

Memo

To: Planning Commission/DDA Members
From: Julie Durkin, Zoning Administrator
Date: November 6, 2023
Re: Zoning Administrator's Report

Permits & Code Enforcement: Please note the following since my last report:

- * 2 Land Use Permits were issued – fence & shed
- * 27 Waivers were issued – all for re-roof
- * 3 ROW Permits issued – 1 Driveway & 2 Fiber optic

Planning Commission:

Old Business:

1. Sign Ordinance Amendment – Recommendation to Village Council: At the September 25th meeting, the Village Council chose not to adopt the sign ordinance as the Planning Commission recommended. The concern was that the temporary sign language as proposed was too specific and may not be legally acceptable. In other words, signs that involved review of content may be construed as violating the First Amendment and are constitutionally unsound. I have provided a more generic temporary sign section that deals with zoning district limitations, size and number of signs allowed. Although Dave Stoker has less concern about the proposed draft, he indicates that a potential concern could arise here as the “commercial” sign regulation (such as real estate signs) is potentially given more favorable treatment than the other temporary signs (political signs, etc.). However, many codes dealing with temporary signs do also make similar distinctions for real estate signs. I’m not sure where you would like to go with this. We can recommend to Council again with the changes or we could eliminate the “Real Estate Signs in all districts” bullet point altogether. Council can also make additional changes if they choose.
2. Final Site Plan Review – Lakeland Knoll – Progress Update: At this point, we are still waiting for additional engineering and other items to be addressed.

New Business:

1. Special Land Use Request – Day Care - For Kids' Sake to be located at 125 E. Unadilla in the existing Community Congregational Church: Background information: In August 2005 a request was made to the ZBA for a child day care facility at this location. Approval was granted with conditions including the installation of a playground facility, fencing and landscaping among others. None of these items took place within a year's time or within the last 18 years, thereby nullifying the approval. Furthermore, the facility was relocated to the location on Dexter-Pinckney next to Econoprint, and although summer camp was held in subsequent years, the use of the facility for child care ceased several years ago.

Under our current ordinance, Section 152.101, Child Care Centers are allowed as a Special Land Use within the R3 zoning district. Section 152.242 spells out the General Approval Criteria for approving or denying a special land use permit application and 152.243 lists the Specific Approval Criteria for Child Care Facilities. The applicant is proposing a state licensed child care program for up to 25 children Monday through Friday 6:15 a.m. to 5:30 p.m. She has provided a site plan showing a 55'x70' fenced playground area in the rear of the building and has provided a letter of supporting evidence. After review, the Planning Commission may approve the special land use and site plan, deny or approve with conditions. The applicant has expressed her desire to enroll students as quickly as possible, and given the pending cold weather, I would recommend the Commission consider allowing the applicant to operate the facility within the existing church contingent upon the items in the Planner's review and require the installation of the playground, fence and landscaping within a reasonable timeframe (ie: Spring 2024).

Suggested Motion: Finding that the applicant has met both the General approval criteria for Special Land Use of Section 152.242 and the specific approval criteria of Section 152.243, the Planning Commission approves the Special Land Use for For Kids' Sake Child Day Care to be located at 125 E. Unadilla and waive the requirement for further site plan review based on unchanged floor area of the existing structure, and no alteration to existing parking or features that would change compliance with the standards of the Zoning Ordinance, contingent upon the following:

- A copy of the childcare license from the State of Michigan to be submitted to the Zoning Administrator
 - Installation of a _____ walkway from the building to the play area
 - Addition of vegetative screening around the outside of the fence facing residential properties to be reviewed and approved by the Village Planner and Zoning Administrator
 - Detailed information regarding the type and height of the fence as well as the materials and finishes of the play equipment to be reviewed and approved by the Village Planner and Zoning Administrator
 - Playground including approved fencing, and landscaping to be installed no later than _____
2. Special Land Use Request – Marihuana facility (Class A Microbusiness): The window for application for the Village's Class A Microbusiness license is open from October 23rd thru December 21st. A prerequisite for that application is a Special Land Use at the proposed location. The applicant recently purchased the property at 1268 E. M36 and is proposing an adult marihuana facility. At this time, the Commission should schedule a public hearing for the December 5th meeting.

DDA:

Old Business:

1. Holiday Banners: Within this year's budget, we have provided funds for light pole banners for the winter/holiday season. Light Up the Park is scheduled for Sunday following the Thanksgiving holiday, and the plan is to have the holiday decorations installed by that time. I would also like to switch the spring banners for new holiday banners. I would like to not incorporate the Village logo on these as the colors would conflict with the holiday colors. I would like to keep them simple and classic for the holidays. If you would like to see something different, we can work on other designs, but we are getting to a point where they do need to be ordered to get them in time.

New Business:

1. Audit – FY ending June 30, 2023: At their October 23, 2023 meeting, Village Council accepted the audit of the Village Financial Statements as prepared by Pfeffer, Hanniford, & Palka, the Village Auditors. Included is the Fund Financial Statements of the Downtown Development Authority. The Board should accept the document as presented as these are the financial statements of the Authority.
2. Community Garden wrap-up: I asked our co-coordinators to give us an update to let the Board know how the gardening season went for everyone. Included are those summaries. It would appear that all went very well this year with just a few minor hiccups. We can discuss if there are any need for improvement prior to the growing season next year.

Other Business:

1. EV Charging Stations: In the packet, you will find a report showing the usage of the stations.