

**Village of Pinckney
Planning Commission Meeting
Minutes
Monday, January 7, 2018**

Call to Order: Vice Chairman C. Oliver called the meeting to order at 7:00 pm.

Roll Call:

Bridget Gergel – Absent
Ted Kinczkowski – Present
Diane MacDonald - Absent
Richard Mayernick – Present
Christine Oliver – Present
Donald Oliver – Present
Tom Pais - Present

Also Present:

Lucie Fortin, (Village Planner)
Michelle Brunner (Zoning Administrator, Recording Secretary)
Tom Dumond, PEA

Pledge of Allegiance

Approval of the Agenda:

Agenda needed proposed amendment of Condominium Developments to 152.266 added to agenda as item #1.

Moved by Commissioner Kinczkowski, seconded Commissioner D Oliver, to approve tonight's agenda as amended.

Yeas: 5 Nays: 0 Absent: 2
The motion carried.

Approval of the November 5, 2018 Minutes:

Motion by Commissioner Kinczkowski, seconded by Commissioner Mayernick, to approve the November 5, 2018 minutes as amended.

Yeas:5 Nays: 0 Absent:2
The motion carried.

Reports:

Chairman: Chairman MacDonald was absent.

Secretary / Vice-Chairperson: Vice Chairman C. Oliver had nothing to report.

Council Report: Commissioner Kinczkowski had nothing to report.

Zoning Administrator: Report will be in the Council packet this coming Thursday, January 10, 2019.

Public Forum:

Vice Chairman C. Oliver opened the Public Forum at 7:03 pm.

Responses: None

Public Forum was closed by Vice Chairman C. Oliver at 7:03 pm.

Public Hearing:

Vice Chairman C. Oliver opened Public Hearing at 7:03 pm.

Discussion: Lucie Fortin discussed the language for condominium ordinance regarding roadway outlets, street trees and street lighting.

Vice Chairman C. Oliver closed Public Hearing at 7:05 pm.

Agenda:

1. Proposed amendment of 152.266 Condominium Developments

Discussion:

- Commissioner Mayernick stated the only item he had was regarding the street trees, which were described as large. Large trees within the right of way can cause problems with sidewalks. Ms. Fortin stated she understood but larger trees are recommended to give clearance for line of sight.

The following Motion was offered by Commissioner Mayernick: "I move that the Planning Commission recommend that council approve the proposed amendments to section 152.266 condominium developments."

Support was offered by Commissioner Kinczkowski.

Bridget Gergel – Absent
Ted Kinczkowski – Yes
Diane MacDonald - Absent
Richard Mayernick – Yes
Christine Oliver – Yes
Donald Oliver – Yes
Tom Pais - Yes

Motion passed by Roll Call.

2. 450 N Howell (4714-23-301-004) Special Use Permit and Site Plan Review

Discussion about Special Use Permit:

- Ms. Fortin stated that for her review, all changes have been done and she is quite happy with the results. She feels the Special Land Use Permit can be approved tonight with stipulations regarding parking being set back and that any outdoor uses that are not currently identified would have to come back to Planning Commission to make sure it is okay. Also, the shared use parking would be limited to the paved area to the east of the building.
- Commissioner Kinczkowski asked about defining uses for the outdoor recreation. Ms. Fortin stated that we just don't know what it is going to be so

Planning would need to know what the specific use would be to make sure it is okay with the plan itself.

The following motion was offered by Commissioner Mayernick: "I move that the Special Land Use request for the Kril Sports Complex (450 N Howell – Parcel 4714-23-301-004) be approved subject to the following conditions:

- 1) Parking may be set back 10 feet from the street line abutting Hamburg St.
- 2) Outdoor recreational uses and improvements are prohibited until such time as the applicant submits and the planning commission approves proposed uses and improvements.
- 3) The shared parking will be limited to the paved area between the recreation building and the office building to the east.

Support was offered by Commissioner Kinczkowski

Bridget Gergel – Absent
Ted Kinczkowski – Yes
Diane MacDonald - Absent
Richard Mayernick –Yes
Christine Oliver – Yes
Donald Oliver – Yes
Tom Pais - Yes

Motion passed by Roll Call.

Discussion about Site Plan Review:

- Ms. Fortin stated that she felt they are meeting most of the requirements of her review. She would like to see some striped pavement markings to prohibit parking in the south east corner of the lot, or have the pavement removed. Also, Planning Commission will need to see the shared parking lot agreement from the owner before the final site plan is approved.
- Details with the engineers and DPW need to be worked out.
- Tom Dumond from PEA spoke regarding some items – as to the loading zone, they only anticipate small delivery trucks for a short amount of time so they will ask for a waiver for that item. The engineers are requiring soil borings but as they are only putting in pavement in a small area, they will ask for a waiver on the borings. The engineers are requiring a grease trap. The property owner will not have any food preparation so they don't feel they need that item and will ask for a waiver for that. If he puts in a kitchen down the road, he will put the grease trap in at that time. The dumpster will be shared with the neighboring parcel and they will do an agreement for it.
- When asked about the fire hydrant, Mr. Dumond stated they are going to work with the engineers on that, including removing the pavement that Ms. Fortin has asked to be removed.
- It was pointed out that the waiving of Technical Standards needs to be approved by Village Council.

The following Motion was offered by Commissioner Mayernick regarding the site plan review: "I move that the Final Site Plan for the Kril Sports Complex (450 N Howell, Parcel 4714-23-301-004) be approved subject to items number 1 through 5 on page #5 of the Village Planner's

December 13, 2018 report. Additionally, the requirement for the applicant to provide 2 off-street loading spaces is waived. Also, any technical waivers will need to be reviewed and approved by Village Council.”

Support was offered by Commissioner Kinczkowski

Bridget Gergel – Absent
Ted Kinczkowski – Yes
Diane MacDonald - Absent
Richard Mayernick – Yes
Christine Oliver – Yes
Donald Oliver – Yes
Tom Pais - Yes

Motion passed by Roll Call.

3. Master Plan Timeline

Ms. Fortin spoke regarding the Master Plan:

The Master Plan will be due in 2020 as the current one was adopted in 2015. Ms. Fortin helped us with the last one which was a complete rewrite. Planning Commission needs to consider a 5 year review. The process can take up to a year which is why we need to start thinking about it now. Planning Commissioners definitely all need to review the plan and Ms. Fortin supplied some questions to think about as it was read. At next meeting, be prepared to make a decision – no changes needed, change some items and amend it, or plan should be updated and rewritten. Once this is done, Planning should document the conversation and make a motion as to what we need to do, then discuss budget with council. The process comes from bylaws, which Ms. Fortin also summarized in her handout. Ms. Fortin is leaning toward amendment, but depends on budget. Homework for Planning Commission is to review the Master Plan.

Public Forum:

Vice Chairman C. Oliver opened the Public Forum at 7:33 pm. Madison Diehr, a student attending the meeting, asked what people need to bring in when having buildings approved. Commissioner Kinczkowski described all the items that someone would need to bring in and gave a short summary of the process. Public Forum was closed at 7:36 pm.

Member Discussion:

CIP plan meeting is tomorrow at 6pm and it would be nice for a PC member to attend.

MEDC/MML has money for a RRC \$25,000 grant and the Village will get a study for the DDA lot property.

Commissioner Kinczkowski stated he spoke to President Lavey about high speed internet (fiber) and he is going to start talking to different companies. Commissioner Mayernick asked about the fiber and why? It stems from discussions about what could the DDA do to make it more attractive for businesses. That is where faster internet came into play, and the ability to offer that as an option and perk to being in the Village. It could also maybe lead to being able to offer community wifi.

Vice Chairman D. Oliver asked if everyone would still have a choice about service and Commissioner Kinczkowski said he is still looking at the process.

Adjournment:

Moved by Commissioner Mayernick, seconded by Commissioner Kinczkowski, to adjourn the meeting at 7:45 pm.

Yeas: 5 Nays: 0 Absent: 2

The motion carried.

**VILLAGE OF PINCKNEY
ORDINANCE NO. _____**

**ORDINANCE AMENDING THE VILLAGE OF PINCKNEY CODE OF
ORDINANCES BY AMENDING TITLE XV, LAND USAGE;
CHAPTER 152, ZONING; § 152.163(P) AND § 152.266**

THE VILLAGE OF PINCKNEY ORDAINS:

Section 1. Title XV, *Land Usage*, Chapter 152, *Zoning*; Section 152.163, *Central Business District, Site Development Standards*, of the Village of Pinckney Code of Ordinances, is hereby amended to add a new Subsection (P), entitled *Additional Standards*, to read as follows:

(P) *Additional Standards.* The Planning Commission may determine that additional standards are required to be harmonious with the historic scale and nature of other structures in the vicinity. To achieve this objective the Planning Commission may, at its discretion, add to or modify the required standards above.

Section 2. Title XV, *Land Usage*; Chapter 152, *Zoning*; Section 152.266, *General Provisions, Condominium Developments*, of the Village of Pinckney Code of Ordinances, is hereby amended to read as follows:

§ 152.266 CONDOMINIUM DEVELOPMENTS.

All site condominiums shall fully comply with the State of Michigan Condominium Act, Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.272, as amended. Concurrent with notice to the village required pursuant to § 71 of the Condominium Act (M.C.L.A. § 559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information:

- (A) *Application information.*
- (1) The name, address and telephone number of the following:
 - (a) All persons, firms or corporations having an ownership interest in the property. For the purposes of this section, ***OWNERSHIP INTEREST*** shall mean the titled owner(s) and land contract holder(s);
 - (b) All engineers, attorneys, architects or registered land surveyors associated with the project; and
 - (c) The developer or proprietor of the condominium project.
 - (2) The legal description and tax identification number(s) of the subject lot(s).
 - (3) The total gross site area (acreage to be dedicated as public right-of-way shall be noted).
 - (4) A detailed description of all proposed land uses.
 - (5) The approximate number of condominium units to be developed.
 - (6) Building elevation and floor plans where applicable.
 - (7) A description of the proposed water system.

- (8) A description of proposed wastewater treatment system.
 - (9) The location of floodplains, when appropriate.
 - (10) A site plan showing the location, area and dimensions of all building envelopes, building sites (limited commons area and general commons areas) and other requirements listed in § 66 of the Condominium Act (M.C.L.A. § 559.166) and §§ 152.385et seq.
 - (11) A storm water management plan, including all conduits, swales, county drains, detention basins and other related facilities.
 - (12) Unrecorded, draft copies of the master deed bylaws and other restrictive covenants.
- (B) *Compliance required.* All the requirements of Administrative Rules 401 (R559.401) and 402 (R559.402) promulgated by the Condominium Act shall be met.
- (C) *Roads.*
- (1) All building sites shall have direct access to a public or private road right-of-way. All roads shall be constructed to standards approved by the Village Council.
 - (2) Street Layout. Street layout shall provide for the continuation of existing major road collector streets in surrounding areas, or conform to a plan for neighborhood development approved by the Planning Commission.
 - (3) Future connections. Certain proposed streets, as designated by the Planning Commission shall be extended to the boundary line of the parcel to provide future connection with adjoining land.
 - (4) Private Streets. Private streets and roads shall generally be prohibited. If private streets or roads are approved, sufficient area shall be left undeveloped along the private street or road to allow for possible future right-of-way dedication per Livingston County Road Commission Standards.
- (D) *Street Trees.* Trees shall be provided in the margins of both sides of all streets, public or private, and shall be placed at the minimum rate of one per single family residential lot or at a maximum distance apart of 50 feet. Trees to be installed in the street margins shall be of the large deciduous type or as approved by the Planning Commission.
- (E) *Street Lighting.* Streetlights shall be provided in all residential developments. They shall have underground wiring. Light standards shall meet the minimum specifications of the electric utility company serving that area of the proposed development.
- (F) *Amendments or changes in project.* Amendments or changes in a condominium project, as described in § 67 of the Condominium Act (M.C.L.A. § 559.167), shall conform to all design standards for the zoning district where the project is located, shall be approved by the village and this requirement shall be made part of the bylaws and recorded as part of the master deed.
- (G) *Delineation of condominium units.* All individual condominium units shall conform to the design standards for minimum lot width, lot area, yard and setback requirements. The units shall be approved by the Village Council, and those requirements shall be made part of the bylaws and recorded as part of the master deed.

(H) *Monumentation required.* All condominium projects that consist in whole or in part of condominium units that are building sites, manufactured home sites or common open space or recreational sites, shall be marked with monuments as provided herein. With respect to the minimum requirements for the survey of a proposed condominium project, monuments shall be located in the ground according to the following requirements:

- (1) Monuments consisting of iron, steel bars or pipes not less than one-half inch in diameter and 36 inches in length shall be placed at all major boundary corners of project area;
- (2) Monuments shall be located in the ground at all angles in the boundaries of the condominium project boundary; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line;
- (3) If a location of a monument is clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof shall be clearly indicated on the survey plan of the condominium subdivision plan and referenced to the true point;
- (4) If a point required to be monumented is on a bedrock outcropping or other hard surface, a steel rod, not less than one-half inch in diameter shall be drilled and grouted into solid material to a minimum depth of eight inches and clearly labeled on the survey plan;
- (5) All required monuments shall be placed flush with the ground, where practicable, in accordance with the final grade;
- (6) All building areas shall be monumented in the field by iron or steel bars or pipes at least 18 inches long and one-half inch in diameter or other markers approved by the Village Council; and
- (7) The Village Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the Village Clerk cash or a certified check or irrevocable bank letter of credit running to the Village of Pinckney, whichever the proprietor selects, in an amount not less than \$25 per monument and not less than \$500 in total. The cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

Section 3. **Repealer Clause.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. **Savings Clause.** This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Section 5. **Validity and Severability.** Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 6. **Effective Date.** This Ordinance shall be effective twenty (20) days from and after its publication.

Linda E. Lavey, Village President

Amy Salowitz, Village Clerk

Village Council Member _____ offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Village Council Member _____, and upon being put to a vote, the vote was as follows:

Linda E. Lavey, President	_____
Rebecca Foster, Trustee	_____
Eirik Kauserud, Trustee	_____
Ted Kinczkowski, Trustee	_____
Shawn Tibus, Trustee	_____
Robert Vedder, Trustee	_____

The President thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Pinckney this _____ day of _____, 2018.

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. _____ adopted by the Village Council of the Village of Pinckney, County of Livingston, Michigan, at a regular meeting held on _____, 2018.

Amy Salowitz, Village Clerk