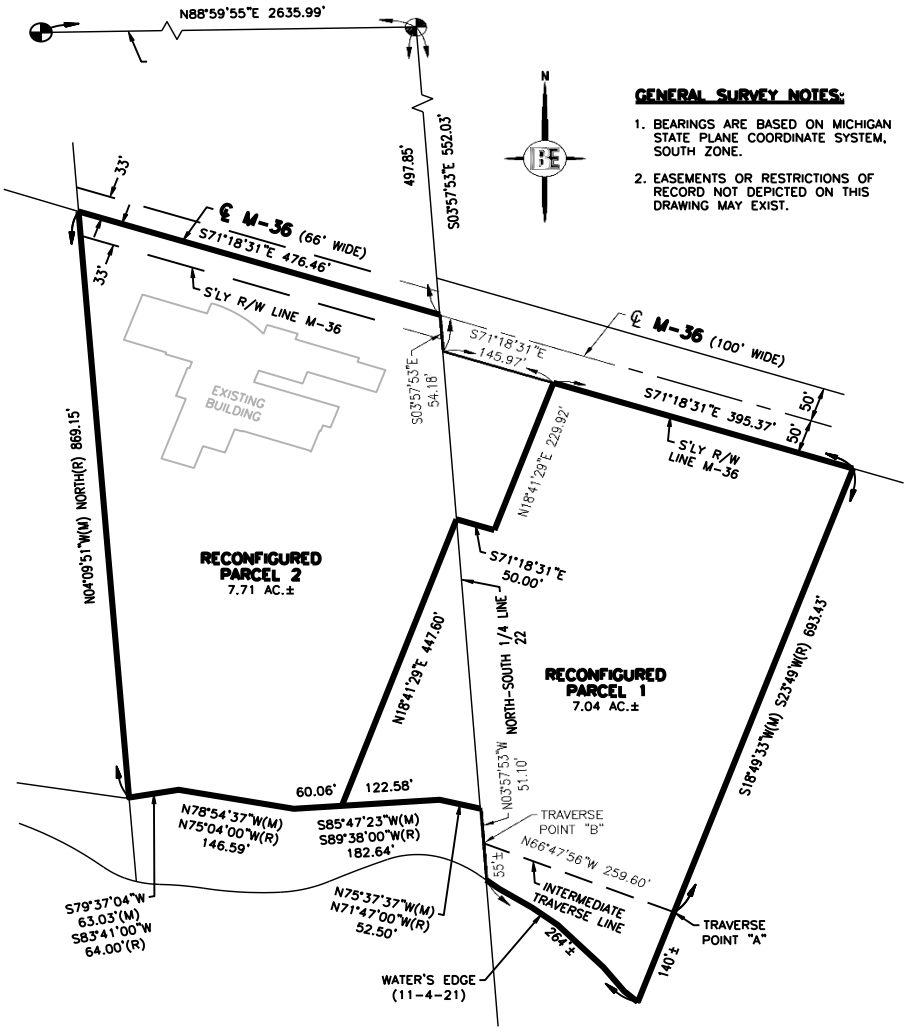
Memo

To: President Foster & Council Members
From: Julie Durkin, Zoning Administrator
Date: July 7, 2022
Re: Request for Extension of Conditional Rezoning

Chris Bonk has made a request on behalf of MAAB Partnership, LLC to extend the Conditional Rezoning that was approved by Council on January 25, 2021. They have done some minor work on the property including removal of the fence and planning for the new sidewalk, but additional time is needed as they continue to work on the parcel to the west. He has not abandoned the use, but requires additional time to submit for the appropriate special use and site plan. These parcels were deliberately kept separate rather than combining them.



Village of Pinckney 6/22/2022

Julie Durkin,

This Letter is regarding The Means MAAB Partnership LLC at 935 W M-36 tax ID 4714 22 401 153 with regards to the conditional rezoning agreement. We are asking for an additional 12 months from today to this agreement. This will give us the time necessary to finish the current commitments on the parcel to the west. We have started minor work on this parcel such as fence removal along south side along with planning work for new sidewalks along m-36 and heading to the south. Thank you for your time and patience.

Please let me know if you have any questions.

Chris Bonk 517 202 1034

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BRANDON DENBY
REGISTER OF DEEDS
LIVINGSTON COUNTY, MI 48843
RECORDING: 26.00
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Statement of Conditions Agreement

This Conditional Re-zoning Statement of Conditions Agreement (the "Agreement") made effective this 9th day of February, 2021 by and between the Village of Pinckney (the "Village"), a Michigan Municipal Corporation with its offices at 220 South Howell Street, Pinckney, MI 48169, and [redacted] and Chris Bonk, 5755 Long Point Dr, Howell, MI 48843, (the "Property Owners"), agree as follows:

RECITALS

A. The Property Owners are currently the Owners of certain real property located in the Village of Pinckney located at 935 W Main, having the property identification numbers 4714-22-300-003 and 4714-22-401-153 more specifically described on Exhibit A, attached hereto (the "Property").

B. The Property is currently zoned High Density Residential (R-3) by the official zoning map of the Village.

C. The Property Owners desire to have the Property zoned Research-Technology-Office District (RTO) under the Village's zoning ordinance. This amendment to the official zoning map would allow the Property Owners to seek Zoning Special Use approval, Site Plan approval, and State and Village license approvals to operate a marihuana establishment. It is the intent of this Agreement, to allow the Property Owners the ability to establish such uses after obtaining a Zoning Permit, and complying the with design, special use permit, site plan approval, licensing approvals, and other requirements governing such uses under the adopted Zoning and land use code provisions of the Village, the Village Code of Ordinances, and the laws, ordinances, and regulations the County of Livingston and State of Michigan.

D. The Property Owners have voluntarily offered to enter into this Agreement consistent with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

E. This Agreement is made by the Village pursuant to authority granted to the Village under MCL 125.3405, as amended; and § 152.262(N) of the Village of Pinckney Code of Ordinances.

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F. The Planning Commission of the Village has determined that, with appropriate conditions regarding the use and development of the Property contained herein, the requested Research-Technology-Office (RTO) zone is an appropriate land use change.

G. The Village, by action of its Village Council at a regular meeting held on the 8th day of February, 2021 has accepted the offer of the Property Owners to enter into this Agreement.

NOW THEREFORE, in consideration of these premises, the parties hereto agree as follows:

Section 1. RE-ZONING & CONDITIONS.

1.1 Re-zoning. At the request of the Property Owners, the Village shall rezone the Property from High Density Residential (R-3) to Research-Technology-Office District (RTO) as such terms are identified in the Village of Pinckney Zoning Ordinance. The following conditions shall apply to such Re-zoning.

1.2 Voluntary Conditions. The Property Owners voluntarily offer and consent to the following offered Re-zoning Conditions:

a. The Property Owners will maintain the site as a Gateway to Pinckney with clean and well-maintained aesthetics.
b. The Property Owners will maintain a residential look through architectural details on north side and north east side within view of traffic going by on M-36/Main St.
c. The Property Owners will utilize innovative stormwater management (rain gardens, other natural options, etc.).
d. The Owners agree that the purpose of this conditional rezoning is for marihuana-type establishments use only. If this use ends, the parcel will revert back to High Density Residential (R-3).
e. The Property Owner will build pedestrian connections to increase accessibility to Mill Pond. Phase one will extend the sidewalk from M-36/Main St to rear of property with a sitting area overlooking Honey Creek/Mill Pond along the east side of the property. This pedestrian sidewalk and viewing area shall be contained within an easement dedicated to public use.

1.3 Use Limitations. The use of the Property shall be limited to the marihuana establishment special uses contained in the Research-Technology-Office District (RTO) [Pinckney Code Section 152.202(M)], as proposed by the Property Owners. The Property Owners must apply for and obtain Village approvals for the appropriate Special Use Permit and Site Plan as provided for in Pinckney Code [including Pinckney Code Sections 152.202(M), 152.241(B)(2), and 152.243(S)] and must apply for and receive the appropriate State and Village license approvals for the proposed marihuana

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establishment in accordance with the Title XI, *Business Regulations*, Chapter 113, *Miscellaneous Businesses Requiring a License*, of the Code of Ordinances, Village of Pinckney §§113.30 - 113.44, as amended; the *Michigan Regulation and Taxation of Marihuana Act*, 2018 IL 1, MCL 333.27951 *et seq*; and the regulations and policies adopted under these State and Village laws and ordinances. It is understood that the proposed use shall also be contingent on complying with the size, design, approved special use permit, approved site plan, and other requirements governing such uses in the Village's RTO zoning district under the adopted zoning and land use code of the Village. It is further agreed that after the Conditional Re-zoning, the Property Owners shall comply with all of the requirements regulating the use and development within the new Research-Technology-Office District (RTO), as modified by any more restrictive requirements in the provisions contained in this Statement of Conditions Agreement.

1.4 Zoning District Reversion. In the event that this agreement terminates; the property is used in a manner inconsistent with the uses under subsection 1.3; the required State and Village licenses are not obtained and retained; and/or the special use and site plan approvals are not obtained and complied with as required under the Pinckney Zoning Ordinance; or in the event the approved use has been abandoned, as defined in the Pinckney Zoning Ordinance, the Re-zoning of the property shall revert to the High Density Residential (R-3), or its successor zoning district classification.

1.5 Validity of Uses. In the event that the Village of Pinckney Zoning Ordinance is amended such that the uses provided for in this Agreement for the Facility and/or Property are no longer permitted uses in the Research-Technology-Office District (RTO) District, the uses provided for in this Agreement shall be considered legally non-conforming and continuation of such use shall be governed by § 152.418 of the Village of Pinckney Zoning Ordinance.

Section 2. MISCELLANEOUS.

2.1 Effective Date. In accordance with MCL 125.3401 and the Village's Charter; the effective date of this Agreement and the Re-zoning Ordinance shall be twenty (20) days from and after its publication.

2.2 Severability. Should any section, clause or provision of this Agreement be declared unconstitutional, illegal, or of no force and effect by a court of competent jurisdiction, then and in that event such portion thereof shall not be deemed to affect the validity of any other part or portion of this ordinance and/or Agreement.

2.3 Agreement Running with the Land. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns as long as it is in effect. The transfer of the Property shall not constitute a default under the Conditional Re-zoning Statement of Conditions Agreement. The provisions of this Agreement shall be deemed benefits and burdens which shall run with the Property.

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2.4 Recording. This Agreement shall be recorded with the Livingston County Register of Deeds within thirty (30) days of the effective date.

2.5 Voluntary Offer. The Property Owners represent and warrant that they have voluntarily offered to enter into this Agreement and the Property Owners shall not commence any action after the date hereof against the Village asserting that it did not voluntarily offer to enter this Agreement.

2.6 Complete Statement of Conditions Agreement. This Statement of Conditions Agreement and the attached exhibit referenced herein constitutes the entire Agreement between the parties.

2.7 Signatures Authorized. The people signing this Statement of Conditions Agreement on behalf of the above-stated parties certify by their signatures that they are duly authorized to sign this Agreement on behalf of said parties and that this Agreement has been authorized by said parties.

2.8 Governing Law. This Statement of Conditions Agreement shall be governed by, construed and enforced in accordance with the laws of the State of Michigan. Nothing contained herein shall be construed to limit or prohibit the Property Owners to petition or submit zoning applications and requests to the Village after the effective date of this Agreement.

THE UNDERSIGNED HAVE EXECUTED THIS CONDITIONAL RE-ZONING STATEMENT OF CONDITIONS AGREEMENT ON THE DATE SET FORTH ABOVE

WITNESS:

PROPERTY OWNER

The Manns M.A.A.B. Partnership, LLC

By Chris Bonk

Its:

By

Chris Bonk

Village of Pinckney, a Michigan Municipal Corporation

By

Rebecca Foster, President

By

Jill Chapman, Clerk

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ACKNOWLEDGEMENT

STATE OF MICHIGAN)
) ss.
COUNTY OF LIVINGSTON)

On this 9 day of February, 2021, before me personally appeared Chris Bode, to me known, who, being by me duly sworn, did say that he is the Manager member of the The Means MABB Partnership LLC, and that the foregoing document was executed on behalf of said company, by authority of its governing body, and he acknowledges said instrument to be a free act and deed of said corporation.,

Ashley Sloat, Notary Public
Livingston County, Michigan
Acting in the County of Livingston
My Commission Expires:

ASHLEY SLOAT
Notary Public, State of Michigan
County of Washtenaw
My Commission Expires 08-25-2027
Acting in the County of Livingston Co.

STATE OF MICHIGAN)
) ss.
COUNTY OF LIVINGSTON)

On this 9 day of February, 2021, before me personally appeared Rebecca Foster, President, and Jill Chapman, Clerk, of the Village of Pinckney, to me known, who, being by me duly sworn, did say that the foregoing document was executed on behalf of said Village, by authority of its governing body Village Council, and they acknowledged said instrument to be a free act and deed of said Village.,

Ashley Sloat, Notary Public
Livingston County, Michigan
Acting in the County of Livingston
My Commission Expires:

PREPARED BY:

David G. Stoker
COHL, STOKER & TOSKEY, P.C.
601 North Capitol Avenue
Lansing, Michigan 48933

ASHLEY SLOAT
Notary Public, State of Michigan
County of Washtenaw
My Commission Expires 08-25-2027
Acting in the County of Livingston Co

When recorded return to:
The Village of Pinckney
220 South Howell Street
Pinckney, Michigan 48169

EXHIBIT A **Legal Descriptions**

14-22-300-003 22 T1N R4E E 27 RDS OF THE NE 1/4 OF SW 1/4 S OF M -36, N OF MILL POND EXC COMM W 1/4 COR THE S 1225.88 FT TH E 2713.92 FT TO POB TH N71*47'W 52.50 FT TH S89*38'W 182.64 FT TH N75*04'W 146.59 FT TH S83*41'W 64 FT TH S5*26'30"E ABOUT 38 FT TO N BANK OF MILL POND TH ELY ALG EDGE OF POND AS IT WINDS AND TURNS ABOUT 450 FT TH N01*40"40"W ABOUT 28 FT TO POB. REDESCRIBED FROM DEED 6/18

14-22-401-153 SEC 22 T1N R4E, VILLAGE OF PINCKNEY HAZE'S ADDITION LOTS 27 28 29, AND 30 AND LOTS 33 TO 52 INCL. LOT 129 W 1/2 OF LOT 130 LOTS 19 20 21 22 EXC PART OF LOTS 19 21 22 27 28 29 30 33 & 130 AND PART OF STREETS PUTNAM MEAD AND REEVES OF HAZE'S ADDITION TO THE VILLAGE OF PINCKNEY DESC AS FOLLOWS BEG AT A PT ON LOT LINE AND THE PROPERTY LINE BETWEEN THE PINCKNEY COMMUNITY SCHOOL AND THE PINCKNEY CEMETERY S 18.58 FT FROM THE NE COR LOT 19 TH ALG LOT LINES AND PROPERTY LINE S 611.06 FT TH N54*36'W 251.89 FT TH N23*49'E 508.45 FT ALG R ANGLES TO M-36 TO POB. SPLIT 10-09 FROM 020

VILLAGE OF PINCKNEY

ORDINANCE NO. 156

ORDINANCE AMENDING THE VILLAGE OF PINCKNEY CODE OF ORDINANCES BY AMENDING TITLE XV: LAND USAGE, CHAPTER 152, ZONING, SECTION 15.041, ZONING MAP

THE VILLAGE OF PINCKNEY ORDAINS:

Section 1. Title XV, Land Usage, Chapter 152, Zoning, of the Village of Pinckney Code of Ordinances, is hereby amended to conditionally modify the Official Zoning Map of the Village of Pinckney, as adopted in Section 152.041 thereof, as follows:

The property, commonly known as 935 W Main, Pinckney, Michigan, and hereinafter legally described, is rezoned from High Density Residential (R-3) to Research-Technology-Office District (RTO).

Parcels of land located in Section 27, Town 1 North, Range 4 East, Village of Pinckney, Livingston County, Michigan. Said parcels more particularly described as:

14-22-300-003 22 T1N R4E E 27 RDS OF THE NE 1/4 OF SW 1/4 S OF M -36, N OF MILL POND EXC COMM W 1/4 COR THE S 1225.88 FT TH E 2713.92 FT TO POB TH N71*47'W 52.50 FT TH S89*38'W 182.64 FT TH N75*04'W 146.59 FT TH S83*41'W 64 FT TH S5*26'30"E ABOUT 38 FT TO N BANK OF MILL POND TH ELY ALG EDGE OF POND AS IT WINDS AND TURNS ABOUT 450 FT TH N01*40"40"W ABOUT 28 FT TO POB. REDESCRIBED FROM DEED 6/18

14-22-401-153 SEC 22 T1N R4E, VILLAGE OF PINCKNEY HAZE'S ADDITION LOTS 27 28 29, AND 30 AND LOTS 33 TO 52 INCL. LOT 129 W 1/2 OF LOT 130 LOTS 19 20 21 22 EXC PART OF LOTS 19 21 22 27 28 29 30 33 & 130 AND PART OF STREETS PUTNAM MEAD AND REEVES OF HAZE'S ADDITION TO THE VILLAGE OF PINCKNEY DESC AS FOLLOWS BEG AT A PT ON LOT LINE AND THE PROPERTY LINE BETWEEN THE PINCKNEY COMMUNITY SCHOOL AND THE PINCKNEY CEMETERY S 18.58 FT FROM THE NE COR LOT 19 TH ALG LOT LINES AND PROPERTY LINE S 611.06 FT TH N54*36'W 251.89 FT TH N23*49'E 508.45 FT ALG R ANGLES TO M-36 TO POB. SPLIT 10-09 FROM 020

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Section 2. Conditions. The rezoning of the property referenced in Section 1 of this Ordinance is strictly limited to the rezoning conditions proposed by the property owners as voluntary rezoning conditions under 2006 Public Act 110, being MCL 125.3405, as amended, as reflected in the attached "Statement of Conditions Agreement." In the event the property is used in a manner inconsistent with the uses and conditions under the attached "Statement of Conditions Agreement," and/or the Ordinance and statutory procedures for the conditional re-zoning of land are not complied with, the property shall be subject to reversion to the prior High Density Residential (R-3) zoning designations, as provided in 2006 Public Act 110, being MCL 125.3405, as amended.

Section 3. Repealer Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Savings Clause. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Section 5. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 6. Effective Date. This Ordinance shall be effective twenty (20) days from and after its publication.

Rebecca Foster, Village President

Jill Chapman, Village Clerk

Village Council Member Vedder offered the foregoing Ordinance and moved its adoption. The motion was seconded by Village Council Member Kinczkowski, and upon being put to a vote, the vote was as follows:

Rebecca Foster, President	√
Eirik Kauserud, Trustee	√
Ted Kinczkowski, Trustee	√
Linda E. Lavey, Trustee	√
Brian Matson, Trustee	√
Shawn Tibus, Trustee	Abs
Robert Vedder, Trustee	√

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The President thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Pinckney this 8th day of February, 2021

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 156 adopted by the Village Council of the Village of Pinckney, County of Livingston, Michigan, at a regular meeting held on February 8, 2021.

Jill Chapman, Village Clerk

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