

DRAFT
VILLAGE OF PINCKNEY
PLANNING COMMISSION
MONDAY, AUGUST 5, 2024

CALL TO ORDER:

The meeting was called to order by Chairperson Oliver at 7:22 p.m.

Present: Jennifer Cooke
Deborah Grischke
Joseph Hartman
Linda Lavey
Alex Smith
Christine Oliver
Trisha Wagner
Absent: Savanna Gee
Also Present: Julie Durkin, Zoning Administrator & Lucie Fortin, Village Planner

PLEDGE OF ALLEGIANCE:

Chairperson Oliver led those present in the pledge of allegiance.

APPROVAL OF AGENDA:

Motion by Smith, supported by Hartman

To approve the agenda as presented

VOTE: Ayes: 6 Nays: 0 Absent: 1 MOTION CARRIED

APPROVAL OF MINUTES:

Motion by Hartman, supported by Wagner

To approve the minutes of the July 1, 2024 regular meeting as presented

VOTE: Ayes: 6 Nays: 0 Absent: 1 MOTION CARRIED

REPORTS:

President Lavey indicated that Joe Hartman will be running for Village Council, and it is anticipated that he will be appointed to the vacancy on Council at the next meeting.

PUBLIC FORUM:

Chairperson Oliver opened public forum at 7:26 p.m.

Councilman Jeff Spencer suggested that the Commission needs some guidance in reviewing the sign ordinance. He reviewed his desire to address the size, changeable letter aspect and back-lighting aspect of temporary signs.

Mr. Spencer also indicated that he intends to ask Council to officially reprimand a member of this board for the outburst against a resident that happened at the last meeting. It is disgusting and should not be allowed on any board.

Mr. Mike Panczyk of 9484 Wendover Ct., Brighton discussed the Huron River Watershed which Honey Creek is a part of. He presented some of the results of an evaluation of the Honey Creek for contaminants. The marihuana microbusiness borders Honey Creek wetlands which is also a 100-year floodplain. A microbusiness is not only retail but also grows and processes marihuana products. He discussed the bi-products of the process including fertilizers, pesticides, etc. He discussed the Village's green infrastructure goals as well as the drain commissioner review of the plan for the site. He feels that if the site plan does not address these issues, then approval should be withheld until it does. Finally, he discussed the traffic analysis that was provided by the Essence applicant and feels that it might not be reflective of the reality of a marihuana business.

Mr. Dan Hall thanked the members of the Commission for their commitment to the community and representing our neighbors and businesses. He stated that we can have those things that are legal that may not necessarily be moral. He stated that there are too many kids who started with the gateway drug of marihuana and escalated to opioids and other drugs. He further discussed other addictive things that we face.

Hearing no further public comment, public forum was closed at 7:34 p.m.

NEW BUSINESS:

1. Extension of Site Plan approval – SPR-002-2023

Applicant: McFarland's Tree Service, Landscape & Nursery – 425 S. Dexter

Request: 60-day extension of Final Site Plan approval

ZA Durkin explained that the applicant has submitted plans that meet the contingencies of the approval. The last item is the performance guarantee. The applicant will be doing much of the work himself, so it is a little more difficult to get the required guarantee. We have been working with him and it appears that the necessary documents are forthcoming. That being said, the site plan does expire August 7th, and a little more time is required for the review and necessary permits.

Motion by Smith, supported by Hartman

To grant a 60-day extension of the site plan approved August 7, 2023 for McFarland's Tree Service, Landscape & Nursery at 425 S. Dexter

ROLL CALL VOTE: Grischke – Yes
Hartman - Yes
Lavey - Yes
Smith - Yes
Wagner - Yes
Oliver – Yes

MOTION CARRIED (1 absent)

2. Re-approval of Final Site Plan – SPR-002-2024

Applicant: The Means MAAB Partnership, LLC

Location: 935 W. Main (4714-22-300-003 & 4714-22-401-153)

Request: Applicant is seeking re-approval of Final Site Plan SPR 001-2021 (expired) for a Marihuana Grower, Processor and Retailer

ZA Durkin stated that we spoke about this issue at the last meeting when the Commission approved an extension of the special land uses. Council also took action to approve the extensions. In order to proceed, we do need to re-approve the expired site plan so that they can proceed with permits and resume construction.

Mr. Jacob Kahn, Attorney for the applicant stated that there are no changes to the plan, and they are working with President Lavey toward the resolution of the water agreement, which is one of the final contingencies.

Durkin reviewed the remaining contingencies from the original approval. We will need to have all of these things prior to final approval of the site.

Motion by Hartman, supported by Lavey

Finding that the applicant has met the Final Site Plan Requirements of Section 152.391 thru 152.393, and having been previously approved under Site Plan SPR-001-2021 on 10/04/2021 with a revision approved 7/6/2022 for the Means M.A.A.B. Partnership, LLC but failed to diligently pursue completion of the site plan within the required timeframe, the Commission re-approves the site plan for 935 W. Main Street SPR 002-2024 dated 6/22/2022 contingent upon the following:

- Copies of the recorded Parcel reconfiguration
- Agreement for shared drive/parking between the two parcels (4714-22-300-003 & 4714-22-401-153)
- Easement for the gateway/welcome sign and the walkway
- Provision of the height of the building
- A lighting plan including a photometric plan and details of the light fixtures submitted for review
- Approval by Village staff (Zoning Administrator and DPW), the Village Engineer, Putnam Township Fire Marshall, and any needed outside agencies (MDOT, Livingston County Drain Commission's Office and Building Department)
- Resolution of the Watermain extension and use of existing well based on Village Council approval
- Correct/add the required notations to the individual plan sheets as recommended in the Village Engineer Review Letter dated September 30, 2021
- Provide draft copies of the Stormwater Operation and Maintenance Agreement, Sidewalk Culvert Agreement, Sanitary monitoring Manhole Agreement, and Private Fire Hydrant Maintenance Agreement Show Detroit Edison easement disclosed by instrument recorded in Liber 2536 Page 944 of the Livingston County Register of Deeds
- Conform to the Construction Administration items as listed in the Engineering Review dated September 30, 2022

ROLL CALL VOTE: Grischke – No
 Hartman - Yes
 Lavey - Yes
 Smith - No
 Wagner - No
 Oliver – No
MOTION FAILED (1 absent)

3. Preliminary Site Plan Review – SPR-001-2024
Applicant: Pinckney Development (Essence-Pinckney)
Location: 1268 E. M-36 (4714-23-400-008)
Request: Applicant is seeking approval of the preliminary site plan for Class A Marihuana Microbusiness

Marco Lytwyn indicated that although the Planner's review mentions both parcels, their intent is to develop only one parcel. They have submitted the plans to MDOT and the Livingston County Drain Commission. He stated that with

regard to the 17'x64' area referenced in the review letters, they wanted to leave an area for maintenance workers and others in order to be away from the business area and also to allow a better circulation pattern and turning radius.

Planner Fortin stated that the reason she referenced both parcels was because in order to build on the one parcel, you will also be affecting the second parcel. She reviewed her letter dated 8/1/2024. She stated that there are still some items that need to be shown on the plan, trees labeled, etc. She stated that MDOT and the Drain Commission might bring some other items to the plan that may require some modification. She does not feel that the extra curb and pavement is needed for the development. She also thinks that the whole development could be moved toward the street further away from the wetland and vegetation at the rear of the property. This would look more natural than a square detention pond and meet the goal of the master plan. She further discussed the stormwater management. All of these items can be worked on while giving preliminary approval. She further reviewed the remainder of her suggested contingencies and suggested that we grant preliminary approval with the understanding that the applicant will continue to work on these items toward final approval.

Mr. Lytwyn discussed the issues with the detention pond design. Discussion was held on the green infrastructure goal of the Master Plan.

Discussion was held on traffic concerns. Planner Fortin stated that the ordinance is very specific as to what a study should include.

Discussion was held on the underground storage tank. Mr. Lytwyn stated that the plant wastewater will go into that tank. When it is full, a company will come and pump it out.

Mr. Lytwyn discussed the anticipated number of customers per day which has changed drastically since 2020. He discussed the two levels of traffic studies. The more detailed study is done when it can be shown that there is more than 100 trips are generated in the peak hour. The traffic study they have submitted does not show over 100 trips in the peak hour.

Further discussion was held on clarification regarding the underground tank. Mr. Lytwyn stated that this is something that was presented during special land use. It was stated that it has been reviewed for proper hook-ups, dimensions, material, etc. It was stated that this has been reviewed by the engineer and DPW.

Member Smith indicated that he does not have much confidence in this project.

Member Hartman stated that he was surprised that the motion for approval of The Means did not pass, which will result in the project not being completed. They are two separate issues, but he is not clear on why.

ZA Durkin stated that if you do not feel that the plan is ready for preliminary approval, we can allow the applicant to work on these contingencies. But he has received special land use approval, and the next step is preliminary approval then final. Both the Village Engineer and Planner are recommending approval.

Motion by Hartman

To approve Preliminary Site Plan #SPR001-2024 for 1268 M-36, Parcel 4714-23-400-007 as depicted on the plans for Essence - Pinckney dated 7-10-2024 finding that it meets the requirements of Section 152.387 thru 152.390 of the Village Zoning Ordinance subject to the following conditions:

1. Identification and labeling of all existing trees, with trees to be removed clearly marked on the Demolition Plan.
2. Preliminary review by MDOT of the proposed drive approach.
3. Provision of a rationale for the development of extraneous curbs and pavement surfaces in the parking area.
4. Submission of a final Grading Plan and Landscape Plan that meet the standards of the Village of Pinckney and incorporate innovative stormwater management techniques aligning with the Village's green infrastructure goals.
5. Submit plans to the Livingston County Drain Commissioner (LCDC) for review. Proprietor shall secure a Soil Erosion and Sedimentation Control permit prior to construction.
6. Show existing and proposed signs (if any).
7. Ensure adequate circulation in and out of site for fire truck and refuse collection.
8. Provide signed and sealed topographic survey as required.
9. Correct plan sheets as outlined in the Village Engineers review dated 8/1/2024.
10. Submission of building sample materials for Planning Commission review.
11. Revision of the site lighting design to meet the standards of the Village and provision of the proposed light fixture details.
12. Review and approval by Village staff (Zoning Administrator, DPW, Fire Marshall), the Village Engineer, and any necessary outside agencies (Michigan Department of Transportation, Livingston County Drain Commissioner's Office, and Building Department).
13. Submittal of a traffic impact study
14. Submittal of details regarding the underground storage tank

MOTION DIED DUE TO LACK OF SUPPORT

Motion by Lavey, supported by Hartman

To table approval of the preliminary site plan #SPR001-2024 for 1268 M-36 to allow the applicant to meet more of the contingencies listed in the Village Planner and Village Engineer reviews

Mr. Lytwyn stated that this is preliminary review and both the Planner and Engineer have recommended approval with contingencies. He would like to move the plan forward.

Member Grischke stated that there seems to be too many outstanding questions. She is uncomfortable moving forward until some of the items have been addressed. Member Hartman stated that through the process, a lot of the things are worked out between the preliminary and final site plan approval. There is time for these things to be resolved. He is not sure why we are doing a different process here. Planner Fortin stated that if you are not ready to give preliminary approval, we should give the applicant an indication that we are moving forward as long as certain contingencies are fulfilled.

Discussion was held on the issues with the traffic report and the watershed. ZA Durkin stated that we should also keep in mind that the plans will also require approval from MDOT, Drain Commission and other outside agencies. Further discussion was held on the traffic along M36 and the speed limit. Fortin discussed that a traffic study would address parking and circulation within the site. MDOT will address concerns relating to the driveway approach and the turn. That is their right-of-way, and they may have some suggestions for the applicant.

Discussion was held on the additional homes recently approved and the traffic. We need to look at the infrastructure when adding more. Member Grischke stated that she would be more comfortable with an additional traffic study.

Lavey withdrew the motion, Hartman withdrew support.

Motion by Hartman, supported by Wagner

To approve Preliminary Site Plan #SPR001-2024 for 1268 M-36, Parcel 4714-23-400-007 as depicted on the plans for Essence - Pinckney dated 7-10-2024 finding that it meets the requirements of Section 152.387 thru 152.390 of the Village Zoning Ordinance subject to the following conditions:

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6. Show existing and proposed signs (if any).
7. Ensure adequate circulation in and out of site for fire truck and refuse collection.
8. Provide signed and sealed topographic survey as required.
9. Correct plan sheets as outlined in the Village Engineers review dated 8/1/2024.
10. Submission of building sample materials for Planning Commission review.
11. Revision of the site lighting design to meet the standards of the Village and provision of the proposed light fixture details.
12. Review and approval by Village staff (Zoning Administrator, DPW, Fire Marshall), the Village Engineer, and any necessary outside agencies (Michigan Department of Transportation, Livingston County Drain Commissioner's Office, and Building Department).
13. Submittal of a traffic impact study
14. Submittal of details regarding the underground storage tank

ROLL CALL VOTE: Grischke – Yes
Hartman - Yes
Lavey - Yes
Smith - No
Wagner - Yes
Oliver – Yes

MOTION CARRIED (1 absent)

Mr. Danny Kekhwa, Engineer for Essence explained why they are using a detention pond versus other methods of detention and the challenges of the site. He stated that they are actually exceeding the requirements. He further stated that they have submitted the plans to the Drain Commission for review.

OLD BUSINESS:

1. Request by Council to revisit Temporary Sign Ordinance

Discussion was held on the survey of surrounding communities. It was stated that all of the other communities do have time limits for temporary signs. Two weeks seems to be what most communities allow, which seems reasonable for temporary signs. Discussion was held on the maximum allowable square footage allowed in other communities ranging from eight square feet to forty square feet. It was stated that we could choose a combination of these items or send it back to Council.

The question was asked if any of these communities allow a temporary sign such as what is in front of Pinckney Chrysler. ZA Durkin stated that none of these communities would allow that sign according to ordinance. That particular sign is 56 square feet.

The question was asked if these businesses could apply for a variance. ZA Durkin stated that a variance is a permanent deviation from the ordinance that runs with the land. Here we are talking about a temporary sign. A variance could be granted for permanent signage, but not temporary. Furthermore, a hardship would have to be proven which would be difficult for a temporary sign.

Further discussion was held on time limitations for temporary signs. ZA Durkin stated that prior to the adoption of this ordinance, no temporary signs were allowed. We decided to limit the size and number and left the time limit & frequency open. If we are getting into signs greater than 6 square feet per side, we would run the risk of these temporary signs becoming permanent. This is essentially what happened with the two signs in question. They were issued a permit for 90 days yet they were not removed until recently, 20+ years later.

Discussion was held on the changeable letter aspect of the signs. Durkin stated that these signs are specifically excluded, which was put into the ordinance years ago. If you wanted to make these signs allowable, we can make that change, but again we are talking about permanent signs.

Durkin gave a re-cap of the discussion. This was sent to the Commission by the Village Council to look specifically at the marquis type signs that had been in front of both Pinckney Chrysler and Pinckney Car Wash. These signs are not allowed and were removed. In order to allow these signs, you would need to increase the allowable square footage of temporary signs to 56 square feet, change the ordinance to allow back-lit and illuminated signs and changeable letter signs and then set a time limit & frequency for temporary signs. It was stated that we are talking about signs that did not even meet the original ordinance and we are talking about changing the ordinance for 1-2 signs.

Discussion was held on Council's action to suspend enforcement of the sign ordinance.

Discussion was held on just allowing these signs in the Secondary Business District. Discussion was held on every business within the district being allowed 56 square feet of temporary signs in addition to the allowable ground signage and wall signage.

Chairperson Oliver stated that she is not in favor of any changes to the current ordinance.

Discussion was held on a required public hearing either at the Planning Commission level or Council level.

Member Smith stated that he is in favor of changing the ordinance to allow these signs. He cannot see that every business is going to have one.

Motion by Grischke, supported by Wagner

To recommend to Village Council no changes to the sign ordinance adopted December 2023 and let Council hold a public hearing and make their desired changes

ROLL CALL VOTE: Grischke – Yes
 Hartman - Yes
 Lavey - No
 Smith - Yes
 Wagner - Yes
 Oliver – Yes
MOTION CARRIED (1 absent)

PUBLIC FORUM:

Chairperson Oliver opened the public forum at 8:27 p.m.

Jacob Kahn, Attorney for The Means Project, stated that last month they received extensions of the special land uses which was a prerequisite of the re-approval of a site plan that was previously approved. He is wondering why today there was a vote of 4-2 against.

Mr. Mike Panczyk of 9484 Wendover Ct., Brighton further discussed information from the Huron River Watershed Council regarding levels of contamination from chemical sources relating to Honey Creek. He further discussed the development of the single parcel for the marihuana facility and how it will be affected with the development of the second parcel.

Hearing no further public comment, the public forum was closed at 8:29 p.m.

MEMBER DISCUSSION:

Member Hartman stated that we need to give The Means applicant an explanation of what his next steps will be for the project. Member Lavey stated that this is the same plan that was reviewed and approved. We do not have to like marihuana. People voted for it, and it is a legal business. She asked what is stopping us from approving it. Durkin asked if the Commission would like to see changes made to the plan or contingencies added. We need to give the applicant some direction.

Discussion was held on the assurances that this will be completed. It was stated that we have been looking at this for over three years. ZA Durkin stated that the Village Engineer has gone through the work that is yet to be done and updated the amount for the performance guarantee. The applicant has a new contractor who is ready to provide the necessary bond and begin the permitting process to resume construction. It was stated that voting "No" does not help the project become complete.

Discussion was held on getting the water to the facility. President Lavey stated that this was already done during the northwest quadrant water project with the understanding that they will buy in. This will be will be money to the Village. That is not an additional cost to the residents.

The question was asked if a traffic study was done for this project. Discussion was held on the MDOT review and changes to the plan as a result. Further discussion was held on the amendment to the number of driveways.

Planner Fortin stated that we approved the use, and we need to have an approved site plan.

Motion by Hartman, supported by Wagner

To reconsider the re-approval of The Means Final Site Plan for 935 W. Main

ROLL CALL VOTE: Grischke – Yes
 Hartman - Yes
 Lavey - No
 Smith - Yes
 Wagner - Yes
 Oliver – No
MOTION CARRIED (1 absent)

Member Hartman discussed the Planning Commission's responsibility to approve a plan that meets the ordinance. He can understand the concerns, but we need to be careful about denying a site plan.

Discussion was held on the time frame for completion. ZA Durkin stated that the site plan will be good for one year, but as long as they are diligently working toward completion, it will remain in effect.

Motion by Hartman, supported by Wagner

Finding that the applicant has met the Final Site Plan Requirements of Section 152.391 thru 152.393, and having been previously approved under Site Plan SPR-001-2021 on 10/04/2021 with a revision approved 7/6/2022 for the Means M.A.A.B. Partnership, LLC but failed to diligently pursue completion of the site plan within the required timeframe, the Commission re-approves the site plan for 935 W. Main Street SPR 002-2024 dated 6/22/2022 contingent upon the following:

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- Conform to the Construction Administration items as listed in the Engineering Review dated September 30, 2022

ROLL CALL VOTE: Grischke – Yes
 Hartman - Yes
 Lavey - No
 Smith - Yes
 Wagner - Yes
 Oliver – No

MOTION CARRIED (1 absent)

Discussion was held on any traffic studies that may have been done on M-36 through downtown. ZA Durkin stated that Chief Garrison did provide some information regarding the speed and incidents along M-36 through town. She can find that and provide it to the Commission.

ADJOURNMENT:

Motion by Hartman, supported by Grischke

To adjourn the regular Planning Commission meeting at 8:45 p.m.

VOTE: Ayes: 6 Nays: 0 Absent: 1 MOTION CARRIED

Respectfully submitted,

Christine Oliver, Chairperson

Julie Durkin, Zoning Administrator
Recording Secretary

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