



June 25, 2024

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

<b>Subject:</b>	<b>Special Land Use Request</b> Gas Station and Fast-Food Restaurant
<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>	401.2400218,.000

Dear Commission Members:

We have reviewed the proposed request for Special Land Use approval to allow a gas station and a fast-food restaurant in the SBD, Secondary Business District in addition to the already approved marihuana microbusiness for the property located at 1268 East Main Street.

### **1. PROJECT BACKGROUND AND SITE DESCRIPTION**

The two parcels, presently vacant, contain approximately two acres of land, and include a total of approximately 232 feet of frontage on Main Street/M-36. The parcels were previously occupied as a residential home, which has since been demolished.

The applicant received special land use approval for a Village of Pinckney Class A marihuana microbusiness license by Village Council in December 2023, subject to the following conditions:

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.

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

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

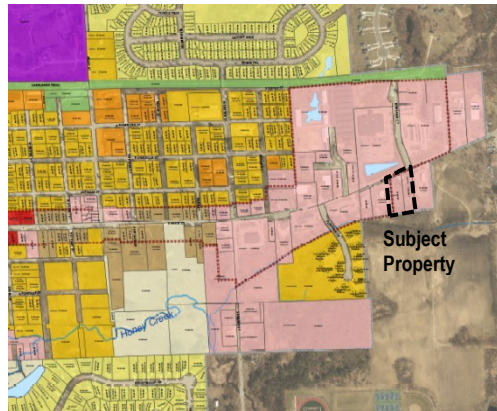
	Existing Land Use	Zoning District	Future Land Use
<b>North</b>	Busch's Market	SBD, Secondary Business District	Commercial
<b>East</b>	Taco Bell	SBD, Secondary Business District	Commercial
<b>South</b>	Creek & Farmed Land	A-O, Agricultural/Open Space Putnam Township	General Business Putnam Township
<b>West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

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



Aerial Photo - Existing Land Uses

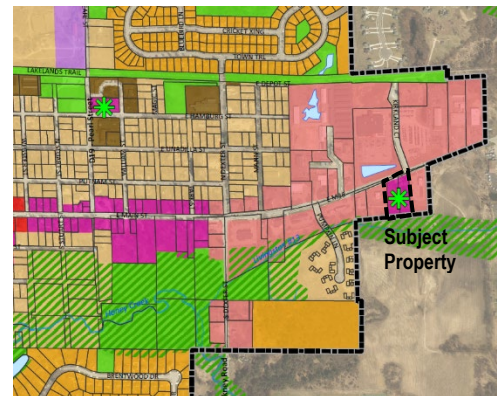
Subject Property  
Current Land Use:  
Vacant



Zoning District Map Detail

- R1, Low Density Residential District
- R2, Medium Density Residential District
- R3, High Density Residential District
- R4, Multiple-Family Residential District
- 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
- June 2020

Subject Property  
Future Land Use:  
Mixed Use

### **3. SPECIAL LAND USE REVIEW**

The procedures for granting a special land use request 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, combining residential, office, and commercial uses. The property was identified as a special sub-area in the 2020 Village Master Plan with commercial development as the preferred option.

The 2020 Village Master Plan outlines specific building and site design features for this property:

- **High-Quality Architecture:** The plan emphasizes architecture characterized by ample windows and doors, pitched roofs, overhanging eaves, and quality exterior building materials and colors. The proposed building, however, has a flat roof and includes windows only on the north façade. Additionally, no service window or drive-through equipment is shown.
- **Site Design Features:** These include placing parking areas at the rear or side of the building, providing shared access and interconnected parking with adjacent properties, and ensuring convenient and safe pedestrian connections. While there is one main access point proposed for the three uses, we need to know if a shared access drive with adjacent fast-food restaurants has been considered. The current concept plan lacks safe pedestrian circulation within the site or any connections to the adjacent sites.

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

**We have reviewed several concept plans for this property since the initial submission. None of these plans have incorporated innovative stormwater management techniques for the extensive impervious surfaces proposed. This omission is inconsistent with the adopted Village of Pinckney Master Plan.**

**(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) Gas stations and fast-food restaurants are listed as special land uses in the SBD, Secondary Business District.
- (b) While the proposed uses are generally consistent with the purpose of the SBD District- intended to accommodate larger volumes of traffic and requiring off-street parking in contrast to the Village Central Business District- **the combination of all three land uses** (gas station, fast food, and marihuana microbusiness) **on a single site will undoubtedly create a highly intensive and potentially problematic situation. This raises concerns about traffic, safety, noise, and other disturbances.**
- (c) The conceptual site plan drawings submitted illustrate a layout that generally complies with the minimum lot size, building yard/setbacks, and lot coverage of the SBD District. However, more space is needed along the east property boundary to accommodate the proposed development without encroaching on the adjacent property. Additional landscaping along that edge is a condition of the Special Use Permit approved for the Marihuana facility. 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.**

Gas stations and fast-food restaurants typically feature large, brightly lit signage and extensive paving, which are visually intrusive and detract from the community's aesthetic quality. Additionally, these uses generate significant noise levels from vehicle engines, fuel pumps, and drive-through intercom systems. This constant noise, combined with the activity surrounding a marihuana microbusiness, will create a disruptive environment for nearby business, especially if operating hours are extended. As required, the marihuana business hours are limited to 9 am to 9 pm.

**The applicant should address the proposed operating hours and any measures taken to reduce the operational impact of these uses. Planning Commission members should consider this information and impose necessary conditions (such as increased landscaping, reduced business hours, etc.) necessary to mitigate negative impacts and ensure the compatibility of the special land uses with surrounding uses.**

**(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 can be connected to the Village's water and sewer services. The proposed commercial uses are not expected to burden the capacity of the Village infrastructure and services. However, stormwater management will need to 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 have concerns regarding site access, vehicular and pedestrian circulation, and potential traffic congestion.

**Should these special uses be approved, we recommend that the Planning Commission requests a traffic impact study for this property in accordance with Section 152.392 of the zoning ordinance prior to site plan submittal. Additionally, the applicant should begin the MDOT permitting process for the proposed driveway to determine if design changes will be necessary.**

- (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.***

We have already mentioned the potential negative impacts of noise and light from activities, equipment, and operations related to gas stations and fast-food restaurants.

**As stated earlier, the applicant will need to address the proposed operating hours of businesses and any measures taken to reduce the operational impact. Planning Commission members should consider this information and impose necessary conditions, such as increased landscaping and reduced business hours, to mitigate negative impacts.**

- (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 features mature vegetation, a wooded area, potential steep slopes, and areas prone to flooding and wetlands associated with the County Drain.

The concept and site plans submitted indicate that all existing trees will be removed, and a 25-foot buffer will be preserved along the County Drain. This buffer could be further enhanced and managed by removing invasive non-native plant species, selective clearing, and supplementation with native plantings. **We recommend that the landscape plan addresses the management of the vegetation preserved within this buffer.**



- (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 submittal. The proposed exterior building facades will feature brick veneer with a fascia board at the top and stone sill 3-foot off the ground around the building perimeter, creating visual interest. However, we note the flat roof and the lack of windows along three of the facades, which may need reconsideration to align with the desired high-quality architecture. Additionally, no drive-through windows or equipment are indicated.

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

- (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, 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**

The property meets the specific approval criteria of Section 152.243 for vehicle services stations (H) and fast-food restaurants (I) in terms of minimum lot area, minimum setbacks, and other standards. The following points should be noted:

- No outdoor commercial display or storage of supplies or equipment will occur on the site.
- Adequate off-street standing spaces must be provided for drive-through users.
- One illuminated menu board sign is allowed in addition to all other signs permitted with the surface area of the menu board sign not exceeding 32 square feet and a height of six feet above grade.

#### 4. **SPECIAL LAND USE REQUEST RECOMMENDATION**

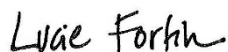
We recommend that the Planning Commission hears comments from the public and requests additional information from the applicant before deciding on this special land use request for a gas station and fast-food restaurant, in addition to a marijuana microbusiness, located at 1268 East Main Street on parcel numbers 4714-23-400-007 and -008.

The following critical points must be thoroughly discussed and addressed:

1. **Intensity of Combined Uses:** The significant impact these combined uses will have in terms of traffic, safety, noise, and other disturbances. Clear and effective measures to mitigate these negative impacts must be proposed.
2. **Operating Hours:** Detailed proposed hours of operation for all businesses to ensure they do not intensify existing community disturbances.
3. **Cross-Access and Connectivity:** The need for a cross-access drive and/or sidewalk connection with the two adjacent properties to improve accessibility and circulation.
4. **Traffic Flow Improvements:** Specific strategies to enhance the property's traffic flow, both vehicular and pedestrian, to ensure safety.
5. **Traffic Impact Study:** The need for a traffic impact study to assess and address potential traffic congestion and safety issues.
6. **Enhanced Landscaping Setback:** The requirement for an additional setback along the east property boundary and the microbusiness for enhanced landscaping as a condition for approval.
7. **Innovative Stormwater Management:** The necessity to incorporate innovative stormwater management techniques that align with the green infrastructure goals of the Master Plan.
8. **Buffer Management Plan:** A comprehensive plan to manage and enhance the buffer proposed along the County Drain, including removal of invasive species and supplementation with native plantings.
9. **Architectural Compatibility:** Detailed information on the proposed building's exterior, demonstrating careful consideration of the existing character of the Village center and edge, using compatible materials, colors, and architectural 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: [mlytwyn321@gmail.com](mailto:mlytwyn321@gmail.com))