

**VILLAGE OF PINCKNEY
PLANNING COMMISSION
MONDAY, DECEMBER 4, 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: Deborah Grischke

Joseph Hartman

Ted Kinczkowski

Alex Smith

Christine Oliver

Trisha Wagner

Absent: Savanna Gee

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

APPROVAL OF AGENDA:

Motion by Wagner, supported by Kinczkowski

To approve the agenda as presented

VOTE: Ayes: 6 Nays: 0 Absent: 1 MOTION CARRIED

APPROVAL OF MINUTES:

Motion by Grischke, supported by Hartman

To approve the minutes of the November 6, 2023 Regular meeting as presented

VOTE: Ayes: 6 Nays: 0 Absent: 1 MOTION CARRIED

REPORTS:

Zoning Administrator Durkin provided some information regarding upcoming training. The Village recently joined SEMCOG which provides training and other opportunities. She suggested that the Commission could meet prior to selected regular meetings for the information to be shared. She also pointed out that the Council approved a Public Participation Plan which was included in the packet. She would like to propose that the Commission adopt the document as part of the bylaws which will be reviewed in 2024. We have received Livingston County's letter of intent to adopt their master plan. Look for emails requesting input into that plan. Finally, she has provided some information regarding the recent legislation signed by Governor Whitmer relating to alternative energy systems.

ELECTION OF OFFICERS:

Motion by Kinczkowski, supported by Wagner

To keep the slate of officers the same for the coming year being

Christine Oliver – Chairperson

Joseph Hartman – Vice Chairperson

Deborah Grischke - Secretary

VOTE: Ayes: 6

Nays: 0

Absent: 1

MOTION CARRIED

PUBLIC FORUM:

Chairperson Oliver opened public forum at 7:08 p.m. Hearing no public comment, public forum was closed at 7:08 p.m.

OLD BUSINESS:

1. Special Land Use Request – Marihuana facility (Class A Microbusiness)
Applicant: Marco Lytwyn/Pinckney Developments, LLC (Essence-Pinckney)
Location: 1268 E. M-36 (4714-23-400-007)
 - a. Public Hearing

Chairperson Oliver opened the public hearing at 7:09

Mr. Marco Lytwyn, applicant gave a brief presentation of their plan for a Class A marihuana microbusiness. It will be a complete build out as the location is a vacant piece of land within the Secondary Business District. They intend to build in conformance with the ordinances and in line with the surrounding area. They are looking forward to being economically involved with the Village of Pinckney and being a part of the community. He indicated that they will be mindful of the traffic and be a community partner.

Lucie Fortin, Village Planner thanked the applicant for a very complete application. There are many things required to be submitted with the application. She discussed her review letter and in particular the general requirements and how it relates to the adopted Master Plan and the identified special sub areas which this property is part of. She discussed those areas to be considered including the addition of pedestrian connection to the sidewalk and view from the road which needs to be softened. It would be appropriate to add these items as a condition when considering the Special Use as they would not necessarily be required during site plan review. She further reviewed the suggested conditions of approval.

Mr. Rick Beaudin of 9676 Zukey Drive, Hamburg Township & President of the Chamber of Commerce stated he is speaking on behalf of the chamber. He stated that he feels that the Village got “taken” by the developer on the other side of town. We do not want something on this side of town that is empty or half built. He stated that Pinckney is a joke now because of what happened at Pinckney Elementary. He further discussed his desire for the Village to have assurances that the building is going to be done and the business is open. He discussed the current condition of the marihuana industry. There needs to be some kind of consequences or we are going to look bad from both sides of town.

Mr. James Hayner, 10786 S. Splitstone, Putnam Township stated that he has been a physician in the area for over 30 years and when he heard about another marihuana facility, he was enraged and questioned why would we add to our problems with addiction and our children. He discussed that it is not a medicine and further discussed other medical issues and safety. He further stated that he does not see any benefit with the exception of the tax revenue.

Ms. Cindy Michniewicz of 3140 Shehan, Hamburg Township stated that she does not feel that this is a decision on whether to allow marihuana or not. This is a business that is accepted for this location. She is concerned with the number of driveways. She discussed the difficulties along M36. She further stated that she understands that the village needed to develop an ordinance to address these businesses due to the initiative.

Ms. Kristina Campbell of 10090 Heatherway, Pinckney stated that she is in support of the business. She discussed the fact that the voters of the Village approved these licenses.

Joan Schram 4327 Eucalyptus Way, Putnam stated that she is strongly opposed and does not understand why we need another pot business. She does not believe that it is in the best interest of the Village of Pinckney. She would like to see more recreational uses for the youth. She asked what the village plans to do with the revenue and will it go to treat the children with drug addictions.

Rachel Edwards of 9691 Scholar Drive, Putnam Township expressed that she does not agree with moving forward with the business at all let alone another marihuana facility. It does not make sense to let one sit vacant and then talk about something new. She does not feel that it belongs in the middle of the Village with such high visibility. She discussed the location of the schools in relation to the site. She further expressed her desire to have had the same documents available that were presented for discussion if this was truly meant for a public hearing.

Hearing no further comment, Chairperson Oliver closed the public hearing at 7:26.

b. Recommendation to Village Council Approval/Denial of Special Land Use

Commissioner Smith briefly discussed the decline in the marihuana market and asked if the applicant has other locations and experience. Mr. Lytwyn explained that in applying for this micro business, he is not allowed to have another license type, however his father has had a facility up north since 2019 and he has worked closely with his father. He does recognize that the market has become saturated. However, location makes a big difference as far as ease of accessibility. Livingston County does not have any sort of facility. He further discussed the micro business license and ability for profitability. They feel that it will be beneficial to them as well as the Village. He further explained that they began their journey in the industry medically.

Commissioner Smith asked, from a construction risk standpoint, does the applicant have the capital and construction management to get this project completed on time. Mr. Lytwyn stated that financially they do not have any concerns. He discussed the problems with the existing The Means project given that they were dealing with an existing building.

Zoning Administrator Durkin summarized the process moving forward. She stated that the Commission should consider the Special Land Use based on Sections 152.242 and 152.243 of the Zoning Ordinance. In the case of a marihuana facility, the Commission makes recommendation to the Village Council who makes the final determination. The Special Land Use is a prerequisite of the application for the marihuana license. The Canibus Committee and Village Clerk will review the application and make final determination on the marihuana license. If approved, the Clerk will issue a provisional license. This will be brought back to the Planning Commission for site plan review. She further stated that all of the documentation that the Commission has reviewed and discussed including the security and odor plan, preliminary site plan, etc. have been available for public review on the Village website since last Thursday.

Discussion was held on the process that the Village took to develop the marihuana ordinance after the initiative question was approved by a vote of the electorate. Durkin discussed the number and types of licenses available and the distinction made by ordinance recently of one of the micro business licenses as a Class A and what that means.

Councilman Kinczkowski asked about the temporary structure that is indicated on the plan. Durkin stated that this would be handled during the site plan review process, and a temporary structure may not be something that we can look at. We should be looking at the use only at this time.

Mr. Hayner of 10786 S. Splitstone asked if the Village is compelled to approve these facilities. Kinczkowski stated that we are compelled to have a certain number of licenses. He further explained what happened when marihuana was approved in the State of Michigan and how local communities had to handle the requests, and in particular how a law suit against the Village affected our process.

Motion by Hartman, supported by Kinczkowski

Finding that the applicant has met both the general approval criteria for Special Land Use of Section 152.242 and the specific approval criteria of Section 152.243 of the Village Zoning Ordinance, I move to approve and recommend to Village Council approval of the special land use request for the proposed marihuana establishment to be located at 1268 East Main Street/M-36 on parcel number 4714-23-400-007, contingent upon the following:

1. Establishment of a cross-access agreement across the two parcels.
2. Provision of enhanced landscaping and pedestrian amenities exceeding the minimum requirements of the Village Zoning Ordinance, aiming to soften the appearance of the building and the site, particularly the view from Main Street/M-36. This includes the addition of a low decorative wall, increased landscaping along the front of the property, and additional landscaping along the east property boundary.
3. Accommodations for walking/bicycling customers, including 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 aligned 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.

VOTE: Ayes: 6 Nays: 0 Absent: 1 MOTION CARRIED

NEW BUSINESS:

1. Approval of 2024 Meeting Dates & Submittal Deadlines

Motion by Grischke, supported by Smith

To approve the 2024 Planning Commission/DDA Meeting dates and submittal deadlines as presented

VOTE: Ayes: 6 Nays: 0 Absent: 1 MOTION CARRIED

PUBLIC FORUM:

Chairperson Oliver opened the public forum at 7:45 p.m.

Ms. Joan Schram of 4327 Eucalyptus Way, Putnam asked where The Means Project stands.

Zoning Administrator Durkin stated that we have the approval dates, and it is being monitored. They have renewed their provisional licenses. There are numerous rumors going around which are just rumors.

Ms. Schram stated that she understands that there is something going in over on Unadilla for the youth. Zoning Administrator Durkin explained the Kril project which did have to start from the beginning with a new conditional rezoning due to the fact that they did not begin the process in a timely fashion and let their approvals lapse. This is the first step in the process for an indoor recreation facility. We do expect a Special Land Use application coming forward shortly.

Ms. Schram asked if there is going to be anything done at the Depot. It was stated that it does not belong to the Village.

Mr. Rick Beaudin stated that he was at a meeting with Linda Lavey about a month and a half ago and she indicated that The Means Project only had until the spring. Durkin stated that there may be some confusion regarding approvals. Her statement was that they renewed their provisional marihuana license with the Village in August which are good for one year unless revoked by the Village. Mr. Beaudin stated that Linda Lavey told a group of business owners that they only had until spring. Durkin stated that she was not privy to that conversation and he would have to clarify with President Lavey.

The question was asked as to the next steps for the request that was heard tonight. Durkin stated that this was a recommendation to Council. It should be on the next Council agenda on December 11th. If approved, he can then make application for the marihuana license.

Mr. Lytwyn thanked by the Village Clerk, Jill Chapman as well as Julie Durkin for their information and response to emails, calls, etc. He further stated that he is open to any type of dialogue or anything that the Village would like to see. Feel free to email any type of suggestion, etc.

Hearing no further comment, the forum was closed at 7:51 p.m.

MEMBER DISCUSSION: None

ADJOURNMENT:

Motion by Hartman, supported by Grischke

To adjourn the regular Planning Commission meeting at 7:51 p.m.

VOTE: Ayes: 6 Nays: 0 Absent: 1 MOTION CARRIED

Respectfully submitted,

Christine Oliver, Chairperson

Julie Durkin, Zoning Administrator
Recording Secretary