

# Memo

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

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

- \* 1 Land Use Permit was issued - fence
- \* 53 Waivers were issued – most were for re-roof due to the hail storm we experienced
- \* 1 ROW Permits issued – new DTE pole

## Planning Commission:

### Old Business:

1. Changes to the Sign Ordinance: I think that we have finally come to an agreement regarding the language of the sign ordinance. That being said, I just received additional information from the Village Attorney which I will address in a separate email to the Commission. We should hold a public hearing as advertised and have further discussion and recommendation to Council.
2. Final Site Plan Review – Lakeland Knoll:
  - a. Public Hearing:

Section 152.351 (L)(1) outlines the procedure for approval of a Residential Open Space Development site plan as follows:

(1) Planning Commission action. The review of the final residential open space development plan shall be noticed for public hearing in the same manner as a rezoning before the Planning Commission, and otherwise acted upon by the Planning Commission, as provided by law.

(a) Approval. Upon finding that the final plan meets the criteria and standards set forth in the Village Zoning Ordinance, including this residential open space development chapter and those in §§ 152.242 and 152.388 , the Planning Commission may recommend approval of the plans, with or without conditions.

(b) Tabling. Upon finding that the final plan does not meet the criteria and standards set forth in Village Zoning Ordinance, including this residential open space development chapter and those in §§ 152.242, and 152.388 , but could meet such criteria if revised, the Planning Commission may table action until a revised final plan is resubmitted.

(c) Denial.

1. Upon finding that the final plan does not meet the criteria and standards set forth in Village Zoning Ordinance, including this residential open space development chapter and those in §§ 152.242, and 152.388, the Planning Commission shall deny the final plans.

2. The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the project, including, without limitation, recommendations with respect to matters on which the Village Council must exercise discretion.

At their August 28<sup>th</sup> meeting, Village Council approved a Waiver of Technical Standards to reduce the required road width from 31' to 27'. The plans that were submitted for review and presented at the last Commission meeting did reflect the 31' width. Mr. Blau delivered a full set of revised Final Site Plans with the 27' width on Wednesday 8/30 and provided an electronic copy for submittal to consultants and staff on 8/31. Given that time frame and the amount of review that needs to take place, the Commission should conduct the public hearing as advertised and table any further consideration of the final site plan until the October meeting to allow for review and recommendation by staff and consultants.

Note: I have included the updated plans in the packet as well as updated correspondence for your information. Again, these items have not gone through proper review.

### **New Business:**

1. Kril – Reversion of zoning based on Conditional Re-zoning Agreement
  - a. Schedule public hearing for October 2, 2023

In June 2018, the Village entered into an agreement with BTC 475 Pinckney, LLC for the conditional rezoning of 450 N. Howell Street from R-4 to SBD which included four voluntary conditions. In January 2019, the Planning Commission approved the Special Land Use and Site Plan for Kril Sports Complex. Section 152.393 (G) states:

(G) Expiration of approval. Approval of a final site plan shall be valid for one calendar year, and shall then expire and be of no effect unless a building permit, when required, is applied for and granted within that time period. Approval shall expire and be of no effect 545 days following date of approval by the Planning Commission, unless construction has begun and is being diligently pursued in accordance with the approved site plan. The applicant may extend final site plan approval for one additional year upon written request to the Zoning Administrator and approval by the Planning Commission, prior to the original expiration date. The Planning Commission may grant further extensions of final site plan approval in accordance with the procedures noted herein upon a showing of good cause.

Although a Land Use Permit was obtained in November 2019, again no progress was made and the permit has expired. No request for any extension (LUP, Special Land Use, Site Plan) has ever been made. Based on the agreement and Village Zoning Ordinance, the reversion back to the R-4 zoning should take place and we should begin the process to do so. At their August 28<sup>th</sup> meeting, Council did request that the Planning Commission begin the process.

Section 152.262 (N)(8) states:

(8) Reversion of zoning. If approved development and/or use of the re-zoned land does not occur within the time frame specified under division (7) above, then the land shall revert to its former zoning classification as set forth in §405 of the Michigan Zoning Enabling Act (Public Act 110 of 2006) as amended. The reversion process shall be initiated by the Village Council requesting that the Planning Commission proceed with consideration of re-zoning of the land to its former zoning classification. The procedure for considering and making this reversionary re-zoning shall thereafter be the same as applies to all other rezoning requests. (Note: (7) states “use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the re-zoning took effect and thereafter proceed diligently to completion”

Mr. Kril was at the Council meeting and has indicated that he does desire to continue with the project. Because a public hearing is required to take action on the zoning of the property, I am recommending that the Commission set a public hearing for the October 2<sup>nd</sup> meeting. Mr. Kril could make application to request the conditional rezoning to the R-4 again which could be considered at that public hearing. A recommendation to Council to enter a new agreement with conditions could be made at that time.

### **DDA:**

1. N. Howell/E. Main Sidewalk, Ramp & Railing Improvements: We have received information from the Village Engineer that the existing sidewalk, ramp and railings at the northeast quadrant of N. Howell Street and E. Main is in need of repair/replacement. He has further pointed out that the northeast sidewalk crossing does not meet ADA requirements. If we proceed with the repair/replacement as part of the current project, we will be looking at a cost in excess of \$30,000. This would only address the damage to the existing area. It is possible that this area would have to be re-done in order to comply with ADA requirements. Rather than take that risk, it is being suggested that we authorize Wolverine to conduct a comprehensive investigation to identify the areas that require modification and develop full

plans, etc. to bring the entire area up to current requirements. It should be noted that the other three quadrants at this intersection meet requirements. I would recommend the following motion:

*To authorize Wolverine Engineers & Surveyors, Inc. to perform a comprehensive site investigation to identify areas which require modifications to meet current ADA requirements and develop full plans, cross sections and details for a comprehensive project at the northeast quadrant of N. Howell Street & E. Main Street in an amount not to exceed \$6,500*

2. Part-time Seasonal Employee: Tanner Keilman accepted the position with the DDA for garden maintenance and other landscape duties downtown. He has been working under the direction of Dustin Moma 3 hours per day 4 days per week.
3. Business Owner Groups: At the last meeting, the Board expressed a desire to become more involved in Pinckney business owner group meetings that may be taking place. Two active groups in the community are:

M36 Rotary Club  
Tuesdays @ 7 p.m.  
Community Congregational Church  
125 E. Unadilla

Huron River Women in Business  
2<sup>nd</sup> Tuesday @ 9:30 a.m. – Business Growth Networking  
Last Thursday @ 7 p.m. – Casual Get to Know Each Other  
The women on the Board can find the FB page and join the group

I have reached out to a couple active business owners to see if there are others and will let you know as I get more information.