

# Memo

**To:** President Lavey & Council Members  
**From:** Julie Durkin, Zoning Administrator  
**Date:** December 7, 2023  
**Re:** Special Land Use – Class A Microbusiness

---

Pinckney Development, LLC/Marco Lytwyn has made application for special land use to allow an adult-use marijuana establishment at 1268 E. Main Street (Parcel 4714-23-400-007) with the intention of applying for the Village's one Class A Microbusiness. Included in the packet of information is the application for Special Land Use, preliminary site plan, written statement of compliance, Planner Fortin's review of the request and the minutes from the December 4<sup>th</sup> Planning Commission meeting. Other documents such as the Odor Control Plan, Security Plan and the prequalification letter from the State of Michigan are all available on our website in the Planning Commission packet.

Public notice was made in both the Livingston Daily and by mail to surrounding property owners. A public hearing was held and the public comments are included in the minutes.

The submittal does meet the general approval criteria of Section 152.242 as well as the specific approval criteria of Section 152.242. In addition, the 2020 Master Plan addresses special sub areas of our commercial district and looks at specific design features. Planner Fortin recommended adding these conditions during the special use as they would not be required during the site plan process. The Commission did unanimously recommend to Village Council approval of the special land use with five conditions:

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.

**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 11<sup>th</sup>. 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



VILLAGE OF  
**PINCKNEY**

220 S. Howell Street  
Pinckney, MI 48169  
zoning@villageofpinckney.org

**SPECIAL LAND USE PERMIT  
APPLICATION**

Case #: SPU-2023-001  
Owner: Pinckney Developments LLC  
Address: 17228 Summit Dr, Northville, MI 48168  
Phone: 734-674-3958  
Email: Mlytwyn321@gmail.com

Date of Application: 10/26/2023  
Applicant: Marco Lytwyn  
Address: 17228 Summit Dr, Northville, MI 48168  
Phone: 734-674-3958  
Email: Mlytwyn321@gmail.com

Project Address: 1268 E Michigan 36, Pinckney, MI 48169 Tax Code: 4714-23-400-007

Lot: 14-23-400-007 Subdivision: \_\_\_\_\_ Zoning: SBD

Legal Description: 14-23-400-007 SEC 23 T1N R4E COM E 1/4 COR TH 50030'19"E 587.39 FT TH 57034'10"W 595.63 FT TH 57105'37"W 205 FT TO POB. TH 50047'36"E 423.71 FT 58716'07"W 107 FT TH N0035'00"W 342.83 FT TH N7105'37"E 111 FT TO POB. .995 AC M/L REDESCRIBED 5-06  
Description of Request/Project (Attach Proposal): We are proposing a special land use application for a marijuana establishment.

Check any that apply:

☒ Marijuana Establishment ☐ Residential Open Space ☐ Condominium or other Planned Development

Submission requirements:

- Preliminary site plan containing all information required by Section 152.389 of the Zoning Ordinance
- Written statement and supporting evidence explaining how the special land use will comply with the general criteria in Section 152.242-152.243 of the Zoning Ordinance
- If the applicant is not the owner of record, a notarized statement from the owner that the applicant is acting on owner's behalf
- All appropriate fees

Signature of Applicant: [Signature] Date 10/26/2023

Date of Submittal: 10/26/23

Fee Paid: \$700<sup>00</sup>

Escrow Paid: \$1000<sup>00</sup>

(The applicant is responsible for replenishing the escrow account in \$2,000 increments to maintain 30% balance of the original escrow amount.)

Action:

Public Hearing Date: \_\_\_\_\_

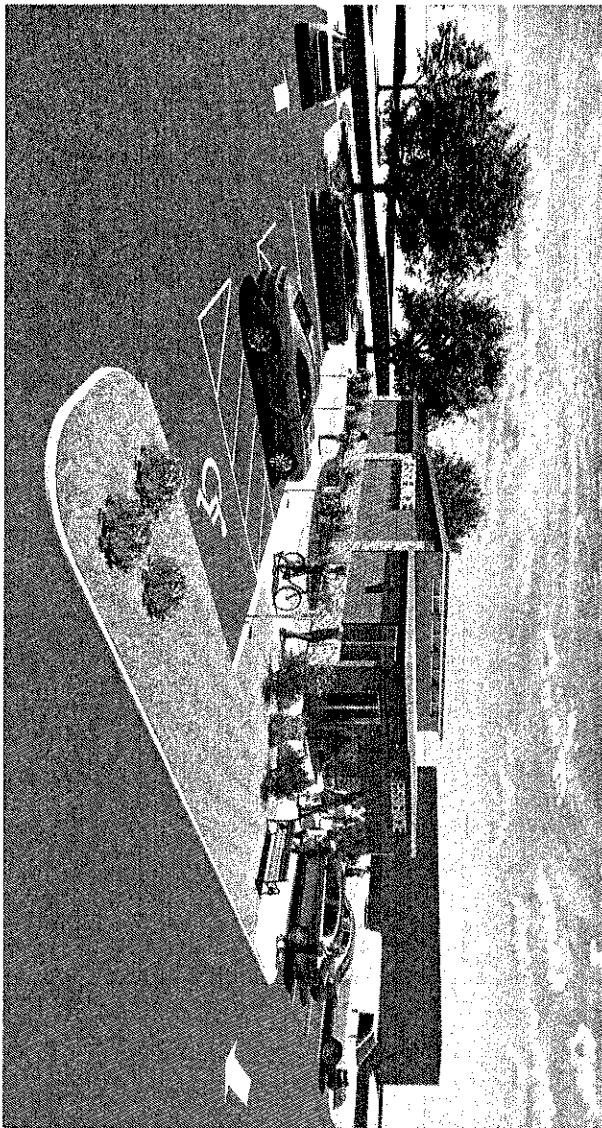
Decision of Planning  
Commission: \_\_\_\_\_

Council Meeting Date: \_\_\_\_\_

☐ Granted ☐ Denied

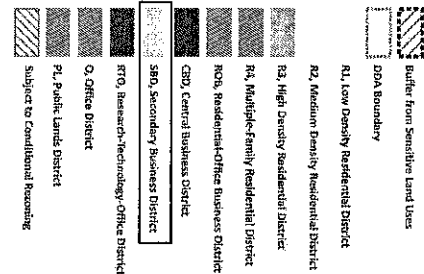
# ESSENCE - PINCKNEY

1268 E M-36  
PINCKNEY, MI 48169



Sheet List	
Sheet Number	Sheet Name

A000	COVER SHEET
A001	SITE PLAN - EXISTING
A001.1	SITE PLAN - PROPOSED
A002	LANDSCAPE PLAN
A100	FLOOR PLAN
A102	ELEVATIONS
A103	POWER PLAN
A600	AXON VIEW - NW
A601	AXON VIEW - SW
A800	POINT OF SALE PLANS
A801	DISPLAY CASE PLANS
R001	EXTERIOR RENDERING 2
R002	EXTERIOR RENDERING 1
R003	INTERIOR RENDERING 1
R004	INTERIOR RENDERING 2
R100	TEMP - EXTERIOR RENDERING 1
R101	TEMP - EXTERIOR RENDERING 2



## ARCHITECT OF RECORD

TED  
DRAWN BY  
PETER ARTON  
PROPERTY OWNER  
MARGO LYNN  
17228 SUMMIT DR,  
NORTHVILLE, MI 48168  
(734) 675-3958

## REFERENCE CODES

2021 IBC, CHAPTER 3, SECTION  
309 : MERCANTILE GROUP M  
2021 IBC, CHAPTER 10, TABLE  
1004.1.2  
152.388, 152.389, 152.243, 152.391  
(C)(c) Zoning Ordinance

## GROSS LAND AREA

+/- 87,400 SF COMBINED TOTAL  
2 ACRES COMBINED TOTAL  
2 PROPOSED STRUCTURES:  
(1) 3,000 SF BUILDING & (1) 800 SF  
TEMPORARY BUILDING

## FLOOR AREA:

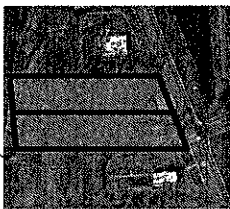
NET SQUARE FOOTAGE - 2,900 SF  
GROSS SQUARE FOOTAGE - 3,020 SF

## LEGAL DESCRIPTION

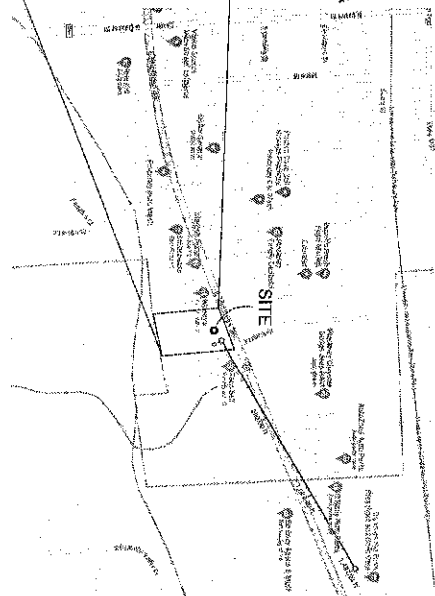
PARCEL IDENTIFICATION #: 14-23-400-007 &  
14-23-400-008

ZONE: SECONDARY BUSINESS DISTRICT  
HOURS OF OPERATION: 9:00 AM - 9:00 PM

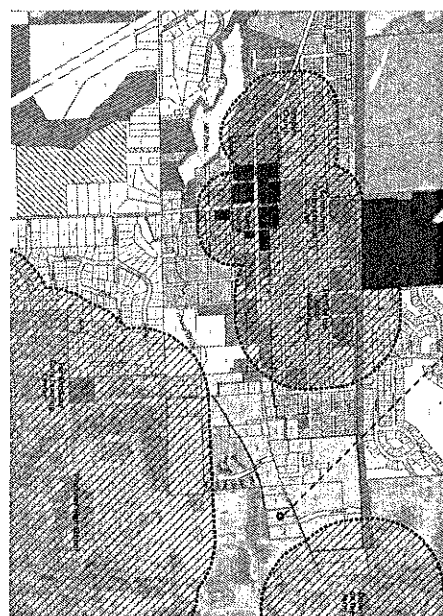
LOCATION MAP



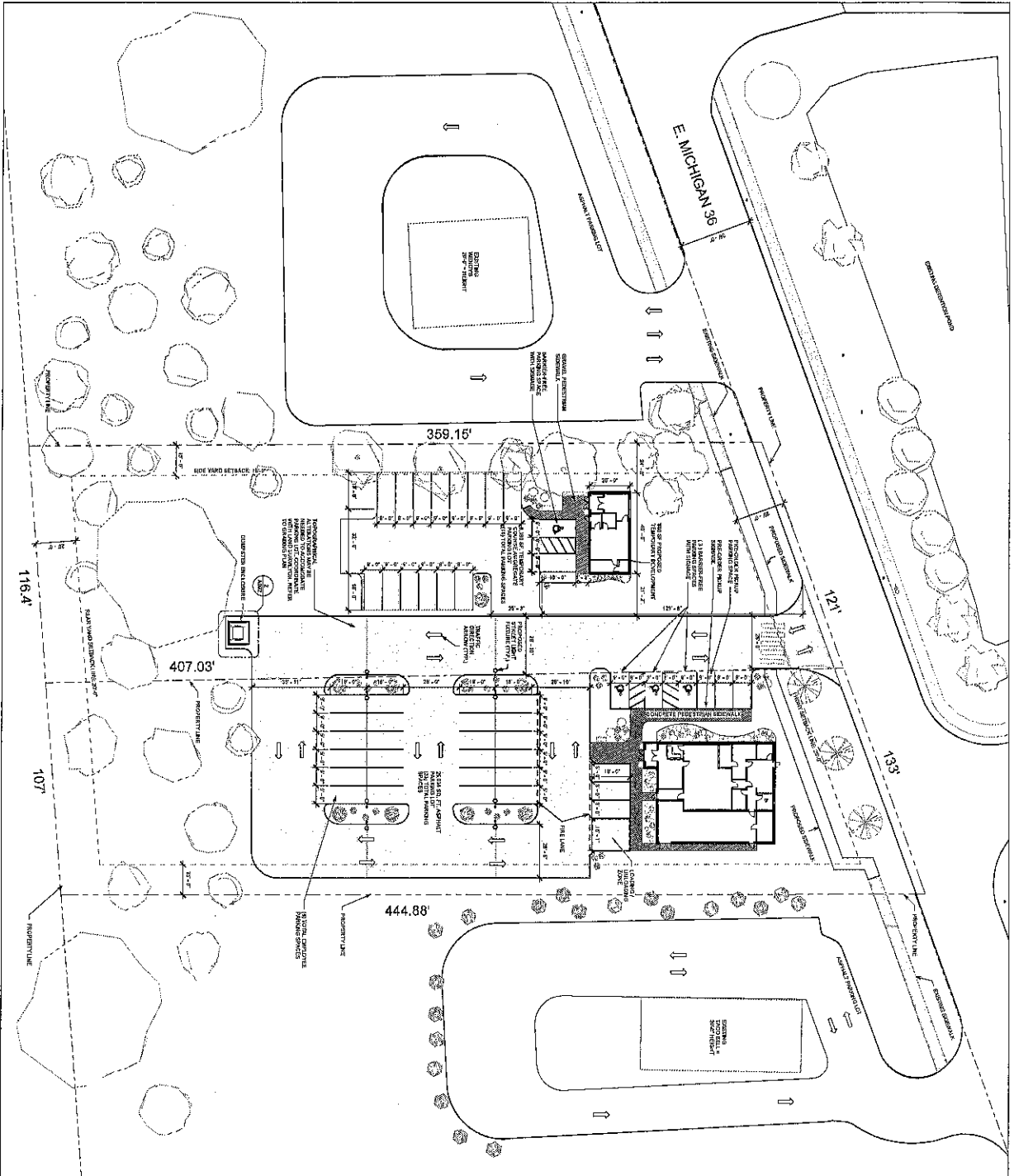
VICINITY MAP: NTS



ZONING MAP: NTS



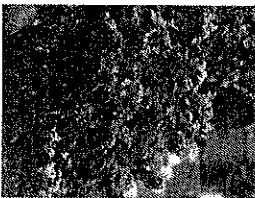




# SITE PLAN - PROPOSED

Sheet 1 of 4

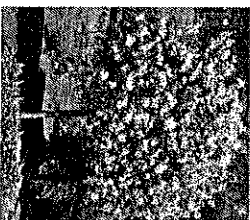
<p>Owner: <b>Marco Lytwyn</b></p> <p>Project Name: <b>PINCKNEY</b></p> <p>Site Plan - PROPOSED</p>		<p>Project Number: 0002</p> <p>Date: 10/22/2023</p> <p>Drawn By: Aron, Peter</p> <p>Checked By: Note</p>
<p>Scale: 1" = 20'-0"</p>		<p>Owner: <b>Marco Lytwyn</b></p> <p>Project Name: <b>PINCKNEY</b></p> <p>Site Plan - PROPOSED</p>
<p>Owner: <b>Marco Lytwyn</b></p> <p>Project Name: <b>PINCKNEY</b></p> <p>Site Plan - PROPOSED</p>		<p>Project Number: 0002</p> <p>Date: 10/22/2023</p> <p>Drawn By: Aron, Peter</p> <p>Checked By: Note</p>



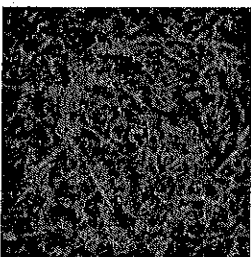
(4) ROSE BUSHES:  
3' X 3' LENGTH/WIDTH  
X 3'-0" HEIGHT = 36 +/-  
SF.



(24). BOXWOOD HEDGES: 3'-0" X 3'-0" LENGTH/WIDTH X 4'-0" HEIGHT = 216 +/- SF.



(8) KOREAN LILAC TREES:  
10'-0" WIDTH X 10'-0" HEIGHT  
= 800 +/- SF.



(7) TOTAL LANDSCAPE AREAS = 2,248 SF +/-

**GENERAL SITE REQUIREMENT CALCULATIONS:**  
**SECTION 10-282.2**

**SECTION 10-282.2**

GROSS SITE AREA = +/- 87,400 SF  
PROPOSED LANDSCAPED AREAS = 2,248 SF +/-

PERCENTAGE OF TOTAL PROPOSED LANDSCAPED  
OPEN AREAS: 2,579 SF / 87,400 SF = 0.029 X 100% = 3%

GENERAL SITE REQUIREMENT CALCULATIONS:  
SECTION 10-282.1 (A)(2)

SECTION 10-282.1 (A)(2)

GROSS LANDSCAPED AREAS = 2,248 SF +/-

(8) DECIDUOUS TREES @ 800 SF. + (24) SHRUBS @ 216 SF + (16) FLOWERS @ 100 SF + (4) ROSE BUSHES @ 36 SF = 1,152 SF +/- OF PROPOSED LANDSCAPE MATERIAL

$$1,152 \text{ SF} / 2,248 \text{ SF} = 0.512 \times 100\% = \pm 51.25 \%$$

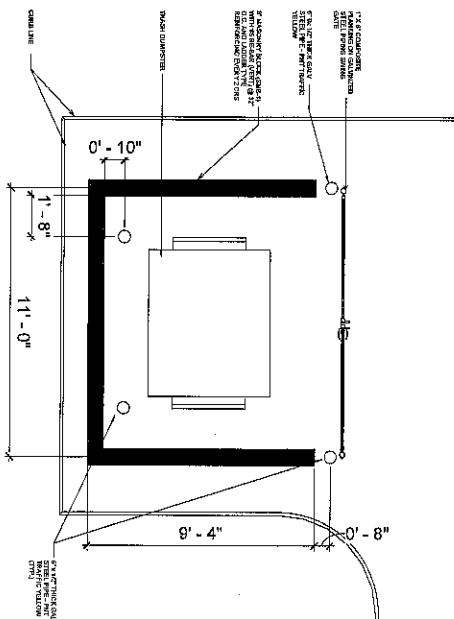
LOT COVERAGE CALCULATIONS: SECTION 152.243

GROSS SITE AREA = +/- 87,400 SF

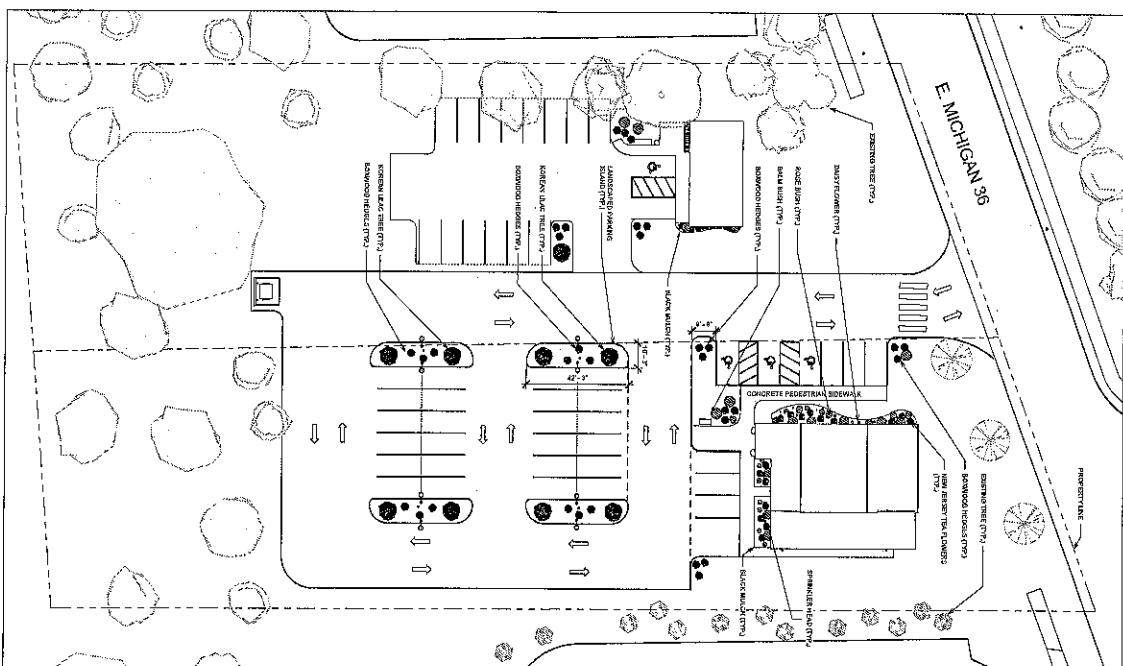
PROPOSED LOT COVERAGE = 25,936 SF  
25,936 SF / 87,400 SF = 0.296 x 100% = +/- 30%

(PROPOSED TEMPORARY AGGREGATE PARKING LOT  
COVERAGE: 5,830 SF)

$$25,936 + 6,930 = 32,866 \text{ SF}$$

$$32,866 \text{ SF} / 87,400 \text{ SF} = 0.376 \times 100\% = \pm 37.60\%$$


2 ENLARGED DUMPSTER ENCLOSURE PLAN  
SCALE: 3/8" = 1'-0"



Landscape Plan  
SCALE: 1" = 14'

**Order/Plant**  
Address  
City  
State  
Zip  
Phone

**Cons./Plant**  
Name  
Address  
City  
State  
Zip  
Phone

**Order/Plant**  
Address  
City  
State  
Zip  
Phone

No.	Description	Date
1	Session 1	10/12/2023
2	Session 2	12/25/2023

Marco Lytwyn

PINCKNEY

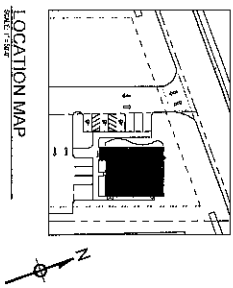
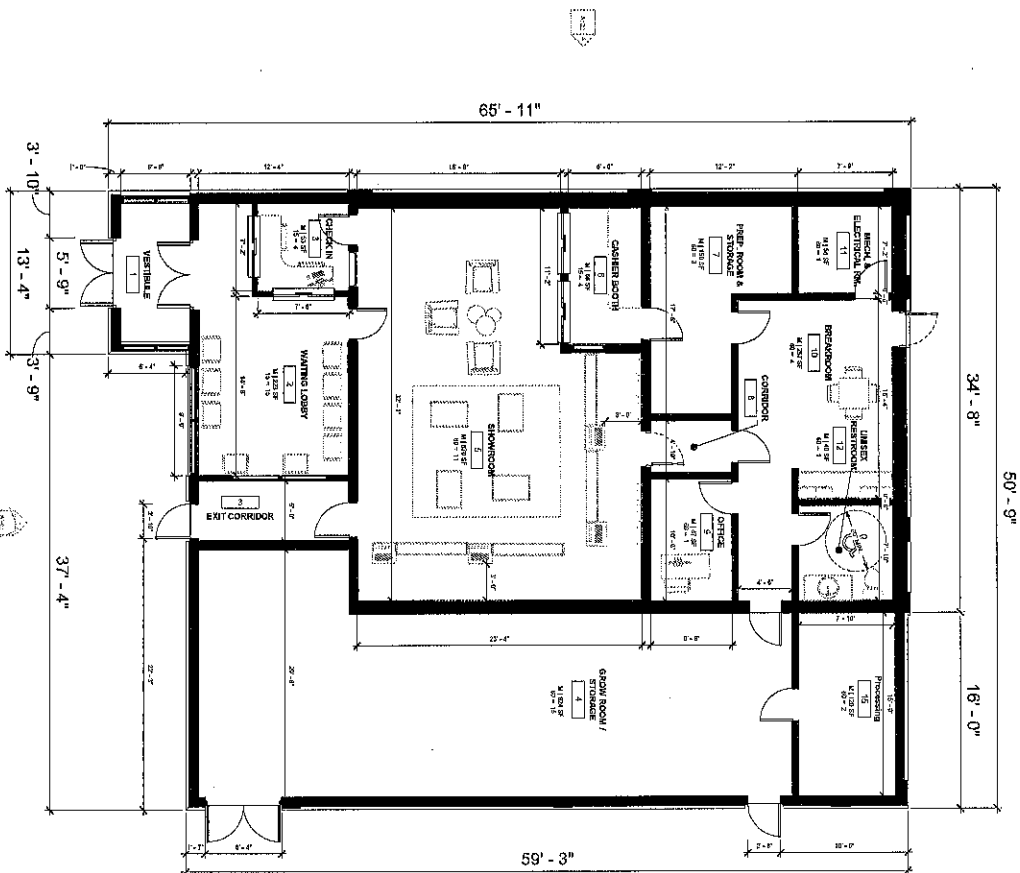
## LANDSCAPE PLAN

Project Number	0002
Date	10/22/2023
Drawn By	Artion, Peter
Checked By	None

A002

As indicated

NUMBER OF EMPLOYEES: 12  
 MAX NUMBER OF CUSTOMERS IN  
 SHOWROOM AT ONE TIME: 11  
 MAX NUMBER OF CUSTOMERS IN  
 WAITING LOBBY AT ONE TIME: 15

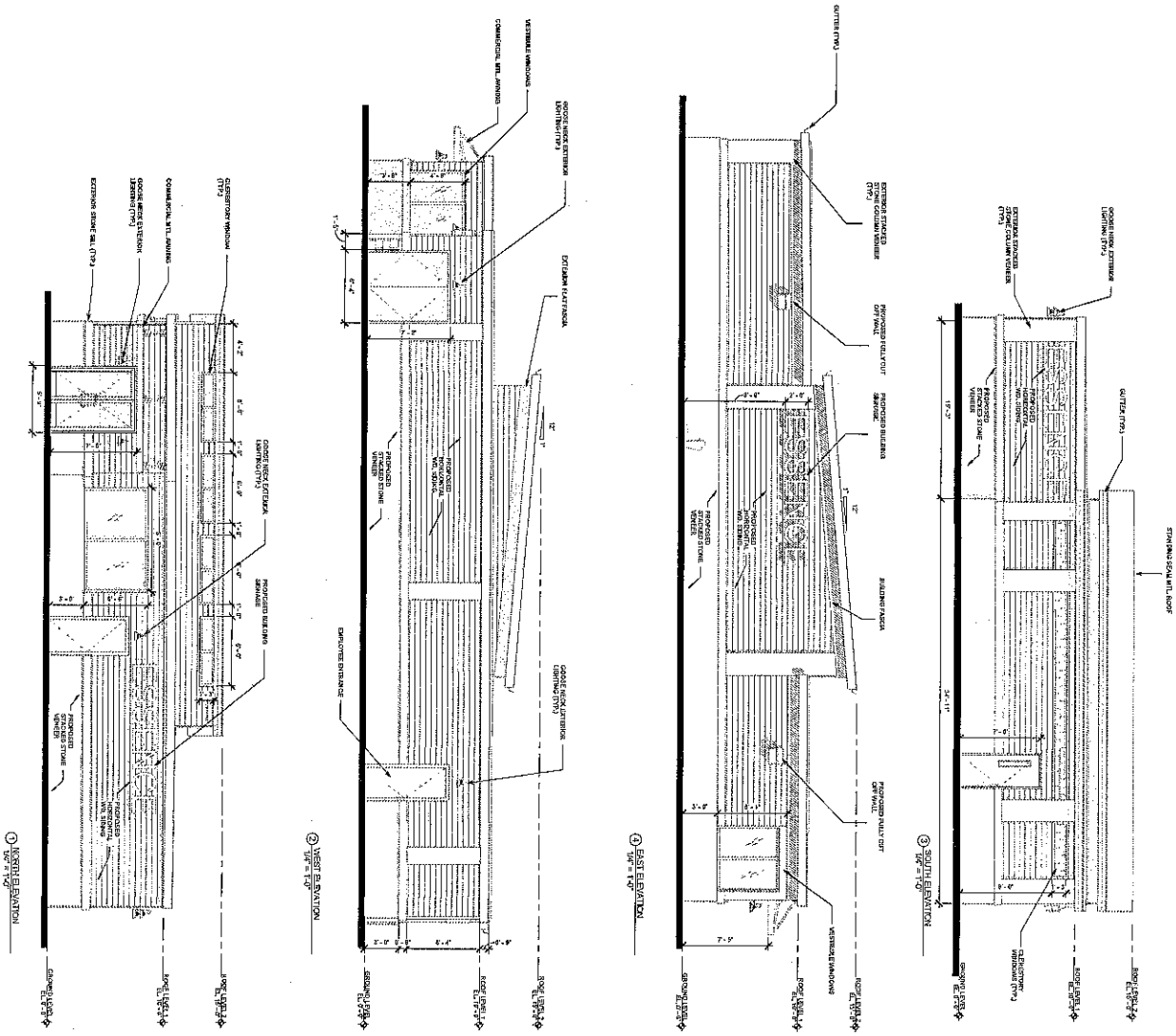


www.autodesk.com/bid	
Owner: Building Development Project: 100-100-100 Email: 100-100-100@autodesk.com	
Designer: Address: Phone:	
Consultant: Address: Phone:	
Architect: Address: Phone:	
Engineer: Address: Phone:	
Contractor: Address: Phone:	
Subcontractor: Address: Phone:	
Other: Address: Phone:	
Notes: As indicated	
Project Number: 0002 Date: 10/22/2023 Drawn By: Aron, Peter Checked By: None	
<b>A100</b>	

WINDOW CALCULATIONS:

West Facade gross wall area: 712 SF  
Total Window Area: 34 SF  
Total Window Percentage:  $34/712 = 0.047$   
 $0.047 \times 100\% = 4.77\%$

North Facade gross wall area: 675 SF  
Total Window Area: 132 SF  
Total Window Percentage:  $132 / 675 \text{ SF} = 0.195$   
 $\times 100\% = +1.20\%$



www.a102.com/101	
Owner: Pinckney, Designers Brent L. Pinckney brent.l.pinckney@pinckney.com	
Consultant: Address: Address: Address: Phone:	Consultant: Address: Address: Address: Phone:
Consultant: Address: Address: Address: Phone:	Consultant: Address: Address: Address: Phone:
Consultant: Address: Address: Address: Phone:	Consultant: Address: Address: Address: Phone:
Project Number: 0002	
Date: 10/22/2023	
Drawn By: A101, Peter	
Checked By: Name.	
A102	
Scale: 1/4" = 1'-0"	









### **Pinckney SLU Written Statement of Compliance**

Northville Services and Holdings LLC will submit any and all necessary documentation in order to comply with the general criteria in Section 152.242-152.243 of the Zoning Ordinance for a Marihuana establishment.

#### **152.242 General Approval Criteria**

- The general goals, objectives and policies of the adopted Village of Pinckney Comprehensive Plan. The Pinckney Comprehensive Plan (Master Plan) designates the property as commercial with the goal: "Secondary Commercial The Secondary Commercial designation is limited to the eastern part of the Village along M-36 and other small areas along D-19/Howell-Pinckney Road and Dexter-Pinckney Road that provide good accessibility and visibility. This designation is intended to include the most intensive variety of retail and service businesses in the Village. Desirable uses in this area include restaurants (including drive-through restaurants), large grocery stores, auto service establishments, and retail uses that serve a regional clientele." We are proposing a retail facility on E. M36 within an existing commercial district with a product/service not currently being provided within the district or surrounding area.
- Compliance within the secondary business district as indicated by the Village of Pinckney's Zoning Ordinance. Section 152.182 of the Village Zoning Ordinance prescribes that a Class A adult use marihuana microbusiness is a permitted use under the Special Land Use criteria. The property is currently vacant and we will work with Village staff, consultants and the Commission to provide a site to meet all lot access, yard setbacks and other design requirements.
- 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. The surrounding properties are commercial in nature and include fast-food restaurants, grocery stores, restaurants, etc. We are proposing a facility commercial which will blend well with the essential character and other permitted uses in the area and enhance and draw clientele for surrounding business and enhance the property values of not only surrounding properties but the entire community.
- 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. When developing our property we will design it in a matter that makes essential services easy to conduct, and doesn't interfere with the general public. Northville Services and Holdings LLC will create and maintain



relationships with firms who are able to perform these essential public services when needed. Furthermore, these services will not create costs for the public as it is our responsibility to maintain our property to the best of our ability to abide by the rules set by the Village of Pinckney.

- **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. Our property is located on a very accessible M-36, which complies with applicable road agency standards, and furthermore is designed in a way that will allow for ease of traffic for all. Marihuana establishments can generate more traffic than the average business and as such we have modified our designs to accommodate this. To be specific, we have created a curb cut that is wide enough to allow one lane in, two lanes out going left and right. We also have added parking lots behind the proposed buildings so that there is easy accessibility to the main driveway in and out. Additionally, our property will have the proper sidewalks added to allow for pedestrian traffic and is also far enough from major intersections as to not pose a safety risk to any pedestrians walking by. We are willing and able to modify our designs to conform to the guidelines set by the Village of Pinckney if they are not already met.
- **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. The Class A Microbusiness license allows for a grow operation and as such there will be a necessity for water and the creation of runoff/drainage. This will be accommodated for in a safe, efficient, and environmentally friendly manner as allowed by the Village of Pinckney and approved by our architects and engineers. With the implementation of a grow, there are several requirements and guidelines set by the Cannabis Regulatory Agency that are designed to maintain the safety and well being of all. For example, through the Bureau of Fire and Safety we will be designed to create the layout of our grow operation in a manner that allows for easy exits in the case of emergency, having doors with the correct amount of space for their inswing or outswing, and hallways that are wide and long enough for the use. There are several other requirements that will encourage environmental performance with our proposed special land use application. In addition, we will possess all the correct equipment to handle irrigation (water and its runoff), marihuana odor, hazardous fumes, dust, and light. This includes: an irrigation system that controls water flow and disposes of waste properly, air scrubbers and carbon filters to help eliminate the smell of marihuana, fire extinguishers and sprinklers in case of a fire, ect. Our facility will conform to marihuana use in the most safe and effective way possible.

- 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. Our proposed location at 1268 M-36 is located on mainly flat land with no existing structures on it. The proposed location does not contain any wetlands, steep slopes, or woodlands. As mentioned in the prior bullet point, all water and drainage will be accommodated for in a safe, efficient, and environmentally safe way that conforms to the guidelines set by any and all government agencies. Because the proposed grow is an indoor grow, the proper insulation and equipment will be utilized so that no fumes or odors escape the building. As such, we believe that the proposed use will not adversely impact the natural environment.
- 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. In our proposed SLU application we have included: cover sheet, site plan, landscape plan, floor plan, elevations, security plan, exterior renderings, and photometric plans. In our proposed SLU application it is our intention to design and build our facility in a manner that compliments the M-36 corridor. To be specific, when building the proposed facility we will add stucco or stacked stone in order to beautify the exterior of the building. We will also beautify the landscaping in order to boost the curb appeal of our proposed location. The proposed designs fit the M-36 corridor well, and compliments the other commercial business types in the area.

#### **152.243 Specific Approval Criteria – Adult Use Marihuana Establishments**

- The facility shall be located in the SBD and/or RTO Districts as specified in 152.045, 152.182, and 152.202. As such, our proposed location at 1268 M-36 is located in the SBD district.
- The proposed marihuana establishment shall comply with the safety, security, health, and sanitation practices related to such establishments. As addressed in our facility sanitation plan, we are committed to adhering to the practices related to marihuana establishments. Specifically, our proposed marihuana establishment adheres to these practices by accounting for: the design and layout of the facility for contamination prevention, sanitary practices for employees such as PPE in order to maintain a clean and safe facility, periodic quality control checks, consistent inspections and testing, disposal of cannabis that abides by the guidelines set by the Cannabis Regulatory Agency, trash removal, pest management, labeling and storage of toxic solvents, agents, and chemicals, having adequate, readily accessible lavatories, restrictions on cannabis product handlers, and facility handwashing practices and stations.

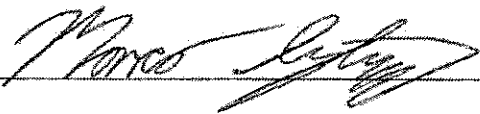
- The proposed marihuana establishment is a Class A Microbusiness and is a permitted business type as indicated in 152.045, 152.182, and 152.202.
- The applicant has received prequalification approval from the Michigan Regulatory Agency and as such can apply for a special use permit and site plan approval. Marco Lytwyn of Northville Services and Holdings LLC was granted a prequalification letter by the MRA and can apply for a special use permit and site plan approval in the Village of Pinckney. The prequalification letter will be part of our SLU submission.
- The proposed marihuana establishment will not be a co-location or require a stacked license.
- Our proposed marihuana establishment shall comply with the hours of operation for marihuana retailers which shall be no earlier than 9:00 a.m. to no later than 9:00 p.m.
- Our proposed marihuana establishment will ensure that 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. Our proposed facility is committed to ensuring that all marihuana products are contained in an enclosed, secure area. To be specific, based on the layout of the proposed facility there will be a minor amount of products on the actual showroom floor. The product on the showroom floor is for display only. Most, if not all product will be contained in either a secure storage room with the appropriate locks or in a room where our product handler will prepare orders and then deliver those orders to the cashier box. This room will also be secure, with the appropriate locks. In addition, our security plan accounts for the alarm system, cameras, motion detectors, locks, and other tools to ensure the safety and well being of our employees, customers, and products.
- The proposed marihuana establishment will ensure that all vehicular access shall be directly from M-36 as we are in the SBD District. The curb cut location and location of our facility ensures that all traffic MUST come from M-36 and can not come from anywhere else.
- The proposed marihuana establishment complies with the separation distances established by the Village of Pinckney, as shown below:
  - At least 1000 feet from a pre-existing public or private school, including preschools.
  - At least 500 feet from a religious institution, licensed day-care facility, public parks, and trails.
- The proposed marihuana establishment shall be completely enclosed within a building and comply with §§ 152.385 et seq. for landscaping and screening. As discussed in 152.385, the Village of Pinckney discusses highlighting things such as: existing and proposed trees, shrubs, and vegetation, ground covers, methods of planting, locations of different areas and spaces, composition,

berms, dumpsters, buffered areas, landscaping adjacent to roads, and landscaping to off street parking lots. Our proposed facilities retail and grow space are indoor only, with no exposure to outside whatsoever. Additionally, as it pertains to landscaping and screening, we will comply with 152.385. To be specific, we plan to add some forms of vegetation such as the allowed shrubs in 152.385 around our building, and also remove some of the larger evergreen trees that are located on our property. Our plans highlight the locations of the existing trees, and the areas in which we want to add vegetation.

- The proposed marihuana establishment ensures that 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. As mentioned in prior bullet points and displayed in our odor control plan, we have no intention of conducting any activities that will result in the emission of glare, noise, vibration, odor, dust, pollution, or any other negative impacts. In order for us to operate a functional and profitable facility, we can not have any of these negative activities. In fact, it significantly hurts our business to have any of these negative effects, in particular with growing marihuana. Our building will be designed using windows that eliminate glare. Not to mention, State law limits the amount of open windows you can have, basically limiting the use of regular windows to the waiting room only. All other locations within the facility can not have regular windows. Additionally, dust, pollution, and odor will be non existent for several different reasons. First, we will implore the correct types of equipment to eliminate these negative factors. Secondly, the layout of our facilities (both retail and grow) will be designed in a way that reduces the possibility of creating odor, dust, or pollution. Lastly, we will include different practices to identify and eliminate these negative effects if they do happen to exist. Noise and vibration will be addressed in the design and layout of our facilities. Mainly the insulation, dry wall, and layout of the building will help significantly reduce the noise and vibrations that may be generated from traffic on M-36.
- The proposed marihuana establishment ensures that 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 and/or sanitary sewer system. This is shown in the facilities wastewater treatment plan. When purchasing the property, we conducted different environmental's to ensure that our property isn't contaminated. However, with the addition of a grow there will be a need for equipment and systems that preserve our property. As discussed in the facility sanitation plan, we will take several measures as to not negatively impact our property and surrounding properties with contamination or other hazards. As such, we will: properly label and store water, have procedures and systems for the handling and disposal of waste, have waste traceability, have equipment specifications for wastewater treatment and discharge, and lastly adhere to any other local and state requirements. Our goal is to be environmentally friendly and safe

with any contamination or hazards to ensure the integrity of our property and the Village of Pinckney.

- Off-street parking. The proposed marihuana establishment will NOT have off-street parking.
- Our proposed marihuana establishment's signs shall not depict or reference marihuana or marihuana-related paraphernalia and shall comply with the provisions of § 152.300 et seq.
- The proposed marihuana establishment shall comply with 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. Specifically, we will comply with 152.183 site development standards for the SBD district. This includes:
  - Having a minimum lot area of 5000 square feet.
  - Having a minimum lot width of at least 66 feet.
  - Front yard setback being at least 25 feet from the lot line.
  - Side yard setbacks being at least 15 feet from the lot line.
  - Rear yard setback being at least 20 feet from the lot line.
  - Lot coverage not exceeding 50%.
  - Structure height shall not be greater than two and one half stories or 35 feet.



---

Marco Lytwyn, Owner of Northville Services and Holdings LLC

10/25/2023



November 30, 2023

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

<b>Subject:</b>	<b>Special Land Use Request</b> Essence - Class A Marihuana Microbusiness
<b>Applicant/Owner:</b>	Marco Lytwyn, Pinckney Developments LLC
<b>Location:</b>	1268 East Main Street / M-36 (Parcels No. 4714-23-400-007 & No. 4714-23-400-008)
<b>Current Zoning:</b>	SBD, Secondary Business District
<b>Project No.:</b>	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
<b>North</b>	Busch's Market	SBD, Secondary Business District	Commercial
<b>East</b>	Taco Bell	SBD, Secondary Business District	Commercial
<b>South</b>	Creek & Farmed Land	A-O, Agricultural/Open Space Putnam Township	General Business Putnam Township
<b>West</b>	Wendy's	SBD, Secondary Business District	Commercial

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



Aerial Photo - Existing Land Uses

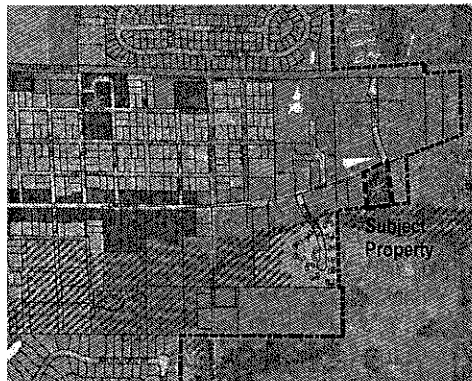
Subject Property  
Current Land Use:  
Vacant



Zoning District Map Detail

- R1, Low Density Residential District
- R2, Medium Density Residential District
- R3, High Density Residential District
- R4, Multiple-Family Residential District
- RDB, Residential-Office Business District
- CBD, Central Business District
- SBD, Secondary Business District
- RTO, Research-Technology-Office District
- O, Office District
- PL, Public Lands District
- DOA 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  
19,890 to 21,780 Sq. Ft. Min. Lots
- High Density Residential  
7,260 to 19,890 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*

Lucie Fortin, AICP, PLA  
Community Planner/Landscape Architect

c: Marco Lytwyn, Pinckney Developments LLC (email: k\_lytwyn@hotmail.com)

*email: mlytwyn321@gmail.com*