

**DRAFT  
VILLAGE OF PINCKNEY  
PLANNING COMMISSION  
WEDNESDAY, SEPTEMBER 4, 2024**

**CALL TO ORDER:**

The meeting was called to order by Chairperson Oliver at 7:02 p.m.

Present: Jennifer Cooke (Ad hoc Member)  
Deborah Grischke  
Joseph Hartman  
Alex Smith  
Christine Oliver

Absent: Mike Carney (Ad hoc Member), Savanna Gee & Trisha Wagner (1 Vacancy)

Also Present: Julie Durkin, Zoning Administrator & Lucie Fortin, Village Planner (via Teams)

**APPROVAL OF AGENDA:**

Motion by Grischke, supported by Smith

To approve the agenda as presented

VOTE: Ayes: 4      Nays: 0      Absent: 2      Vacancy: 1      MOTION CARRIED

Zoning Administrator Durkin asked that we add an agenda item for the election of Vice-Chair.

Motion by Hartman, supported by Smith

To amend the agenda to add the election of a Vice Chairperson

VOTE: Ayes: 4      Nays: 0      Absent: 2      Vacancy: 1      MOTION CARRIED

**APPROVAL OF MINUTES:**

Motion by Hartman, supported by Grischke

To approve the minutes of the August 5, 2024 regular meeting as presented

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

**ELECTION OF VICE CHAIRPERSON**

Member Hartman stated that now that he is a member of Village Council, he is unable to serve as Vice-Chair.

Motin by Hatman, supported by Oliver

To nominate Alex Smith as Vice-Chairperson of the Commission

VOTE: Ayes: 4      Nays: 0      Absent: 2      Vacancy: 1      MOTION CARRIED

**REPORTS:**

Councilman Hartman stated that the Council will be holding meetings to review various ordinances that need to be addressed. He invited the Commission to provide any areas of concern they may have for Council to review. He further invited the members to attend and give their input.

**PUBLIC FORUM:**

Chairperson Oliver opened public forum at 7:05 p.m.

Village President Lavey explained that she has had discussions with the Village Attorney regarding the For Kids' Sake issue. She stated that if anyone was concerned about us closing them, that was never the plan. The Attorney suggested that the Planning Commission remand the child care section of the code to the ad hoc committee of Council for review. There appears to be some inconsistencies in Section 152.243. A commercial child-care center may not be addressed well enough. She cannot see that the Village would simply not require outdoor playground areas when we already require them for in-home child care centers, but that is something for the ad hoc committee to review. Also, because the special land use has expired, she would suggest that the applicant request an extension until that review is done.

Lyzelle Dunn of 5202 Patterson Lake spoke in support of long-time business, For Kids' Sake. She discussed the issues in the ordinance as she sees them. Requiring a playground does not help the business, does not serve the public and imposes an undue burden to the business owner. She expressed the concern of parents if FKS closes. She discussed the impact that FKS has had on families and the use of our lakes and trails. She discussed the ordinances that dictate how a business should be run or operate thereby killing opportunities. Businesses need full freedom to run their businesses how they see fit. She stated that she has looked at the Master Plan and it appears that the Village does not know where they are. She discussed the problems with the Master Plan as she sees it. She urged complete overhaul of this ordinance and removing all restrictions that have no bearing on public safety or state requirements.

Bridget Kane of 109 Knollwood expressed her support of FKS and discussed her child's experience with Trailside.

Kathleen Durham of 2562 Sandwedge Lane stated that both of her children attend FKS. She stated that by requiring them to build a playground will increase their tuition, which she would not be able to afford. She discussed her kids' experiences through FKS and looking forward to public schools in Pinckney.

Ryan Henry of 9785 Rolling Greens Drive stated that he would be willing to bet that his HOA would not allow him to put a playground in his backyard. Who are we to require this of this business?

Rebecca Jones of 815 Sarah stated that she feels blessed to find FKS for her daughter and feel genuinely safe with them. She stated that Trailside has been a great addition to the community and expressed her child's experiences. She stated that there is only one other daycare in Pinckney which is located on a dirt road away from town and is full. She stated that this does not only affect the owner and employees but 70 parents and 30+ children. The entire country is in a child care crisis, and they as parents have no other option. The Planning Commission should be able to waive the requirement of a playground since there is a public playground 200 feet away.

Christine Dorosh of 21829 Celestial Circle explained that her daughter recently started at FKS and without them, she would be forced to work part-time or not at all. They were the only daycare center in Pinckney or Hamburg when she

applied in January. Shutting them down would be detrimental to the community. She explained their search to move into the area and the need to move to an area within Stockbridge Schools based on available housing and rising costs. Ordinances like this make it frustrating for small businesses. She understands that the Village is not trying to shut down FKS, but the ordinance creates an unnecessary burden which may lead to them closing and forcing her to find another daycare.

Mike Szfranski of 120 Livingston stated that there have been a group of business owners meeting on a regular basis, and Julie Amy is a part of it. They want to see her continue to keep her business here and not look at other communities.

Hearing no further public comment, the public forum was closed at 7:22 p.m.

**NEW BUSINESS:** None

**OLD BUSINESS:**

1. For Kids' Sake Discussion

Zoning Administrator Durkin stated that she has prepared a timeline of everything that has taken place with regard to the daycare at this location so that everyone can see what has transpired.

Julie Amy of For Kids' Sake expressed her frustration with the number of pages of paperwork burying her in legalize and questioned the amount of taxpayer's dollars spent to outline the process. She stated that she did not read it. Her job is not to decipher it, but rather the children. She discussed her approval from 2005 and the fact that they did not abandon the property. There was a rule then that you have to have a playground, which she did agree to. However, in 2008 there were economy issues, and she did not put in a playground. They changed what they were doing and how they were using that space. The Village never enforced it. She explained the grants that had been available during COVID for childhood development. When she came back to this location, the Village insisted that she again apply for a special use permit and pay \$1,700, and yes, she promised again to build a playground. She applied for grant money to give the church a playground. She is not going to pay \$50,000 for a playground as she does not own the building. She did not get the grant monies. They got \$10,000 and built a shed. The State of Michigan requires a 1,200 square foot playground. That doesn't make sense as there is a playground across the street, but it is old and may or may not pass inspection. But there is a playground downtown. The question is the definition of a playground and the fact that the Lakeland Trail is within 500 feet. It is a natural environment and an outdoor classroom. Licensing has approved this, and it meets the ordinance. She proposed a \$5,000 playground on August 5<sup>th</sup> as she was given from July 1 through September 1 to make a new plan. It meets all of the state licensing requirements, after all they are they experts in the State. She received a call from the Village President on August 11<sup>th</sup> asking what she was going to do. She told President Lavey that if she would approve this playground of 1,200 square feet with a sandbox and house, then we will never have to talk about the playground again. She is waiting to hear if it is approved or not. She understands that it does not meet the ordinance, but does it work? The ordinance requires a 4-foot fence, but what are we trying to do, keep bad things out or keep them in to protect them. She discussed the lack of traffic in the area and asked where the harm is coming from. She again discussed the timeline that the Zoning Administrator prepared ending with the notice she received on Friday indicating that she is non-compliant and that this would be on the agenda for tonight. She has not fulfilled her obligation because she does not see the value the same way as the Village. There are state licensing rules that are in direct conflict with Village ordinance as we now know because the Village Attorney has advised the Commission not to go there before it is revisited. She discussed the benefits of natural and community environments.

She discussed the social media posting in support of her business and a dozen letters she received. She discussed undue hardship and harassment over the past year and asked to “quit messing with my head”. She discussed her research and development on three other business she wants to start and openings in Hamburg Township, Stockbridge and two opportunities in Chelsea to do child care. She wants to work together to get this done and move on. She would like to see the Planning Commission pause any enforcement against For Kids’ Sake for at least 90 days to allow time for a potential review and revision of the ordinance to better align with the State of Michigan or consideration of a variance or waiver of the requirement. She stated that For Kids’ Sake is a vital community asset that deserves support and not threat of closure and constant badgering with emails and information that she is suppose to sort through in her spare time. She discussed her staff who has been with her for years under her leadership. It would be a phenomenal loss to lose the level of team she brings.

Carrie Kline of 422 Pond stated that her children attended For Kids’ Sake, and she saw this issue brought up on Facebook. She thinks that we should be planning for our future, but the loyalty needs to stay with the people of this community. She discussed FKS moving back to the church location and the activities of the kids that she sees. If a playground is all that it takes, she is willing to step up and help with fund raising to do it. She stated that there are state requirements as well as local requirements and feels that there should be some common ground to come to an agreement.

Member Cooke asked if we have the option of just letting her simply run her business as she has been for the past 20 years. ZA Durkin stated that our ordinance is specific in the requirement of the playground. The Planning Commission has the ability to waive or to decrease the requirement of 100 square feet per child if there is a public playground within 500 feet. That is not the case here. Further, in 2005 the site plan included two playgrounds, but again was not completed and was a condition of the approval of the special use. Absent that, the special land use is nullified. Furthermore, the full-time daycare was not maintained for all this time. For those reasons, that special land use was ceased and no longer valid, which was also verified with the Village Attorney in July of last year. We are now in the exact same situation with the contingencies of approval not being met.

Councilman Hartman stated that we had talked about how long of an extension would we need to give. He discussed sending the issue to the ad hoc committee for review to come up with a solution. He discussed people’s perception that a business could be shut down. ZA Durkin stated that nobody wants to shut down the business, but we do have ordinances that have to be adhered to as well as the state requirements. As Ms. Amy pointed out, the state does require a playground of a minimum of 1,200 square feet.

ZA Durkin stated that Ms. Amy has made a verbal request to extend the special land use for 90 days. Discussion was held on this possibly taking more than 90 days. Durkin stated that the site plan also expires in November.

Motin by Hartman, supported by Grischke

To extend the contingencies of the special land use approval until resolution of the ordinance review by the ad hoc committee

VOTE: Ayes: 4      Nays: 0      Absent: 2      Vacancy: 1      MOTION CARRIED

**PUBLIC FORUM:**

Chairperson Oliver opened the public forum at 7:50 p.m.

Ryan Henry of 9785 Rolling Greens Drive said he would like the Village to consider the downtown park and/or Rails to Trails to be considered as a public park for this purpose. It was stated that this is something that the ad hoc committee can review.

Hearing no further public comment, the public forum was closed at 7:52 p.m.

**MEMBER DISCUSSION:**

Member Grischke stated that she appreciates the community support, but she feels that the board is being attacked, which is not a great way to have resolution on issues. Instead of taking things to the negative, we could work together to make some clarifications and figure out the best approach. She further stated that nobody is questioning the quality of the daycare that is provided. It is a great thing to have in our community. There are rules that are written, and we can agree that there may be a need for them to be re-evaluated. We serve the community and want the best for the businesses and those that live here.

Ms. Amy stated that this is not what the business community is experiencing and you have not been fully informed. She further stated that she may consider going somewhere else. Member Grischke stated that we have ordinances and we have to abide by them. Likewise, the City of Chelsea and Hamburg as were mentioned both have similar ordinances.

Further discussion was held on ordinance review.

**ADJOURNMENT:**

Motion by Hartman, supported by Grischke

To adjourn the regular Planning Commission meeting at 7:59 p.m.

VOTE: Ayes: 4      Nays: 0      Absent: 2      Vacancy: 1      MOTION CARRIED

Respectfully submitted,

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Christine Oliver, Chairperson

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Julie Durkin, Zoning Administrator  
Recording Secretary