

VILLAGE OF LEXINGTON  
**Planning Commission Regular Meeting**  
Village Hall  
7227 Huron Avenue, Lexington, Michigan  
November 1, 2021  
7 p.m.

**Regular Meeting called to order at 7:00 p.m. by** Chairperson Mike Ziegler

**Roll Call** by Vicki Scott, Clerk

**Present-** Ziegler, Picot, Stencel, Macksey, McCombs, Morris, Fulton, Huepenbecker, (Kaatz - arrived at 7:02 p.m.)

**Absent** – None

**Others Present** –Amos Williams, Jim Pierce, Peter Muoio, David & Susan Diener

**Approval of Agenda –**

Motion by Huepenbecker, seconded by McCombs, to approve the agenda as amended moving Item #3 under old business to #3 a. under new business.

All ayes

Motion carried

**Approval of Minutes –**

Motion by Macksey, seconded by Stencel, to approve the minutes of October 4, 2021, as presented.

All ayes

Motion carried

**Public Comment** – Jim Macksey explained he appreciates being asked to stay on Planning Commission despite his compromised eyesight.

**Zoning Administrator Report** – Picot asked about Jeff's Market request for rezoning. Pierce explained he may be waiting to see what Planning is going to do. Williams said he asked Jeff to go through the proper process and start from the beginning and he suggested the ordinances be looked at and possibly amended.

Kaatz suggested adding something to the ordinance to limit the brightness of the signs. Huepenbecker stated the ordinance limits the brightness and permits them to change only every 30 seconds. The problem is enforcement which is difficult with the zoning administrator only working 8 hours per week. Pierce said he had followed up on a sign with flashing exploding lights, and he will follow up with these owners.

Kaatz asked about the fence issue next to the bank. Pierce said he is working with the owner. She took down part of the fence and paid a violation fine. Discussion follows.

Ziegler asked about the status of the SuperStand. Pierce said the owners should have the final site plan ready for the December meeting.

Stencel asked about the water storm drain issue behind Jeff's Market. Pierce said it could be fixed properly with a special assessment of the property owners. He noted that the utilities director said the Village did not want to pay for it. Discussion follows. Kaatz stated this issue should go to the Village Manager first.

Huepenbecker is working with Jim and the staff on keeping an internal timeline. Lengthy discussion on enforcement.

Motion by Fulton, seconded by Picot, to accept the Zoning Administrator's report as presented

All ayes

Motion carried

### **Old Business:**

#### **1. Update on Master Plan Implementation –**

Huepenbecker explained the Steering Committee Meeting handout of November 1, 2021, and said the first meeting of the Collaborative went well.

#### **2. Design Review for cottage Lot on 5472 Washington –**

Ziegler explained the checklist was completed and all the conditions have been met. Huepenbecker said she and Dave discussed two issues with Adam Young (Wade Trim). Since this is a cottage lot, we have discretion on the 3-foot setback. The other issue is the wording in the ordinance that limits the width of a garage. The ordinance appears to anticipate that the garage would be on the same plane as the façade of the house. It is not so in this case. We are offering an amendment this evening regarding that. Discussion follows.

**Motion** by Picot, seconded by Morris to approve the land use request at 5472 Washington St. contingent that Council approves the amended ordinance pertaining to garage frontage.

Discussion on the alley entrance.

Roll call:

Ayes: Picot, Morris, Stencel, Macksey, Huepenbecker, McCombs, Kaatz, Fulton, Ziegler

Nays: None

Motion carried

### **New Business:**

#### **1. Discussion of Zoning Board of Appeals –**

Fulton commented that at the last two hearings, ZBA members did not follow the ordinance or use proper procedures, so he suggested to Council that they add two members to the ZBA, one from Planning and one from Council. They were not totally receptive and recommended that Planning consider it before bringing it back to Council. Do we need to change the ZBA or have something more in place about what their procedure is? Discussion follows.

Huepenbecker commented members ignored how they were supposed to proceed a second time; their training did not seem to make a difference. Many communities our size have a Planning Commission member and Council member on their ZBA. Kaatz stated the ZBA is an independent body and needs to remain independent. How fair is it to place a Planning or Council member on ZBA?

Fulton said the feeling out there is if you think you will have a hard time with the Planning Commission go to the ZBA to get what you want. Williams explained the issue here is what to do when your ZBA makes the wrong decision; they have been trained and the ordinance needs to be followed and enforced. The Council has the ability to remove the members on ZBA.

Discussion follows on the pros and cons of adding two members to ZBA. Kaatz commented that Planning does not have jurisdiction over ZBA. Williams explained the Planning Commission, not the ZBA has control over the ordinances. The ordinance is the ordinance; if you allow them not to follow it, you condone it. You can notify the ZBA they must follow the ordinance. Discussion follows. Kaatz said communication is key between all parties.

Huepenbecker suggested that due to the lateness, the meeting be concluded and schedule a special meeting for next week to finish the items on the agenda.

Motion by Morris, seconded by Huepenbecker to table New Business and have a special meeting next week.

All ayes

Motion carried

#### **Public Comment**

- Sue Diener – asked about the Public Hearing in December.
- Peter Muoio – commented the ZBA should have meetings with the Planning Commission for communication purposes.

**Adjournment** - Motion by Picot, seconded by Fulton, to adjourn at 8:56 p.m.

All Ayes

Motion carried

Vicki Scott

Village Clerk