



November 30, 2023

Village of Pinckney
Planning Commission
220 S. Howell
Pinckney, Michigan 48169

Subject:	Special Land Use Request Essence - Class A Marihuana Microbusiness
Applicant/Owner:	Marco Lytwyn, Pinckney Developments LLC
Location:	1268 East Main Street / M-36 (Parcels No. 4714-23-400-007 & No. 4714-23-400-008)
Current Zoning:	SBD, Secondary Business District
Project No.:	P1040001

Dear Commission Members:

We have reviewed the proposed request for a Special Land Use to allow an adult-use marihuana establishment in the SBD, Secondary Business District as outlined in Sections 152.240 through 152.243 of the Village Zoning Ordinance.

1. PROJECT BACKGROUND AND SITE DESCRIPTION

The two parcels are currently vacant, contain approximately 2 acres of land, and have 232 feet of frontage on Main Street/M-36. They are accessible from Main Street/M-36, and feature a wide drive approach approximately 50 feet in width. The parcels were formerly used as a residential home, which has been demolished.

The proposed marihuana establishment would primarily occupy the eastern parcel (Parcel No. 4714-23-400-007), with a shared access drive, approach, and dumpster located on the western parcel (Parcel No. 4714-23-400-008). The current request and review focus solely on the marihuana establishment use.

The applicant is applying for a Village of Pinckney Class A marihuana microbusiness license, which first calls for Village approval of a Special Land Use request. The application includes a letter addressing the special use criteria and conceptual site plan drawings dated 10/22/2023.



2. ADJACENT EXISTING LAND USES, ZONING DISTRICTS, AND PLANNED LAND USES

Table 1: Adjacent Property Existing Land Uses, Zoning Districts, and Future Land Uses

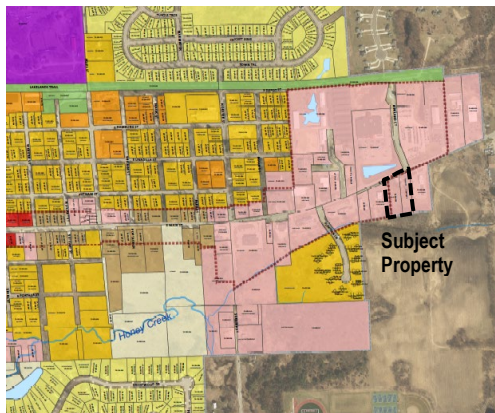
	Existing Land Use	Zoning District	Future Land Use
North	Busch's Market	SBD, Secondary Business District	Commercial
East	Taco Bell	SBD, Secondary Business District	Commercial
South	Creek & Farmed Land	A-O, Agricultural/Open Space Putnam Township	General Business Putnam Township
West	Wendy's	SBD, Secondary Business District	Commercial

Figure 1: Existing Land Uses, Zoning Districts, and Future Land Uses



Aerial Photo - Existing Land Uses

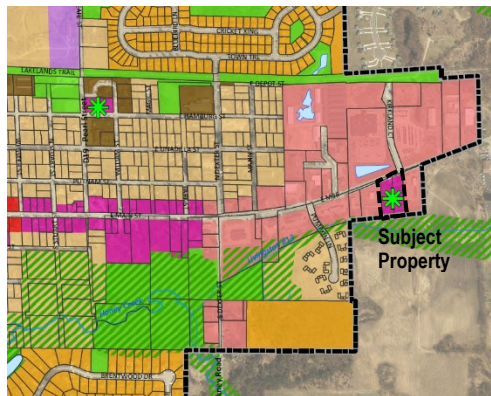
Subject Property
Current Land Use:
Vacant



Zoning District Map Detail

- R1, Low Density Residential District
- R2, Medium Density Residential District
- R3, High Density Residential District
- R4, Multiple-Family Residential District
- ROB, Residential-Office Business District
- CBD, Central Business District
- SBD, Secondary Business District
- RTO, Research-Technology-Office District
- O, Office District
- PL, Public Lands District
- DDA Boundary

Subject Property
Existing Zoning:
SBD



Future Land Use Map Detail

- Low Density Residential
21,780 to 43,560 Sq. Ft. Min. Lots
- Medium Density Residential
10,890 to 21,780 Sq. Ft. Min. Lots
- High Density Residential
7,260 to 10,890 Sq. Ft. Min. Lots
- Multiple Family
4,356 to 7,260 Sq. Ft. Min. Lots
- Central Business District
- Green Infrastructure
- Commercial
- Mixed Use
- Public/Semi-Public
- Recreation/Conservation
- Research/Technology/Office
- Sub Areas

Subject Property
Future Land Use:
Mixed Use

June 2020

3. SPECIAL LAND USE REVIEW

The procedures for granting a special land use request for adult-use marihuana establishments are outlined in Section 152.241 of the Village Zoning Ordinance. The Planning Commission conducts a public hearing, reviews the application, and subsequently makes a recommendation to the Village Council to approve, approve with conditions or deny the special use request.

As outlined in Section 152.240 of the Village Zoning Ordinance, the purpose of the special land use approval process is to provide an opportunity for the Planning Commission to impose conditions necessary to ensure the compatibility of the special land use with surrounding uses and consistency with the purpose of the district in which it will be located. If it is determined that one or more negative impacts will be generated by the special land use, and these impacts cannot be reasonably mitigated, the Planning Commission may recommend denial of the special land use to safeguard the health, safety, welfare, and quality of life of Village residents.

A. General Approval Criteria

According to Section 152.242 of the Village Zoning Ordinance, the Planning Commission needs to consider the following general criteria in making its findings and decision.

(1) *Compliance with Comprehensive Plan. The special land use shall be consistent with the general goals, objectives and policies of the adopted Village of Pinckney Comprehensive Plan.*

The Village Future Land Use Map designates this property for Mixed-Use, a future land use category combining residential, office, and commercial uses. The subject property was identified as a special sub-area in the 2020 Village Master Plan with commercial development as the preferred future land development option.

As outlined in the 2020 Village Master Plan, design features to guide development on this property include specific building and site design features characterized by:

- An emphasis on high-quality architecture characterized by ample windows and doors for the building as well as pitched roofs, overhanging eaves, and quality exterior building materials and colors; and
- Site design features which involve placing the parking area at the rear or side of the building, providing shared access and parking with adjacent properties, and completing the sidewalk along Main Street/M-36, among other aspects. While those features are depicted in the conceptual drawings submitted, we note other elements which can be incorporated into the plans as they are further refined including a sidewalk connection and a low decorative wall combined with additional landscaping along the front of the property.

Additionally, the south portion of the property is designated in the Master Plan as green infrastructure, an overlay land use category that identifies an interconnected open space or greenway system along Honey Creek and other drains, preserving significant natural features and environmentally sensitive land. Given the location of the property along Livingston County Drain #13, development within the site should utilize innovative stormwater management techniques such as bio-swales and/or rain gardens to alleviate the negative impact of impervious surfaces.

The addition of a pedestrian connection to the sidewalk and a low decorative wall combined with landscaping along the front of the property, as well as innovative stormwater management techniques for the proposed parking lot would be consistent with the adopted Village of Pinckney Master Plan as outlined above.

(2) Compliance with Zoning District.

- (a) Special land uses permitted within any district shall be only those listed within the district.**
- (b) The special land use shall be consistent with the purpose of the zoning district in which it will be located.**
- (c) Unless otherwise specified in this chapter, the special land use shall comply with the lot, access, yard, setback and other site design requirements of the zoning district in which it is located.**

- (a) An adult-use marihuana establishment consisting of a Class A marihuana microbusiness is a use listed as a special land use in the SBD, Secondary Business District.
- (b) The proposed adult-use marihuana facility is consistent with the purpose of the SBD District, which is intended to accommodate larger volumes of traffic and requires off-street parking in contrast to the Village Central Business District. The larger parcels in the SBD District allow for business activities that generate greater traffic and require a greater number of off-street parking spaces on-site.
- (c) As illustrated in the conceptual site plan drawings submitted, the site layout generally complies with the minimum lot size, building yard/setbacks, and lot coverage of the SBD District. Specific site design and development regulations will be thoroughly reviewed during the site plan review process to ensure compliance with the SBD District requirements.

(3) Compatibility. The special land use shall be designed, constructed, operated and maintained in a manner that is compatible with the essential character, permitted use, enjoyment and value of surrounding property and shall enhance the community as a whole.

Appropriate screening and softening of the building and parking area will be required to meet current landscaping regulations. The landscape plan will be reviewed more specifically during the site plan review process to ensure it aligns with the Village zoning regulations. **As a condition for approval of the proposed special use, increased landscape improvements including a decorative low wall combined with landscaping along Main Street/M-36 as well as additional landscaping along the eastern property boundary are recommended.** These enhancements are intended to be compatible with the character, enjoyment, and value of the surrounding properties and enhance the community.

(4) Infrastructure and Services. The special land use shall be adequately served by essential public services and other infrastructures such as roads, emergency services, drainage structures and water and sewage facilities. The proposed use shall not create a need for additional public facilities or services at public cost.

The property has access to Main Street/M-36 and is conveniently connected to the Village water and sewer services. The proposed commercial use is not expected to strain the capacity of the Village infrastructure and services. Stormwater run-off will be reviewed by the Livingston County Drain Commissioner's Office and the Village Engineer.

The Village Engineer will conduct an in-depth review of the proposed drainage structures and utility connections during the site plan review process. Additionally, the Village Police Department and the Putnam Township Fire Marshal will be consulted for any potential issues or concerns the proposed use may raise in terms of emergency services and public safety.

(5) Traffic. The special land use shall minimize traffic impacts. In determining whether this requirement is met, consideration shall be given to anticipated traffic generation, automobile circulation, access to public roads, relationship to intersections, sight distances, access to off-street parking and pedestrian traffic. Access drives connected to roads under state and county jurisdiction shall comply with applicable road agency standards.

Access to the property is proposed to remain through an existing drive approach directly from Main Street/M-36. Although the specific layout of the parking area and sidewalks will undergo thorough review during the site plan review process, we currently do not have concerns regarding site access, circulation and potential traffic congestion. A parking analysis will be requested during site plan review to better understand the parking needs for this type of use. Additionally, MDOT approval will be required for the proposed drive approach from M-36.

- (6) Environmental Performance. The special land use shall not involve uses, activities, processes, materials, equipment or conditions of operation that may be detrimental to any person or property, or to public health, safety and welfare. In determining whether this requirement is met, consideration shall be given to the production of runoff, traffic, noise, vibration, smoke, fumes, odors, dust, glare and light.**

Activities, equipment, and conditions of operation related to the proposed marijuana establishment will be confined within a secure building. Adequate equipment and systems will be implemented as required to address and mitigate any potential negative environmental impacts. This includes the installation of an irrigation system to control water flow and manage waste properly, air scrubbers, and carbon filters to eliminate odors, and fire extinguishers and a sprinkler system for safety measures. As previously mentioned, stormwater management will undergo thorough review by both the Village Engineer and the Livingston County Drain Commissioner's Office. Additionally, a lighting plan inclusive of a photometric plan and details of the light fixtures will be examined during the site plan review process.

- (7) Natural Resources. The special land use shall minimize impacts on the natural environment. In determining whether this requirement is met, consideration shall be given to scenic views, floodplains, surface waters, wetlands, groundwater recharge areas, woodlands, wildlife habitat and steep slopes.**

The property slopes down to Livingston County Drain #13 and includes a vegetative buffer along the rear 75 feet. The site plan must identify the natural features of the site, encompassing mature vegetation, a wooded area, potential steep slopes, and areas prone to flooding and wetlands associated with the County Drain.

While the conceptual plans indicate an approximate 75 feet rear buffer to remain, this potentially environmentally sensitive area could be further enhanced and managed with removal of invasive non-native plant species, selective clearing, and supplementation with native plantings. Preservation of natural features could also involve incorporating the development's drainage as an added natural green infrastructure feature of the site with the use of bio-swales or other green infrastructure elements in addition to a proposed detention pond. This approach aligns with the Master Plan goal of using innovative stormwater management for this site.

- (8) Architecture. The architectural design of all structures, including buildings and signs, shall be compatible with the design and character of structures in the surrounding area. As part of the application, the Planning Commission may require detailed drawings of proposed signs and architectural facades, including full construction elevations and information on exterior materials, colors and detailing.**

Preliminary building floor plans and elevations were provided with the drawing submittal. The proposed exterior building facades will feature stucco and stacked stone, creating a visually interesting building appearance. However, we note that the rear of the building, facing M-36, lacks windows or a public entrance, which may need reconsideration to align with the desired high-quality architecture.

The building elevations also depict three wall signs placed on the north, west, and south sides. This aspect may require modification to ensure compliance with the Village sign regulations.

The applicant is required to furnish additional details and information regarding the exterior material finishes, colors, and architectural detailing for Planning Commission's review. This will help determine compatibility with the design and character of the structures in the surrounding area. Furthermore, sign details will need to be submitted for review prior to approval.

- (9) ***Compliance Required. Uses and structures shall comply with all other provisions of this chapter, including Section 152.240 through Section 152.415 and all other applicable federal, state and local codes and ordinances.***

As mentioned throughout this review, compliance with various provisions of the Village Zoning Ordinance, specifically Sections 152.240 through 152.415, will be required. This encompasses General Provisions, Off-Street Parking and Loading, Signs, Landscaping and Screening, and Site Plan Review. A thorough review of these regulations will be conducted as part of the site plan review process.

B. Specific Approval Criteria

According to Section 152.243 (S) of the Village Zoning Ordinance, the Planning Commission needs to consider the following specific criteria in making its findings and decision.

- (1) ***Prohibited Uses. Any marihuana establishment or marihuana event not specifically listed as a permitted business or event in Sections 152.045, 152.182, and 152.202 shall be prohibited within the Village of Pinckney.***

The proposed marihuana microbusiness use is a permitted special land use in the SBD district.

- (2) ***State License. An application for a marihuana establishment special use permit and site plan approval shall not be accepted by the Village unless the applicant has received pre-qualification approval from the Michigan Regulatory Agency. The appropriate State License to conduct the business shall be provided to the Village prior to a certificate of occupancy being issued.***

As submitted, the applicant has received a letter from the Michigan Department of Licensing and Regulatory Affairs, documenting the applicant's prequalification status pursuant to the licensing provisions of the Michigan Regulation and Taxation of Marihuana Act (MRTMA).

- (3) ***Co-Location and Stacked Licenses. Co-location of marihuana establishments on one property is permitted subject to all applicable state laws, rules, and regulations concerning co-location and all uses are permitted within the property.***

Co-location and stacked licenses are not proposed for this site.

- (4) ***Hours of Operations. Business hours for marihuana retailers shall be no earlier than 9:00 a.m. to no later than 9:00 p.m.***

The proposed hours of operation for the marihuana microbusiness are between 9:00 am to 9:00 pm.

- (5) ***Security. All marihuana or marihuana infused products shall be contained within an enclosed, secure area. The establishment shall be open to any representative of the Village to inspect and examine all premises of the establishment. A Security Plan shall be submitted to the Village for review.***

A Security Plan was submitted for review. All marihuana or marihuana infused products are proposed to be contained within an enclosed, secure area. The site's security accounts for an alarm system, cameras, motion detectors, locks, and other tools to ensure the safety of employees and customers.

- (6) **Road Frontage and Access.** All vehicular access for marihuana establishments located in the SBD District shall be directly from M-36/Main Street.

Vehicular access is directly from Main Street/M-36.

- (7) **Separation Distances.** The following separation distances from sensitive land uses shall apply to properties where the proposed marihuana establishment is to be located. Distance measurements shall be made between the closest property lines of the sensitive land use to the improved portion of the proposed land use.

- (a) At least 1000 feet from a pre-existing public or private school, including preschools.
(b) At least 500 feet from a religious institution, licensed day-care facility, public parks, and trails.

As documented, the proposed marihuana establishment meets the minimum separation distances from sensitive land uses in the Village.

- (8) **Enclosure and Screening.** All uses shall be completely enclosed within a building and comply with §§ 152.385 *et. seq.* for landscaping and screening.

The proposed business operations will be conducted within the building. The conceptual landscape plan indicates proposed landscaping for parking lot and foundation plantings along the south and west sides of the building. Although a more in-depth review will be undertaken during the site plan review process, we note that there is a need for additional landscaping along Main Street/M-36 and along the east property boundary to enhance the overall appearance of the property.

- (9) **Environmental Performance.** No activities or uses shall result in the emission of glare, noise, vibration, odor, dust, pollution or any other negative impact, as regulated by §§ 152.370 *et. seq.* An Odor Control Plan shall be submitted to the Village for review.

All activities and uses related to the proposed marihuana establishment will be confined within the secured building. They are not anticipated to result in negative impacts on environmental performance factors or issues that would be detrimental to public health, safety, or welfare. Compliance with the Village's exterior lighting requirements is mandatory. An Odor Control Plan was submitted for review which outlines the use of air scrubbers and carbon filters to help eliminate the odor of marihuana.

- (10) **Water Supply and Sanitary Sewerage Facilities.** Waste disposal and water supply and disposal for the facility shall not produce contamination or create other hazards that may negatively impact the structure and/or surrounding properties.

Procedures and systems for handling water supply and disposal, including waste traceability, will be implemented and thoroughly reviewed by the Village engineer. A dumpster is proposed at the rear of the properties to manage garbage and refuse.

- (11) **Off-Street Parking and Loading.** The requirements for off-street parking and loading shall comply with the provisions of §§ 152.280 *et. seq.*

Compliance with off-street parking and loading regulations (Section 152.280) will be required and reviewed during the site plan review process. A parking analysis will be requested during site plan review to demonstrate the parking space needs.

(12) Signs. Signs may not depict or reference marihuana or marihuana-related paraphernalia and shall comply with the provisions of §§ 152.300 et. seq.

The drawings submitted show three wall signs that do not depict or reference marihuana or marihuana-related paraphernalia. Compliance with the sign regulations (Section 152.300) will be required for this site and reviewed during the site plan review process.

(13) All other site development standards related to lot area, minimum lot width, yards and setbacks, lot coverage, and structure height shall comply with the zoning district in which the marihuana establishment is located.

As mentioned throughout this review, compliance with various provisions of the Village Zoning Ordinance, specifically Sections 152.240 through 152.415, will be required. This encompasses General Provisions, Off-Street Parking and Loading, Signs, Landscaping and Screening, and Site Plan Review. A detailed review of these regulations will be part of the site plan review process.

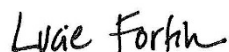
4. SPECIAL LAND USE REQUEST RECOMMENDATION

We suggest the Planning Commission approves and recommends Village Council approval of the special land use request for the proposed marihuana establishment located at 1268 East Main Street on parcel number 4714-23-400-007, contingent on the following:

1. Establishment of a cross access agreement across the two parcels.
2. Provision of enhanced landscaping and pedestrian amenities, surpassing the minimum requirements of the Village Zoning Ordinance, to soften the appearance of the building and the site, especially the view from Main Street/M-36. This entails the addition of a low decorative wall combined with increased landscaping along the front of the property, and additional landscaping along the east property boundary.
3. Accommodations for walking/bicycling customers or employees with a sidewalk connection to Main Street/M-36, a bike rack by the entrance, outside seating, and waiting areas.
4. Incorporation of innovative stormwater management techniques aligning with the green infrastructure Master Plan goal.
5. Provision of additional information for Planning Commission review and approval on the proposed building, demonstrating attention to the existing character of the Village center and edge with compatible materials, colors, and detailing.

Please do not hesitate to contact us if you have any questions.

Sincerely,



Lucie Fortin, AICP, PLA
Community Planner/Landscape Architect

c: Marco Lytwyn, Pinckney Developments LLC (email: k_lytwyn@hotmail.com)