

PROPOSED RESOLUTION

GRANTING WITH CONDITIONS

**REQUESTED SANITARY SEWERS
TECHNICAL STANDARDS WAIVER (GREASE TRAP)**

FOR

COOKE COACHING LLC

May 23, 2022

**PROPOSED RESOLUTION
GRANTING WAIVER WITH CONDITIONS**

BE IT RESOLVED that the Pinckney Village Council hereby finds, with respect to the request for waiver requested by Cooke Coaching LLC, of 8250 Granite Court, Dexter, MI 48130 (hereinafter referred to as the "Owner"), from the Technical Standards of the Village of Pinckney, being Pinckney Technical Standards, Subsection N. 1. of Section 01 20 03 Sanitary Sewer System Design Requirements (*Grease Trap*) for the property located at 140 Main Street, Pinckney, MI 48169, and legally described as:

SEC 22 T1N R4E COM C/L OF INTERSECTION OF MAIN ST & HOWELL ST AS SHOWN ON THE ORIG PLAT OF VILL OF PINCKNEY REC IN LI 2, PG 64, LIVINGSTON CO RECORDS, TH NELY 33.06 FT ALG C/L HOWELL ST, TH WLY DEFLECTING 86* TO THE LEFT 33.06 FT TO SE COR BLK 5 R4 OF SD ORIG PLAT, TH CONT WLY 144 FT ALG N LINE MAIN ST TO SE COR OF W 16 FT OF THE E 28 FT OF LOT 6 OF BLK 5 R4 FOR A POB, TH CONT WLY 92 FT ALG N LINE MAIN ST, TH NLY DEFLECTING 86* TO THE RIGHT 132 FT ALG W LINE OF THE E 38 FT OF LOT 5 OF BLK 5 R4, TH ELY DEFLECTING 93* TO THE RIGHT, 92 FT, ALG NLY LINE LOTS 5 & 6 OF BLK 5 R4, TH SLY DEFLECTING 86* TO THE RIGHT 132 FT ALG E LINE OF W 16 FT OF E 28 FT LOT 6 TO POB. BEING PT OF LOTS 5 & 6 OF BLK 5, R4 ORIG PLAT VILL PINCKNEY. .28 AC M/L COMB 018 & 019 6-89 (Property Tax Code No. 4714-22-403-030)

as follows:

1. This Applicant's project involves the reuse of an existing building. The circumstances are unique and specific to this property and are not related to the Applicant's personal situation and do not apply generally to other properties in the area. The unusual circumstances that are exceptional include the fact that the Applicant's authorized uses that do not include a kitchen or food services, which is generally the reason grease trap would be required.
2. The granting of the waiver is reasonable under the assumption that the authorized uses do not require a grease trap, and the future uses would be subject to grease trap being required in the event a use that requires any of these items is ever be added to the property, and the Village Engineer has recommended the deferral of this grease trap requirement.
3. The granting of the waiver will result in substantial justice being done, considering the public benefits of development of this property, and it should not create hardships to the public or the rights of others. Granting the waiver will result in the renovation and occupation of a vacant building as well as offer additional commercial opportunities in the district. Both of these outcomes may be considered substantial community or public benefits.
4. The waiver is generally consistent with the purpose of the district to promote commercial establishments that provide economic diversity and prohibit conflicting uses that detract from the district's intended function as a vibrant economic and social focal point. The

waiver is also consistent with the goals and objectives of the Village Master Plan, in particular the objectives to encourage redevelopment of vacant properties and the re-use of existing buildings as an alternative to new construction.

With the proposed enhancement of the building, granting the waiver will result in a substantially improved of an existing building in need of renovation. It will not alter the essential character or quality of the neighborhood, endanger public health or safety, or substantially impair property values in the area.

5. The waiver is not based on any actions by the Applicant, but are based on the unique proposed use of the property that will not require the grease trap.
6. The granting of the waiver does not constitute a special privilege and are unique to the current authorized proposed uses of the property. The Applicant is upgrading the existing site and providing significant improvements which will enhance the area. The waiver requested are reasonable and will encourage the redevelopment of the property.
7. That the Applicant has established that practical difficulties and hardships exist if required to installing a grease trap on this property based on its current authorized uses that justify the granting of the requested waiver.

BE IT FURTHER RESOLVED, that based in the aforementioned findings of practical difficulties and hardships, the waiver of Applicant is granted from installing a grease trap as called for by Subsection N. 1. of Section 01 20 03 Sanitary Sewer System Design Requirements (*Grease Trap*) of the Village Technical Standards while the property is used only for its currently authorized uses.

BE IT FURTHER RESOLVED, that the waiver granted to Applicant shall be subject to strict compliance with the following conditions:

1. The waiver shall apply only to this property and only to the currently authorized uses of this property that do not include a commercial kitchen, food establishment, or any other use that would require a grease trap and/or monitoring manhole.
2. As a condition to the waiver being used, Applicant shall first enter into an agreement with the Village to size and install a grease trap structure when there is a change in use that, at the sole discretion of the Village, that would necessitate a grease trap and/or monitoring manhole. Applicant shall then thereafter maintain a log of grease trap structure maintenance and make said log available to Village personnel upon request. This agreement should be perpetual and run with the land.
3. All site plan requirements from Planning Commission must be met.
4. _____

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PROPOSED RESOLUTION

GRANTING WITH CONDITIONS

**REQUESTED SANITARY SEWERS
TECHNICAL STANDARDS WAIVER (MONITORING MANHOLE)**

FOR

COOKE COACHING LLC

May 23, 2022

**PROPOSED RESOLUTION
GRANTING WAIVER WITH CONDITIONS**

BE IT RESOLVED that the Pinckney Village Council hereby finds, with respect to the request for waiver requested by Cooke Coaching LLC, of 8250 Granite Court, Dexter, MI 48130 (hereinafter referred to as the "Owner"), from the Technical Standards of the Village of Pinckney, being Pinckney Technical Standards, Subsection J. 1. of Section 01 20 03 Sanitary Sewer System Design Requirements (*Monitoring Manhole*) for the property located at 140 Main Street, Pinckney, MI 48169, and legally described as:

SEC 22 T1N R4E COM C/L OF INTERSECTION OF MAIN ST & HOWELL ST AS SHOWN ON THE ORIG PLAT OF VILL OF PINCKNEY REC IN LI 2, PG 64, LIVINGSTON CO RECORDS, TH NELY 33.06 FT ALG C/L HOWELL ST, TH WLY DEFLECTING 86* TO THE LEFT 33.06 FT TO SE COR BLK 5 R4 OF SD ORIG PLAT, TH CONT WLY 144 FT ALG N LINE MAIN ST TO SE COR OF W 16 FT OF THE E 28 FT OF LOT 6 OF BLK 5 R4 FOR A POB, TH CONT WLY 92 FT ALG N LINE MAIN ST, TH NLY DEFLECTING 86* TO THE RIGHT 132 FT ALG W LINE OF THE E 38 FT OF LOT 5 OF BLK 5 R4, TH ELY DEFLECTING 93* TO THE RIGHT, 92 FT, ALG NLY LINE LOTS 5 & 6 OF BLK 5 R4, TH SLY DEFLECTING 86* TO THE RIGHT 132 FT ALG E LINE OF W 16 FT OF E 28 FT LOT 6 TO POB. BEING PT OF LOTS 5 & 6 OF BLK 5, R4 ORIG PLAT VILL PINCKNEY. .28 AC M/L COMB 018 & 019 6-89 (Property Tax Code No. 4714-22-403-030)

as follows:

1. This Applicant's project involves the reuse of an existing building. The circumstances are unique and specific to this property and are not related to the Applicant's personal situation and do not apply generally to other properties in the area. The unusual circumstances that are exceptional include the fact that the Applicant's authorized uses that do not include a kitchen or food services, which does not require a monitoring manhole.
2. The granting of the waiver is reasonable under the assumption that the authorized uses do not require a monitoring manhole, and the future uses would be subject to monitoring manhole being required in the event a use that requires any of these items is ever be added to the property, and the Village Engineer has recommended the deferral of this monitoring manhole requirement.
3. The granting of the waiver will result in substantial justice being done, considering the public benefits of development of this property, and it should not create hardships to the public or the rights of others. Granting the waiver will result in the renovation and occupation of a vacant building as well as offer additional commercial opportunities in the district. Both of these outcomes may be considered substantial community or public benefits.
4. The waiver is generally consistent with the purpose of the district to promote commercial establishments that provide economic diversity and prohibit conflicting uses that detract from the district's intended function as a vibrant economic and social focal point. The

waiver is also consistent with the goals and objectives of the Village Master Plan, in particular the objectives to encourage redevelopment of vacant properties and the re-use of existing buildings as an alternative to new construction.

With the proposed enhancement of the building, granting the waiver will result in a substantially improved of an existing building in need of renovation. It will not alter the essential character or quality of the neighborhood, endanger public health or safety, or substantially impair property values in the area.

5. The waiver is not based on any actions by the Applicant, but are based on the unique proposed use of the property that will not require the monitoring manhole.
6. The granting of the waiver does not constitute a special privilege and are unique to the current authorized proposed uses of the property. The Applicant is upgrading the existing site and providing significant improvements which will enhance the area. The waiver requested are reasonable and will encourage the redevelopment of the property.
7. That the Applicant has established that practical difficulties and hardships exist if required to installing a monitoring manhole on this property based on its current authorized uses that justify the granting of the requested waiver.

BE IT FURTHER RESOLVED, that based in the aforementioned findings of practical difficulties and hardships, the waiver of Applicant is granted from installing a monitoring manhole as called for by Subsection J. 1. of Section 01 20 03 Sanitary Sewer System Design Requirements (*Monitoring Manhole*) of the Village Technical Standards while the property is used only for its currently authorized uses.

BE IT FURTHER RESOLVED, that the waiver granted to Applicant shall be subject to strict compliance with the following conditions:

1. The waiver shall apply only to this property and only to the currently authorized uses of this property that do not include a commercial kitchen, food establishment, or any other use that would require a monitoring manhole.
2. As a condition to the waiver being used, Applicant shall first enter into an agreement with the Village to size and install a monitoring manhole structure when there is a change in use that, at the sole discretion of the Village, that would necessitate a monitoring manhole. Applicant shall then thereafter maintain a log of monitoring manhole structure maintenance and make said log available to Village personnel upon request. This agreement should be perpetual and run with the land.
3. All site plan requirements from Planning Commission must be met.
4. _____

_____.

PROPOSED RESOLUTION

GRANTING WITH CONDITIONS

**REQUESTED SANITARY SEWERS
TECHNICAL STANDARDS WAIVER (TRAFFIC WAY WIDTH)**

FOR

COOKE COACHING LLC

May 23, 2022

**PROPOSED RESOLUTION
GRANTING WAIVER WITH CONDITIONS**

BE IT RESOLVED that the Pinckney Village Council hereby finds, with respect to the request for waiver requested by Cooke Coaching LLC, of 8250 Granite Court, Dexter, MI 48130 (hereinafter referred to as the "Owner"), from the Technical Standards of the Village of Pinckney, being Pinckney Technical Standards, Subsection 1 .07.C. of Section 01 20 07 Roadway, Parking, Driveway, Sidewalk Design Requirements (*Traffic Way Width*) for the property located at 140 Main Street, Pinckney, MI 48169, and legally described as:

SEC 22 T1N R4E COM C/L OF INTERSECTION OF MAIN ST & HOWELL ST AS SHOWN ON THE ORIG PLAT OF VILL OF PINCKNEY REC IN LI 2, PG 64, LIVINGSTON CO RECORDS, TH NELY 33.06 FT ALG C/L HOWELL ST, TH WLY DEFLECTING 86* TO THE LEFT 33.06 FT TO SE COR BLK 5 R4 OF SD ORIG PLAT, TH CONT WLY 144 FT ALG N LINE MAIN ST TO SE COR OF W 16 FT OF THE E 28 FT OF LOT 6 OF BLK 5 R4 FOR A POB, TH CONT WLY 92 FT ALG N LINE MAIN ST, TH NLY DEFLECTING 86* TO THE RIGHT 132 FT ALG W LINE OF THE E 38 FT OF LOT 5 OF BLK 5 R4, TH ELY DEFLECTING 93* TO THE RIGHT, 92 FT, ALG NLY LINE LOTS 5 & 6 OF BLK 5 R4, TH SLY DEFLECTING 86* TO THE RIGHT 132 FT ALG E LINE OF W 16 FT OF E 28 FT LOT 6 TO POB. BEING PT OF LOTS 5 & 6 OF BLK 5, R4 ORIG PLAT VILL PINCKNEY. .28 AC M/L COMB 018 & 019 6-89 (Property Tax Code No. 4714-22-403-030)

as follows:

1. This Applicant's project involves the reuse of an existing building. The circumstances are unique and specific to this property and are not related to the applicant's personal situation. In addition, they do not apply generally to other properties in the central business district.
2. Restricting the dimensional waivers requested will limit the ability of the Applicant to make this project viable due to the limited space available. It is reasonable to grant a reduction of the Traffic Way Width dimensions.
3. The granting of the waiver will result in substantial justice being done, considering the public benefits of development of this property, and it should not create hardships to the public or the rights of others. Granting the waiver will result in the renovation and occupation of a vacant building as well as offer additional commercial opportunities in the district. Both of these outcomes may be considered substantial community or public benefits.
4. The waiver is generally consistent with the purpose of the district to promote commercial establishments that provide economic diversity and prohibit conflicting uses that detract from the district's intended function as a vibrant economic and social focal point. The waiver is also consistent with the goals and objectives of the Village Master Plan, in particular the objectives to encourage redevelopment of vacant properties and the re-use of existing buildings as an alternative to new construction.

With the proposed enhancement of the building, granting the waiver will result in a substantially improved of an existing building in need of renovation. It will not alter the essential character or quality of the neighborhood, endanger public health or safety, or substantially impair property values in the area.

5. The waiver is not based on any actions by the Applicant, but are based on the unique size and shape of the property that will not accommodate a wider the traffic way.
6. The granting of the waiver does not constitute a special privilege and are unique to the current authorized proposed uses of the property. The Applicant is upgrading the existing site and providing significant improvements which will enhance the area. The waiver requested are reasonable and will encourage the redevelopment of the property.
7. The Village Engineer indicated that the requested waiver is recommended given the physical constraints of the site and the limited number of spaces in this lot.
8. That the Applicant has established that practical difficulties and hardships exist if required to install a Traffic Way Width on this property based on the site's limited dimensions that justify the granting of the requested waiver.

BE IT FURTHER RESOLVED, that based in the aforementioned findings of practical difficulties and hardships, the waiver of Applicant is granted to allow a reduced Traffic Way Width dimension of 22 feet.

BE IT FURTHER RESOLVED, that the waiver granted to Applicant shall be subject to strict compliance with the following conditions:

1. The variances shall be used within one (1) year from this date.
2. The property development must comply in all respects with the site plan as approved by the Planning Commission.
3. _____

_____.
4. _____

_____.
5. _____

_____.

WAIVER AGREEMENT

This Agreement, made this ___ day of _____, 2022, by and between Cooke Coaching LLC, of 8250 Granite Court, Dexter, MI 48130 (hereinafter referred to as the "Owner"), and the Village of Pinckney, of 220 South Howell, Pinckney, MI 48169 (hereinafter referred to as the "Village"), for the property located at 140 Main Street, Pinckney, MI 48169 (hereinafter referred to as "Property" or "Premises").

WHEREAS, the Owner owns a parcel of property in the Village of Pinckney, Michigan, which includes the following described premises:

SEC 22 T1N R4E COM C/L OF INTERSECTION OF MAIN ST & HOWELL ST AS SHOWN ON THE ORIG PLAT OF VILL OF PINCKNEY REC IN LI 2, PG 64, LIVINGSTON CO RECORDS, TH NELY 33.06 FT ALG C/L HOWELL ST, TH WLY DEFLECTING 86* TO THE LEFT 33.06 FT TO SE COR BLK 5 R4 OF SD ORIG PLAT, TH CONT WLY 144 FT ALG N LINE MAIN ST TO SE COR OF W 16 FT OF THE E 28 FT OF LOT 6 OF BLK 5 R4 FOR A POB, TH CONT WLY 92 FT ALG N LINE MAIN ST, TH NLY DEFLECTING 86* TO THE RIGHT 132 FT ALG W LINE OF THE E 38 FT OF LOT 5 OF BLK 5 R4, TH ELY DEFLECTING 93* TO THE RIGHT, 92 FT, ALG NLY LINE LOTS 5 & 6 OF BLK 5 R4, TH SLY DEFLECTING 86* TO THE RIGHT 132 FT ALG E LINE OF W 16 FT OF E 28 FT LOT 6 TO POB. BEING PT OF LOTS 5 & 6 OF BLK 5, R4 ORIG PLAT VILL PINCKNEY. .28 AC M/L COMB 018 & 019 6-89 (Property Tax Code No. 4714-22-403-030); and

WHEREAS, the Owner desires to make certain improvements to the premises for which approvals are required under the Village's Zoning Ordinance and Municipal Standards; and

WHEREAS, the Owner is required to install a Monitoring Manhole and Grease Trap under Subsection J. 1. of Section 01 20 03 and Subsection N. 1. of Section 01 20 03, Sanitary Sewer System Design Requirements, of the Village's Technical Standards, but the unique proposed use of the property that will not require these items and requiring them would place an unusual burden on the Owner in complying with the Village's Zoning Ordinance and Municipal Standards; and

WHEREAS, the Village is agreeable to waiving Monitoring Manhole and Grease Trap requirements under Subsection J. 1. of Section 01 20 03 and Subsection N. 1. of Section 01 20

03, Sanitary Sewer System Design Requirements, of the Village's Technical Standards of the Village's Technical Standards for the proposed use of this property subject to the following terms and conditions.

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. The parties agree that this Agreement and its covenants shall apply to the described premises:

SEC 22 T1N R4E COM C/L OF INTERSECTION OF MAIN ST & HOWELL ST AS SHOWN ON THE ORIG PLAT OF VILL OF PINCKNEY REC IN LI 2, PG 64, LIVINGSTON CO RECORDS, TH NELY 33.06 FT ALG C/L HOWELL ST, TH WLY DEFLECTING 86* TO THE LEFT 33.06 FT TO SE COR BLK 5 R4 OF SD ORIG PLAT, TH CONT WLY 144 FT ALG N LINE MAIN ST TO SE COR OF W 16 FT OF THE E 28 FT OF LOT 6 OF BLK 5 R4 FOR A POB, TH CONT WLY 92 FT ALG N LINE MAIN ST, TH NLY DEFLECTING 86* TO THE RIGHT 132 FT ALG W LINE OF THE E 38 FT OF LOT 5 OF BLK 5 R4, TH ELY DEFLECTING 93* TO THE RIGHT, 92 FT, ALG NLY LINE LOTS 5 & 6 OF BLK 5 R4, TH SLY DEFLECTING 86* TO THE RIGHT 132 FT ALG E LINE OF W 16 FT OF E 28 FT LOT 6 TO POB. BEING PT OF LOTS 5 & 6 OF BLK 5, R4 ORIG PLAT VILL PINCKNEY. .28 AC M/L COMB 018 & 019 6-89 (Property Tax Code No. 4714-22-403-030).

2. The following restrictions affect all the above described premises and the restrictions are and shall be construed as covenants running with the land in keeping with the general scheme of development binding upon the Owner and all subsequent owners of the land or any part of the land and of persons dealing with the land and inuring to the benefit of this Owner and to the Village of Pinckney, Livingston County, Michigan, a municipal corporation, it being the intent of the Owner that the following restrictions shall bind and restrict the land, the Owner, Owner's grantees, successors, and assigns and their grantees, heirs, executors, administrators, successors and assigns.

3. This Agreement shall be recorded with the Register of Deeds of Livingston County, Michigan, as a condition of the site plan approval granted to the Owner for the described land and that this instrument shall be referred to in all contracts and deeds of conveyance relating to the land or any part of the land.

4. All persons dealing with the land and entitled by law to enforce and compel compliance with this Agreement, including the Village, shall have a full remedy both in law and in equity to enforce and compel compliance with this Agreement and to benefit and take advantage of this Agreement and in any legal proceeding to have and recover from any then owner all costs and expenses of the proceedings, including a reasonable attorney's fee; provided however, that the violation or attempted violation of any restriction in this Agreement, shall not be deemed to operate or work a reverter or forfeiture.

5. This Agreement in full does not amend or modify any Owner's statements, engineering statements, or any requirements of the respective ordinances of the Village dealing with the design and construction of all improvements, but is intended as additional covenants and agreements for the purposes set forth herein.

6. The Owner does by this Agreement, specifically estop itself and all of its successors and all persons presently or subsequently owning or dealing with the land from contending in any manner that this Agreement and its covenants are not full and adequate covenants running with the land and binding on the land for all times after the making of this Agreement until expressly modified or amended, if at all, with the consent of the Village.

7. Invalidation of any one of these covenants or provisions of this Agreement by judgment or court order shall in no case affect any of the other covenants or provisions of this Agreement, which shall remain in full effect.

8. The Village hereby waives the requirements set forth in Section 6.12(K) and 6.4(B) of the Village Technical Standard requiring the installation of a grease trap or monitoring manhole for so long as the property is used only for its currently authorized uses.

9. The waiver set forth in paragraph 8 above is subject to strict compliance with the following conditions:

- a. The waivers shall apply only to this property and only to the currently authorized uses of this property that do not include a commercial kitchen, food establishment, or any other use that would require a grease trap and/or monitoring manhole.
- b. Owner agrees to size and install a grease trap structure and a monitoring manhole when there is a change in use that, at the sole discretion of the Village, would necessitate a grease trap and/or monitoring manhole. Applicant shall then thereafter maintain a log of grease trap structure maintenance and make said log available to Village personnel upon request.
- c. All site plan requirements from Planning Commission must be met.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year first above written.

WITNESSES

OWNERS

*

By _____
*

*

By _____
*

THE VILLAGE OF PINCKNEY

*

By _____
Rebecca Foster, President

*

By _____
Jill Chapman, Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF * _____)

On this ____ day of _____, 2022, before me personally appeared
* _____, of * _____ to me known to be the persons described in
and who executed the foregoing document and acknowledged the same to be true and accurate.

* _____, Notary Public
* _____ County, Michigan
Acting in the County of * _____
My Commission Expires: _____

*Please print

STATE OF MICHIGAN)
) ss.
COUNTY OF LIVINGSTON)

On this ____ day of _____, 2022, before me personally appeared Rebecca Foster, Village President, and Jill Chapman, Village Clerk, of the Village of Pinckney, to me known to be the persons described in and who executed the foregoing document and acknowledged the same to be true and accurate.

*, Notary Public
Livingston County, Michigan
Acting in the County of Livingston
My Commission Expires: *_____

*Please print

Drafted by:
David G. Stoker, Esq.
Cohl, Stoker & Toskey, P.C.
601 North Capitol Avenue
Lansing, MI 48933

When recorded return to:

The Village of Pinckney
220 S Howell Street
Pinckney, Michigan 48169