

**Village of Pinckney**  
**Planning Commission Meeting**  
**February 2, 2009**

**Call to Order:** Chairman Gergel called the meeting to order at 7:34 pm.

**Roll Call:** Present - Michael Gergel, Robert MacDonald, Dan Krueger, and Richard Helfer. Absent – Reed Starkey, and Alison Austin. Also present were Mark Martel and Paul Siersma.

The Pledge of Allegiance was recited.

**Approval of the Agenda:**

Commissioner Helfer asked to have “Discussion Regarding Bed and Breakfasts in the CB District” added to the agenda.

**Moved** by Commissioner MacDonald, seconded by Commissioner Helfer, to approve tonight’s agenda as amended. **The motion carried unanimously**

**Approval of January 5, 2009 Minutes:**

Mr. Martel noted some errors regarding the public hearing for the conditional rezoning of 224 and 250 East Main Street

- The applicant is not installing additional parking spaces; however, they are removing one of the buildings to assist with vehicular maneuverability. He would like the sentence referring to the installation of the parking spaces removed.
- 250 E Main Street has **two** zoning districts and all parcels will change to SBD zoning, although the rear parcel has a condition placed upon it that it will not be developed.

Mr. Martel also stated that his statement regarding the Village Council’s opposition to the rear setback amendments was written incorrectly and he suggested the following language for the fourth paragraph of Page 4 “*....after discussion of the costs associated with having CWA draft a “creative” setback amendment proposal that probably is not necessary and would be difficult to enforce, he has been informed by Ms. Foster that the Village Council may be hesitant to vote to amend the ordinance because there does not seem to be a .....*”

All commissioners agreed to these change.

**Moved** by Commissioner Helfer, seconded by Commissioner MacDonald, to approve the January 5, 2009 minutes as amended with Mr. Martel’s changes. **The motion carried**

**unanimously.**

**Reports:**

**Chairperson:** Chairman Gergel had nothing to report this evening.

**Secretary-Correspondence:** Commissioner MacDonald had nothing to report this evening.

**Zoning Administrator:** Mr. Martel stated he has not received any updates from Pirates Cove since last month.

**Village Planner:** Mr. Siersma advised that the applicant for conditional rezoning that was recommended by the Planning Commission last month, Village Council, and the Village Attorney are currently working to develop a formal statement of conditions for this rezoning. The item is expected to be on the February or March Village Council agenda.

**Public Forum**

Chairman Gergel opened the public forum at 8:00 pm with no response.

**Agenda**

Master Plan

Mr. Siersma stated that Village Council reviewed the Master Plan and suggested placing a zoning map in the document. He advised against this as that map can change when properties become rezoned and then the map is out of date. This is something that can be kept at the Village Hall and be able to be viewed by the public. There were no other concerns from Council. The Planning Commission can now vote to distribute the Master Plan to surrounding entities for their review.

After a brief discussion, all commissioners agreed to not include the zoning map in the Master Plan.

**Moved** by Commissioner Helfer, seconded by Commissioner Krueger, to distribute the Village's Master Plan to the statutory required entities. **The motion carried unanimously.**

Planning Commission Bylaws

Chairman Gergel noted there is an item on tonight's agenda (Making Council the ZBA) that could affect the Planning Commission Bylaws. It was decided to table approval of the Bylaws until after a decision has been made regarding making the Council the ZBA.

**Moved** by Commissioner Helfer, seconded by Commissioner MacDonald, to table

approval of the Planning Commission Bylaws until the next Planning Commission meeting. **The motion carried unanimously.**

#### Zoning Ordinance Proposed Amendments

- Proposal to Make Council the ZBA

Mr. Siersma stated that this change originated at the Village Council level as it is difficult to find residents to serve on the ZBA. The statute allows for Council to act as the ZBA. He added that this ordinance change has been reviewed and approved by the Village Attorney.

There was a discussion regarding how the ZBA meetings will be structured as part of the Village Council meetings and how this will affect the timing of appeals. Mr. Siersma suggested having ZBA items part of the Village Council agenda. The statute states that the Council can act on ZBA issues and does not have to be a separate body. Doing this will allow ZBA meeting items to be approved as part of the meeting minutes at the following Village Council meeting, which are held twice a month.

**Moved** by Commissioner Helfer, seconded by Commissioner Krueger, to set the Zoning Ordinance Amendment to Make Village Council the ZBA for a public hearing at the March 2, 2009 Planning Commission meeting. **The motion carried unanimously.**

- Proposal for Addition of child care, foster care, etc. as a Special Land Use in CBD

Mr. Siersma reviewed his memo to the Planning Commission regarding these amendments.

**Moved** by Commissioner Helfer, seconded by Commissioner Krueger, to set the Zoning Ordinance Amendment to allow Group Day Care Homes (7-12 children) and Adult Foster Care Small Group Homes (7-12 adults) as Special Land Uses in the CB District for a public hearing at the March 2, 2009 Planning Commission meeting. **The motion carried unanimously.**

- Additional Zoning Amendments

Mr. Seirsma reviewed the proposed change to Section 152.001-Purpose and Scope. There is only one change and it is in the first paragraph. The “Michigan Zoning Enabling Act, PA 110 of 2206” will be cited as it was not included in this section previously.

**Moved** by Commissioner Kruger, seconded by Commissioner Helfer, to accept the proposed changes to 152.001 and set the Zoning Ordinance Amendment for public hearing at the March 2, 2009 Planning Commission meeting. **The motion carried unanimously.**

Mr. Siersma reviewed the proposed changes to Section 152.020 - Administration and

Enforcement. The changes pertain to the public notice and code violation sections of this ordinance.

**Moved** by Commissioner MacDonald, seconded by Commissioner Krueger to accept the proposed changes to 152.020 and set the Zoning Ordinance Amendment for public hearing at the March 2, 2009 Planning Commission meeting. **The motion carried unanimously.**

- Discussion regarding Bed and Breakfasts in the CB District

Commissioner Helfer stated he would like to have Bed and Breakfasts be a permitted use in the CB District. Currently, they are only permitted by Special Land Use. It could help promote downtown businesses. They are currently only a permitted use in the SB District, which does not seem appropriate.

Mr. Siersma noted that a Special Land Use designation is helpful because it gives the Planning Commission and Village Council more control. He would suggest taking it out of the SB District and does not feel it would be a problem making it a permitted use based on standards and/or requirements that could be placed in the zoning ordinance.

Chairman Gergel noted that another form of control is that Special Land Uses require a public hearing and this allows neighbors to voice their opinion about the use and if there are strong oppositions, the Village could put conditions on the use (i.e. fencing, screened landscaping, etc.).

Commissioner MacDonald stated that the CB District is a business district and it makes more sense to have Bed and Breakfasts here rather than the SB District. He agreed that allowing them in the CBD will help other businesses downtown.

Mr. Siersma will check to see what requirements other similar communities have with regard to Bed and Breakfasts in the CB Districts.

**Moved** by Commissioner Helfer, seconded by Commissioner MacDonald, to table the discussion regarding Bed and Breakfasts in the CBD. **The motion carried unanimously.**

### **Public Forum**

Chairman Gergel opened the public forum at 9:30 pm with no response.

### **Member Discussion**

No Planning Commissioners had items to discuss this evening.

**Adjournment:** **Moved** by Commissioner Helfer, seconded by Commissioner Krueger, to adjourn the meeting at 9:30 pm. **The motion carried unanimously.**