



CITY OF BURTON

ZONING BOARD OF APPEALS

NOVEMBER 21, 2019

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

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

A. PLEDGE OF ALLEGIANCE WAS LED BY STEVE WELCH

B. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Don Jones	Alt. Commissioner	Excused	
Christina Conley	Council Representative	Present	
Scott Hynes	Commissioner	Present	
Tim Rapacz	Commissioner	Present	
Deb Walton	Commissioner	Excused	
Michaeline Ward-Terry	Vice Chairperson	Present	
Steve Welch	Chairman	Present	
Joey Richvalsky	Alt. Commissioner	Excused	
Rick Fuhst	Commissioner	Present	
Kevin Burge	Planning Representative	Present	

C. STAFF PRESENT

Racheal Boggs, Interim Clerk
Amber Abbey, Superintendent of Planning and Zoning
Lindsey Bice, Records Tech

D. APPROVAL OF MINUTES

Zoning Board of Appeals - Regular Meeting - Oct 17, 2019 5:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Michaeline Ward-Terry, Vice Chairperson
SECONDER:	Scott Hynes, Commissioner
AYES:	Conley, Hynes, Rapacz, Ward-Terry, Welch, Fuhst, Burge

E. VARIANCE

1. ZBA #19-21

By: Alfredo Melendez
6945 N. Laredo Dr.
McCordsville, IN 46055

Re: 2328 S. Center Rd. Burton, MI 48519
59-21-529-055 R-O Restricted Office Zone

For: To conduct and construct a new restaurant in an R-O Restricted Office Zone, C-1 Local Business Required.

Diane Karns of Douglas Michigan stated she is the Real Estate Broker for Mr. Melendez.

Alfredo Melendez of Indiana stated his name and address for the record.

Mrs. Karns stated everything applied for in the variance is why they are here and they do not have anything to add.

No audience spoke for or against the application.

Mrs. Abbey stated the location of the property is across from Elga Credit Union. Center Road is zoned as commercial business, even though there are some houses in the area. The particular property on Mr. Melendez's application does have a house on it, which will be removed. The project will have to go through site plan review. There was a preliminary sketch included in the plans, she suggests not focusing on that sketch but that this property will fit what Mr. Melendez has planned. The administration recommends approval.

Mr. Burge questioned why the zoning change was necessary when we had Paul's Coney Island right next to this property.

Mrs. Abbey stated the property that Paul's Coney Island is on is zoned a C-2, this property, two properties down is zoned R-O.

Mr. Rapacz asked Mr. Melendez what led him to wanting to purchase this property and have it be re-zoned?

Mr. Melendez stated he wanted to purchase this land because he already owns a restaurant in the city and he is looking to expand as a chain restaurant.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Scott Hynes, Commissioner
SECONDER:	Tim Rapacz, Commissioner
AYES:	Conley, Hynes, Rapacz, Ward-Terry, Welch, Fuhst, Burge

2. ZBA #19-22

By: Tom Blondin
6267 E. Maple Rd.
Grand Blanc, MI 48439

Re: 6267 E. Maple Rd. Grand Blanc, MI 48439
59-36-400-001 SE Suburban Estates Residential Zone,

For: To construct a 3rd accessory structure that will exceed the allowable number of detached accessory structures, two allowed.

Thomas Blondin of Burton stated he is requesting to keep his shed which he feels compliments his property.

Mrs. Abbey stated about a year ago the Planning Commission put in an ordinance that restricted the amount of detached structures on a property. The intent of that revision was to take properties that were smaller who would use our square footage limitation to their advantage and put in five sheds. We did not give exceptions for larger parcels because even five or six structures on six acres could still look terrible. Mr. Blondin does still have his shed up. With his new pole barn built he does not exceed the square footage limitation, however, due to the ordinance he does have to remove a perfectly good shed in order to meet the requirements. He does understand that and understood that when he pulled the permit to build the pole barn. She feels with the size of the property and condition of shed it should be allowed to stay and the administration recommends approval. She received from the Genesee County Drain Commission an easement letter, it reads that they have no objection to the structure, they just want Mr. Blondin to be aware to the easement for the drainage which runs through his property. It is nowhere near the property, it is back by the creek.

Mr. Welch asked Mr. Blondin if he is aware of the drainage running through his property.

Mr. Blondin stated he is aware.

Mr. Burge stated the intent of this ordinance with the Planning Commission was if you live in a subdivision to not load up your entire back yard with structures. He drove by Mr. Blondin's property and he has a lot of room.

Mr. Rapacz clarified with Mrs. Abbey that Mr. Blondin does not exceed the allowable square footage, only the amount of structures per property.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Scott Hynes, Commissioner
SECONDER:	Rick Fuhst, Commissioner
AYES:	Conley, Hynes, Rapacz, Ward-Terry, Welch, Fuhst, Burge

3. Motion to Approve Agenda Item ZBA #19-23-1

By: Helios Security
7420 E-M31 P.O. Box 250
Hamburg, MI 48139

Re: 3434 S. Dort Hwy. Burton, MI 48529
59-29-400-015 C-2 General Business Zone

For: 1. To conduct an M-1 Light Industrial use in a C-2 General Business zone for a Marijuana Secure Transport. 2. To conduct a Marijuana facility that will be within 500' of another facility.

Kevin Macritchie of Holly stated they are a security company first and foremost. They offer security to the cannabis market, and video surveillance. The facility they are interested in is the old MMR facility. Their video surveillance teams will be stationed at that facility as well as transportation vehicles. There are concerns of product being housed at the facility, the current laws only allow any security companies to house cannabis product they are transporting for up to 48 hours. They do not have any current intentions to do that. Their customers are class C customers, which means, each class C license is allowed to have 1,500 plants. These customers would not want to see their product or cash coming to the facility and

have previously worked out banking arrangements. He started this company because he wants to have a safe and secure transport company for Michigan residents. They chose this facility because it allows them to park their vehicles indoors, as well as the City of Burton's forward thinking on both the medical and recreational use of marijuana.

Mike Becker of Bloomfield Hills talked about the type of employees they will hire, which included veterans, military, EMS and fire fighters.

Lisa Odette of Goodrich stated she owns Liberty Glass and Glazing which is the property next door to the vacant MMR facility that Helios Security is looking to purchase. She supports the facility being owned by Helios Security. Having the vacant lot is hurting her business and she feels having a security company next door would be beneficial to her business.

Mrs. Abbey stated when she first looked at this application she took the marijuana aspect out and asked herself if the industrial uses would work at this property. All the properties around are industrial, however this property just happens to be where the C-2 zone starts. The administration supports and recommends approval on the first portion. The second portion is more complicated, when we first started doing the ordinances of the marijuana facilities none of us had an idea of what a secure transport was. There was confusion as to whether or not they were part of the main uses, which are provisioning center, grows and processing centers. The answer is, they are not, they are completely separate and cannot even be a part of one of those facilities. There are so few secure transport facilities so it is unknown the impact they will have on the area. There are some things we do know, the city made a choice to allow marijuana related businesses, and the State of Michigan requires those businesses to use a secure transport when transporting cash or product. So why not have one in Burton that will secure the success of our businesses that we have chose to have. With that being said, she put the only contingency being, this is only for a secure transport and there is to be no other marijuana use at the facility and the administration recommends approval.

Mr. Burge asked, how far away is this facility from the next medical marijuana facility? He knows it has to be less than 500 feet.

Mrs. Abbey stated the other facility is across the street and up the road a little ways. She did not have the exact footage.

An audience member stated it is 335 feet away.

Mr. Burge asked to Mr. Macritchie, it was stated that this is a security company and not a transport company, what are we getting the variance for here?

Mr. Macritchie clarified that he said we are not just a transport company, we are a security company first. We do transport, physical security, cyber security, video surveillance, and more. Most of the businesses that are starting do not have a security background, and are starting as a transport business only. For those businesses the only requirements are to pass a lien test, and pass a drug test then anyone can be handed a gun and become a security guard in the State of Michigan. We believe in security first whether it be at the building or moving.

Mr. Burge stated that Mr. Macritchie said there wouldn't be any product at the facility but it could be stored there for up to 48 hours.

Mr. Macritchie stated that the State Law requires that they have the ability to do that. Described the risks other facilities take by storing their vehicles outdoors and why they feel this facility is perfect for them to securely store their vehicles indoors should that need arise. This is an ideal facility to minimize as much risk as possible to their customers, employees and citizens.

Mr. Burge asked the administration if this would have to go before planning?

Mrs. Abbey stated no, it will be an administrative site plan because there will be no changes to the exterior.

Mr. Burge stated to the neighbors in the area, if there is a truck that doesn't start and we get 16 inches of snow, that truck cannot leave. Is there ventilation not to bother your neighbors? If the product is being kept in the truck and can't leave for the day.

Mr. Macritchie stated yes, we would have ventilation but our goal is to never bring the product to our facility. The State Law requires we have a facility where we can, but our goal is to not bring it back.

Mr. Hynes stated he has to disagree a bit, it just came out of Congress for Committee, then it has to pass Congress and that has a Republican Senate so I highly doubt it's going to pass. My other question is how much will you be transporting? Are we going to be seeing 15, 53 foot trailers?

Mr. Macritchie stated no sir. State Law requires that, for all practical purposes, it will be white panel vans. A typical Ford Transit Van. There will be no semi trucks on the property. The Hemp industry is different, you can move hemp the same way you can move corn, wheat or barley. However, there will be no 53 foot trailers in that facility whatsoever. We do not want semi trailers parked there.

Mr. Hynes asked to Mrs. Abbey if we should put a contingency on this portion that there will be no semi trailers stored on the property.

Mr. Rapacz stated that the spirit of the ordinance was to not have multiple growing facilities or processing centers within 500 feet of each other, correct?

Mrs. Abbey stated the intent was to limit the amount of facilities that were going to be the main part of the operation.

Mr. Rapacz stated yes and this business is to transport said product around from point A to point B. So the reason they are in front of us is because they happen to be in the business of transporting said product, but it is not violating the spirit of the ordinance, it's just in the way.

Mrs. Abbey stated correct, when we put these distance requirements on it we weren't exactly sure what was going to happen and focused more on the processing facilities and grow shops.

Mr. Rapacz clarified the main focus of this facility will be to securely transport the product where it needs to go.

Mrs. Abbey stated yes.

Mr. Welch suggested to put in the motion specifically that no semi trailers are to be stored at the facility.

Mr. Rapacz stated that it would be important to include that it is only for secure transport of marijuana and no other marijuana use, so it cannot change to a processing center in the future.

Mr. Macritchie stated that current State Law, which could change, requires that the product cannot be in a trailer, it must be in a van.

Mrs. Abbey stated that she believes the committees main concern is to not have the semi trailers on the property, not necessarily what would be done with them. So, just don't have them there.

Mr. Welch stated to make this a little easier, he would suggest taking a motion on each item individually. The M-1 Industrial Zone takes five votes and the marijuana transport takes four votes.

Motion by Mrs. Ward-Terry to approve with the contingency that this facility will be a marijuana secure transport only and no other marijuana use is allowed on the premises because it is conducive to the neighboring businesses.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Michaeline Ward-Terry, Vice Chairperson
SECONDER:	Christina Conley, Council Representative
AYES:	Conley, Hynes, Rapacz, Ward-Terry, Welch, Fuhst, Burge

4. Motion to Approve Agenda Item ZBA #19-23-2

Contingencies on this motion will be that this facility is only used for secure transport and security purposes, and there will be no semi truck trailers stored on the property. There will be no other marijuana use on the property either for production or distribution.

RESULT:	CARRIED AS AMENDED [UNANIMOUS]
MOVER:	Michaeline Ward-Terry, Vice Chairperson
SECONDER:	Christina Conley, Council Representative
AYES:	Conley, Hynes, Rapacz, Ward-Terry, Welch, Fuhst, Burge

F. AUDIENCE PARTICIPATION

Gene Kovacs stated he owns the property that has been in discussion and wanted to thank the board. He thinks it is a smart move. Dort Highway has always had its issues but believes this business is very positive not only for Dort Highway but also for the City of Burton.

G. BOARD DISCUSSION

Ms. Boggs welcomed Ms. Bice to the office.

Mr. Welch stated Mr. Hynes' term is expired so he needs to make his wishes known to the Clerk if he would like to continue for another term.

Mr. Hynes stated he will have a letter in tomorrow.

Ms. Boggs stated she has application packets in her office so anyone that would like to come see her tomorrow can do that and also submit a letter of interest.

Mrs. Conley stated on November 30th at Fire Station 1 from 5PM-7PM we will be having a Tree Lighting Ceremony and invited everyone to come out.

The next regularly scheduled meeting will be held on Thursday, December 19, 2019, at 5:00 p.m.
