

1. Approve and Authorize_____ for Zoning Board of Appeals Chairperson from January 2018- December 2018.

Steve Welch was nominated for Chairperson.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Christina Conley, Council Representative
SECONDER:	Scott Hynes, Commissioner
AYES:	Hynes, Welch, Walton, Ward-Terry, Standel, Miller, Conley
EXCUSED:	Parker, Rapacz

2. Approve and Authorize_____ for Zoning Board of Appeals Vice-Chairperson from January 2018- December 2018.

Michaeline Ward-Terry was nominated for Vice Chairperson.

RESULT:	CARRIED [6 TO 0]
MOVER:	Deb Walton, Commissioner
SECONDER:	Scott Hynes, Commissioner
AYES:	Hynes, Welch, Walton, Standel, Miller, Conley
EXCUSED:	Parker, Rapacz
RECUSED:	Ward-Terry

D. APPROVAL OF MINUTES

1. Zoning Board of Appeals - Regular Meeting - Nov 16, 2017 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Scott Hynes, Commissioner
SECONDER:	Michaeline Ward-Terry, Commissioner
AYES:	Hynes, Welch, Walton, Ward-Terry, Standel, Miller, Conley
EXCUSED:	Parker, Rapacz

E. VARIANCE

1. ZBA #18-01

By: Holy Redeemer Church
1227 E. Bristol Rd
Burton, MI 48529

Re: 1227 E. Bristol Rd. Burton, MI 48529
59-30-300-014, R-1C Zoned

For: To conduct an outdoor recreational event for the parish festival on May 31, thru June 3, 2018.

Motion was amended to include:

- Youth Supervision Policy: Children under the age of 17 years old must be accompanied by a parent or a supervising adult age 21 or older on Thursday, Friday and Saturday.
- Festival will close down at 9 PM.
- Allow the festival for one year only.
- No beer tent.
- Same amount of on duty and off duty officers and with DM Burr Security as last year.

- Contract with Burton Police Department to have a cruiser in the neighborhood for the weekend.
- In the case that there is trouble and people are kicked out of the festival, a police car will remain in the neighborhood for the duration.

Ken Jubar, business manager of Holy Redeemer Church, discussed changes that would be made if approved another year. I have met with the Chief of Police and lieutenants to discuss security at the festival if it's approved. We would also close down the festival at 9 PM rather than 11 PM. We would also put in place a youth supervision policy. Any child under the age of 17 years old must be accompanied by a parent or a supervising adult age 21 or older on Thursday, Friday and Saturday. Sunday we close early. Security would be handled by on duty police officers and private security. The festival provides a recreational opportunity to the Burton community, provides fund that assists Holy Redeemer Church programs that enhance the community and provide support for those less fortunate.

Lisa Williams from Burton said some of the new rules that have been put in place each year has helped. I request that you keep those same rules. If someone is kicked out I would like to see them escorted out if they are walking. Otherwise they come to our neighborhood and cause trouble.

Marie Brown from Burton said this is a great community event. I think every town or village needs a venue. Tim Donlan of Grand Blanc Twp., said I am a Burton business owner and chairperson for the festival. Many families come to us and thank us for making this possible.

Mrs. Abbey reminded the commission of the 2016 stipulations:

Allow the festival for one year only

No beer tent

Festival shuts down 9 PM

Same amount of on duty and off duty officers and with DM Burr Security

Contract with Burton Police Department to have a cruiser in the neighborhood for the weekend

Dumpster, which may have been removed already.

Chief Osterholzer said his recommendation is closing everything down at 9 PM, the supervision policy of the youth and to keep all the other steps that have been put in place over the years. If there is trouble and we have to escort people out, a police cruiser will remain in the surrounding neighborhood for the duration in case there is more trouble. With this we recommend that the festival be allowed this year.

RESULT:	CARRIED AS AMENDED [6 TO 0]
MOVER:	Scott Hynes, Commissioner
SECONDER:	Michaeline Ward-Terry, Commissioner
AYES:	Hynes, Welch, Ward-Terry, Standel, Miller, Conley
EXCUSED:	Parker, Rapacz
RECUSED:	Walton

2. ZBA #18-02

By: 3055 E. Bristol, LLC.
3055 E. Bristol Rd.
Burton, MI 48529

Re: 3055 E. Bristol Rd. Burton, MI 48529
59-28-300-004, M-2 Zoned

For: To conduct a medical marijuana facility that will be within 500' of another medical marijuana facility.

Applicant, Stephen Landaal spoke regarding the company history and the goals for the facility if approved:

- Total Health Collective
- Michigan's Qualifying Conditions
- Medical Marijuana as Medicine
- Success Story's
- America's Opioid Crisis
- Sustainable Job Creation
- Potential for Michigan Communities
- Tax Revenue around the Country
- Projected Michigan Tax Revenue
- Community Impact
- Proposed Facility Location and Layout
- Environmentally Responsible Facility Design
- Security Measures

Mr. Welch read a letter from Edward Ardnes regarding this case. He said I feel you should not deviate from the zoning ordinance. I feel it was put in place for a good reason. Special regulations of these uses is necessary to ensure that these adverse effects will not contribute to the downgrading of the surrounding neighborhood. The primary control of regulation is for the purpose of preventing a concentration of these facilities in any one area.

Mrs. Abbey said Mr. Landaal also included his tax bills if the commission would like look at these. The State has recognized this as a unique type of business. We are allowed to regulate the number of facilities. We chose to limit their location which would then limit their number. There are two properties within the 500 feet of him. One is 3280 Warehouse Drive which is in a radius of him. The two businesses would never be noticed by each other. That property would be a processing center. The other property is 3108 Bristol Road. This property is a grow facility and is not even noticeable. Therefore, his request is not unreasonable. There will not be traffic. I believe the request does not affect the intent of the ordinance. The administration recommends approval.

Mr. Hynes asked what direction do you want your community to go, do we want to be a home community with a retail background or do we want to be (as I have heard) "cannabis corners". How many Marijuana facilities do we have now? I know these businesses provide jobs and income too. There are plus and minuses on both ends of it.

Mrs. Abbey said prior to the new ordinance we had 5 provision centers and 6 grow facilities. Not all of them have reapplied yet, so I can't say that we have those today.

Ms. Ward-Terry said this is a different center. You have three different facilities, doing different things.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Michaeline Ward-Terry, Commissioner
SECONDER:	Deb Walton, Commissioner
AYES:	Hynes, Welch, Walton, Ward-Terry, Standel, Miller, Conley
EXCUSED:	Parker, Rapacz

F. AUDIENCE PARTICIPATION

G. CALL TO ORDER

H. BOARD DISCUSSION

The next regularly scheduled meeting will be held on Thursday, February 15, 2018, at 5:00 p.m.

Meeting was adjourned at 5:48 PM.
