



CITY OF BURTON

ZONING BOARD OF APPEALS

OCTOBER 15, 2020

Council Chambers

Regular Meeting

5:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chairman Steve Welch at 5:08 PM.

A. MEETING INFORMATION

Zoning Board of Appeals
Hosted by Racheal Boggs

Thursday, Oct 15, 2020 5:00 pm | 2 hours | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 126 288 8450

Password: cfXmfDW8H34 (23963398 from phones and video systems)

<https://cityofburton.my.webex.com/cityofburton.my/j.php?MTID=m714e824771ec0de207f5e31858589a09>

Join by video system

Dial [1262888450@webex.com](tel:1262888450) <mailto:1262888450@webex.com>

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-415-655-0001 US Toll

Access code: 126 288 8450

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

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

D. STAFF PRESENT

Amber Abbey, Deputy DPW Director
Lindsey Bice, Record Tech

E. APPROVAL OF MINUTES

1. Meeting Minutes for the September 17th, 2020 meeting will be available for approval at the next scheduled Zoning Board of Appeals meeting.

F. VARIANCE

1. ZBA #20-05

By: Helios Security LLC
3075 Joyce St
Burton, MI 48529

Re: 3075 Joyce St., Burton MI 48529
59-28-553-016, M-2 Zoned

For: To conduct a secure transporter within a multi-tenant space

Mike Becker of Helios Security stated they are seeking a variance to operate their business with an attached warehouse. It is essentially a pole barn type building with cinder block walls. We occupy a 1,200 square foot office space in the front, CIT inspections have cleared this. The back half of the building is a warehouse in which epoxy floor chemicals are stored for another local business. Very little traffic enters or exits this warehouse, maybe once a day to pick-up those excess chemicals.

Tim Siler of Helios Security stated we received our medical license already through the City of Burton. We have been pre-qualified for transportation at the state level. The state will be coming in the next couple weeks to do their inspection on our building. There is a multi-tenant with us that pick up their supplies around 8:00AM and then are out on a job all day. We are a security company on top of a transport company. We will have a security guard on hand along with doing our transport. It is kind of a two business in one scenario that we are attempting. We are looking for the variance for the other company that is with us right now.

Mrs. Abbey stated to make this a little less confusing, something the applicant missed in telling you, this particular property has already been approved for a medical marijuana license. The original medical marijuana license didn't say anything about other tenants, it just said nobody under the age of 18 was allowed on the property. The business that is in the back and the landlord have put in the lease that nobody under the age of 18 is allowed on the property. They are allowed to have their medical license there, however, they wish to go into the recreational market as well. When we did the recreational ordinance we very specifically stated that you could not be with any other tenants. That is why he is here today. Keep in mind he is a secure transport and is not designed to hold marijuana on site at all, unless he has to hold it for some reason. You would have to ask Tim the exact time they are allowed to hold it on site, I believe it is 48 hours.

Mr. Siler stated yes, 48 hours is correct but that is being looked at to change to 96 hours.

Mrs. Abbey stated in general, there shouldn't even be marijuana on this property at all. They already have their medical secure transport, they just want to be able to do recreational as well. With the tenant that was there prior to them moving in, we see this as a hardship and recommend approval.

Mr. Burge asked, can a security guard be 18 years old and on the property?

Mr. Siler responded no. All our security guards are CPL holders and you have to be 21 years or older to be a CPL holder in the State of Michigan.

Mr. Hynes asked, are they transporting recreational or are they retailing recreational?

Mrs. Abbey stated this is just secure transport. Most of their operations are done from business to business and they don't even bring it back to their office unless they have to.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Kevin Burge, Planning Representative
SECONDER:	Tim Rapacz, Commissioner
AYES:	Kautz, Hynes, Rapacz, Ward-Terry, Welch, Fuhst, Burge
EXCUSED:	Conley, Richvalsky

2. ZBA #20-08

By: Mario Lucaj
29793 Harrow Dr.
Farmington Hills MI

Re: 3365 Associates Dr Burton MI
59-29-551-023, M-1 Zoned

For: To conduct a marijuana establishment on a property with another use not associated with a co-location.

Mario Lucaj 3365 Associates Dr, Burton stated on behalf of the Burton Cannabis Company we want to give a quick overview. They applied for and received a medical marijuana facility license from the City of Burton and from the State of Michigan. They are currently operating. They applied for a recreational license but because there is another business that is collocated on the property, a variance is needed. The other business there is the Macomb Group. The owner of the Macomb Group is Jim Tucker who is also the owner of the building. He, along with the other employees of the Macomb Group are in full support of allowing the Burton Cannabis Company to sell recreational marijuana in addition to the medical marijuana they are currently selling. Jim Tucker signed an acknowledgment that should be in your packet that was submitted with the variance request. If the Burton Cannabis Company wasn't allowed to sell recreational marijuana, it would essentially shut down their business. All the other provisioning centers that have been approved by Burton sell both recreational and medical marijuana. Without the recreational component, they wouldn't be able to compete with the other establishments. Selling recreational goes along with the ordinance that was passed in September of last year. The Burton Cannabis Company does have a separate parking lot from the Macomb Group. There are no other ways to get into the Burton Cannabis Company so they are completely separate for all intents and purposes.

Scott Smith 3364 Associates Dr, Burton stated through the Webex chat and read by Mrs. Abbey, City of Burton ordinance number 2017-157.046 in section three, sub section C states that a facility cannot be within 1,000 feet of a school building where children may visit. Griffith Court is about 300 feet from this facility. Please define the definition of this school admin building. I ask, as we currently have one on site

already. However, when my business was robbed in June I went to this school building to seek viewing their video camera as the perpetrators had cut through the fence there. There were two students in the building that day for some reason.

Mrs. Abbey stated I will read you the definition. Within 1,000 feet of any school, nursery, licensed daycare or other building used for the care or instruction of children under the age of 18. The admin building is not used to care for or instruct children. This was asked from the original license. I spoke with the Attorney about if that building counted under that definition, and her opinion was no. They have had a license at that facility for quite a few years.

Mr. Smith asked through the Webex chat and read by Mrs. Abbey, does this fall in the school category?

Mrs. Abbey stated no.

Mr. Smith stated through the Webex chat and read by Mrs. Abbey that he is not opposed as long as this is made clear the definition of said location.

Mr. Burge asked Mr. Smith what type of business he owns.

Mr. Smith stated a landscape company.

Mr. Hynes asked the applicant if he also has facilities in Farmington Hills or if this type of business is not allowed there, where they are from.

Mrs. Lucaj stated Farmington Hills has not opted in yet.

Mr. Hynes asked, why Burton then?

Mrs. Lucaj stated he does have other businesses in Farmington Hills. The main reason he decided to come to Burton was the fact that they allow both medical and recreational marijuana. In the State of Michigan right now, because we are recreational, a lot of people do have their patient card and are no longer renewing it for various reasons. Because Burton has opted into both, it makes it a good location business wise. If the city only had medical, it would limit their customer base substantially, especially because their neighboring communities have logged recreational.

Mr. Hynes stated I was curious because Farmington Hills population is so much greater than ours.

Mr. Welch stated it has been brought up that the owner of the property is in support of this. Do we take that into account or do we have something signed by them?

Mrs. Abbey stated they signed an owner acknowledgement, that is what the applicant was referring to. The owner of the property has to sign this and understand what their property is being asked for.

Mr. Welch asked, so you have that then?

Mrs. Abbey said, yes, I do.

Mr. Hynes asked how many recreational licenses do we have?

Mrs. Abbey stated I do not know how many recreational off the top of my head. We have four provisioning centers that are open and they all applied for the recreational on top of it. We have twelve approved provisioning licenses and four recreational in conjunction with the ones that are actually open.

Mr. Hynes stated so there is a possibility that we could have twelve recreational.

Mrs. Abbey stated they are in combination with the provisioning centers, we have zero just recreational facilities.

Mr. Burge asked about the break-in at Mr. Smith's business. Is this a problem on that road or just something that happened to your business?

Mr. Smith stated through webex chat and read by Mrs. Abbey it has been consistent. We spent \$40,000.00 on bin block around the fence and \$150.00 a week on nightly security. As well as bullet proof glass and steel doors.

Mrs. Abbey stated I will add the fact that this is a dead end road with about ten businesses on it. Most of them aren't there at night.

Mrs. Lucaj stated since the Burton Cannabis Company opened, there is security there. Had they been opened at the time of this June event, their cameras probably would have captured it. They have cameras on all sides of the building, so it would have been beneficial then. Moving forward it is something we can use if there is any activity on that street.

Mr. Hynes stated there has been a level of concern on how many of these types of facilities are opening up from the community members that I talk to.

Mr. Smith stated through the Webex chat and read by Mrs. Abbey the street is a good location for this business if you have the guy patrol it and have the guy who bought the other five buildings keep this stuff up.

RESULT:	CARRIED [6 TO 1]
MOVER:	Tim Rapacz, Commissioner
SECONDER:	Michaeline Ward-Terry, Vice Chairperson
AYES:	Kautz, Rapacz, Ward-Terry, Welch, Fuhst, Burge
NAYS:	Hynes
EXCUSED:	Conley, Richvalsky

G. AUDIENCE PARTICIPATION

Public comment may be sent to: publiccomment@burtonmi.gov. Comments received prior to the meeting will be read into the record.

No audience participation.

H. BOARD DISCUSSION

Mr. Rapacz asked about the property behind Bubba O'Malleys. What are the plans for that?

Mr. Burge stated it will be outdoor storage.

Mrs. Abbey stated it is a storage facility, yes.

Mr. Rapacz asked, is ABC Pharmacy moving to the other location?

Mrs. Abbey stated yes, they are working on that as well and have done a lot of improvements.

Discussion ensued regarding construction projects around the city.

Mr. Burge stated I spoke with Councilman Smith last night and the Census is at 76.4% but that does not give any numbers.

The next regularly scheduled meeting will be held on Thursday, November 19, 2020, at 5:00 p.m.
