

VILLAGE OF
PINCKNEY

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

Sent Via Certified Mail

August 17, 2023

BTC 475 Pinckney LLC
P.O. Box 589
Pinckney, MI 48169

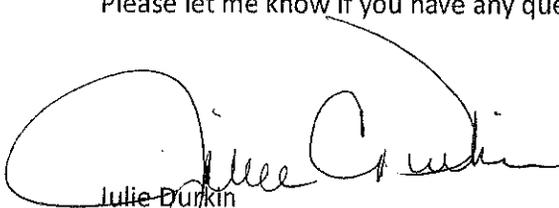
RE: Termination of the Conditional Rezoning – 450 N. Howell (4714-23-301-004)

Pursuant to the Agreement entered into June 11, 2018 between the Village of Pinckney and BTC 475 Pinckney, LLC, notice is hereby given that the agreement is terminated and the property referenced above will revert to the Multiple Family Residential (R-4) zoning district based on the following:

- The Voluntary Conditions as outlined in the summary have not been met.
- A shared driveway and parking agreement has not been filed.
- Per the agreement, the owner agrees that the purpose of the conditional rezoning is for indoor/outdoor recreational use only. The property has not been used for the approved use.
- No progress has been made to complete the site plan approved January 8, 2019 nor extension of the approval of the Special Land Use or Site Plan have been requested and/or granted.
- The Land Use Permit #2019-033-LUP issued 11/19/2019 has expired and no progress has been made.
- No progress has been made to complete work under permits issued by Livingston County Building Department.

The site plan, special land use and the conditional rezoning have been abandoned and the property will revert back to the R-4 zoning by action of the Village Council.

Please let me know if you have any questions. I can be reached at 734-878-6206.



Julie Durkin
Zoning Administrator

**Village of Pinckney
Planning Commission Meeting
Minutes
Monday, January 7, 2019**

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.

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

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.

**Land Use Permit
Certificate of Compliance Inspection
Village of Pinckney
220 S Howell Street, Pinckney Mi 48169
Phone: 734-878-6206 Fax 734-878-9749**

Fence, Deck, Shed or On-ground Pool Land Use Commercial Reoccupation
Please refer to approved Village of Pinckney Fee Schedule for fees.

Items Attached Site Plan or Plot Plan Blue Prints Fee 75.00

Date: 11/18/19 Zoning District: Conditional SFD Permit Number: 2019-033-LUP

Information

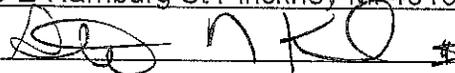
Job Site Location: 183 E. Hamburg Pinckney Mi 48169 Tax Code #: 14-23-301-004

Name of Applicant: Stefan Kril Phone #: (810) 299-2978

Address of Applicant: 195 E Hamburg St Pinckney Mi 48169

Name of Owner: Stefan Kril Phone #: (810) 299-2978

Address of Owner: 195 E Hamburg St Pinckney Mi 48169

Signature of Owner: 

Type of Project: Remodeling of existing PEMB structure in accordance to conditional rezone

Commercial Reoccupation

Business name: _____

Type of Business: _____

Permitted Use Special Use (Additional Process Required)

SETBACKS

Front (ROW) _____ Rear _____ Least Side _____ Other Side _____

Accessory Structures: Fence Deck Shed Other _____

Dimensions of Structure: Width _____ Depth _____ Height _____

Primary Structure:

New Home Addition Garage Commercial Other _____

Sq Ft of first story _____ Sq Ft of second story _____ Sq Ft of garage _____ Attached/Detached

- | | | |
|--|---|---|
| Foundation | Construction | Features |
| <input type="checkbox"/> Block Basement | <input type="checkbox"/> Wood/Stick Built | <input type="checkbox"/> Fireplace |
| <input type="checkbox"/> Poured Basement | <input type="checkbox"/> Log | <input type="checkbox"/> Deck |
| <input type="checkbox"/> Finished Basement _____sf | <input type="checkbox"/> Manufactured | <input type="checkbox"/> Garage |
| <input type="checkbox"/> Crawl Space | <input checked="" type="checkbox"/> Steel | <input type="checkbox"/> Porch |
| <input type="checkbox"/> Slab on Grade | <input type="checkbox"/> Poured | <input type="checkbox"/> Sprinkler System |
| <input type="checkbox"/> Walkout | <input type="checkbox"/> Other _____ | <input type="checkbox"/> Other _____ |

Certification: I hereby certify that all uses for which this application is made will conform with the Technical Standards and Ordinances of the Village of Pinckney, Livingston County and the State of Michigan.

Additional permits may be required prior to construction.

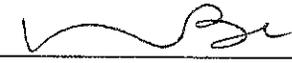
Important: (over)

1. A plot plan or site plan shall be attached showing the minimum building set backs, sidewalk, drywell, sewer and water location, final grading plan, and first floor elevation.
2. Sewer and Water permit will also be required by the Livingston County Building Department before the trench is buried.
3. When the water is requested to be turned on, billing for water and sewer usage will begin from that date.

Applicant Signature:  Date: 11-18-19

This permit has been reviewed by the Department of Public Works for sewer, water, drywell and sidewalk compliance.

DPW Signature: _____ Date: _____

Zoning Administrator Signature:  Date: 11/19/19

Fee: \$ 75.00 Permit Has Been: Approved Denied

NOTE: Permit becomes null and void if work for which permit was issued is not started w/in 6 months of issuance.

ALL PROJECTS: Final Certificate Compliance Inspection

Requirements for Final Zoning Compliance

- Final Grading Of Site
- All Storm Water Be Contained On Site
- First Floor Elevation Certificate
- Sewer Hook-up inspected by the Village of Pinckney and Livingston County Building Department
- Sewage Disposal System Inspection report by Livingston County Health Department
- Water Hook-up inspected by the Village of Pinckney and Livingston County Building Department
- Sidewalk Has Been Installed
- Sidewalk Has Been Waived
- Drywell Installed and approved By the Village of Pinckney
- All Construction Debris Contained And/ Or Removed
- Silt Fence Required

** Row Permit still needs to be procured, 11/19/19 (WB) for work on grounds in Row. 12/10/19 Address updated to 183 E Hamburg per Livingston County GIS. (WB)*

If the above marked items cannot be completed prior to the request for a Final Certificate of Compliance the Zoning Department will require a cash bond for the amount to complete the unfinished marked items above before issuance of a Temporary Certificate of Compliance. Bond will be returned when all items are completed.

Please call in advance for the inspector to schedule your Final Certificate of Compliance. This will help to eliminate any delays in issuance of the Certificate of Occupancy from the Livingston County Building Department.

This Project Did Pass The Zoning Compliance. The Certificate Of Occupancy May Be Issued By The Livingston County Building Department.

Zoning Administrator Inspection: _____ Date: _____

Department of Public Works Signature: _____ Date: _____

2018R-016228

RECORDED ON

06/19/2018 10:06:17 AM

BRANDON DENBY

REGISTER OF DEEDS

LIVINGSTON COUNTY, MI 48843

RECORDING: 26.00

REMON: 4.00

PAGES: 6



Statement of Conditions Agreement

This Conditional Re-zoning Statement of Conditions Agreement (the "Agreement") made effective this 17th day of June, 2018 by and between the Village of Pinckney (the "Village"), a Michigan Municipal Corporation with its offices at 220 South Howell Street, Pinckney, MI 48169, and BTC 475 Pinckney LLC, P.O. Box 589 Pinckney, MI 48169, (the "Property Owner"), agree as follows:

RECITALS

A. The Property Owner is currently the owner of certain real property located in the Village of Pinckney located at 450 N. Howell, having the property identification number 4714-23-301-004 more specifically described on Exhibit A, attached hereto (the "Property").

B. The Property is currently zoned Multiple-Family Residential (R-4) by the official zoning map of the Village.

C. The Property Owner desires to have the Property zoned Secondary Business District (SBD) under the Village's zoning ordinance. This amendment to the official zoning map would allow the Property Owner to operate a sports complex with both indoor and outdoor recreational activities. It is the intent of this Agreement, to allow the Property Owner the ability to establish such uses after obtaining a zoning permit, and complying the with design, special use permit, site plan approval, and other requirements governing such uses under the adopted zoning and land use codes of the Village.

D. The Property Owner has voluntarily offered to enter into this Agreement consistent with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

E. This Agreement is made by the Village pursuant to authority granted to the Village under MCL 125.3405, as amended; and § 152.262(N) of the Village of Pinckney Code of Ordinances.

06-19-18A09:57 RCVD

F. The Planning Commission of the Village has determined that, with appropriate conditions regarding the use and development of the Property contained herein, the requested Multiple Family Residential (R-4) zone is an appropriate land use change.

G. The Village, by action of its Village Council at a regular meeting held on the 11th day of June, 2018 has accepted the offer of the Property Owner to enter into this Agreement.

NOW THEREFORE, in consideration of these premises, the parties hereto agree as follows:

Section 1. RE-ZONING & CONDITIONS.

1.1 Re-zoning. At the request of the Property Owner, the Village shall rezone the Property from Multiple Family Residential (R-4) to Secondary Business District (SBD) as such terms are identified in the Village of Pinckney Zoning Ordinance. The following conditions shall apply to such Re-zoning.

1.2 Voluntary Conditions. The Property Owner voluntarily offers and consents to the following offered Re-zoning Conditions:

- a. The Property Owner will execute a shared driveway and parking agreement between parcels.
- b. The Property Owner will use only the southeast access as the main entrance and exit for the sports complex.
- c. The Property Owner will limit internal building hours of operation to Monday through Saturday from 9:00 am to 10:00 pm and Sunday 10:00 am to 8:00 pm. The external recreational hours shall be limited to Monday through Saturday from 10:00 am to 9:00 pm and Sunday 10:00 am to 8:00 pm. The external recreational hours will be seasonally adjusted to operate during daytime hours only.
- d. The Owner agrees that the purpose of this conditional rezoning is for indoor/outdoor recreational use only. If this use ends, the parcel will revert back to Multiple Family Residential (R-4) within 12 months.

1.3 Use Limitations. The use of the Property shall be limited to the Commercial indoor recreation and Commercial outdoor recreation special uses contained in the Secondary Business District (SBD) [Pinckney Code Section 152.182(J) and (K)], as proposed by the Property Owner. It is understood that the proposed use shall also be contingent on complying with the size, design, special use permit, site plan approval, and other requirements governing such uses in the Village's SBD zoning district under the adopted zoning and land use code of the Village. It is further agreed that after the Conditional Re-zoning, the Property Owner shall comply with all of the requirements regulating the use and development within the new Secondary Business District (SBD),

as modified by any more restrictive requirements in the provisions contained in this Statement of Conditions Agreement.

1.4 Zoning District Reversion. In the event that this agreement terminates, or the property is used in a manner inconsistent with the uses under subsection 1.3 and/or the special use and site plan approvals are not obtained and complied with as required under the Pinckney Zoning Ordinance, or in the event the approved use has been abandoned, as defined in the Pinckney Zoning Ordinance, the Re-zoning of the property shall revert to the Multiple Family Residential (R-4), or its successor zoning district classification.

1.5 Validity of Uses. In the event that the Village of Pinckney Zoning Ordinance is amended such that the uses provided for in this Agreement for the Facility and/or Property are no longer permitted uses in the Multiple Family Residential (R-4) District, the uses provided for in this Agreement shall be considered legally non-conforming and continuation of such use shall be governed by § 152.418. of the Village of Pinckney Zoning Ordinance.

Section 2. MISCELLANEOUS.

2.1 Effective Date. In accordance with MCL 125.3401 and the Village's Charter; the effective date of this Agreement and the Re-zoning Ordinance shall be twenty (20) days from and after its publication.

2.2 Severability. Should any section, clause or provision of this Agreement be declared unconstitutional, illegal, or of no force and effect by a court of competent jurisdiction, then and in that event such portion thereof shall not be deemed to affect the validity of any other part or portion of this ordinance and/or Agreement.

2.3 Agreement Running With the Land. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns as long as it is in effect. The transfer of the Property shall not constitute a default under the Conditional Re-zoning Statement of Conditions Agreement. The provisions of this Agreement shall be deemed benefits and burdens which shall run with the Property.

2.4 Recording. This Agreement shall be recorded with the Livingston County Register of Deeds within thirty (30) days of the effective date.

2.5 Voluntary Offer. The Property Owner represents and warrants that it has voluntarily offered to enter into this Agreement and the Property Owner shall not commence any action after the date hereof against the Village asserting that it did not voluntarily offer to enter this Agreement.

2.6 Complete Statement of Conditions Agreement. This Statement of Conditions Agreement and the attached exhibit referenced herein constitutes the entire Agreement between the parties.

2.7 Signatures Authorized. The people signing this Statement of Conditions Agreement on behalf of the above-stated parties certify by their signatures that they are duly authorized to sign this Agreement on behalf of said parties and that this Agreement has been authorized by said parties.

2.8 Governing Law. This Statement of Conditions Agreement shall be governed by, construed and enforced in accordance with the laws of the State of Michigan. Nothing contained herein shall be construed to limit or prohibit the Property Owner to petition or submit zoning applications and requests to the Village after the effective date of this Agreement.

THE UNDERSIGNED HAVE EXECUTED THIS CONDITIONAL RE-ZONING STATEMENT OF CONDITIONS AGREEMENT ON THE DATE SET FORTH ABOVE

WITNESS:

PROPERTY OWNER

BTC 475 PINCKNEY, LLC

By [Signature]
Its: Stefan N. Krill II

Village of Pinckney, a Michigan
Municipal Corporation

By [Signature]
Linda Lavey, President

By [Signature]
Amy Salowitz, Clerk

ACKNOWLEDGEMENT

STATE OF MICHIGAN)
) ss.
COUNTY OF LIVINGSTON)

On this 11th day of June, 2018, before me personally appeared Stefan N. Krill, II, to me known, who, being by me duly sworn, did say that he is the owner of the BTC 475 Pinckney, LLC, and that the foregoing document was executed on behalf of said company, by authority of its governing body, and he acknowledges said instrument to be a free act and deed of said corporation.,

MICHELLE A BRUNNER
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF LIVINGSTON
My Commission Expires February 28, 2024

[Signature]
Michelle A. Brunner, Notary Public
Livingston County, Michigan

Acting in the County of Livingston
My Commission Expires: February 28, 2024

STATE OF MICHIGAN)
) ss.
COUNTY OF LIVINGSTON)

On this 11th day of June, 2018, before me personally appeared Linda Lavey, President, and Amy Salowitz, Clerk, of the Village of Pinckney,, to me known, who, being by me duly sworn, did say that the foregoing document was executed on behalf of said Village, by authority of its governing body Village Council, and they acknowledged said instrument to be a free act and deed of said Village.,

MICHELLE A BRUNNER
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF LIVINGSTON
My Commission Expires February 28, 2024



Michelle A. Brunner , Notary Public
Livingston County, Michigan
Acting in the County of Livingston
My Commission Expires: February 28, 2024

PREPARED BY:

David G. Stoker
COHL, STOKER & TOSKEY, P.C.
601 North Capitol Avenue
Lansing, Michigan 48933

① When recorded return to:
The Village of Pinckney
220 South Howell Street
Pinckney, Michigan 48169

*Amir
6/19/18*

Exhibit A LEGAL DESCRIPTION

PARCEL 4:

Lots 1 through 8 inclusive, in block 8, range 5, of the ORIGINAL PLAT OF THE VILLAGE OF PINCKNEY as recorded in Liber 2 of deeds, page 64, Livingston County Records.

PARCEL 5:

Beginning at the NW corner of Lot 4, block 8, range 5, of the ORIGINAL PLAT OF THE VILLAGE OF PINCKNEY as recorded in Liber 2 of deeds, page 64, Livingston County Records; thence north to the right-of-way of the Michigan Airline Railroad; thence easterly along the right-of-way of said railroad 264 feet; thence south to the NE corner of Lot 1, block 8, range 5, of the said plat; thence west 264 feet to the place of beginning.

PARCEL 6:

All that portion of Mill Street which lies between Lot 1, block 8, range 5, and Lot 4, block 8, range 6, of the ORIGINAL PLAT OF THE VILLAGE OF PINCKNEY, as recorded in Liber 2 of deeds, page 64, Livingston County Records.

PARCEL 7:

Beginning at the NE corner of Lot 1, block 8, range 5, of the ORIGINAL PLAT OF THE VILLAGE OF PINCKNEY as recorded in Liber 2 of deeds, page 64, Livingston County Records; thence easterly to the NW corner of Lot 4, block 8, range 6 of the said plat; thence northerly to the right-of-way line of the Grand Trunk Railroad; thence westerly 66 feet along said right-of-way to a point directly north of the point of beginning; thence southerly to the point of beginning.

PARCEL 8:

The southwesterly 1/2 of that part of vacated Mill Street lying between Lot 8, block 8, range 5, and Lot 5, block 8, range 6, of the ORIGINAL PLAT OF THE VILLAGE OF PINCKNEY as recorded in Liber 2 of deeds, page 64, Livingston County Records.