

Memo

To: Planning Commission/DDA Members
From: Julie Durkin, Zoning Administrator
Date: July 1, 2024
Re: Zoning Administrator's Report

Permits & Code Enforcement:

- 15 Land Use Waivers were issued (roof/siding/driveway sealcoat)
- 1 Land Use Permit was issued (deck)
- 2 ROW (driveway) permits were issued

Planning Commission:

OLD BUSINESS:

1. For Kids' Sake – 125 E. Unadilla: As you may recall, on November 6, 2023, the Commission approved a special land use and site plan for the child day care facility at 125 E. Unadilla. At that time, the applicant indicated that she would not be requesting a variance and would comply with the required playground and fencing. Given the weather constraints and to allow time to acquire additional funding, the Commission extended completion of the requirements until July 1, 2024 while still allowing the occupancy for that use prior to site plan completion. On May 14th, I inquired about the status of the playground after which she inquired about a variance. I reviewed the options and procedures required if a variance were sought. On June 4th, we received a letter requesting an extension of the Special Land Use, or the conditions of the special land use. The playground, fencing and landscaping are required conditions. Although a SLU does not expire until one-year (if construction has not commenced and proceeded meaningfully toward completion by the end of that year), in this case the applicant was allowed occupancy in order to conduct business prior to completion of the site plan only with the understanding that the site plan would be completed by July 1st. If the conditions are not met (or deadline extended), the SLU would become null and void. The applicant is requesting an extension to complete the site plan by September 1, 2024 at which time the playground, fencing and landscaping must be complete or the SLU again would be annulled and the applicant would have to make a new request.
2. The Means - 935 W. Main Street: The following is a recap of the approvals previously granted to The Means Project at 935 W. Main Street for the Marihuana grower, processor and retail:

Conditional Rezoning	1/4/2021	Recommended to Council
	1/25/2021	Approved by Council
Special Land Use	6/7/2021	Planning Commission Approval
	6/14/2021	Village Council Approval
Preliminary Site Plan	8/2/2021	Planning Commission Approval
Final Site Plan	10/4/2021	Planning Commission Approval
Revision to site plan - Driveway	7/6/2022	Planning Commission Approval
Temporary Land Use Permit	11/18/2021	
Limited scope of work		
Several extensions granted		
Land Use Permit	8/7/2022	
County Permits	1/10/2022	Building permit issued
	11/30/2023	Permit canceled
	10/20/2022	Partial rough building insp. Approved.
		last building inspection
Marihuana license (3)	8/23/2021	Approved by Council
		Renewals granted - expires 8/23/24

On June 6th, the applicant was notified that it has been over 14 months after construction ceased, and there has been no progress being diligently pursued in accordance with the approved site plan. Without satisfying the site plan, they have not met the conditions of the Special Land Use Permit. They have been put on notice that they must submit application for site plan approval (re-approval) and extension of the special land use or the SLU may be revoked for failure to comply. We have received a request from the applicant for a one-year extension of the three SLUs (Grower, Processor and Retailer). This should be in the form of a recommendation to Council for approval or denial of the request. If the extension is granted, the applicant is prepared to submit for re-approval of the final site plan so that they may resume construction.

3. Public Hearing - Pinckney Development (Essence-Pinckney) - 1268 E. M-36: In December of last year, the applicant was granted approval of Special Land Use for a Class A Marihuana Microbusiness. After meeting with staff and reviewing several concept plans for the property (two separate parcels), the applicant has decided to combine the two parcels and propose a plan for the overall site. In addition to the already approved marihuana SLU, the applicant is also proposing a gas station and fast-food restaurant, both require SLU approval. A public hearing was set and proper notification/advertisement was given. Enclosed in the packet is Planner Fortin's review and recommendation as well as comments for Chief Garrison. After hearing public comment, the Commission should consider the critical points and take one of the following actions:

- * Table the request for further review and/or additional information from the applicant
- * Deny one or both of the requests based on _____
- * Approve both or one of the requested uses with conditions based on the Planner's comments and additional discussion such as:
 - Enhanced landscaping setback along the east property boundary and the microbusiness
 - Provide a comprehensive plan to manage and enhance the buffer proposed along the County Drain, including removal of invasive species and supplementation with native plantings.
 - Provide a traffic impact study to asses and address potential traffic congestion and safety issues
 - Provide specific strategies to enhance the property's traffic flow, both vehicular and pedestrian; providing for a cross-access drive and/or sidewalk connection with the two adjacent properties to improve accessibility and circulation.
 - Incorporate innovative stormwater management techniques that align with green infrastructure goals of the Master plan.
 - Provide for architectural compatibility 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.
 - Hours of operation shall not exceed/limited to _____ (if applicable)
 - Provide clear and effective measures to mitigate negative impacts of traffic, safety, noise and other disturbances
 - _____
 - _____
 - _____

It should be noted that Section 152.241(G) states: Re-application. No application for a special land use permit that has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one year or more from the date of denial, except on the grounds of newly discovered evidence or proof of change of conditions.

These are two separate requests (SLU permits) and can be handled independently.

4. Request for Land Division – Public Hearing: Mr. Phil Prystash, owner of 306 Mill Street has made application for a land division to split lots 1 and 2 of the Original Plat of the Village of Pinckney, which had been previously combined. The request is not to return the parcels to the original plat but rather divide the parent parcel so that both resulting

parcels would front on Mill Street. He has provided the necessary survey. Notice has been given for the public hearing as required by Section 150.03 of the Village Code. The following are the Standards for Approval of a Land Division (Section 150.04):

A proposed lot division shall be approved only if all of the following criteria are met.

- A. All of the parcels to be created by the proposed lot division must fully comply with the applicable lot (parcel) width, access, setback, and area requirements of the Village Zoning Ordinance, other applicable village ordinances, and any deed restrictions concerning the number, size, or location of structures allowed on the parcel.

Required:

Zoning District	Minimum Lot Area	Minimum Lot Width (In Feet)	Minimum Front Yard/Setback (In Feet)	Minimum Side Yard/Setback (In Feet)	Minimum Rear Yard/Setback (In Feet)	Maximum Lot Coverage	Maximum Building Height
R3	8,712 square feet	66	30	6	20	40%	2.5 stories/35 feet

Proposed:

	Zoning District	Minimum Lot Area	Minimum Lot Width (In Feet)	Minimum Front Yard/Setback (In Feet)	Minimum Side Yard/Setback (In Feet)	Minimum Rear Yard/Setback (In Feet)	Maximum Lot Coverage	Maximum Building Height
Parcel A w/existing structure	R3	8,927	66.98	16.4	13.3	N/A	N/A	2 stories
Parcel B	R3	8,778	66 (see comment below)	N/A	N/A	N/A	N/A	N/A

- B. The proposed division complies with all requirements of the Land Division Act and the Village Zoning Ordinance.
- C. All parcels created and remaining have existing adequate accessibility as defined in the Michigan Land Division Act and Village Zoning Ordinance, or have an area available to provide such accessibility to a public road for public utilities and emergency and other vehicles, not less than the requirements of the applicable village ordinances and technical standards. **Both resulting parcels will front (& have access to) Mill Street. Both water & sewer are available to the resulting vacant parcel.**
- D. There is adequate storm drainage and public utilities to serve the parcels created by the division, as determined by the Village Engineer, or as a condition of approval of the division, suitable easements are provided to allow the extension of adequate storm drainage and public utilities in the future. **The subject parcel is within the Village of Pinckney Original Plat and have adequate storm drainage and public utilities. At the time of construction on the vacant site, they will be required to have separate public water and sewer service with separate connections as required by ordinance.**
- E. All taxes and special assessments on the properties sought to be divided or combined have been paid. **All taxes have been paid in full through 2023**
- F. The ratio of depth to width of any parcel created by a land division (including a remnant parcel) shall not exceed 4:1 unless otherwise provided by the Village Zoning Ordinance.

- G. The proposed division shall not cause any existing building or structure to become nonconforming. The existing home is an existing non-conformity with a front yard setback of only 16.4 feet (minimum required 30 feet). It should also be noted that there is a 1.90 foot section at the southwest corner that is indicated as "area of contestable ownership rights". This would make the difference in the required 66 foot wide lot. I will hopefully have more information from the surveyor at the meeting. No other non-conformities will be created as a result of the proposed lot division.
- H. The proposed division would not result in a parcel containing more than one zoning classification, unless the village has determined that multiple zoning classifications on a resultant parcel promotes orderly and harmonious development between adjacent parcels, such as creating a desirable transitional buffer between adjacent parcels of different zoning classifications. The entire parent parcel (Parcel 4714-23-303-032) is within R3, High Density Residential District.
- I. Approval of a proposed division of land shall be subject to the dedication of any easements necessary for current or future public roads, public utilities, bicycle/nonmotorized vehicle paths, sidewalks, or other necessary required public facilities.
- J. If the land division involves the use of a new curb cut to a public street or road, the applicant must submit evidence of review and approval of the curb cut location by the Village Public Works Department. Chapter 92 of the Village Code requires that any work to construct a driveway within the right-of-way of any road under the jurisdiction of the Village requires a permit.
- K. The village may require such additional conditions and safeguards as are deemed necessary to ensure compliance with the requirements of this subchapter.

5. Continued Discussion - Temporary Sign Ordinance

TABLE 1 GROUND SIGNS PERMITTED BY DISTRICT			
District	Height	Single Faced Per Side (max)	Total Max Area Sign; Two or more faced
CBD and SBD	8 feet	25 square feet	50 square feet.
ROB and O	5 feet	18 square feet	36 square feet
RTO and PL	8 feet	16 square feet	32 square feet
R1, R2, R3, R4	4 feet	6 square feet	12 square feet

TABLE 2 WALL SIGNS PERMITTED BY DISTRICT		
District	Maximum Height	Sign Message Area (max.)
CBD and SBD Districts	6 feet	1 foot for each lineal foot of building frontage not to exceed a total of 100 square feet
ROB and O District	4 feet	1 square foot for each lineal foot of building frontage not to exceed a total of 40 square feet
RTO and PL Districts	4 feet	1 square foot for each lineal foot of building frontage not to exceed a total of 50 square feet
R-1, R-2, R-3 and R-4 Districts	4 feet	1/2 square foot for each lineal foot of building frontage not to exceed a total of 20 square feet

TABLE 3
TEMPORARY SIGNS PERMITTED BY DISTRICT

District	# Permitted	Height	Single Faced Per Side (max) per sign	Total Max Area Sign; Two or more faced per sign
CBD	1 portable sidewalk sign * per ground floor commercial use	4 feet	6 square feet	12 square feet
SBD	4 per parcel	4 feet	6 square feet	12 square feet
ROB and O	4 per parcel	4 feet	6 square feet	12 square feet
RTO	4 per parcel	4 feet	6 square feet	12 square feet
PL	1 per parcel	6 feet	25 square feet	50 square feet
R1, R2, R3, R4	14 per parcel	4 feet	6 square feet	12 square feet

- A) As we discussed at the last meeting, Council has asked the Planning Commission to review the temporary sign ordinance as a result of the required removal of the two temporary, changeable letter signs in front of Pinckney Chrysler & Pinckney Car Wash that had never been removed when their permit expired (2007 & 2008). The Commission has been asked to see if any changes should/could be made to allow these signs. Although we are talking about two specific signs, we can only regulate by type and district, and need to consider the impact within that district.

Things to consider:

- It has been suggested that the two signs in question should be “grandfathered”. The two signs were both issued temporary sign permits for a period of 90 days (one in 2007 and one in 2008) but were never removed after the expiration of the permit. The lack of enforcement does not grant any additional rights.
 - Road frontage is not used in calculating any signage. Building frontage is used to calculate wall signage only.
 - Per our ordinance, all temporary signs shall be non-illuminated. The signs in question are back-lit signs.
 - Per our ordinance, internally-illuminated plastic signs with dark-colored detachable letters shall be strictly prohibited in all districts.
 - The total square footage for these signs is 56 square feet. The maximum square footage for permanent ground signs cannot exceed 50 square feet in any district. If allowed, this would mean every business within the SBD would be allowed more temporary signage than is allowed for permanent ground signage.
 - Temporary signs are not intended to become permanent while remaining mobile or removeable. It should then be built to permanent sign standards and included in the total ground sign square footage. Variances for permanent signage can be sought through the ZBA if needed.
 - Currently, we do not require a permit for temporary signs. If temporary signs larger than the 6 square feet per side are allowed, a permit should be required. In this case, we should consider the limitations to which a sign permit should be granted. (ie: number of days, number of times per year, etc.).
- B) With election season upon us, the issue of political signs and enforcement of our new ordinance has become a topic, as one might expect. On June 11th, I sent an email to the property owner of 1066 E. Main (old fire hall) letting him know that the two political signs exceeded the size limit and were within the right-of-way. Hearing no response, on June 17th I sent a letter of violation. I then received an email apologizing and indicating the signs would be brought into compliance.

At the June 24th Council meeting, the property owner spoke during public forum to voice his opinion that we were violating his freedom of speech and he would not conform to the village ordinance. Council suspended all enforcement of temporary signs until the Village Attorney can provide an opinion. As you may recall, our original version of the sign ordinance categorized temporary signs (real estate, garage sale, commercial & political). Many municipalities have ordinances that address time limits, etc. much like what we originally proposed. Attorney Stoker advised us that we could not make a distinction, and all temporary signs (including political signs) need to be treated the same – regulations should not be based on the content of the sign. You should not need to read it to determine the type and enforcement. He gave us his opinion in the context of the Supreme Court’s rulings on signs and the Constitution’s First Amendment. In other words, we cannot have separate regulations for political signs.

Potential Action:

- * Direct the ZA to adjust specific language and set a public hearing for the amendment to the ordinance for the August meeting. You can also suggest language changes to Council before holding a public hearing to get their input
- * Recommend to Village Council that no changes be made to the ordinance adopted 12/11/23. Council can then hold a public hearing and make their desired changes if they choose.

DDA:

OLD BUSINESS:

1. Economic Development & Marketing Strategies: These two documents along with a Powerpoint document were introduced to the Board at the last meeting. Given the amount of information contained in these documents, additional time was requested for review. I would like to entertain any discussion on changes, additional goals, etc. that the Board may feel should be made or included. Again, these were taken from the Village Master Plan, P&R Master Plan, DDA Plan, etc., and using US Census Bureau information, SEMCOG, and other sources. If you are ready to proceed, I would suggest that you adopt the documents and request that copies be attached to the Annual Report to Council so that Council may be made aware of the activities of the Board. Again, there are no time constraints.

OTHER BUSINESS:

1. Inquiry – 135 W. Main: There is nothing new to report at this time– it will take some time to pull information together to present the options to the Board. I will keep you informed.
2. Update on EV Charging Stations:

