

**Village of Lexington
Planning Commission Regular Meeting
Village Hall, 7227 Huron Ave., Lexington, MI 48450
August 1, 2022
7 PM**

CALL TO ORDER REGULAR MEETING: Mike Ziegler

ROLL CALL: Vicki Scott

Members: Ziegler Stencil McCombs Fulton Kaatz
 Picot Macksey Morris Huepenbecker

APPROVAL OF AGENDA:

APPROVAL OF MINUTES:

Pages 1-6

Motion to approve the minutes of the Regular Meeting of June 6, 2022
Motion to approve the minutes of the Special Meeting of June 8, 2022
Motion to approve the minutes of the Public Hearing and Special Meeting
of June 29, 2022

PUBLIC COMMENT: (3-minute limit)

ZONING ADMINISTRATOR'S REPORT

Page 7

OLD BUSINESS

Pages 8-13

1. Discuss Draft EV Charging Station Ordinance
2. Training Update – McCombs
3. Update on Implementation of Master Plan

NEW BUSINESS

1. Motion to accept only applications for permits that include the fee and are complete. – Kaatz

PUBLIC COMMENT: (3-minute limit)

ADJOURNMENT

VILLAGE OF LEXINGTON
Planning Commission Regular Meeting
Village Hall
7227 Huron Avenue, Lexington, MI
June 6, 2022

Regular Meeting called to order at 7:00 p.m. by Chairman Ziegler

Roll Call: Vicki Scott, Clerk

Present: Ziegler, Picot, Stencel, Macksey, McCombs, Fulton, Huepenbecker, (Kaatz @ 7:25 pm)

Absent: Morris

Others Present: A. Sutton, L. Adams, P. Muoio, D. Zielinski, K. DeCoster, Jeff Durecka, Lisa Durecka, Sara Grout, and 5 residents

Approval of Agenda:

Motion by Macksey, seconded by McCombs, to approve the agenda as presented.

All ayes

Motion carried

Approval of Minutes:

Motion by Fulton, seconded by Stencel, to approve the minutes of May 2, 2022, as presented.

All ayes

Motion carried

Public Comment: None

Zoning Administrator's Report:

Sutton explained the zoning administrator's report. She commented that the owners of the gazebo are considering another option for the property instead of the Superstand. Sutton has been working on blight issues. Picot asked going forward for the written findings of any ZBA decisions after their meeting as Planning only has 21 days to appeal.

Motion by Macksey, seconded by Picot, to accept the zoning administrator's report.

All ayes

Motion carried

Old Business:

1. Schedule a public hearing for the rezoning request for Jeff's Marketplace -

Ziegler asked the Clerk what time frame would be required to schedule a public hearing. Clerk responded it needs to be published in the newspaper 15 days prior to the meeting as well as letters sent out to residents with the 300' radius. Discussion followed on what date would be best to schedule this public hearing.

Motion by Huepenbecker, seconded by Fulton, to schedule a Public Hearing for Jeff's Marketplace for June 29, 2022 at 7:00 p.m.

Roll Call:

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

Nays: None

Motion carried

2. Update on Implementing the Master Plan –

Picot reported the steering committee reviewed the responses to the survey that was sent to residents. The downtown was popular with responses for a public square and restrooms and the waterfront was popular with more places for recreation and more and better access. Other items of interest were housing choices, filling the trailer park, finding parking solutions, and slowing traffic down with more walkability. Fulton explained this information is a direct result of the 75 survey responses. Picot asked for the results to be posted online.

3. Discuss Draft EV Charging Station Ordinance –

Picot explained the draft copy came from Auburn Hills with revisions made to fit Lexington. Discussion followed. Fulton mentioned that he was told Lexington should have no problem with the power supporting these EV charging stations.

****Kaatz arrived at 7:25 p.m.**

Discussion followed on the best locations for charging stations, private property vs. public property. They are currently putting level 2 stations in the state parks. Macksey suggested having our planner look at this. Stencil suggested not placing restrictions on this issue. Picot explained if we get in front of this the cost will be less. Discussion on changing the language for permitted locations on level 3. Kaatz commented they cannot be put in a residential area as a business and suggested talking to Parks & Rec before determining any park locations. Lengthy discussion followed on location for level 2 stations. Allie suggested sharing this information with the Committee of the Chairs for feedback.

4. Training Update –

McCombs explained after referring to the by-laws, the training sessions become a staggered system from person to person. Fulton commented the RRC recommendations are 4 training hours per year.

New Business: None

Public Comment

- Kathy DeCoster commented on the EV charging stations and upfront cost.
- Jeff Durecka commented on EV charging stations competing and Village should not be making money.
- Peter Muoio commented on the DDA should pursue the Village green and (3) locations for EV charging stations could be Boynton Bluff, Village lot, and Tierney Park.
- Larry Adams commented on EV charging stations.
- Dave Zielinski commented diamond batteries instead of lithium batteries.
- Trevor Herbert commented on private vs. public EV charging stations.

Adjournment - Motion by Fulton, seconded by Picot, to adjourn at 8:11 p.m.

Respectfully submitted,
Vicki Scott

VILLAGE OF LEXINGTON
Planning Commission Special Meeting
Village Hall
7227 Huron Avenue, Lexington, MI
June 8, 2022

Regular Meeting called to order at 8:30 a.m. by Chairman Ziegler

Roll Call: Vicki Scott, Clerk

Present: Ziegler, Picot, Stencel, Macksey, Fulton, Huepenbecker, Kaatz

Absent: McCombs, Morris

Others Present: A. Sutton

Public Comment: None

Business:

1. Public hearing for rezone request for Jeff's Marketplace -

Motion by Huepenbecker, seconded by Fulton, to amend the previous motion by Huepenbecker, seconded by Fulton, to schedule a Public Hearing for Jeff's Marketplace for June 29, 2022 at 7:00 p.m.; (amendment) to schedule a Public Hearing to consider a rezone for Jeff's Marketplace from CBD to CMU on June 29, 2022 at 7:00 p.m.

Roll Call:

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

Nays: None

Motion carried

Public Comment: None

Adjournment - Motion by Fulton, seconded by Stencel, to adjourn at 8:32 p.m.

Respectfully submitted,
Vicki Scott

VILLAGE OF LEXINGTON
Planning Commission Public Hearing/Special Meeting
Village Hall
7227 Huron Avenue, Lexington, MI
June 29, 2022

Public Hearing Called to Order at 7:00 p.m. by Chairman Ziegler

To hear comments on the request to amend the zoning map by rezoning Jeff's Marketplace from the Central Business District (CBD) to Corridor Mixed Use District (C-MU)

Public Comment:

- Sara Grout – commented on the criteria for amending the zoning district map; consistency with the goals, policies, and objectives of the Master Plan and any sub-area plans. The board is supposed to look at the compatibility of the sites already existing and factors what is there now and what it could be.

Article 4.8.1 states the intent of the C-MU district is to accommodate a flexible variety of uses and scales. Uses intended within this district may include small-scale pedestrian-oriented retail, specialty grocery, and personal services.

Subsection 3 states the intent of the CBD and does not say anything about specialty grocery, or personal services. It's to create a pedestrian-friendly compact downtown district with a mixture of uses. The mixture is typically ground floor storefronts for retail and entertainment uses with offices and residential units on upper stories. Jeff's Marketplace does not look like the intent of your Central Business District.

The building requirement for the CBD is a two-story minimum whereas the C-MU has a one-story minimum. The frontage is different as well. There is ample parking for C-MU, as well, according to the ordinance.

Closed Public Hearing at 7:05 p.m.

Called to Order Special Meeting at 7:06 p.m. by Chairman Ziegler

Roll Call: Vicki Scott, Clerk

Present: Ziegler, Picot, Stencel, Fulton, Huepenbecker

Absent: Macksey, McCombs, Morris, Kaatz

Others Present: A. Sutton, Jeff & Lisa Durecka, Sara Grout, 14 Residents

Public Comment:

- Sara Grout – commented that according to the intent of the ordinance Jeff's Marketplace fits better within the Corridor Mixed Use District. The stormwater concern does not apply to the rezoning issue. She urged the Board to look at the total rezone request and not just a sign issue.
- Judy Ross (7115 Aitken Rd.) – commented in favor of the new sign at Jeff's Marketplace.
- Maryann Knoblauch (7127 Simons) – commented in favor of the new sign and thanked Jeff for all he does for this community.

Business:

1. **Review the request to amend the zoning map by rezoning Jeff's Marketplace from the Central Business District (CBD) to Corridor Mixed Use (C-MU) and make a recommendation to Council.**

Picot gave his reasons for opposing the rezoning request per the zoning ordinance and master plan (pgs. 38-42). Making the zone smaller and increasing the uses there is not what people are asking us to do.

Huepenbecker commented that Jeff's Marketplace appeared to fit in better with the Corridor-Mixed Use Zone and asked if ceased to be a grocery store if it could be rezoned CBD.

Fulton stated that he does not want Lexington to be an extension of Fort Gratiot and the Master Plan is a long-term goal.

Stencel said he appreciated what Dave and Mike had to say but agreed that structurally Jeff's looks more like the C-MU and asked if it quit being grocery could it go back to the CBD with all the restrictions.

Stencel suggested that changing the zone for Jeff's wouldn't impact the CBD.

Fulton agreed it wouldn't impact the CBD, however, in the long run, it impacts the physical appearance of the Village of Lexington.

Picot stated changing the property to the C-MU would increase the number of uses that could be done there. He suggested working collaboratively to pursue the Master Plan.

Motion by Picot, seconded by Ziegler, to deny the request for a rezone of Jeff's Marketplace.

Discussion

Roll Call:

Ayes: Picot, Ziegler, Fulton

Nays: Huepenbecker, Stencel

Motion carried

Public Comment:

- Willard Ducharme (7271 Simons) – commented on how much money it will cost the taxpayers based on this vote.
- Linda Geurrini (5743 Main St.) – commented on the convenience of buying groceries in Lexington.
- Greg Drouillard (7277 Simons) – asked if Jeff's added a second story would it fit?
- Sara Grout – commented on Mr. Picot's words you don't know what you got until it's gone. How many people here shop at Jeff's Marketplace. I urge the Board to look at Section 3.11.2 (Application and Offer of Conditions) about the possibility of rezoning through an amendment of the application with a condition if Jeff was to ever sell it could revert back.
- Maryann Knoblauch (7127 Simons) – commented on how much this has snowballed.
- Jeff Durecka – commented he has spent money on attorney and zoning fees and complied with what you want and still getting nowhere.
- Becky Wurmlinger (7185 Lester) – apologized to Jeff's for causing any of this by wanting a sign for our store. We tried getting a sign years ago and were told no while other places in town were allowed to get them like the Village Theater.

- Maryann Knoblauch (7127 Simons) – commented Jeff’s wanted to get a permit but the Village office was closed.
- Bernie Havel (5363 Altona Dr.) – commented on the CBD paying taxes.
- Lisa Durecka (5823 Lakeshore) – asked why the marque sign is grandfathered in for the Village Theater which was built after our store, but we can’t have a sign.

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Adjournment - Motion by Fulton, seconded by Stencel, to adjourn at 7:55 p.m.

Respectfully submitted,

Vicki Scott

Zoning Administrator Report
Village of Lexington
July 28, 2022

Outlined below are the activities of the Zoning Office from June 1, 2022- July 28, 2022

1. Land Use Permits (issued)-
 - a. Residential- 3
 - i. 7201 Lester- Fence
 - ii. 7094 Huron- Driveway
 - iii. 5420 Union- Shed
 - b. Commercial- 1
 - i. 5733 Main- Deck Replacement
 - c. MHP- 3
 - i. 5049 Lakeshore # 13- Deck Expansion
 - ii. 5203 Main #35- Driveway
 - iii. 5203 Main #100- Deck
 - d. Industrial- 0
2. Land Use Permits Pending or in Discussion
 - a. Residential- 1
 - i. 5547 Barmilvian- Culvert
 - b. Commercial- 0
 - c. MHP- 1
 - i. 5203 #64- Shed
 - d. Industrial- 0
 - e. Short Term Rental- 1
 - i. 7215 Hubbard
3. Sign Permits- 0

Handled several meetings and phone calls servicing various inquiries and answering a variety of questions including communications and or meetings with.

4. Blight-
 - a. Several Blight notices were issued for overgrown grass, trash in the lawn, sight obstructions

ELECTRIC VEHICLE INFRASTRUCTURE

DRAFT Amendment to the Zoning Ordinance

Electric Vehicles (EVs) have entered the market and are available to consumers in all 50 States. The Village of Lexington recognizes the importance of supporting this emerging innovation

Automakers have clearly identified that to support the mass production of EVs, municipalities will need to enable and promote the necessary charging infrastructure demanded by potential customers. Thus, advanced planning at all governmental levels is critical to support the early adoption of EVs and spur private sector investment.

EVs need a much different type of fueling network than gasoline engine vehicles. This new fueling system will be based on a clustering of strategically placed charging stations at homes, workplaces, and retail stores, in lieu of the traditional quick 'in and out' fueling system used with gas stations today.

Companies like GM, Ford, and Nissan believe the market will develop over time and all three have made bold public predictions that electric vehicles will be a dominant form of transportation in the future. We anticipate that higher gas prices, advancements in battery storage, lower electric vehicle costs, and significant public/private investment in technology and infrastructure will rapidly increase EV market share.

We envision EV charging stations becoming as commonplace as ADA barrier free spaces at major workplaces and retail centers. The following ordinance is a small step that the Village of Lexington has taken to prepare for the future by setting policy and removing the red tape and bureaucratic uncertainty involved with installing a network of public and private EV charging stations.



SEC. 5.29 ELECTRIC VEHICLE INFRASTRUCTURE

5.29.1 Intent.

The intent of this section is to:

facilitate and encourage the use of electric vehicles and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure.

preserve a pedestrian oriented use pattern in mixed use zones.

encourage town center patronage.

5.29.2 Definitions For the purposes of this Section, the following definitions shall apply

Accessible Electric Vehicle Charging Station An electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.

Battery Charging Station An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.

Battery Electric Vehicle Any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

Charging Levels The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common charging levels, and include the following specifications:

- a. Level-1 is slow charging. Voltage including the range from 0 through 120.
- b. Level-2 is medium charging. Voltage is greater than 120 and includes 240.
- c. Level-3 is fast or rapid charging. Voltage is greater than 240.

Electric Vehicle Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. "Electric vehicle" includes:

- a. Battery electric vehicle
- b. Plug-in hybrid electric vehicle

Electric Vehicle Charging Station A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Electric Vehicle Charging Station – Private Restricted Use An electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

Electric Vehicle Charging Station – Public Use An electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Village Office or Tierney Park parking lot) or (2) privately owned and available to visitors for the use (e.g., grocery store parking).

Electric Vehicle Infrastructure Conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.

Electric Vehicle Parking Space Any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

Non-Electric Vehicle Any motor vehicle that does not meet the definition of electric vehicle.

Plug-In Hybrid Electric Vehicle An electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

5.29.3 Permitted Locations

1. Level-1 and Level-2 electric vehicle charging stations are permitted in every zoning district, when accessory to the primary permitted use. Such stations located at one-family, multiple-family, and mobile home park dwellings shall be designated as private restricted use only. Installation shall be subject to permit approval administered by the Zoning Administrator.
2. Level 3 charging is permitted as a special land use in all non-residential zones.
3. The tourist/visitor/summer resident portion of our local economy is centered around our town center and the waterfront. Both areas are at their best with a pedestrian/walkable use pattern. Electric vehicle charging holds promise for business enhancement in these areas so long as the pedestrian use pattern is preserved and the Lexington brand is not diminished. Therefore, all hosts of level 3 charging facilities in the CBD zone shall be required to meet the following additional standards.
 - A. Traffic patterns to and from the level 3 battery charging station shall not diminish pedestrian safety, nor add to traffic-related visual or audible nuisance levels.
 - B. Actively charging vehicles will be inconspicuous from the public realm.
4. No electric vehicle charging equipment is allowed to be placed within any road right of way.

5.29.4 Readiness Recommendations

1. **Residential** In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new one-family and multiple-family homes with garages be constructed to provide a 220-240-volt / 40 amp outlet on a dedicated circuit and in close proximity to designated vehicle parking to accommodate the potential future hardwire installation of a Level-2 electric vehicle charging station.

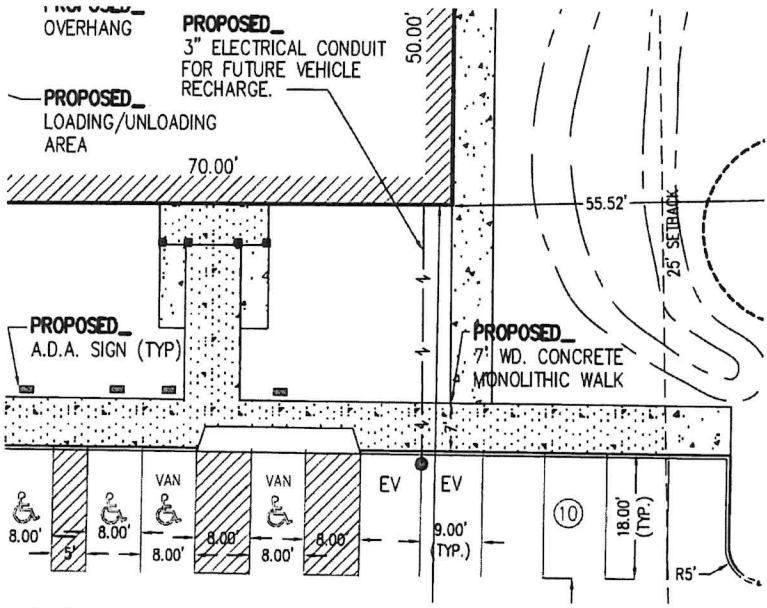
Commentary: Industry experts have advised that 60% to 70% of electric vehicle charging will occur at the owner's home at night. Retrofitting a home for electric vehicle charging is considerably more expensive than the cost of including the capacity at the time of construction. To minimize the unnecessary cost to retrofit a home, the village considers electric vehicle readiness in new home construction a high priority.

2. **Non-Residential** In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, it is strongly encouraged, but not required,

that all new and expanded non- residential development parking areas provide the electrical capacity necessary to accommodate the future hardwire installation of Level-2 electric vehicle charging stations. No recommendation is made as to the number of spaces required for any given parcel. Owner self interest and market forces will guide landowners to adequately provide for electric vehicle charging as best suits current and future use of the site and to preserve property value.

~~It is noted and understood that large sized parking areas (e.g., Chrysler Group, LLC Headquarters, Great Lakes Crossing Outlets, The Palace of Auburn Hills, Oakland University, etc.) may require less electric vehicle charging stations than recommended above to accommodate the anticipated market demand.~~

Commentary: If the property owner decides not to install the battery charging stations at the time of initial construction, this approach allows for the stations to be installed in the future without costly or cost-prohibitive retrofits. The intent of this subsection is to encourage sites to be “roughed-in” with the installation of electrical stubs at planned electric vehicle charging station locations and conduit run from the power source to the station location to support future installation.



Example Site Plan - “Rough-In” of Electric Vehicle Charging Stations

5.29.5 General Requirements for Multi-Family Residential and Non-Residential Development

- I. Parking
 - a. An electric vehicle charging station space may be included in the calculation for minimum required parking spaces as required by this ordinance.
 - b. Public electric vehicle charging stations are reserved for charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- 2. Accessible Spaces. It is strongly encouraged, but not required, that a minimum of one (1) accessible electric vehicle charging station be provided. Accessible electric vehicle charging

stations should be located in close proximity to the building or facility entrance and connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons.

3. Lighting. Site lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only.
4. Equipment Standards and Protection
 - a. Battery charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
 - b. Adequate battery charging station protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in lieu of bollards, if the battery charging station is setback a minimum of 24 inches from the face of the curb.
 - c. All equipment and installation procedures shall conform to all relevant building codes and compliant with all requirements of the Americans with Disabilities Act.
5. Usage Fees The property owner is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.
6. Signage
 - a. Information shall be posted identifying voltage and amperage levels and any time of use, fees, or safety information related to the electric vehicle charging station.
 - b. Each electric vehicle charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. For purposes of this subsection, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment. Restrictions shall be included on the signage, if removal provisions are to be enforced by the property owner, signage to this intent is to be prominently displayed.
7. Maintenance: Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning or other problems are encountered.

The MUNICIPAL CODE of ORDINANCES will need an addition.

ELECTRIC VEHICLE INFRASTRUCTURE

This amendment allows for the removal of vehicles by the Village of Lexington that are illegally parked in designated electric vehicle (EV) charging stations.

The amendment to the Code essentially states that the Police Department may provide for the removal of a vehicle if the vehicle is: 1) not an EV, or 2) an EV that is not charging in accordance with the posted signs.

This provision addresses the “worst-case” scenario of a vehicle parked in an EV charging station for a prolonged period. The Police Department, in partnership with the Zoning Office, will utilize informational flyers and notices to educate motorists who mistakenly park in these reserved spaces. Voluntary compliance will be the Village’s primary goal.

Industry experts have advised that these restrictions are important to help the growth of the EV industry and consumer confidence in the product. If these reserved parking spaces are misused, then EV drivers will lose confidence in the reliability of the overall network.



DRAFT Amendment to the Municipal Code of Ordinances

Chapter 66

TRAFFIC AND VEHICLES

Article II Stopping, Standing, and Parking

Sec 66-8

When a sign provides notice that a parking space is a publicly designated electric vehicle charging station, no person shall park or stand any non-electric vehicle in a designated electric vehicle charging station space. Further, no person shall park or stand an electric vehicle in a publicly designated electric vehicle charging station space when not electrically charging or parked beyond the days and hours designated on the regulatory signs posted. For purposes of this subsection, “charging,” means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.