

**VILLAGE OF PINCKNEY
PLANNING COMMISSION
MONDAY, AUGUST 7, 2023**

CALL TO ORDER:

The meeting was called to order by Chairperson Oliver at 7:00 p.m.
Chairperson Oliver led those present in the pledge of allegiance.

Present: Joseph Hartman
Ted Kinczkowski
Christine Oliver
Donald Oliver
Trisha Wagner

Absent: Robert (Tim) Brown & Deborah Grischke

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

APPROVAL OF AGENDA:

Motion by Wagner, supported by D. Oliver

To approve the agenda as presented

VOTE: Ayes: 5 Nays: 0 Absent: 2 MOTION CARRIED

APPROVAL OF MINUTES:

Motion by Kinczkowski, supported by Wagner

To approve the minutes of the June 5, 2023 Regular meeting as presented

VOTE: Ayes: 5 Nays: 0 Absent: 2 MOTION CARRIED

Motion by Kinczkowski, supported by Wagner

To approve the minutes of the Joint meeting with Village Council on July 10, 2023 as presented

VOTE: Ayes: 5 Nays: 0 Absent: 2 MOTION CARRIED

REPORTS: None

PUBLIC FORUM:

Chairperson Oliver opened the public forum at 7:04 p.m.

Julie Amy of 4680 Sierra Drive, Howell stated that she is the owner and Executive Director of For Kid's Sake Learning Center. She explained that she opened in 2005 at the Community Congregational Church and left the church and moved to the Econo Print building on Dexter-Pinckney Road. They have had their summer camp program at the Church location. She explained the changes in child care since COVID19 and the new pre school program in Michigan. She contacted Village Hall to let them know that they planned on opening

the program in the church with approximately 25 3 & 4 year olds. She understands that it seems as though a special use permit would be required according to the zoning ordinance, but she is trying to get around that special use permit not because she disagrees with what the process is, but feels that it is irrelevant because it has been licensed there before and there have never been violations. It has had licensing inspections, health inspections, etc. It services the kids in the area and is something that the church needs to stay open. She further explained her staff, the head start program and the need for seats. She is providing an essential service and could challenge this under the Michigan Zoning Enabling Act. She would like to not pay the \$1,700. If she waits and go through the process, she would not be able to enroll kids until December.

Hearing no further comment, the forum was closed at 7:11 p.m.

OLD BUSINESS:

1. Sign Ordinance Amendments
 - a. Discussion

Chairperson Oliver stated that she spoke to Bush's floor manager about signs, and their response was that they did not know there was a sign ordinance.

Zoning Administrator Durkin stated that there are still two outstanding items. The first being temporary signs. There had been discussion at the joint meeting about allowing them without limitation, which she would highly recommend not doing. Currently our ordinance does not allow any temporary signs, and she only made the suggestion to help the business owners. Her suggestion was to allow temporary signage with restrictions twice per year. The second issue deals with churches and other organizations when they have special events. Her suggestion is to allow temporary signage at the site of the event up to two weeks before and removal within 24 hours after the event. This would also allow temporary signage in residential areas on private property, outside of the right-of-way within that same time frame.

Discussion was held on the joint meeting. It was stated that there were a couple of members who voiced their opinion that temporary signs should be allowed without limitation and no permits. Discussion was held on allowing temporary signage with some type of restrictions. It was stated that we want to make things easier for businesses but limit the number of signs and the size to the 2'x3' yard-type sign.

Discussion was held on the problems with enforcement. It was stated that we are already not enforcing the ordinance we have. Durkin stated that it would be much easier to enforce with permits.

Member Hartman also pointed out that the new ordinance limits two flags per pole, and they would like that eliminated.

Motion by Kinczkowski, supported by Hartman

To direct that the proposed language for temporary signs be changed to limit temporary signs to four (4) signs per site not to exceed 2'x3' in size with no time restrictions and include all remaining suggested restrictions

VOTE: Ayes: 5

Nays: 0

Absent: 2

MOTION CARRIED

Durkin stated that she will revise the language that can still be changed at the next meeting prior to the recommendation to Council. Council may also make changes prior to adoption.

b. Schedule Public Hearing for September 6, 2023

Motion by Kinczkowski, supported by Hartman

To set a public hearing for consideration of the amended sign ordinance for Wednesday, September 6, 2023

VOTE: Ayes: 5 Nays: 0 Absent: 2 MOTION CARRIED

2. Final Site Plan Review - SPR-002-2023

Applicant: Shane & Angela Black

Location: 425 S. Dexter

Proposed McFarland's Tree Service, Landscape & Nursery

Planner Fortin discussed her letter of review and the approvals that have taken place to date. The applicant is now before us for final approval. They have addressed most of the concern. She reviewed the outstanding items taking note that Village Council approved the waiver to delay the installation of sidewalk along Dexter Road. We are asking that they show the sidewalk on the site plan so that we have something on record.

Durkin noted that the building at the southeast corner of the property is within the setback but is an existing building. However, it also encroaches the property to the south, and the applicant will need to provide an agreement with that property acknowledging the encroachment. She also noted that the existing porch is within the 25-foot front yard setback, and they will be putting the ADA required ramp on the front which will also encroach.

Motion by Kinczkowski, supported by Hartman

Finding that the applicant has met the requirements of Section 152.391 thru 152.393, The Planning Commission approves the Final Site Plan #SPR-002-2023 for Shane and Angela Black aka McFarland's Tree Service at 425 S. Dexter (Parcel #4714-23-400-015) for a Tree Service Business, Landscape Nursery, Farmer's Market and Equipment and Vehicle Storage contingent upon the following:

- ❖ Revise driveway material to reflect the aggregate base layer to be "MDOT 21AA Limestone"
- ❖ Verify an adequate buffer has been provided from the point source discharge to the northern property line and that a permit through EGLE is not required. Verify flow as required by the Village Engineer
- ❖ Clarification on the total number of parking spaces
- ❖ Meet the requirements for the impervious drainage and increased runoff resulting from the roof area and update calculations to reflect the changes in flow as required by the Village Engineer
- ❖ Provide required Performance Guarantees including amounts, types and terms as required by Village Zoning Ordinance
- ❖ Provide maintenance agreement for the entire stormwater system
- ❖ Update sidewalk waiver on the plans and notate the future sidewalk on final drawings.
- ❖ Update existing contours on the plans
- ❖ All work within the Village requiring soil erosion and sedimentation control shall comply with Livingston County requirements
- ❖ While the Commission acknowledges the encroachment of the porch and concrete ramp into the 25' front setback and the building at the southeast corner of the property into the 20' side yard

setback based on the existing structures and conditions, the applicant is required to provide an agreement with adjacent property owner to the south for the encroachment of the existing garage onto their property.

- ❖ All exterior material finishes and colors including light fixtures shall be reviewed and approved by the Zoning Administrator and Village Planner

VOTE: Ayes: 5 Nays: 0 Absent: 2 MOTION CARRIED

NEW BUSINESS:

1. Final Site Plan Review – Lakeland Knoll
Applicant: Progressive Properties – Marshall Blau
Location: Vacant Land west of water tower
Proposed 123-unit single family – Residential Open Space Development
 - a. Set Public Hearing for September 6, 2023

Mr. Marshall Blau, applicant, along with Susan Viers from his office were present. Mr. Blau stated that they learned last week that their site plan requires another public hearing, and he is asking the Commission to set that hearing for the next meeting. He gave a summary of what has taken place since the preliminary approval in 2020 for 123 home sites and 42% open space. He discussed the changes in the design standards since their approval in 2020 and the extensions of the preliminary plan that were granted. He discussed the reason for the need for extensions to comply with the Fire Department’s requirement of a secondary access as well as sewer and water capacity issues. He discussed the new technical standards requiring 31 foot road widths as opposed to the original 27 foot, asphalt requirements, location of sewer, water and storm. He stated that although, it is not required, the Engineer is asking that the street trees be outside of the right-of-way. He provided pictures of the Village Edge subdivision. He discussed his concern about the wider road width. He indicated that the alternative that they would prefer not to take would be to go to private roads versus public roads.

The question was asked why the applicant is opposed to having the trees in the front yard versus the right-of-way. Mr. Blau stated that it is no longer a street tree but also discussed the utility easements. Durkin noted that the water and sanitary sewer are also to be located on opposite sides of the streets. She further indicated that it is not up to this Board to determine the road width. This is a technical standard and any waiver would be considered by Council. Mr. Blau stated that he was simply asking for a recommendation by this Board. It was stated that this would not be proper procedure.

Discussion was held on the water capacity. It was stated that with our current capacity, Phase 1 could be developed. We would require an agreement between the Village and the developer regarding the second phase with the addition of a Village well.

Motion by Hartman, supported by Kinczkowski

To set a public hearing for consideration of the final site plan for Lakeland Knoll Residential Open Space Development for Wednesday, September 6, 2023

VOTE: Ayes: 5 Nays: 0 Absent: 2 MOTION CARRIED

PUBLIC FORUM:

Chairperson Oliver opened the public forum at 7:44 p.m. Hearing no comment, the forum was closed at 7:44 p.m.

MEMBER DISCUSSION:

ADJOURNMENT:

Motion by Hartman, supported by D. Oliver

To adjourn the regular Planning Commission meeting at 7:45 p.m.

VOTE: Ayes: 5 Nays: 0 Absent: 2 MOTION CARRIED

Respectfully submitted,

Christine Oliver, Chairperson

Julie Durkin, Zoning Administrator
Recording Secretary