

Burr Oak Township Planning Commission Meeting
January 24th, 2022 at 7:00 p.m.

Commission Members Present: Tim Hahn, Monica Smith, Mike Perry, Ken Wall

Commission Member(s) Absent: Rick Ultz

Guest: Lance Thornton-Burr Oak Township Attorney

Also Present: Travis Klinger, 202 First St., Sturgis, MI; Melissa Johnson, 67382 Halfway Road, Burr Oak, MI; Matt Craven, 67382 Halfway Road, Burr Oak, MI; Neil Pagels, 71057 Big Hill Rd, Sturgis, MI; Matt Casner, 701E Jerolene St., Sturgis, MI; Eva Miller, 68641 Lutz Rd., White Pigeon, MI; Jayden Christner, 68641 Lutz Rd., White Pigeon, MI; James Baker, 502 ½ Center St., Sturgis, MI; John Day, 69618 Anna Ct., Sturgis, MI; Rodney Reed, 67971 Big Hill Rd., Sturgis, MI; Tammy Reed, 67971 Big Hill Rd., Sturgis, MI; Beau Broderick, 1825 Baltic Ave., Elkhart, IN

Call to Order--Commission Chair Tim Hahn called the meeting to order at 7:01 p.m. Chairman Hahn requested that all Visitors sign in for the purpose of the Public Hearing.

Approval of Meeting Agenda—A motion was made by Perry with support by Wall to approve the meeting agenda as presented. The motion passed.

Secretary's Report—Smith presented the October 18th, 2021 Planning Commission meeting minutes for review. A motion was made by Hahn with support by Wall to approve the minutes as presented. The motion passed.

Old Business – None

Pledge of Allegiance

New Business – None other than scheduled Public Hearing

Opening of Public Hearing i.e. Proposed Zoning Ordinance Amendments related to Recreational Marijuana Ordinance

Commission Chair Hahn opened the Public Hearing at 7:11 pm

Upon request from Hahn, Burr Oak Township Attorney Lance Thornton explained that the Burr Oak Township board is considering taking action to 'opt in' i.e. Recreational Marijuana establishments. Prior to the Burr Oak Township board taking any action, Zoning Ordinance amendments must be defined and approved.

A Zoning Ordinance amendment regarding recreational marijuana establishments (Exhibit A) was presented to the Planning Commission for review and discussion, with the Planning Commission having three options for action:

1) Approve and recommend the Amendment for consideration by the Township Board; 2) Deny a recommendation for consideration by the Township Board; or 3) Approve and recommend the Amendment with revisions.

Discussion was opened to members of the public in attendance

Matt Craven, 67382 Halfway Rd., Burr Oak, asked what requirements must be met for approval of a Special Exception Use permit for a recreational marijuana retailer. Attorney Thornton referred to Article 27 of the Zoning Ordinance (Section 27.3) and explained the proposed amendments which reference the requirement for filtration systems (no detectable odor), the need to maintain negative air pressure within an establishment, indoor sales only, no visible light from outside and a buffer zone maintaining a minimum of 1,000 straight-line distance from any public or private pre- or grade schools.

Thornton also explained that in addition to all Ordinance requirements, a re-zoning variance will most likely need to be requested by a property owner due to the fact that the majority of land in question is zoned Agricultural.

Matt Casner, 701 Jerolene Street, Sturgis, indicated his support of the proposed Ordinance amendments and recreational marihuana establishments in Burr Oak Township.

Neil Pagels, 71057 Big Hill Rd., Sturgis, indicated his support, referencing the positive impact new cannabis businesses could have on a community in terms of making donations and community giving.

Beau Broderick, 1825 Baltic Ave., Elkhart, IN, supported others' statements that new businesses provide community support through donations, including an example of providing body-cams for an area police department.

John Day, 69618 Anna Ct., Sturgis, MI, cited and supported recreational marihuana establishments for job creation.

Travis Klinger, 202 First St., Sturgis, MI, asked if there were any Industrial zones in Burr Oak Township where recreational marihuana establishments could open a business. Attorney Thornton responded that, like many smaller communities in our county, Burr Oak Township is rural and predominantly zoned Agricultural, and that Burr Oak Township's Master Plan references Halfway Road (north from US 12) as the potential site of any future Industrial zoned development. Klinger also addressed the potential of revenue for the Township in regards to excise tax if zoning changes were considered.

Secretary Smith asked those present to provide feedback in regards to a need for more recreational marihuana establishments and whether or not the recreational market can become over-saturated due to the many new businesses in Sturgis. Craven replied that there are market niches and that Burr Oak Township's closeness to US 12 will benefit new businesses and serve rural residents.

Commissioner Wall asked those in attendance if the use of recreational marihuana is prohibited in cars or while driving, citing concern for public safety. Several of those attending commented that use in cars is illegal and that recreational establishments have security protocols in place to prevent on-site use of marihuana, and that establishments are heavily regulated for safety and licensing reasons.

There was no opposition from the public to the proposed Zoning Ordinance amendment discussed.

Chair Hahn moved to close the Public Hearing at 7:45 pm with support by Wall. The motion passed.

Planning Commissioners discussed the proposed amendment with Hahn asking if there were any recommendations for changes to the amendment(s) as presented. No changes were recommended.

Chair Hahn moved that the Burr Oak Township Planning Commission approve recommending the Zoning Ordinance amendment (Exhibit A) as presented for approval by the Burr Oak Township Board. Wall supported the Motion.

Roll Call Vote: Perry, Yes; Wall, Yes; Smith, Yes; Hahn, Yes. Absent: Rick Uitz

Smith will forward a completed Resolution, along with the unapproved meeting minutes, to the St. Joseph County Planning Commission for review.

A motion to adjourn the meeting was made by Chair Hahn, with support from Wall. The meeting was adjourned at 7:53 pm.

The next regular meeting of the Burr Oak Township Planning Commission is Monday, April 18th, 2022 at 7 pm at Burr Oak Township Hall.

Respectfully submitted,
Monica Smith, Secretary
Burr Oak Township Planning Commission