June 25, 2019

Village of Pinckney
Planning Commission
220 S. Howell
Pinckney, Michigan 48169

Subject:	**Special Use Review** Main Street Commons
Applicant/Owner:	Marshall Smith, Builder, Smith Builders, LLC
Location:	4670 M-36 Pinckney, MI 48169 (Parcel # 4714-22-403-031, 4714-22-403-033, 4714-22-400-019)
Current Zoning:	ROB, Residential-Office Business District
Project No.:	P1040010

Dear Commission Members:

We have reviewed the proposed development for Special Land Use approval to allow multi-family dwellings in the ROB, Residential-Office Business District as outlined in Sections 152.240 through 152.243 of the Village Zoning Ordinance.

1. **PROJECT DESCRIPTION**

This subject property contains a total of four parcels totaling 41,382 square feet of land. It includes a 7,666-square foot area which was formerly unplatted land for Ingham or Inghram Street in its center and provides access to Main Street. Another ½ portion of unplatted Putnam Street along the north of the property is requested to be vacated by the Village for this development. The site is accessed from Main Street and borders a drainage channel along the north side of the property which outlets to Mill Pond.

The applicant has submitted:

- An application for a special use permit, which includes an undated letter addressing how the proposed project meets multi-family residential district standards;
- A sketch plot plan dated May 23, 2019; and
- A Title Insurance Policy dated March 2019.

The development proposal includes an access drive from Main Street which leads to a parking area and 4 two-family unit buildings totaling 4,080 square feet (1,020 square feet each).

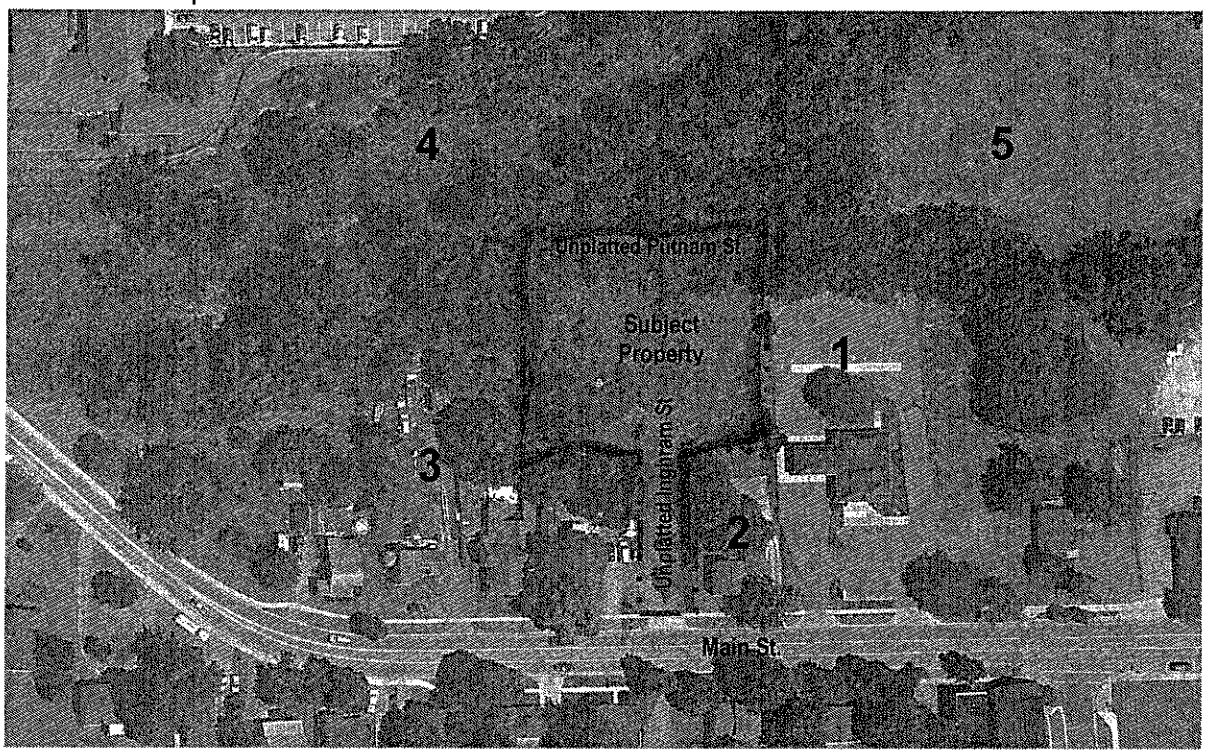
1771 N. Dixie Highway, Monroe, Michigan 48162 Tel: 734.289.2200 Fax: 734.289.2345 www.MannikSmithGroup.com

2. SURROUNDING EXISTING LAND USES, ZONING, AND FUTURE LAND USES

Adjacent existing and future land uses, and zoning districts are:

	Location	Existing Land Use	Existing Zoning District	Future Land Use
1	East	PNC Bank	CBD, Central Business District	Central Business District
2	Southeast	Single-Family Residence	ROB, Residential-Office Business District	Central Business District
3	West	Single-Family Residences	ROB, Residential-Office Business District	Mixed-Use
4	Northwest	People's Church	R3, High Density Residential	Recreation/Conservation
5	Northeast	Park	R3, High Density Residential	Recreation/Conservation

Site Location Map



3. SPECIAL LAND USE REVIEW

The procedures for granting a special land use request are outlined in Section 152.241 of the Village Zoning Ordinance. The Planning Commission conducts a public hearing, reviews the application, and approves with or without conditions, or denies the special land use request. A decision may be postponed or tabled for further consideration.

As stated in Section 152.240 of the Village Zoning Ordinance, the purpose of the special land use approval process is "to provide an opportunity for the Planning commission to impose the conditions as are necessary to ensure that the special land use will be compatible with surrounding uses and consistent with the purpose of the district in which it will be located. If it is determined that one or more negative impacts will be generated by the special land use and that these impacts cannot be reasonably mitigated, the Planning Commission may deny the special land use to protect the health, safety, welfare and quality of life of village residents."

According to Section 152.242 of the Village Zoning Ordinance, the Planning Commission needs to consider the following general criteria in making its findings and decision.

(1) Compliance with Comprehensive Plan. The special land use shall be consistent with the general goals, objectives and policies of the adopted Village of Pinckney Comprehensive Plan.

The subject site is designated as Mixed Use and Central Business District on the future land use map included in the Village Comprehensive or Master Plan. Properties adjacent to the west and south are planned as Mixed Use, to the east as Central Business District, and the properties to the north are designated Recreation/Conservation.

Both these future land use categories aim to promote a mix of land uses including residential, business, and office uses which would maintain the visual integrity of the older homes and the higher density development and business uses of the Village center. While residential uses are encouraged, a high level of pedestrian accessibility is expected to support and foster positive interactions in the mix of land uses.

A multi-family residential use is consistent with the Mixed Use and Central Business District future land use designation. The development proposal, however, must demonstrate greater pedestrian and bicycle sensitivity with access to the existing Village sidewalk system along Main Street and, if feasible, northeast to the library.

(2) Compliance with Zoning District.

(a) Special land uses permitted within any district shall be only those listed within the district.

(b) The special land use shall be consistent with the purpose of the zoning district in which it will be located.

(c) Unless otherwise specified in this chapter, the special land use shall comply with the lot, access, yard, setback and other site design requirements of the zoning district in which it is located.

(a) Multi-family dwellings are uses listed as special land uses in the ROB, Residential-Office Business District.

(b) Multi-family residential uses are consistent with the purpose of the ROB district if the development can demonstrate a high level of pedestrian and bicycle sensitivity.

(c) Provided Putnam Street is vacated and as depicted on the sketch plot plan submitted, the layout of the property generally complies with the minimum lot size, building yard/setbacks, and lot coverage of the ROB District.

While the sketch plan indicates a 66-foot frontage on Main Street, we note according to a GIS map, that the property may have only 54.48 feet of frontage along Main street. This does not meet the minimum lot width requirement for ROB districts. A variance from the minimum requirement for lot width may need to be obtained from the Village Zoning Board of Appeals.

In addition, landscape buffers will be required on all sides bordering residential uses. This would include the west and south sides. Additionally, decks or patios are required to maintain a five-foot setback from any side or rear lot lines.

(3) Compatibility. The special land use shall be designed, constructed, operated and maintained in a manner that is compatible with the essential character, permitted use, enjoyment and value of surrounding property and shall enhance the community as a whole.

Appropriate mitigation of any negative impacts on the surrounding single-family uses will need to be provided. This should include the landscape buffers noted above as well as additional screening of the parking and access drive areas. With these measures in place, the proposed uses are likely to be compatible with the character, enjoyment, and value of the surrounding properties and enhance the community.

(4) Infrastructure and services. The special land use shall be adequately served by essential public services and other infrastructures such as roads, emergency services, drainage structures and water and sewage facilities. The proposed use shall not create a need for additional public facilities or services at public cost.

The buildings show connections to the Village water and sewer services. The proposed uses will likely not create a need for additional public facilities or services at public costs.

(5) Traffic. The special land use shall minimize traffic impacts. In determining whether this requirement is met, consideration shall be given to anticipated traffic generation, automobile circulation, access to public roads, relationship to intersections, sight distances, access to off-street parking and pedestrian traffic. Access drives connected to roads under state and county jurisdiction shall comply with applicable road agency standards.

Access to the property will be accomplished from Main Street. The proposed drive is 31 feet wide which may be wider than needed. The sketch indicates 18 proposed parking spaces which is slightly more than the requirements (15 spaces @ 1.5 spaces per unit). This will be addressed at site plan review.

(6) Environmental performance. The special land use shall not involve uses, activities, processes, materials, equipment or conditions of operation that may be detrimental to any person or property, or to public health, safety and welfare. In determining whether this requirement is met, consideration shall be given to the production of runoff, traffic, noise, vibration, smoke, fumes, odors, dust, glare and light.

The two-family development proposed is not likely to involve any activities, processes, materials, equipment or conditions of operation that may be detrimental to public health, safety, or welfare. However, we note that no information has been provided on how stormwater runoff will be managed and whether outdoor lighting will be provided. This information will need to be provided and reviewed before final site plan approval.

(7) Natural resources. The special land use shall minimize impacts on the natural environment. In determining whether this requirement is met, consideration shall be given to scenic views,

floodplains, surface waters, wetlands, groundwater recharge areas, woodlands, wildlife habitat and steep slopes.

There are no floodplains present on the site. However, the northwest corner of the property borders a natural wooded drainage channel.

(8) ***Architecture. The architectural design of all structures, including buildings and signs, shall be compatible with the design and character of structures in the surrounding area. As part of the application, the Planning Commission may require detailed drawings of proposed signs and architectural facades, including full construction elevations and information on exterior materials, colors and detailing.***

No information was provided regarding the proposed building exterior designs. The applicant should provide preliminary building plans and elevations including information on the exterior materials, colors, and detailing for the Planning Commission's review and to determine compatibility with the design and character of structures in the surrounding area.

(9) ***Compliance required. Uses and structures shall comply with all other provisions of this chapter, including Section 152.240 through Section 152.415 and all other applicable federal, state and local codes and ordinances.***

Compliance with other provisions of the Village Zoning Ordinance, Sections 152.240 through 152.415 will be required. This will include General Provisions, Off-Street Parking and Loading, Signs, Landscaping and Screening, and Site Plan Review.

4. SPECIAL LAND USE REQUEST RECOMMENDATION

We suggest the Planning Commission approves this special land use request with the following conditions:

- The combination of the separate parcels under one title, including all areas to be vacated;
- The incorporation of a high level of pedestrian and bicycle accessibility into the site design; and
- The proposed building and site design demonstrating attention to the existing residential character of both the Village center and edge with compatible materials, colors, and detailing.

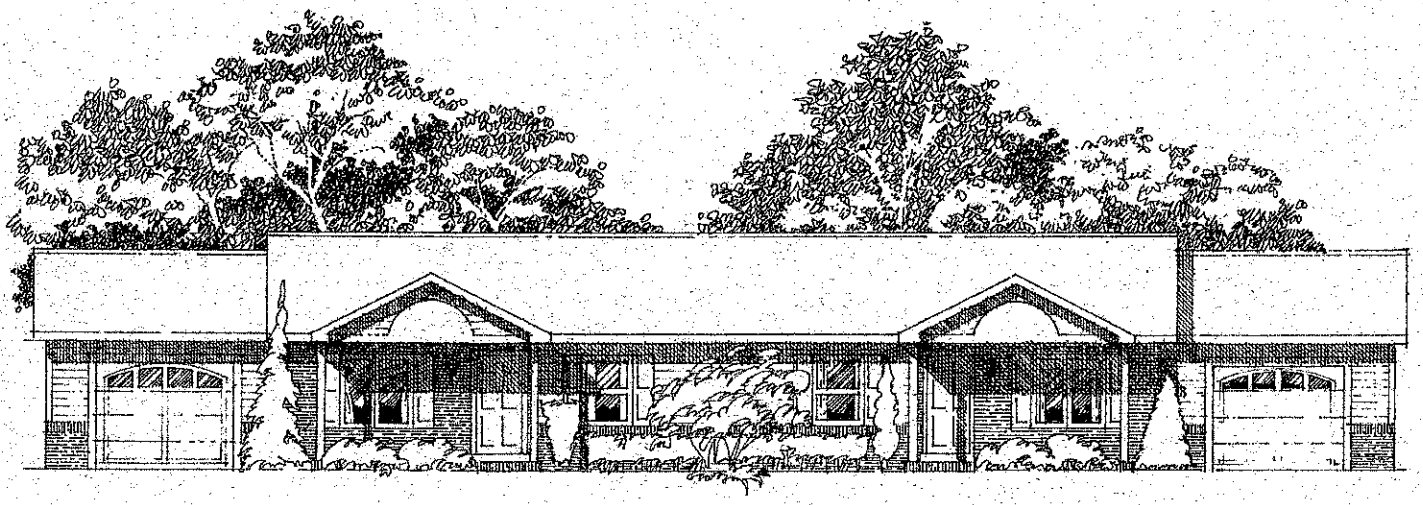
Please do not hesitate to contact us if you have any questions.

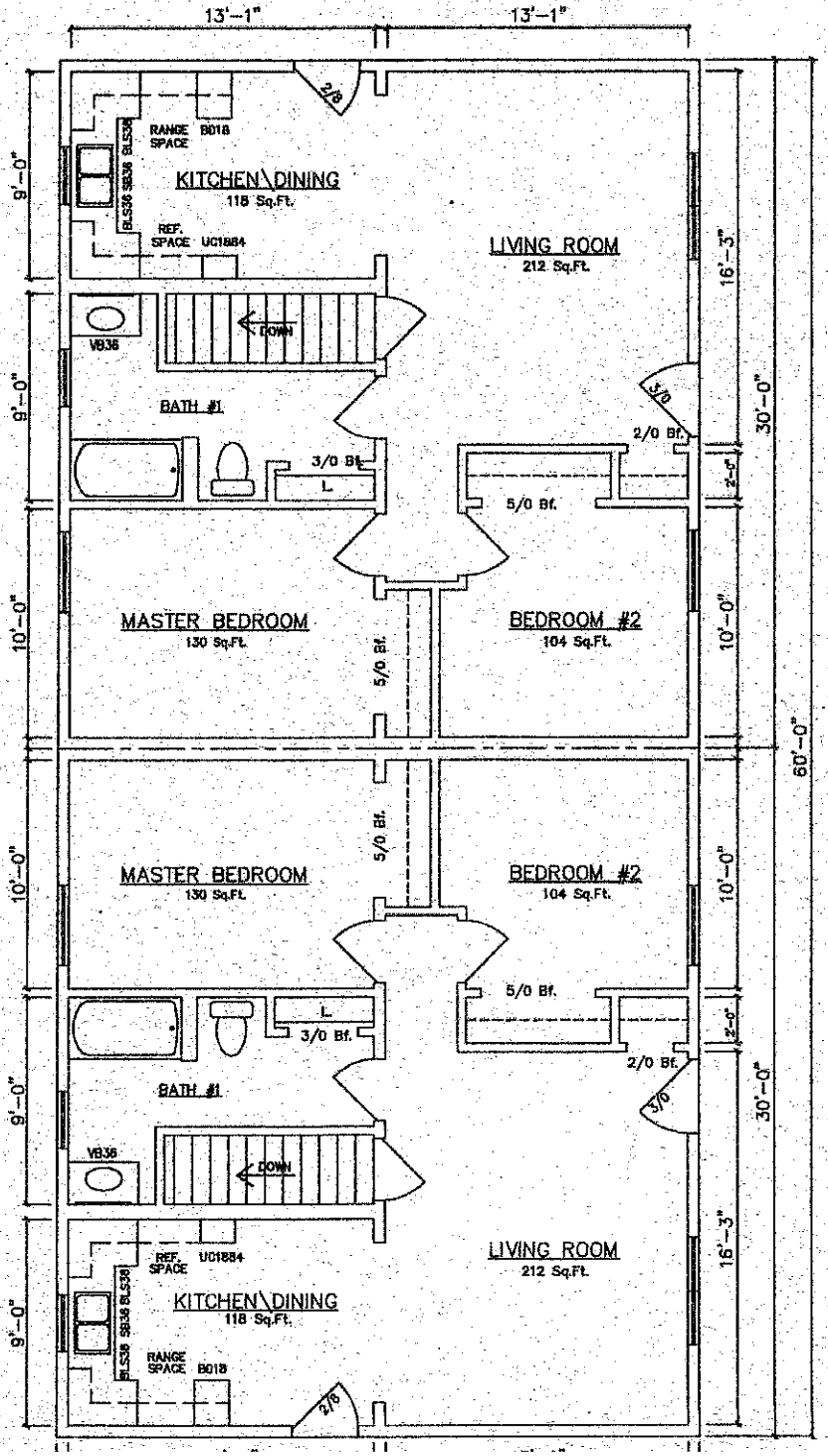
Sincerely,

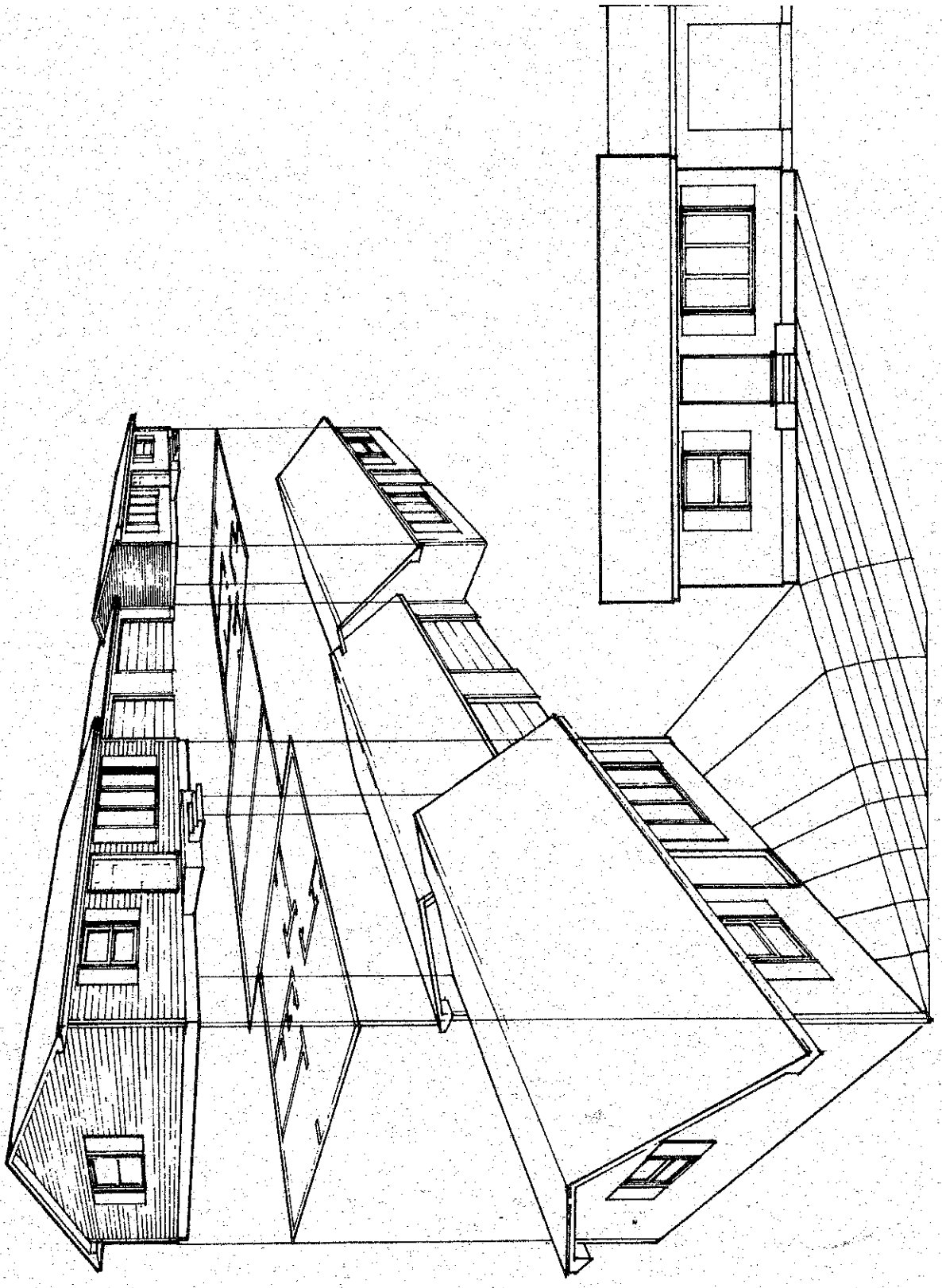
Lucie Fortin

Lucie Fortin, AICP, PLA
Community Planner/Landscape Architect

cc: Marshall Smith, 734-878-1650, 4670 E M-36, Pinckney, Michigan 48169 (marshall@smithbuildersllc.com)




13'-1"
13'-1"
2/8
RANGE SPACE B018
KITCHEN\DINING
118 Sq.Ft.
BL536 SB36 BL536
REF. SPACE UC1884
LIVING ROOM
212 Sq.Ft.
9'-0"
16'-3"
VB36
DOWN
BATH #1
3/0
2/0 Bf.
30'-0"
3/0 Bf.
L
5/0 Bf.
2'-0"
MASTER BEDROOM
130 Sq.Ft.
BEDROOM #2
104 Sq.Ft.
10'-0"
60'-0"
5/0 Bf.
MASTER BEDROOM
130 Sq.Ft.
BEDROOM #2
104 Sq.Ft.
5/0 Bf.
L
3/0 Bf.
2'-0"
2/0 Bf.
3/0
BATH #1
VB36
DOWN
REF. SPACE UC1884
LIVING ROOM
212 Sq.Ft.
KITCHEN\DINING
118 Sq.Ft.
BL536 SB36 BL536
RANGE SPACE B018
2/8



1771 N. Dixie Highway, Monroe, Michigan 48162
Tel: 734.289.2200 Fax: 734.289.2345
www.MannikSmithGroup.com

MEMO

To: **Village of Pinckney Planning Commission**
From: Lucie Fortin
Date: July 29, 2019

Project #: P1040010
Re: **Smith Builders Special Land Use Approval**

Following last meeting, I checked with Dave Stoker, Village Attorney, regarding the actions taken by the Planning Commission. We have determined that they were not procedurally correct. I apologize as I feel I did not advise you properly. At this time, I would like to provide your options to correct the record. Please review carefully and I can address any questions at the beginning of next meeting scheduled for August 8, 2019.

At the July 1st Planning Commission meeting and following the public hearing, it was moved to approve the special land use request for parcels 4714-22-403-031, 4714-22-403-033, 4714-22-400-019 from Smith Builders (made by Mayernik, seconded by Kinczkowski). The result was a tie vote with Commissioners Tom Pais, Ted Kinczkowski, and Richard Mayernik voting yes and Commissioners Christine Oliver, Donald Oliver, and Don Tottingham voting no. In order for a motion to carry, there needs to be a majority voting yes; therefore, **a tie vote means that the motion of approval failed.**

Believing that no decisions had been reached, the Planning Commission then made a motion (made by Mayernik, seconded by Kinczkowski) to postpone approval of the special land use request to next meeting, encouraging the applicant to re-submit a revised development proposal which would address the concerns expressed by the public and some of the Commissioners namely traffic and density. The motion carried with all voting yes.

The second motion to table or postpone approval to another meeting was inappropriate because the first motion had failed. According to Robert's Rule of Order, the proper procedure to reexamine a motion after a motion has failed is to make a motion to reconsider the first motion. This has to be done by a person who voted on the prevailing side of the first motion. Therefore, the second motion made at the last meeting is not valid.

The Planning Commission will need to address this at the August Planning Commission meeting. Based on the first failed motion, the options for the Planning Commission are:

- **Option 1:** Keep the motion as failed, therefore the applicant is denied the special land use on the property and cannot proceed with the development. The applicant can reapply after one year or more from the date of denial in accordance with the Village Ordinance requirements.

- **Option 2:** For one of the three commissioners that voted no on the first motion or the prevailing side (Commissioners Christine Oliver, Donald Oliver, or Don Tottingham) to move for a reconsideration of the vote on the first motion. If that motion fails, the original motion cannot be reviewed. If it carries, the original motion of approval is brought back before the Commission and can be discussed, amended if so desired, and voted on again (approved as originally presented, approved with amendments, denied).

Only Option 2 allows reconsideration of the special land use request.

VILLAGE OF PINCKNEY
PLANNING COMMISSION
AGENDA
MONDAY, JANUARY 6, 2025
7:00 P.M.

CALL TO ORDER
ROLL CALL
PLEDGE OF ALLEGIANCE
APPROVAL OF AGENDA
APPROVAL OF MINUTES: December 2, 2024 Regular meeting
REPORTS: Chair
Secretary/Vice-Chairperson
Council report
Zoning Administrator
PUBLIC FORUM*

PUBLIC HEARING:

1. Special Use Permit for 4714-22-403-031, 4714-22-403-033 & 4714-22-400-019 to allow multiple family dwellings in Residential-Office Business District

OLD BUSINESS:

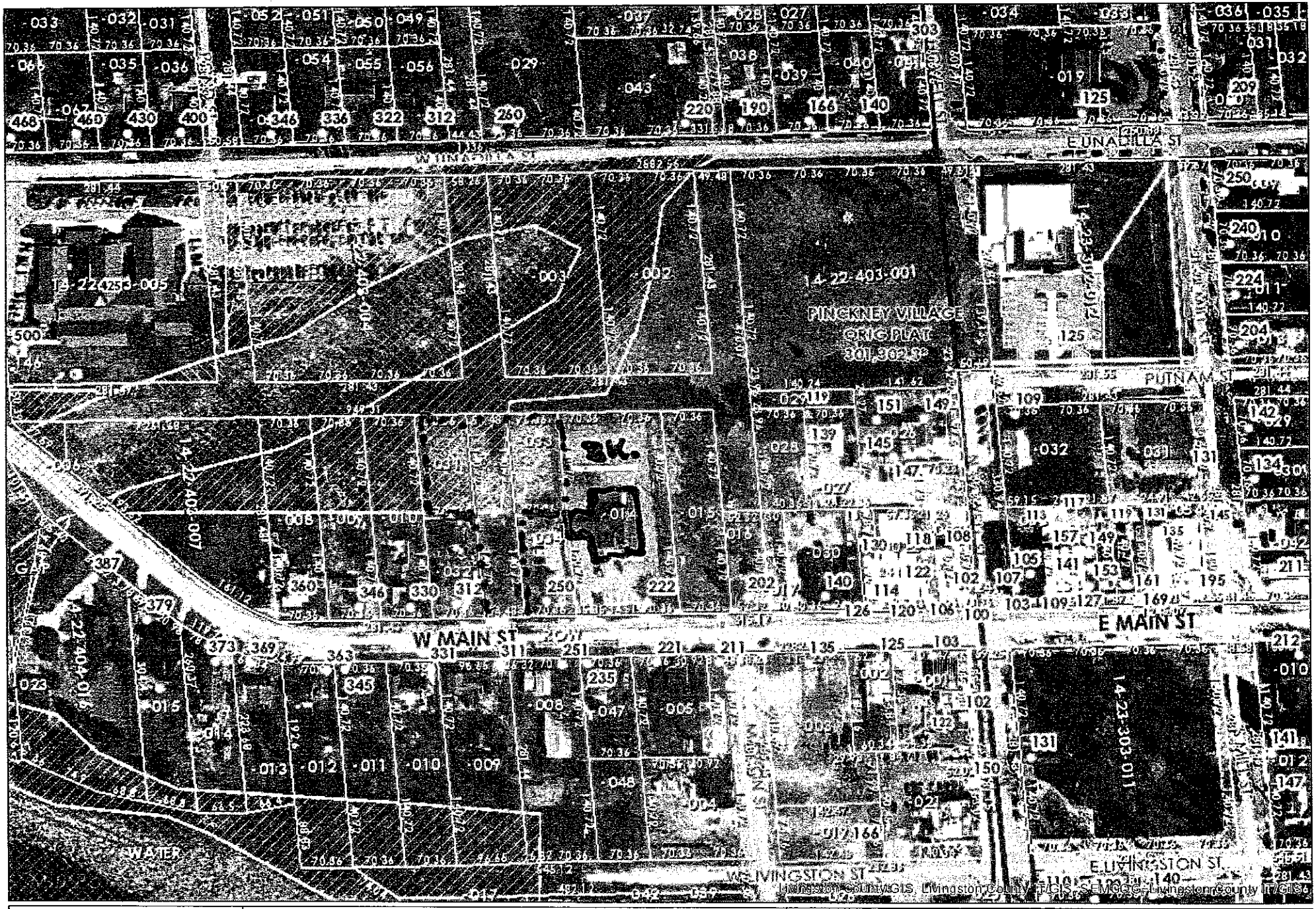
1. Approval of Final Site Plan
   Applicant: Northville Services & Holdings, LLC (Essence)
   Location: 1268 M-36
   Request: Final Site Plan Approval for Cannabis Retail facility

NEW BUSINESS:

1. Approval of Preliminary & Final Site Plan
   Applicant: BTC 475 Pinckney, LLC (Stefan Kril)
   Location: 183 E. Hamburg (4714-23-301-004)
   Request: Approval of both Preliminary & Final Site Plan for Indoor/Outdoor Recreation Facility
2. Special Use Permit for 4714-22-403-031, 4714-22-403-033 & 4714-22-400-019
   a. Marshall Smith, Builder, Smith Builders LLC
   b. To allow multiple family dwellings in Residential-Office Business District
   c. Location 4670 M-36 Pinckney MI

PUBLIC FORUM*
MEMBER DISCUSSION
ADJOURNMENT

*Please note: Each speaker may be limited to 5 Minutes per the Planning Commission bylaws



Livingston County, Michigan
Information Technology Department
G.I.S. Division
304 E. Grand River Ave., Howell, MI 48843
517.546.3230
http://www.livgov.com/gis

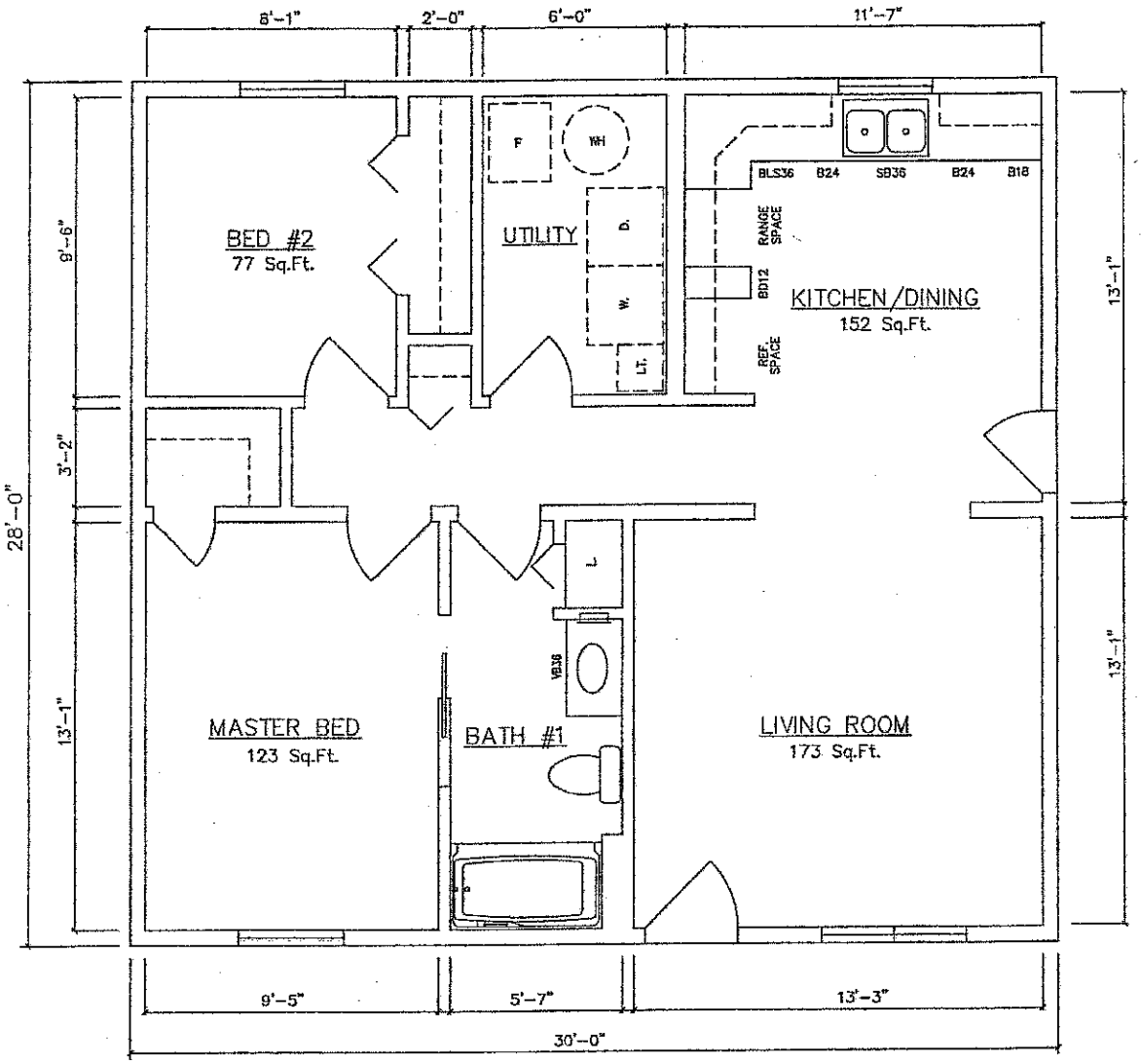
110 55 0 110 220 Feet
1 inch = 167 feet

Livingston County

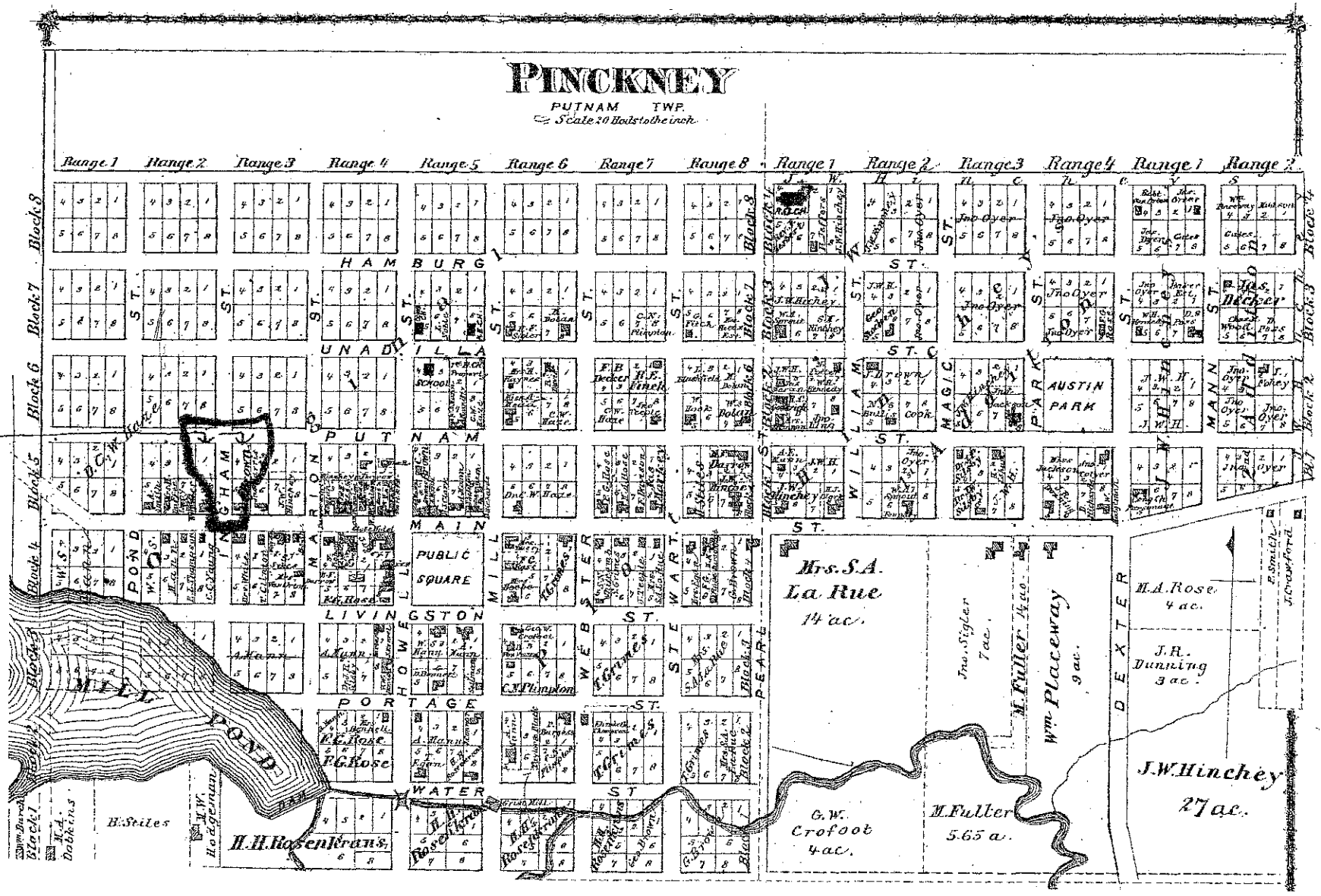
Printed: 5/8/2019
Aerial Year: 2015

MAP INTERPRETATION NOTICE
Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of Livingston County. Boundary measurements and area calculations are approximate and should not be construed as survey measurements.

N W E S



Rockford III 10962 (Crawlspace)


PINCKNEY
PUTNAM TWP.
Scale 20 Rods to the inch.
Range 1
Range 2
Range 3
Range 4
Range 5
Range 6
Range 7
Range 8
Block 8
Block 7
Block 6
Block 5
Block 4
Block 3
Block 2
Block 1
HAMBURG ST.
UNADILLA ST.
PUTNAM ST.
MAIN ST.
LIVINGSTON ST.
PORTAGE ST.
WATER ST.
WEBSTER ST.
HOWELL ST.
MILL POND
PUBLIC SQUARE
AUSTIN PARK
MAGIC
DEXTER
Mrs. S.A. La Rue 14 ac.
Jno. Sigler 7 ac.
M. Fuller 4 ac.
Wm. Placeway 9 ac.
M.A. Rose 4 ac.
J.R. Dunning 3 ac.
J.W. Hinchey 27 ac.
G.W. Crofoot 4 ac.
M. Fuller 5.65 a.
H. Stiles
H.H. Rosenkrans
P.G. Rose
Lots 1-4

Livingston County, Michigan
Information Technology Department
G.I.S. Division 517.548.3230

Feet
10 5 0 10 20 30

1 OSCALE

Main Street Commons

N W E S

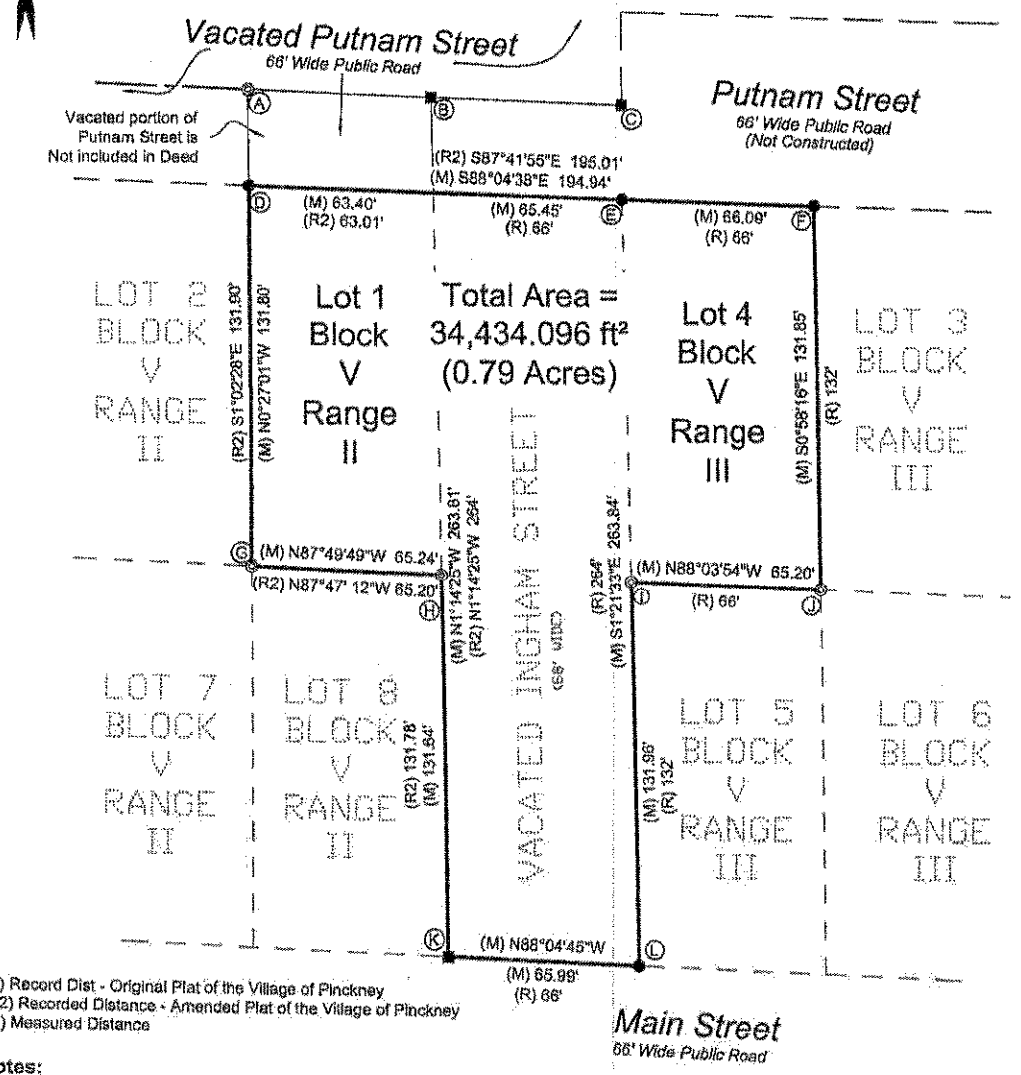
Orthophotos Flown Spring 2015
Printed May 10, 2019
Parcel lines are a representation only;
Not intended for survey purposes.

CERTIFICATE OF SURVEY

ORIGINAL PLAT OF THE VILLAGE OF PINCKNEY
SECTION 22, T1N, R4E, VILLAGE OF PINCKNEY
LIVINGSTON COUNTY, MICHIGAN

50 SCALE

REGISTER OF DEEDS
STAMP & FILE NUMBER



(R) Record Dist - Original Plat of the Village of Pinckney
(R2) Recorded Distance - Amended Plat of the Village of Pinckney
(M) Measured Distance

Notes:
See sheet 2 for relative positional precision table and property description.

Prepared For: Marshall Smith Builders
4670 E. M-36
Pinckney, MI 48169

GRAPHIC SCALE
50' 0 50'

COPY

I, Terry R. Campbell, hereby certify that I have surveyed the above mapped and described property, and that this map complies with section 3 (a-f), Act 132, P.A. 1970

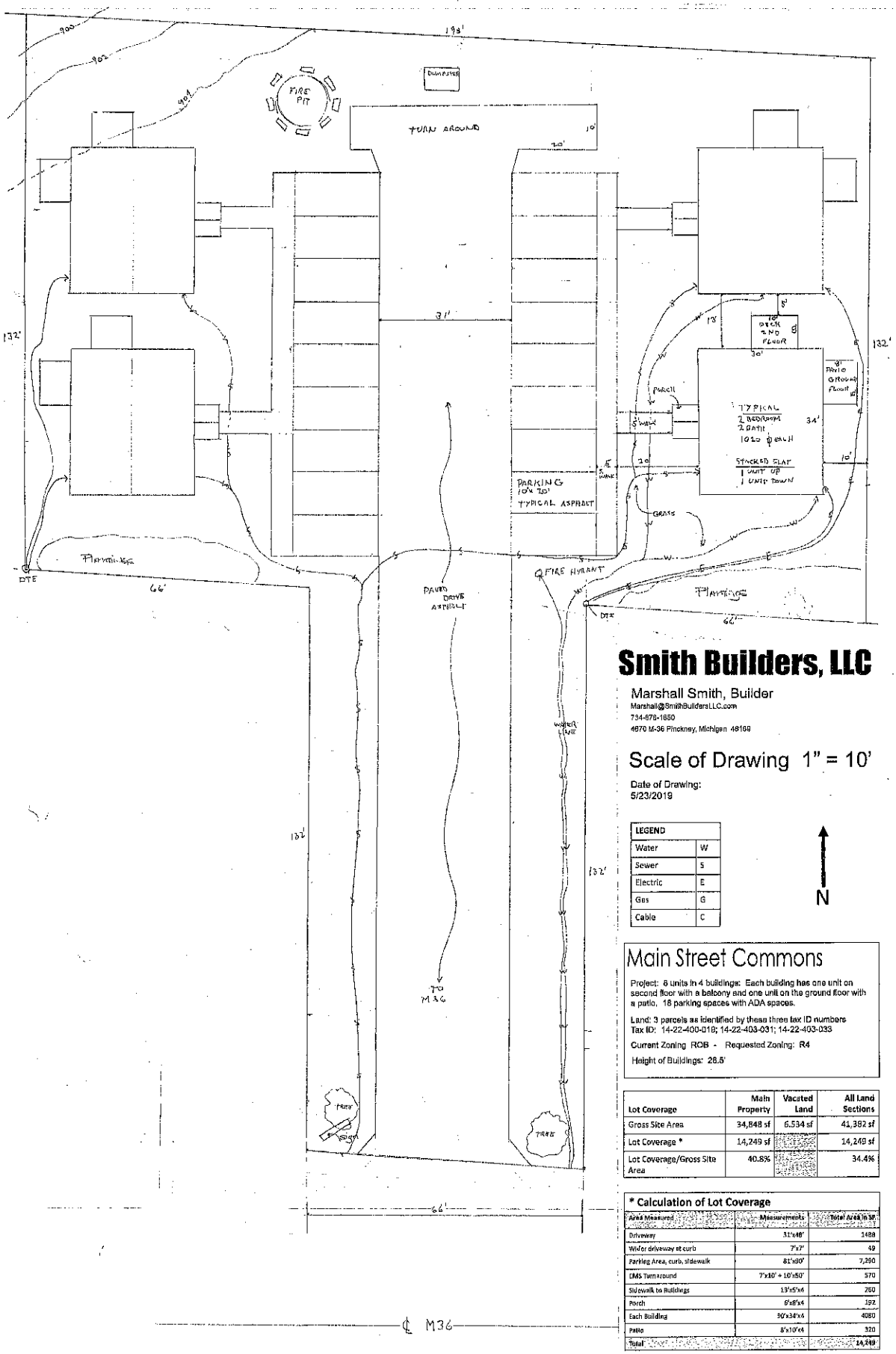
LEGEND
- ◉ FOUND CAPPED IRON
- ○ SET CAPPED IRON
- ● FOUND IRON
- ■ FOUND CONCRETE MONUMENT

Terry R. Campbell, P.S. No: 60806
ORIGINAL SIGNATURE IN BLUE
OFFICIAL SEAL

Bearing Basis: Plat of Village of Pinckney	
DATE: June 3, 2019	PAGE: Sheet 1 of 2
SCALE: 1" = 50'	REVISED:
DWG NO: S19D10AR	DRAWN BY: TRC
CLIENT: JOB Smith Builders: S19D10A	CHK:

Campbell Surveying Engineering, Inc.
Professional Surveying Services
10051 E. Highland Road, Suite 29 www.campbellse.com
Howell, Michigan 48843 (989) 390-1189

©2019, Campbell Surveying Engineering, Inc.
REPRODUCTION IN ANY FORM PROHIBITED WITHOUT WRITTEN PERMISSION



Smith Builders, LLC

Marshall Smith, Builder
Marshall@SmithBuildersLLC.com
734-676-1650
4670 M-36 Pinckney, Michigan 48169

Scale of Drawing 1" = 10'

Date of Drawing:
5/23/2019

LEGEND	
Water	W
Sewer	S
Electric	E
Gas	G
Cable	C

N

Main Street Commons

Project: 8 units in 4 buildings: Each building has one unit on second floor with a balcony and one unit on the ground floor with a patio, 18 parking spaces with ADA spaces.

Land: 3 parcels as identified by these three tax ID numbers
Tax ID: 14-22-400-018; 14-22-403-031; 14-22-403-033

Current Zoning RCB - Requested Zoning: R4

Height of Buildings: 26.5'

Lot Coverage	Main Property	Vacated Land	All Land Sections
Gross Site Area	34,848 sf	6,534 sf	41,382 sf
Lot Coverage *	14,249 sf		14,249 sf
Lot Coverage/Gross Site Area	40.8%		34.4%

*** Calculation of Lot Coverage**

Area Measured	Measurements	Total Area in SF
Driveway	31'x48'	1488
Wider driveway at curb	7'x7'	49
Parking Area, curb, sidewalk	81'x90'	7,290
EMS Turnaround	7'x10' + 10'x50'	570
Sidewalk to Buildings	13'x5'x4	260
Porch	6'x8'x4	192
Each Building	30'x34'x4	4080
Patio	8'x10'x4	320
Total		14,249