

**DRAFT**  
**VILLAGE OF PINCKNEY**  
**PLANNING COMMISSION**  
**MONDAY, JULY 1, 2024**

**CALL TO ORDER:**

The meeting was called to order by Chairperson Oliver at 7:00 p.m.

Present: Jennifer Cooke  
Savanna Gee  
Joseph Hartman  
Linda Lavey  
Alex Smith  
Christine Oliver  
Trisha Wagner

Absent: Deborah Grischke

Also Present: Julie Durkin, Zoning Administrator & Lucie Fortin, Village Planner

**PLEDGE OF ALLEGIANCE:**

Chairperson Oliver led those present in the pledge of allegiance.

**APPROVAL OF AGENDA:**

Motion by Wagner, supported by Smith

To approve the agenda as presented

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

**APPROVAL OF MINUTES:**

Motion by Gee, supported by Wagner

To approve the minutes of the June 3, 2024 regular meeting as presented

VOTE: Ayes: 6          Nays: 0          Absent: 1          Abstain: 1 (Lavey)          MOTION CARRIED

**REPORTS:**

Chairperson Oliver expressed that she was able to attend the Food Truck Friday which was a great success.

President Lavey stated that the Council has sent the sign ordinance back to the Commission, which will be discussed later in the agenda.

**PUBLIC FORUM:**

Chairperson Oliver opened public forum at 7:03 p.m.

Mr. Tom Chambers introduced himself as a candidate running for Putnam Township Supervisor.

Mr. Mike Panczyk of 9484 Wendover Ct., Brighton explained that he is a member representing a group of parents in Livingston County advocating for our youth, our community and the values that we represent. He would like to provide some public input on the two marihuana facility requests that are being heard tonight. Chairperson Oliver asked that he hold his comments until those items are discussed further on the agenda.

Hearing no further public comment, public forum was closed at 7:07 p.m.

#### **OLD BUSINESS:**

1. Request for Extension of Special Land Use

Applicant: For Kids' Sake

Location: 125 E. Unadilla

Request: The applicant is requesting an extension of the contingencies of the Special Land Use

ZA Durkin reviewed what had been approved, which was to allow the use of the facility prior to completion of the site plan with the understanding that the playground, fence and landscaping would be completed by July 1<sup>st</sup>. This was based on the weather conditions and need to acquire additional funding. At this time, we have a letter requesting the extension the requirements of the conditions of the special land use until September 1<sup>st</sup>.

Ms. Julie Amy, applicant indicated that this is not what she is asking for. She stated that she is asking that we explore what Plan B is. She explained a 2022-2024 facilities grant that had been available for child care centers. She had originally proposed a \$50,000 playground at the facility based on the fact that she was in a lottery for these funds. She did not receive the \$50,000 for the playground. She would like us to explore what the minimum requirement is based on the Commission's expertise on child development. She gave numerous definitions of outdoor play area and playground. She provided information on what the State says a play space should be. She further stated that the State allows for the use of other facilities within a safe walking route. She described the green space available, Lakeland Trail and other areas.

ZA Durkin stated that what we need to do is follow the special land use procedure and the site plan procedure. Ms. Amy stated that the question is - is it appropriate to put a burden on the business and put a burden on Community Congregational Church. Durkin stated that our ordinance requires the playground. We explored the option of asking for a variance which was explained. The applicant is enjoying the use of the special land use without completing the site plan which is an unusual exception. Typically, the site plan is required to be complete prior to the use of the special land use. She further stated that she has laid out the proper procedure that would have to be followed in order to request a variance to the playground, fencing and landscaping, step by step including the links to the applications, etc. Ms. Amy indicated that she did not understand the email that was sent. She stated that she filled out the variance request form. ZA Durkin stated that nothing has been submitted.

Member Cooke asked if her site plan could be extended to give her more time. ZA Durkin stated that the expiration of the site plan is not at issue. Because of weather, pending grant monies, etc., the Commission gave the applicant the ability to use the special land use to give her time to accomplish these items in accordance with the site plan that she submitted. An exception was given to the applicant to use the facility as the special use with the agreement that she would provide the required playground by July 1<sup>st</sup>. At this point, if she does not wish to install the playground as agreed, she would have to apply for a variance. If granted, she will have to apply for an amendment to the special land use and site plan. Absent those things, there is no special land use. The only action that can be taken tonight is the extension of the requirements.

Ms. Amy asked what the minimum is to be considered a playground. Durkin stated that the special land use was granted based on the site plan that she provided. We went a step further based on the Planner's recommendation that the details of the play equipment, etc. could be reviewed and approved administratively so that there would not be a need to come back before the Commission to work out the specific details. What is required is spelled out in our ordinance based on the number of children.

Discussion was held on when the approvals expire. It was stated that the deadline for the completion of the site work expires today. The site plan itself expires in November. Ms. Amy stated that she was not aware that she was suppose to provide a new site plan. Durkin stated again that all of the information was spelled out in her email. Ms. Amy asked if she is supposed to understand the Zoning Administrator's job through osmosis. Durkin stated that she could have called village hall or requested a meeting, etc. just as she has done in the past. Ms. Amy stated that she would prefer to communicate with President Lavey.

The question was asked what happens if the Commission does not grant an extension. Durkin stated that the Special Land Use expires today and she would not be able to continue using that site for this purpose.

Motion by Smith, supported by Hartman

To extend the completion of the conditions of the special land use until September 1, 2024

The question was asked if we should move that until October 1<sup>st</sup>. Durkin stated that the site plan expires November 1<sup>st</sup> which leaves very little time to accomplish everything. Ms. Amy indicated that she is fine with September 1. Durkin stated that again, if the applicant does not intend to complete the playground with fencing and landscaping, she will have to seek a variance through the Zoning Board of Appeals and then submit a revised plan accordingly. Public hearings will be required.

VOTE: Ayes: 7            Nays: 0            Absent: 1            MOTION CARRIED

2. Request for Extension of Special Land Uses (3)

Applicant: The Means

Location: 935 W. Main Street (4714-22-300-003)

Request: The applicant is requesting an extension of 3 Special Land Uses (Grower Class C, Process, Retailer)

ZA Durkin stated that she has laid out in her report what has taken place since the beginning of the project. The applicant is present to answer any questions. It has been roughly 14 months since construction ceased. Their site plan has expired and will require re-approval. Before that can happen, we need to consider the extension of the three special land uses for the grower, processor and retail. This should be in the form of a recommendation for approval or denial to the Village Council.

Jacob Kahn, Attorney for The Means Project explained the litigation that has taken place with the project over the past year and a half. That has since been resolved, and the partnership has changed slightly. They have applied for re-approval of the site plan which has remained unchanged. The owners are in the process of interviewing contractors who will post a new bond and proceed with pulling the necessary permits. They are asking for an extension on the special land use permits while they continue this process.

Motion by Hartman, supported by Gee

To recommend to Village Council approval of the one- year extension of the Special Land Use for The Means Project at 935 W. Main Street for the Marihuana Grower facility

ROLL CALL VOTE:       Gee – Yes  
                              Hartman - Yes  
                              Lavey - Yes  
                              Smith - Yes  
                              Wagner - Yes  
                              Oliver – No

MOTION CARRIED       (1 absent)

Motion by Hartman, supported by Gee

To recommend to Village Council approval of the one- year extension of the Special Land Use for The Means Project at 935 W. Main Street for the Marihuana Processor facility

ROLL CALL VOTE:       Gee – Yes  
                              Hartman - Yes  
                              Lavey - Yes  
                              Smith - Yes  
                              Wagner - Yes  
                              Oliver – No

MOTION CARRIED       (1 absent)

Motion by Hartman, supported by Gee

To recommend to Village Council approval of the one- year extension of the Special Land Use for The Means Project at 935 W. Main Street for the Marihuana Retail facility

ROLL CALL VOTE:       Gee – Yes  
                              Hartman - Yes  
                              Lavey - Yes  
                              Smith - Yes  
                              Wagner - Yes  
                              Oliver – No

MOTION CARRIED       (1 absent)

- 3. Public Hearing - Special Land Use Application – 2024-001-SLU  
Public Hearing - Pinckney Development (Essence-Pinckney)  
Location:       1268 E. M-36 (4714-23-400-008)  
Request:        Applicant is seeking approval of both a Gas Station & Fast-Food Restaurant

Chairperson Oliver opened the public hearing at 7:29 p.m.

Mike Panczyk of 9484 Wendover Ct., Brighton stated that in addition to supporting the Police Chiefs comments, he would like to point out the fundamental difference between this proposal and the prior proposal, which is a single marihuana facility versus combing a marihuana facility with a gas station and restaurant. He further discussed the

legalization of marihuana and increased access by youth, addiction rates and the effects of the use of marihuana. This combination of uses does not seem like a good protection of our youth from access to this harmful drug. He further discussed the market for pot. He urges the Commission to not approve the multi-use facility.

Ken Schmenk of 508 Hightree Ct., Brighton discussed medical marihuana versus recreational marihuana use. He discussed the decreasing cost of marihuana and other statistics regarding the sale of marihuana. He stated that he stands with the Pinckney Police Chief and Livingston County Sheriff and believes that this is awful for our community, especially when combined with the sale of food, beverages and gasoline. Finally, he discussed the lack of limits on the THC levels in marihuana in the State of Michigan.

Teresa Panczyk of 9484 Wendover Ct., Brighton discussed a book regarding the impact of THC on our children. She discussed the high potency of the wax and other forms of THC. She discussed the disorders associated with THC.

Ms. Panczyk read a letter from Susan Gardner of 205 Madison Street, Brighton opposing the proposed uses in addition to the marihuana facility.

Kirk Lytwyn thanked the Board for their time. He is in the cannabis industry and is familiar with the lack of education about what is going on in the industry. He discussed the reclassification of cannabis by the federal government as a non-addictive substance. He further discussed the use by people who cannot sleep or have pain. He discussed the State's aggressive process of testing as well as the rules and regulations. He further discussed statistics regarding crime rates, open products on premises, etc. Finally, he discussed the efficient use of the property.

Brian Carruthers of 2480 Spartans Tr., Pinckney stated that we just got out of an era where Pinckney was known for heroine use. We are talking about the youth in the area being influenced by things they want to try. This is not only terrible for the children but also the parents that would have to suffer.

Julie Amy, Vice President of the Pinckney Youth Development Initiative discussed the exposure to the kids that she sees on a regular basis in the Pinckney School District. She discussed the parties at the sand bars on the lake and the fact that we don't need to add to that environment.

Pat Carney from Putnam Township stated that the school district came to the township some time ago asking that they pressure business owners to not carry such things as vaping products, etc. Marihuana was voted in, but to make it available some place that people are coming and going is ludicrous.

Liane Smith of 9755 Pumpkin Lane, Pinckney stated that the lakes are not a bad place. People go out there for pleasure and take the children for fun. She discussed the drainage from McDonalds that goes into Honey Creek. She discussed the number of gas stations already available. We need a nice restaurant. We do not need another gas station or marihuana facility.

Hearing no further public comment, the public hearing was closed at 7:56 p.m.

Planner Fortin gave a brief summary of her letter of review indicating that the site has already received special use approval for the marihuana facility. Tonight they are seeking approval of the uses added to the property which is a gas station and drive-thru restaurant. There were conditions on the marihuana facility special use which have not yet been implemented. The proposal is very intense for the two parcels, and we do have concerns about noise, traffic, circulation of the site, etc. She feels that we are trying to fit too much physically on these two parcels. The question is - is there a way to mitigate that or add conditions to allow these uses or possibly just one of the uses.

Member Cooke stated that we already have three coffee shops that we are struggling to support. Also, the traffic climate is a very big issue. This is a lot being proposed for this space and a lot of stress on the area.

Member Wagner concurred and stated that it is too condensed for the area.

Member Smith stated that he feels that it is too much on the site.

Member Hartman asked the applicant if he would continue with the already approved use of the marihuana facility if the additional uses are not approved. Mr. Lytwyn, applicant stated that they would absolutely continue with their plan for the marihuana facility but would take a different approach for the remainder of the site.

Marco Lytwyn, applicant explained their approach to the project and their intent to maximize the property with businesses they think will blend well with the M-36 corridor. Originally, their approach was to start with the microbusiness on the first parcel with the intent to develop the second parcel after. Upon the advice of staff, they wanted to develop an overall plan for the site and proceed with combining the lots. He feels that there are ways to address the planner's comments and options to expand the site. He further explained the process they have gone through to get to this point. He addressed the intensity of the site and traffic with the proposed three-lane driveway. He indicated that they are willing to do a full traffic assessment if deemed necessary. They do not expect to have any noise issues given the surrounding uses and intend to operate the same time frame as surrounding businesses. There will be no loitering on site and use of cannabis products are strictly prohibited on site. They believe that the proposed uses align well with the surrounding business in terms of parking, pavement, etc. They are happy to provide cross access points to all the uses and incorporate the necessary signage and have provided additional sidewalk as required by the marihuana special land use. He discussed the proposed landscape and the existing landscape at the adjacent Taco Bell. He addressed the innovative storm water maintenance, their proposed detention pond with a swale and their flexibility as there is no wetland buffer required. He discussed the wetland delineation and their report that there are no invasive plant species. Lastly, their plans have been updated to reflect the exterior materials they feel blend with the surrounding businesses along the corridor, and would like clarification with regard to flat roofs. They feel that they are not far from meeting the Planner's concerns and have options to address the remaining issues. He respectfully requested that if the Board is leaning toward denial, that the issue be tabled so that they can go back and address the concerns and make improvements.

Planner Fortin asked if the applicant would be willing to entertain the reduction in uses. Mr. Lytwyn stated that if the concern is the traffic, they feel that they can control the traffic within the site. It was stated that the question is whether M-36 can handle the additional traffic from the property.

Further discussion was held on a traffic impact study. It was stated that we would not want to require that at this point. We are simply talking about use.

Member Lavey discussed the amount of black top that covers the entire site. She asked if the applicant knows of another site like this where they have three business on the same lot.

Mr. Al Bazy, developer of the site stated that he has multiple locations throughout the State of Michigan. He does have sites identical to this proposal. We are talking about two one-acre parcels. One could be developed now with the second developed later with approved uses. He stated that they are not going to be bringing in additional traffic but serving the traffic that is already there. They are not trying to overload M-36. He stated that if we are talking about minimizing the uses, he would not have a problem with building the gas station and taking out the coffee shop.

Discussion was held on similar situations in other communities. Mr. Lytwyn stated that Pinckney is a growing community and they want to contribute to that.

Mr. Bazy discussed the vacancy rate in the area of retail spaces. He stated that they look at what is and is not working and what is beneficial to the community. They are not talking about a massive gas station.

Further discussion was held on traffic congestion that could be generated and the report of accidents provided by Chief Garrison. Mr. Lytwyn stated that he cannot control traffic on M-36, but he can control the traffic on the site. Planner Fortin encouraged the applicant to start the process with MDOT for the approach.

Chairperson Oliver suggested that the item be tabled until the next meeting.

Motion by Lavey, supported by Gee

To deny both requests for Special Land Use for gas station and fast food at 1268 E. M-36 due to the number of uses being proposed

ZA Durkin explained that if the uses are denied, the applicant would not be able to submit a similar request for one year unless there is new evidence or change of conditions.

Member Hartman stated that he feels that we should not rush into denying the requests. The applicant could come back in a month and revise his request to possibly one of the uses. Mr. Lytwyn stated that he is more than willing to work with the village to revise the plan and possibly limit the request to one.

Member Lavey withdrew her motion and Member Gee withdrew her support.

Motion by Hartman, supported by Smith

To table the requests for Special Land Use for gas station and fast food at 1268 E. M-36 until the next meeting

ROLL CALL VOTE:      Gee – Yes  
                                 Hartman - Yes  
                                 Lavey - No  
                                 Smith - Yes  
                                 Wagner - Yes  
                                 Oliver – Yes

MOTION CARRIED      (1 absent)

Planner Fortin suggested that the Commission give the applicant a feeling on which request is more favorable. The consensus of the Commission was they were against the gas station. Member Hartman stated that he does not feel that the traffic along M-36 is that bad, with the exception of rush hour. It was stated that another suggestion is to soften the site and not black top the entire site.

#### 4. Public Hearing - Request for Land Division

Applicant:      Phil Prystash  
Location:      306 Mill Street (Lots 1 & 2 – Village of Pinckney Original Plat)  
Request:      The applicant is requesting to split current lot into two (2)

Chairperson Oliver opened the public hearing at 8:37 p.m.

Phil Prystash, applicant explained that his request is to split one lot into two.

Hearing no further public comment, the public hearing was closed at 8:38 p.m.

ZA Durkin explained that the applicant has supplied both the survey and legal descriptions of the requested resulting parcels. The request does meet the standards for approval of land divisions. She further explained the areas of contestable ownership on the survey. She indicated that the lot width at the street line does meet the 66-foot-wide requirement.

Motion by Hartman, supported by Gee

To recommend to Village Council approval of the request for land division for 306 Mill Street with the resulting parcels as indicated on the survey and legal descriptions dated 6-27-2024

ROLL CALL VOTE:       Gee – Yes  
                              Hartman - Yes  
                              Lavey - Yes  
                              Smith - Yes  
                              Wagner - Yes  
                              Oliver – Yes

MOTION CARRIED       (1 absent)

#### 5. Request by Council to revisit Temporary Sign Ordinance

Chairperson Oliver stated that she feels that this is an ordinance and people need to follow it.

Member Cooke stated that from a business standpoint, she feels that there are some things missing from our ordinance that could be included while staying in line with what the Commission is trying to achieve. It appears that there are two separate issues, one temporary signs and then political signs.

ZA Durkin stated that these are really not two separate issues. One thing that was made very clear during the process was that all temporary signs need to be treated the same and not categorized into political, garage sale, real estate, etc. Member Cooke stated that other communities' ordinances have separate subsets dealing with just political signs. Durkin stated that most communities do, but they have been recently challenged and deemed unconstitutional. Our original proposed language did the same, but we were advised by the Village Attorney about the recent Supreme Court rulings.

Member Cooke asked if we could separate the SBD and include different parameters from the rest of the commercial district. ZA Durkin stated they are different. The CBD is not allowed the same temporary signage as the SBD. There is a difference between a free-standing portable sign allowed in the CBD and the type of temporary sign allowed in the SBD and other districts.

Discussion was held on the size of the temporary signs allowed. Durkin stated that the two signs in question which are the marquis signs, are 56 square feet. This is more than the allowable ground signage. Discussion was held on the two signs in question and how it would appear if every business had one.

Member Hartman discussed his view of having the least restrictive sign ordinance possible. This ordinance is better than it used to be. Discussion was held on the fact that no temporary signs were allowed in the previous ordinance. Discussion was held on the lack of enforcement. Durkin stated that lack of enforcement does not grant additional rights.



Member Cooke suggested that we require a certain amount of road frontage in order to have this type of sign. It was stated that road frontage is not factored in when you talk about signage. Discussion was held on larger commercial lots with limited road frontage.

Member Wagner stated that she would not like to see all of these types of signs. It would not look great, and she would like to keep the integrity within the Village.

Member Cooke asked if they could get a variance for these signs based on criteria. Durkin stated that a variance can be requested for permanent signs, but we are talking about temporary signs and you cannot grant a permanent variance

for a temporary sign. She further explained that the car wash does not currently have a ground sign and could install one and meet ordinance. Pinckney Chrysler does already exceed their allowable signage but could request a variance for additional ground sign if they meet the hardship requirements. Discussion was held on the cost of a permanent sign. Durkin stated that even when requesting a variance, financial gain is not a consideration. She further discussed the changeable letter type signage.

Discussion was held on how to proceed. ZA Durkin stated that there are a couple of options. It can be sent back to Council indicating that you do not want to change the language or you could provide some direction and allow her to come up with some proposed language. Member Cooke stated that she would like to present some ideas to the Commission.

It was stated that the process does include a public hearing for any changes. Discussion was held on the work that was put into this ordinance. Member Gee stated that she does not see the benefit of allowing the exception of the two signs in question.

Discussion was held on the sports team acknowledgement, etc. that have been included on the sign in front of Pinckney Chrysler. Discussion was held on this being better served on a community event sign.

Motion by Hartman, supported by Gee

To table sign ordinance discussion until the next meeting

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

#### **NEW BUSINESS:**

President Lavey stated that she is on the Commission due to Councilman Kinczkowski moving out of town. There is a vacancy now on Village Council if anyone wishes to apply. It would require running for office in November.

#### **PUBLIC FORUM:**

Chairperson Oliver opened the public forum at 9:01 p.m. Hearing no public comment, the public forum was closed at 9:01 p.m.

#### **MEMBER DISCUSSION:**

Member Hartman asked the status of Lakeland Knoll. ZA Durkin stated that he has submitted his construction plans for review, which will take some time.

**ADJOURNMENT:**

Motion by Hartman, supported by Wagner

To adjourn the regular Planning Commission meeting at 9:02 p.m.

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

Respectfully submitted,

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Christine Oliver, Chairperson

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Julie Durkin, Zoning Administrator  
Recording Secretary

