

VILLAGE OF
PINCKNEY

220 S. Howell
Pinckney, Michigan 48169
734.878.6206
734.878.9749 Fax
www.villageofpinckney.org

March 19, 2025

The Means M.A.A.B. Partnership, LLC
1175 W. Long Lake Rd., Suite 202
Troy, MI 48098

*Sent
3-19-25*

Dear Sirs:

I am writing in my capacity as Village of Pinckney President and Zoning Administrator with regard to the conditional zoning, zoning variances, zoning special use permit, zoning site plan, and provisional marijuana establishment licenses for the property at 935 West Main St./M-36, Pickney, Michigan, including Taxation Parcel Numbers 4714-22-300-003 and 4714-22-401-153. At the request of your organization, The Means M.A.A.B. Partnership, LLC (hereinafter referred to as "The Means"), these parcels were conditionally rezoned by the Pickney Village Council on January 25, 2001, subject to the conditions proposed by The Means as owners in December of 2020. These conditions were incorporated into the rezoning approval and written agreement between the Village and The Means dated February 9, 2021. Included within these conditions, as proposed by The Means and approved by Village Council, was a condition that the rezoning of the property was to be contingent on the property being utilized by The Means for a licensed marijuana establishment consistent with the Village's ordinances.

The Means applied for and received from the Village Council three (3) marijuana establishment provisional licenses to be located on these parcels, with the licenses having been granted on August 23, 2021. The Village expended substantial resources and time during the competitive process in granting The Means these licenses, as well as in defending litigation brought by other applicants challenging those granted licenses.

As required by the Village Ordinances to obtain such licenses, The Means also had sought a zoning special use permit, which had been recommended for approval by the Village Planning Commission on June 7, 2021, and approved by the Village Council on June 7, 2021. The Means also submitted a proposed site plan which was approved by the Village Planning Commission on October 4, 2021, and sought zoning variances from the Village Zoning Board of Appeals that were granted on September 13, 2021.

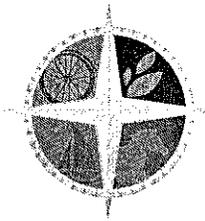
Each of these approvals and permits granted pursuant to the Village's Ordinances were expressly subject to being only effective for a duration of one (1) calendar year from their approval. A Conditional Temporary Land Use Permit was also issued by the Village pursuant to an agreement between The Means and the Village on November 18, 2021, after which a Land Use Permit was issued on August 7, 2022.

The Village had on a number of occasions pursued updates on the project's development, but after construction had ceased for more than 14 months and no building permits remained in

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Village President

president@villageofpinckney.org



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effect for such construction, the Village Zoning Administrator forwarded the attached letter dated June 6, 2024, indicating that unless substantial steps were taken promptly to move the project forward, the Village's intent was to revoke the site plan and permits, which would also vacate the validity of the provisional licenses and the Conditional Zoning on the property.

After receipt of that letter, The Means, through legal counsel, sought extensions of some of the deadlines. This request was reviewed by both the Village Planning Commission on July 1, 2024, and the Village Council on July 8, 2024. Both in The Means' written request for extensions and at these meetings, The Means represented to the Village that although there had been delays due to litigation between The Means participating partners, it assured the Village that with the requested extensions, The Means would be promptly securing new construction contractors and obtaining the required building permits to move forward with the construction and completion of the project.

More than nine (9) months have now passed since these extensions were authorized, and renewed construction has not been taken place, nor have any building permits been obtained for such work. The Means represented to the Village both in the zoning and provisional license process that it would be revitalizing a vacant distressed property into a viable commercial business with the structure's exterior and the retail interior being built with high end finishes that would add value to the community, and that it planned to be at least partially completed and in operation within one year. (The Means received the maximum points in the competitive license review process based on these representations.) Now, four years later, the property in its abandoned partially reconstructed status has a blighted appearance that is at least as distressed as it was in 2021. Additionally, the Village has been advised from numerous sources that the parcels are now for sale. The previously granted extensions were based on a representation that the current owner, The Means, would be promptly moving towards completion of the project as had been previously approved by the Village. It should also be noted that pursuant to the Village's marijuana establishment licensing ordinance, the three (3) provisional marijuana licenses granted to The Means by the Village are not transferable to another owner, unless there is an express prior approval of such transfer by the Village Council.

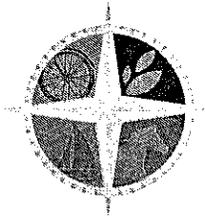
Based on all the foregoing, it appears that The Means is not actively and diligently pursuing the completion of the project for which the prior approvals were granted, and the conditions in most, if not all, of the approvals and permits have not been complied with as required by the Village's Ordinances.

Therefore, please be advised that it is my intention to recommend to the Planning Commission at its next meeting of April 7th, 2025, to recommend to the Village Council to revoke the site plan, special use permit, variances, and current conditional zoning. The Planning Commission's recommendations will then be considered by the Village Council at its meeting on April 28th, 2025, at which time I will also recommend Council's revocation of the three (3) provisional marijuana establishment licenses for The Means' failure to comply with the agreed-

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upon conditions and Village Ordinance requirements, and for failing to diligently and actively pursue completion of the agreed upon project in a timely manner.

You will be forwarded notices of these public meetings from the Village.

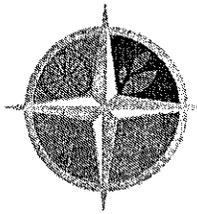
Should you have any questions, please do not hesitate to contact me.

Village of Pinckney

Jeffrey Buerman
Village President/Zoning Administrator

Enclosure

cc: Village of Pinckney Council
Village of Pinckney Planning Commission
David Stoker, Village Attorney
Mike Boomrod, Resident Agent for The Means M.A.A.B. Partnership, LLC
Jacob Kahn, Attorney for The Means



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June 6, 2024

The Means MAAB Partnership, LLC
680 Golf Crest
Dearborn, MI 48124

RE: The Means Project
935 W. Main
Special Land Use/Site Plan/Provisional Marihuana Licenses

Gentlemen:

I wanted to follow up with you after our meeting on May 6th. At that time, I understood that progress was being made to resume construction at 935 W. Main Street to complete the approved site plan. Another month has gone by and we have heard nothing further. There are no valid building permits and the land use permit has been revoked. Now that we are over 14 months after construction ceased, progress is not being diligently pursued in accordance with the approved site plan. November 23, 2023 would have been 545 days after the final site plan was approved. Given this information, your site plan has expired. Likewise, without satisfying the site plan, you have not met the conditions of the Special Land Use Permit or proceeded meaningfully toward completion. Notice is hereby given that you have 30 days in which to submit application for final site plan approval (re-approval) and extension of the special land use. The special land use may be revoked for failure to comply with the requirements. Also note that no person shall be issued a municipal marihuana license by the village without first having obtained a special use permit authorizing the operation of the establishment pursuant to the village zoning ordinance (113.34(B)). The three (3) provisional licenses for The Means Project are due to expire on August 23, 2024 so it would be of benefit to not delay the process any further. Below are excerpts from the Village Code for reference:

152.393 FINAL SITE PLAN REVIEW.

(G) *Expiration of approval.* Approval of a final site plan shall be valid for one calendar year, and shall then expire and be of no effect unless a building permit, when required, is applied for and granted within that time period. Approval shall expire and be of no effect 545 days following date of approval by the Planning Commission, unless construction has begun and is being diligently pursued in accordance with the approved site plan. The applicant may extend final site plan approval for one additional year upon written request to the Zoning Administrator and approval by the Planning Commission, prior to the original expiration date. The Planning Commission may grant further extensions of final site plan approval in accordance with the procedures noted herein upon a showing of good cause.

(H) *Revocation of approval.* Final site plan approval shall be revoked if construction of the development is not in conformance with the approved plans. The Zoning Administrator shall give the applicant written notice of intention to revoke the land use permit at least ten business days prior to review of the proposed revocation by the Planning Commission. After conclusion of the review, the Planning Commission may revoke its approval of the development if it determines that a violation in fact exists and has not been remedied prior to the hearing. Enforcement proceedings shall also apply per §§ 152.022(B) and 152.999.

**SPECIAL LAND USES
152.241 PERMIT APPLICATION AND PROCESS.**

(C) *Permit expiration.* A special land use permit issued pursuant to this subchapter shall be valid for one year from the date of issuance. If construction has not commenced and proceeded meaningfully toward completion by the end of this one-year period, the Zoning Administrator shall notify the applicant in writing, no more than 30 days before the expiration date, that upon expiration, the permit will become null and void.

(F) *Revocation.* Based upon a recommendation by the Zoning Administrator, the Planning Commission shall have the authority to revoke any special land use permit after it has been proved that the holder of the permit has failed to comply with any of the applicable requirements of this chapter and/or permit approval. The Zoning Administrator shall give written notice of the violation to the holder of the permit, and correction must be made within 30 days. After a 30-day period, the Zoning Administrator shall give a second notice, and the use for which the permit was granted must cease within 60 days from the date of second notice.

113.34 REQUIREMENTS AND PROCEDURES FOR ISSUING MUNICIPAL LICENSES.

(B) No person shall be issued a municipal license by the village without first having obtained a special use permit authorizing the operation of the establishment pursuant to the village zoning ordinance.

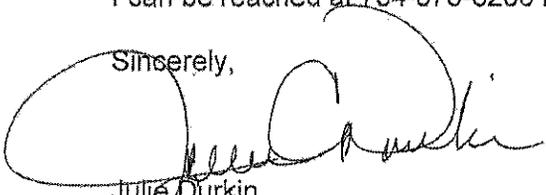
The Planning Commission meets the first Monday of each month and submittals must be received 30 days prior to the meeting. The following needs to be accomplished:

- Submittal of Application for Site Plan Approval: <https://villageofpinckney.org/wp-content/uploads/2023/01/Site-Plan-Application.pdf> with any updates or changes to the site plan since the 2021 approval along with the \$700 application fee. Note: there are still funds available in the established escrow account, but review of the application will require consultant recommendations.
- Submittal of letter of request to extend the Special Land Use approved 6/14/2021. You should note that the request to extend will be recommended for approval or denial to the Village Council by the Planning Commission.
- Submit to the Village Clerk the application for renewal of the three provisional licenses: <https://villageofpinckney.org/wp-content/uploads/2023/01/Marihuana-Renewal-Application.pdf>. Approval of the renewal will be based on complying with the above.

Once again, I would like to reiterate that an updated Performance Guarantee must be submitted for the project. Further, time is of the essence if you wish to apply for renewal of the Provisional Marihuana Licenses.

I can be reached at 734-878-6206 Mon-Thurs 8 a.m. to 4 p.m.

Sincerely,



Julie Durkin
Zoning Administrator

Cc: Linda Lavey, Village President
Village Clerk
David G. Stoker
Cohl, Stoker & Toskey, P.C.
Jacob Kahn
Deneweth, Vittiglio & Sassak, P.C.