

**Village of Lexington  
Public Hearing and  
Planning Commission Regular Meeting  
7227 Huron Avenue, Lexington MI  
January 6, 2020  
7 PM**

**Call to Order Public Hearing:** Mike Ziegler

The purpose of these hearing is to take comments on Conditional Land Use Application for:

Short Term Rental at 5283 Main Street

Conditional Use of Property at 6934 Peck Rd.

**Call to Order Regular Meeting:** Mike Ziegler

**Roll Call:** Beth Grohman

Members: Ziegler    Stencil    McCombs    Macksey  
                 Kaatz    Picot    Morris    Huepenbecker

**Approval of Agenda:**

**Approval of Minutes:** Minutes of December 9, 2019

**Page 1-2**

**Public Comment:** (3 minute limit)

**Zoning Administrator's Report**

**Old Business**

**New Business**

1. Election of Officers:
  - Chairperson
  - Vice Chairperson
  - Secretary
2. Set schedule of meetings for 2020
3. Consider Conditional Land Use Application for a Short Term Rental and make recommendation to Council for the following property:
  - 5283 Main Street
4. Recommend approval of final plan for expansion of Cadillac to Council
5. Consideration of preliminary plan for conditional use of property at 6934 Peck Rd.

**Public Comment:** (3 minute limit)

**Adjournment**

**Note:** The MEDC grant deadline for completion of the Master Plan, etc. has been extended to July 31, 2020 in order to give the Smith Group time to complete their work.

VILLAGE OF LEXINGTON  
Public Hearing/Planning Commission Regular Meeting  
Monday, December 9, 2019  
7 p.m.

**Public Hearing Called to Order:** 7:00 p.m. by Chairperson Mike Ziegler

**Purpose of the Public Hearing** – To hear comments on Short Term Rental Conditional Land Use applications for the following properties  
7164 Huron Avenue, 7214 Simons, 5696 Union

**Public Comment** – None Offered

**Close Public Hearing** – Chairperson Mike Ziegler closed the Public Hearing at 7:04 p.m.

**Regular Meeting called to order at 7:04 p.m.**

**Roll Call** by Beth Grohman, Clerk

**Present-** Stencel, McCombs, Morris, Picot, Huepenbecker, Ziegler, Macksey

**Absent** – Reinhard, Kaatz

**Others Present** –Beth Grohman, Holly Tatman, Jerry Dawson

**Approval of Agenda:** Motion by Ziegler, seconded by Morris, to approve the agenda as amended, removal of Old Business, Item #1.

Motion carried

**Approval of Minutes** – Motion by Morris, seconded by McCombs, to approve the minutes of November 4, 2019 as presented.

All Ayes

Motion carried

**Public Comment** – None offered

**Zoning Administrator Report** – Motion by Macksey, seconded by Morris, to accept the Zoning Administrator report as presented.

All Ayes

Motion carried

**Old Business:**

2. **Update on of Master Plan, Zoning Ordinance Overhaul and CIP** - Meetings with committees working on the Master Plan, Zoning Ordinance Overhaul, and Capital Improvement Plan (CIP) continue. DDA is now involved in the process. Materials received by all the Planning Commission members are up to date.

**New Business:**

1. **Preliminary Site Plan for Cadillac Expansion Project** –Dawson reported he contractor has addressed all requirements of the zoning ordinance. The Police Department and DPW have completed inspections, and they are waiting for a report from the Fire Department. Dawson stated he had some concerns but they have been addressed. Motion by Morris, seconded by Picot, to recommend approval of the Cadillac Expansion Project Preliminary Site Plan to Council.

Roll Call

Ayes- Morris, Picot, Stencel, McCombs, Macksey, Huepenbecker, Ziegler

Nays- None

Motion carried

2. **Coastline Erosion** – Discussion on the high risk areas in the Village, Mobile Home Park and Condominiums south of Lester Street. Tatman to set appointment with Coastal Engineer from Edgewater to discuss options and remedies. Also discussed possible ordinance changes to conform to EGLE (MDEQ).
3. **Presentation of 2019 Annual Report to Council** – Motion by Morris, seconded by Picot to recommend approval of the 2019 Annual report to Council with modifications.  
All ayes  
Motion carried
4. **Fee Schedule** – Motion by Morris, seconded by Macksey to recommend to Council no changes in the zoning fees until after Master Plan is complete.  
All ayes  
Motion carried
5. **Board Member Resignation** – Motion by Huepenbecker, seconded by Morris to accept the resignation of Mary Reinhard with regrets.  
Discussion – select a new vice chair in January.  
All ayes  
Motion carried

**Public Comment** –

Dennis Balmer – Questioned the postponement of the short term rental conditional land use application.

Peter Muoio – Commented on the six percent increase in the fee schedule.

**Adjournment** - Motion by Morris, seconded by Macksey, to adjourn at 7:49 p.m.

All Ayes

Motion Carried

Beth Grohman

Village Clerk

**Planning Commission  
Regular Meeting Schedule for 2020**

Monday January 5, 2020

Monday February 3, 2020

Monday March 2, 2020

Monday April 6, 2020

Monday May 4, 2020

Monday June 1, 2020

Monday July 6, 2020

Monday August 3, 2020

Tuesday September 8, 2020 (Labor Day is Sept. 7)

Monday October 5, 2020

Monday November 2, 2020

Monday December 7, 2020

Permits

Hand Use

1 addition

1 renovation

2 "site plan review preliminary

final site plan

3 total

4 letters of correspondence

1 court appearance

6 meetings attended

19 outgoing phone calls

17 incoming phone calls

1 planning commissions meeting

1 council meeting

1 complaint letter

1 letter to Stacy Fox

1 letter to planning recommendations to deny short term rental

1 letter to village board to deny

1 complaint

*Jerry Dawson*

JUL 10 2019

# Short Term Rental Dwelling – Request for Approval Village of Lexington

7227 Huron Ave Suite 100, Lexington Michigan

For information call: 810-359-8631

A \$25 deposit is due when the application is submitted. (If not approved, it will be returned.)

Once preliminary approval is given, \$175 will be required before final approval.

Short term rentals must be registered annually.

(Please complete one application for each rental unit.)

Short Term Rental Dwelling Unit Address: 5382 Main Street Lexington MI 48451

Property Owner: Denise M. Cardaris- Bierkle

Owner's Address: 7325 Lester Lexington, MI 48450

Owner's Phone(s): 586-945-8773

Owner's E-mail: innercircleestates@gmail.com

Secondary Contact: A Bierkle

Secondary Contact's phone (s): 248-721-1408

The number of short term rentals permitted in residential districts is limited to a total of thirty (30) and no more than one every three hundred (300) feet.

*wasnt am low*

Are you aware of a short term rental within three hundred feet of this dwelling?  Yes  No

Number of bedrooms: 4 in one house 5 in 2nd house

Maximum number of occupants permitted: 20

Length of typical anticipated rental period per reservation during the summer: 1-10 days

Number of off-street parking spaces available on site: 75

A designated 'agent' is required if the above identified owner does not reside within 100 miles of the village limits. The agent is required to live or work within 30 miles of the village.

Agent's Name (if other than owner): Brent Pardey

Agent's Phone Number(s): 810-334-5585 Alternate: Na

Agent's Address: Office 7285 Huron Ave.

Agent's E-mail: Na

*Denise Cardaris*

## AFFIDAVIT

The signer(s) of this form does hereby state, warrant, certify and affirm the following:

- 1) All of the information on the attached registration form is true.
- 2) Each dwelling unit will have an operating smoke detector in each bedroom and an operating carbon monoxide detector on each floor. These appliances will be maintained every ninety (90) days at a minimum.
- 3) Contact information will be posted in at least two prominent locations in the dwelling and will include:
  - Street address of dwelling
  - Owner or agent's name and phone number(s)
  - Secondary contact name and phone number(s)
- 4) I received a copy of the *Village of Lexington Good Neighbor Guide* and will provide a copy of it to the renters each time the dwelling unit is rented.
- 5) This registration form is accurate and complete.

OWNER or AGENT'S SIGNATURE

*Jessie M. Anderson Smith* DATE: 4/9/19

*By signing above, the owner/agent of the dwelling unit certifies that the above statements are true. Statements found to be falsified on this application and affidavit will be grounds to revoke the rental permit.*

NOTICE: The issuance of a permit for a short term residential rental dwelling shall in no way impact the zoning of the subject property and shall not prevent the Village from enforcing Zoning Ordinance regulations and limitations on said property, or any other applicable code of the Village.

Office Use Only

This residential unit is approved for one year.

\_\_\_\_\_  
Village Official

\_\_\_\_\_  
Date

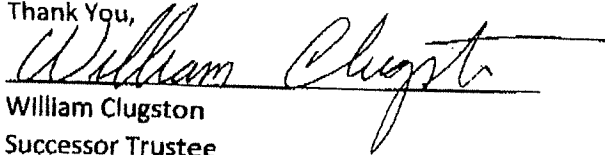
From : William Clugston  
Successor Trustee  
Marilyn Light Trust

To: Village of Lexington  
Jerry Dawson  
Zoning Dept.

Subject: 5382 N. Main St.  
Lexington Mi.  
Denise Cardaris-Bierkle

Gentlemen, please use this letter to confirm that the above property at 5382 N. Main St. presently owned by the Marilyn Light Revocable Trust has been previously used by Marilyn Light many times as a short term rental property.

Thank You,



William Clugston  
Successor Trustee  
Marilyn Light Trust

Dated 7-10-19



December 26, 2019

Dear Planning Commission and Village Trustees:

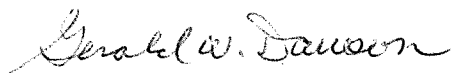
On December 4, 2019, I was ordered to appear at the Sanilac County Courthouse in regards to a short-term rental denial to a property located at 5382 Main Street owned by Denise Cardis, the Honorable Donald A. Teeple was presiding. After reviewing the case, the Judge ordered the Village to take the matter back to the Village Council for further review. The Council will need to either approve or deny that the short-term rental listed above.

As Zoning Administrator, I completed a review of the property located at 5382 Main Street on July 10, 2019. After reviewing this property, it is located in a residential neighborhood that is zoned R-1A. Effective on January 31, 2019 under section 5.25.1 an ordinance was drafted for R-1A and R-1B involving properties that would like to use the property as a rental. The short-term rental ordinance calls for properties to be registered on a yearly basis, and they need to fit certain criteria in order to be considered. One such criteria is that that not be located within 300 feet of another short-term rental. The Village drafted this ordinance with the intent on maintaining the small-town character of our Village.

During the review of this property it was found that there was another registered short-term rental with in the 300 foot rule, so the property was denied based on the fact that this criteria was not met. The property that fell within the 300 foot circle is located at 7280 Jefferson Street, owned by Mr. Steven Fick. He has had this property registered as a short-term rental since July 5, 2018 and renewed the property on November 16, 2019 within the time frame required.

As stated above and due to nothing having changed with either property, I maintain that Ms. Denise Cardis property located at 5382 Main Street be denied her application for a short-term rental due to the criteria not being met with the 300 foot rule. The planning commission should recommend this issue on to Village Council for their review. The decision for this short-term rental application will be placed on the Village Council as recommended be done by Honorable Donald A Teeple, with Sanliac County Courthouse.

Respectfully Submitted,



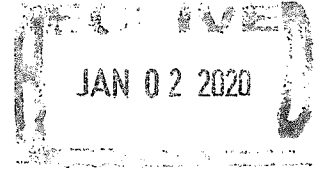
Gerald W. Dawson  
Zoning Adminsitrator  
Village of Lexington

Village of Lexington Offices

7227 Huron Street Suite 100

Lexington, Mi 48450

Re: Public Hearing for 5382 Main Street



December 30, 2019

To Whom It May Concern,

These are my comments/concerns regarding the short term rental permit for 5382 Main Street. Our property is located directly adjacent to this property at 7187 Simons Street.

- 1) Large pool parties conducted throughout the week are very loud and disruptive to our very peaceful residential street. How many renters are allowed in this house per rental agreement?
- 2) Since there is no fence around the pool, who has the responsibility of ensuring that the hard cover is on the pool when not in use?
- 3) Renters trespassing on my property which is directly adjacent to the rental property. I do not want liability for any renter that may come into my yard and potentially fall into our retention pond located in the back of our property. Since this property has been rented, I have had only one incident where 3 renters (16 yr – 20 yr) came into my back yard. They ran off when I came out the back off the house.
- 4) Are events part of the rental permit (wedding receptions, etc..)? these events typically include alcohol consumption. Who is responsible to monitor the alcohol consumption when it could possibly lead to individuals wandering into adjacent properties and potentially causing damage or injury

We are a quiet residential street and recent activity at this home has taken away from all of this. I would have not bought our current property had I known that this would be permitted in a residential village area. It may also deter from future resale.

Sincerely,

Larry Rossi

Preliminary/Final Site Plan Review

Project: Cadillac House Expansion

Owner: Roxbury Group

Location: 5512 Main Street

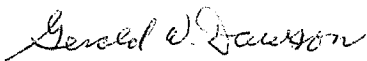
Lexington, MI 48450

Architect: I. N. Frey Architect and Innovations

Detroit – St. Clair Phone 810-387-8835

Zoning Review: Gerald Dawson Zoning Administrator Village of Lexington

On December 27, 2019, I completed a preliminary and final site plan review for the Cadillac House Expansion. The Roxbury Group provided the planning commission with a set of plans that provided all the information needed for a complete review of the site plan allowing for both preliminary and final review. The DPW has reviewed the plan and saw nothing that needed to be changed. The fire chief has a recommendation that needs to be addressed in the kitchen area, that an exit be added to the plan for an egress. It is my recommendation that the planning commission approve the preliminary and final site plan review should the condition of the egress exit, suggested by the fire chief be met. Please see the attached documentation for review and the recommendation to combine the preliminary and final site plan review as allowed by ordinance 3.4.4.



Gerald W. Dawson  
Zoning Administrator  
Village of Lexington

**Section 3.4 Site Plan Review.**

The Village Council shall have the authority to review and to approve or reject all site plans (i.e. preliminary, final and combined site plans), taking into account the recommendations of the Village Planning Commission. Prior to the issuance of building permits or commencement of construction, a site plan review and approval is required in accordance with the procedures contained in this section.

**3.4.1. Where required.**

**Y N (N/A)**

1. Site plan review is required for all new construction of any nonresidential building or structure on any parcel and for any new residential development (single-family, two family or multiple-family). All such construction or developments shall be consistent with the purpose of this Ordinance as presented in Section 1.2 of this Ordinance.

**Y N (N/A)**

2. Site plan review is required for all proposed uses and certain existing uses within the Village where an alteration, addition, expansion, change or conversion constitutes an increase or reduction to the existing structure or use of more than five hundred (500) square feet or ten (10%) percent, whichever is less; or would require a variance from the provisions of this Ordinance, regardless of its size, or if there is a change of use from the existing use. Site plan review shall also be required prior to the paving of any off-street parking for any use for which off-street parking is required by this Ordinance, or for the construction of new parking lots or driveways.

**Y N (N/A)**

3. A full site plan review and approval by the Village Council shall not be required for individual single-family dwellings, or residential accessory storage or garages. However, a site plan shall accompany a land use application to be reviewed and approved by the Zoning Administrator to insure such improvements meet all of the requirements of this ordinance.

In the case of additions to or new construction of a single family residential dwelling, garage, accessory buildings, decks or porches on a cottage lot as defined and deemed a legal lot of record, a design review shall be completed by the Zoning Administrator and the Planning Commission in accordance with the following procedures:

**Y N N/A**

a. Applicant shall provide a residential site plan for design review that includes, but may not be limited to:

**Y N N/A**

- A current Boundary Survey depicting lot lines, easements and required setbacks.

**Y N N/A**

- A site map that depicts footprint and dimensions of proposed dwelling, proposed setbacks, lot coverage/floor area ratio, location, dimension and construction material of sidewalks, driveway/parking, accessory buildings, water and sewer lines, fences or other screening materials (proposed and existing) and location and setbacks of adjacent buildings.

Y N N/A

- Architectural renderings and building plans for residential dwelling and accessory building that indicate square footage, structural dimensions (including roof heights, access points, steps, porches, chimney, overhangs or similar features), exterior materials and related amenities.

Y N N/A

- Landscaping or other elements, unique topography or natural features for consideration.

Y  N  N/A

- b. The Zoning Administrator shall conduct a design review of the residential site plan proposal and upon receipt of a proposal which is complete shall forward same to the Planning Commission for design review and consideration for approval at the next scheduled Planning Commission meeting. Time for public comment will be scheduled at the Planning Commission's scheduled meeting. Public notification will be made through the Planning Commission Agenda and posted at the Village hall and other normal posting locations. Both in person and written public comments will be permitted at the Planning Commission meeting.

Y N N/A

- c. Basis of Determination. The Zoning Administrator and Planning Commission shall review the design and site plan and consider the following criteria:

Y  N  N/A

- The site is properly zoned and its development as a residential dwelling will not create a hazardous condition or detriment to the general health and safety of the surrounding properties.

Y  N  N/A

- The proposed structure's form, placement on the lot, overall size and floor area ratio, dimensions, setbacks, architectural design and exterior building materials are similar, compatible and complimentary in style with the majority of existing residential dwellings within a 300 foot radius of the site.

Y  N  N/A

- The site will be supported by infrastructure, including but not limited to municipal water, sewer, drainage and easements (both private and public) in accordance with local, state and federal codes and ordinances.

Y N N/A

- d. Zoning ordinance requirements regarding access, parking, setbacks, fire codes, line of sight, landscaping and related ordinances are met so as not to unfairly impose upon implied property rights, existing privacy, and safe access of neighboring properties.

Y N N/A

- e. The Planning Commission after conducting the design review may deny, approve, or approve with modifications the design review and issue such decision in writing to the applicant.

Y N N/A

4. The Village shall not issue a land use permit until a final site plan has been approved and is in effect. A use, not involving a building or structure, shall not be commenced or expanded, nor shall the Zoning Administrator or their designee issue a land use permit for such use until a final site plan has been approved and is in effect.

Y N N/A

5. No grading, removal of trees or other vegetation, land filling or construction of improvements shall commence for any development which requires site plan approval until a final site plan is approved and is in effect, except as otherwise provided in this Article.

Y N (N/A)

6. In Commercial, Industrial and Multi-family developments a landscape plan is required. The plan shall accompany both the preliminary and the final site plan and be approved.

#### 3.4.2. Preliminary Site Plan

1. Application. Any applicant may submit a request for preliminary site plan review by filing with the Zoning Administrator completed forms, payment of the review fee, and ten (10) copies of the preliminary site plan drawing(s). The Administrator, upon receipt of the application, shall transmit only complete submittals of the preliminary site plan drawings to the Planning Commission prior to its next regular meeting. The purpose of such preliminary review is to confirm general compliance with Village standards as well as to suggest changes, if necessary, for final site plan approval. Preliminary and/or final site plan review materials shall also be provided to the DPW, Police and Fire departments for their comment. All comments shall become a part of the site plan review documents and be contained in material packets provided to the Planning Commission prior to the site plan review.

2. Information Required. Each preliminary site plan submitted for review shall provide the following information:

Y N N/A

- a. property owners and applicant's name and address;

Y N N/A

- b. scale, north arrow, and date of plan;

Y  N  N/A

- c. location, description, dimensions, and area of the site; zoning classification; and, demonstration of compliance with lot area, width, coverage and setback requirements.

Y  N  N/A

- d. general topography and soils information and existing natural and man-made features to be retained or removed; e. location and dimensions of proposed buildings/structures; including floor area, number of floors, height, number and type of dwelling units (where applicable);

Y  N  N/A

- e. proposed streets/drives; including general alignment, right of way, surface type, and width to be consistent with adjacent streets and drives and the expansion of advancement of the purpose of the traditional town plan;

Y  N  N/A

- f. proposed parking; including location and dimensions of spaces and aisles, and surface type;

Y  N  N/A

- g. adjacent land uses, property owners, and zoning and location of adjacent buildings and drives/streets;

Y  N  N/A

- h. proposed phasing;

Y  N  N/A

- j. location and width of any easements on the site.

3. Planning Commission Action. The Planning Commission shall make a recommendation to approve, approve with conditions or deny the preliminary site plan within sixty (60) days from the date of the Planning Commission meeting at which the site plan is first heard. The Planning Commission shall set forth the reason for its action in the record of the meeting at which action is taken. The time limit may be extended upon a written request by the applicant and approval by the Planning Commission.

4. Village Council Action. The Village Council shall receive the recommendations of the Planning Commission and may approve or deny the preliminary site plan.

5. Effect of Approval. Approval of a preliminary site plan by the Village Council shall indicate its general acceptance of the proposed layout of buildings, streets and drives, parking areas, other facilities and overall character of the proposed development. The Village Council may, at its discretion, and with appropriate conditions attached, authorize issuance of grading and foundation permits on the basis of the approved preliminary site plan. The authorization, however, will be used only in those situations in which reasonable conditions, such as the onset of frost, or other severe time limitations might, in the Village

Council's opinion, unduly delay the commencement of construction until after the final site plan is approved. The Village Council shall attach appropriate conditions to such authorization.

6. Expiration of Approval. Approval of a preliminary site plan shall be valid for a period of one hundred eighty (180) days from the date of approval and shall expire and be of no effect unless an application for a final site plan is filed with the Zoning Administrator within that time period. The Zoning Administrator or duly appointed agent shall, within ten (10) days of the date of approval of the preliminary site plan by the Village Council, transmit a written certification of such approval to the applicant.



## Final Site Plan

1. Application. Following approval of a preliminary site plan, the applicant shall submit to the Zoning Administrator ten (10) copies of a final site plan as well as other data and exhibits hereinafter required, the review fee, and a completed application form. The Administrator, upon receipt of the application, shall transmit only complete submittals of the final site plan drawing(s) to the Planning Commission prior to its next regular meeting.

2. Information Required. A Final Site Plan submitted for review and approval shall contain all of the following data presented in a clear and legible format. Site Plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24" x 36" with plan view drawn to a scale of no greater than 1" = 50' for property less than three acres or no greater than 1" = 100' for property three or more acres. General Information:

Y  N  N/A

- a. Proprietors', applicants', and owners' names, addresses and telephone numbers.

Y  N  N/A

- b. Date of preparation, including revisions.

Y  N  N/A

c. Scale.

Y  N  N/A

- d. Northpoint.

Y  N  N/A

- e. Location map drawn at a scale of 1" = 2,000' with north point indicated

Y  N  N/A.

- f. Architect, Engineer, Surveyor, Landscape Architect, or Planner's seal.

Y  N  N/A

- g. Existing and proposed lot lines, building lines, structures, parking areas, etc., on the parcel and within one hundred (100) feet of the site.

Y  N  N/A

- h. Centerline and existing and proposed right-of-way lines of any street.

Y  N  N/A

- i. Zoning classification of petitioner's parcel and all abutting parcels.

Y  N  N/A

- j. Gross acreage figure.

Physical Features

Y N N/A

- a. Acceleration, deceleration and passing lanes and approaches.

Y N N/A

- b. Proposed locations of access drives, street intersections, driveway locations, sidewalks, and curbing.

Y N N/A

- c. Location of existing and proposed service facilities above and below ground, including:

Y N N/A

- Chemical and fuel storage tanks and containers.

Y N N/A

- Water supply facilities.

Y N N/A

- Sanitary sewage disposal facilities.

Y N N/A

- Storm water control facilities and structures.

Y N N/A

- Location of all easements.

Y N N/A

- d. Location of all structures with setback and yard dimensions.

Y N N/A

- e. Dimensioned parking spaces and calculation, drives and method of surfacing.

Y N N/A (CBD)

- f. Exterior lighting locations and illumination patterns.

Y N N/A

- g. Location and description of all existing and proposed landscaping, berms, fencing and walls.

Y N N/A

- h. Trash receptacle pad location and method of screening.

Y N N/A *in place*

- i. Transformer pad location and method of screening.

Y N N/A

- j. Dedicated road or service drive locations.

Y N N/A

- k. Entrance details including sign locations and size.

Y N N/A

l. Designation of fire lanes.

Y N N/A

m. Any other pertinent physical features.

### Natural Features

Y N N/A

a. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service, Soil Survey of Sanilac County, Michigan.

Y N N/A

b. Existing topography with a maximum contour interval of two (2) feet. Topography on the site and beyond the site for a distance of one hundred (100) feet in all directions should be indicated. Grading plan, showing finished contours at a maximum interval of two (2) feet, correlated with existing contours so as to clearly indicate required cutting, filling and grading.

Y N N/A

c. Location of existing drainage courses and associated bodies of water, on and off site, and their elevations.

Y N N/A

d. Location of existing wetlands.

Y N N/A

e. Location of natural resource features, including woodlands and areas with slopes greater than ten (10%) percent (one (1) foot of vertical elevation for every ten (10) feet of horizontal distance). Additional Requirements for Residential Developments

a. Density calculations by type of unit by bedroom counts.

b. Designation of units by type and number of units in each building.

c. Carport or garage locations and details where proposed.

d. Specific amount and location of recreation spaces.

Additional Requirements for Commercial and Industrial Developments

Y  N  N/A

- a. Loading/unloading areas.

Y  N  N/A

- b. Total and useable floor area.

Y  N  N/A

- c. Number of employees in peak usage.

3. Standards for Review. In reviewing the final site plan, the Planning Commission and Village Council shall determine whether the plan meets the following specifications and standards:

Y  N  N/A

- a. The plan conforms to the approved preliminary site plan and with all Zoning Ordinance regulations;

Y  N  N/A

- b. All required information is provided;

Y  N  N/A

- c. The proposed use will not be injurious to the surrounding neighborhood and protects the general health, safety, welfare and character of the Village.

Y  N  N/A

- d. There is a proper relationship between major thoroughfares and proposed service drives, driveways and parking areas. Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides of the buildings.

Y  N  N/A

- e. The location of buildings is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.

Y  N  N/A

- f. Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, soils, groundwater and woodlands.

Y N (N/A)

g. Storm water management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body or water course, or cause alterations which could increase flooding or water pollution on or off site.

(Y) N N/A

h. Wastewater treatment systems, including on-site ~~septic systems~~, will be located to minimize any potential degradation of surface water or groundwater quality and meet County and State standards.

Y N (N/A)

i. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby water bodies in accordance with County and State standards.

(Y) N N/A

j. Landscaping, including grass, trees, shrubs and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.

(Y) N N/A

k. The proposed use is in compliance with all Village Ordinances and any other applicable laws.

4. Planning Commission Action. The Planning Commission shall make a recommendation to approve, approve with conditions, or deny the final site plan within sixty (60) days of the date of the Planning Commission meeting at which the site plan is first heard. The time limit may be extended upon a written request by the applicant and approved by the Planning Commission. The Planning Commission may suggest and/or require modifications in the proposed final site plan as are needed to gain approval.

5. Village Council Action. The Village Council shall receive the recommendations of the Planning Commission and approve or deny the site plan.

6. Effect of Approval. Approval of a final site plan authorizes issuance of a land use permit.

7. Expiration of Approval. Approval shall expire and be of no effect unless a building permit shall have been taken out within one hundred eighty (180) days of the date of approval of the final site plan. Also, approval of a final site plan shall expire and be of no effect one year following the date of approval unless construction has begun on the property in conformance with the approved final site plan.

3.4.4. Combining Preliminary and Final Site Plans. An applicant may, at his discretion and risk, combine a preliminary and final site plan in application for approval. In such a situation the portion of the review process concerning preliminary site plan application and review may be waived by the Planning Commission. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in its opinion, the complexity and/or scale of the site for the proposed development so warrant. A preliminary and final site plan shall not be combined for any development consisting of two (2) or more phases.

CITY OF LEXINGTON  
7227 HURON AVENUE, SUITE 100  
LEXINGTON, MICHIGAN 48450  
483-369-1000  
FAX: 483-369-5622

December 12, 2019

Board of Trustees  
7227 Huron Ave  
Lexington, MI 48450

Dear Board of Trustees,

As you are aware The Cadillac House LLC, through Stacy Fox purchased a property at 5512 Main Street for future expansion of the Cadillac House. Upon review of the property I found many deficiencies of the building per a report submitted by Kern Design and Consulting.

I recommend to Holly Tatman that the property be designated as blighted and obsolete per Village Ordinance, Chapter 10, Article II, Section 31-1:

- (3) Any structure or building that has been allowed to decay, dilapidate or become unsafe or unfit or utterly fails to provide amenities essential to decent living so as to likely course sickness or injury.
- (7) Any building that for any reason whatsoever is manifestly unsafe for the purpose for which it is used.

And that when the building is renovated that each of the problems cited in a Mr. Kern's report will be brought up to code:

Jeff Kern, with Kern Design and Consulting evaluated the condition of the building. After reading his report, I assessed the condition of the building and agree with his observations. Please refer to the attached report for details involving the type of construction and recommendations made.

Respectfully Submitted,



Jerry Dawson  
Zoning Administrator

*KERN DESIGN AND CONSULTING INC.  
3930 TAMARACK DR.  
PORT HURON MICHIGAN  
48060 - 810-841-1863  
jeff@kerndesignandconsulting.com*

On November 28th 2019, I made a site visit to the structure located at 5512 Main Street, Lexington Michigan 48050. The purpose for the visit was to review the structure for overall condition and code compliance. This structure will be required to meet certain compliances during a construction remodel and redevelopment. All code sections quoted are referenced from the Michigan 2015 Building Codes as well as the 2015 Michigan Rehabilitation Code for Existing Buildings. All opinions expressed are based on current existing conditions that were viewed on the day of the evaluation ( 11/28/2019).

**Type of Construction:**

The building located at 5512 Main Street Lexington Michigan is constructed as a type 5B ( VB ) construction ( combustible with no protection ). The current occupancy was classified as mercantile ( M ) This is a building that shares a common wall with an upper apartment and lower store front to the north. These walls require a fire separation of 1 hour minimum which it does not have at time of evaluation. The exterior walls are wood framed non-typical construction. It appears that this structure has had other remodels performed. The existing foundation is such that it has old post frame structure encapsulated in a concrete rat wall/foundation. The post were cut off down to top of foundation and a newer wood framed wall constructed on top of this. I would recommend having a structural engineer evaluated this condition for it's ability to support the proposed new construction that will be added to this structure. It is my opinion that this structure should be removed and a new foundation be installed and a new structure be built.

**Fire-Resistance Ratings:**

The existing building has no fire resistance construction rating. There should be a fire rated wall between the existing structure and the building directly to the north that is attached with an existing apartment on the 2nd floor. Mercantile on lower main floor and residential transient living on upper level. This should be a 1 hour rated wall/floor separation and does not meet code as it currently exists.

**Fire Protection Systems:**

While no fire suppression system is required for this building as it exists now, under its intended use, the new proposed structure will require such system. This structure has no fire extinguishers in place. Section 906.1 state where fire extinguishers are required.

**Egress:**



The lighting on the exterior of the building does not appear to be in compliance with the building codes for illumination on the exterior of the structure. ( ie back up batteries or generator ). Section 1008

Exterior signage is not compliant with the building codes, section 1013 exit signs

Exit doors are not compliant. Panic hardware is required per section 1010.1.10  
Changes in the use classification from Mercantile to food and beverage hospitality, will change the egress requirements to become more stringent and require a means of barrier free accessible means of egress.

### **Structural:**

While I am not a structural engineer, I am a licensed builder and a nationally certified building inspector and a registered Michigan building official under act 54/407  
The structural components of the existing building being evaluated is concerning at best. With the numerous changes in construction types over time and the un-approved methods of construction, structural supports and framing are pieced together and are in violation of the building codes. The roofing/shingles are newer and is still actively leaking on the day I was there to evaluate this structure. There were many holes in the roof planks and attic boards. I highly recommend that this building will be demolished and re-constructed.

### **Accessibility:**

The building appears to meet accessibility as far as the entry door sizes. The building does not at this time meet any code requirements for barrier free design. The building has no bathroom or kitchen, and has grade changes within the building without proper ramping. The architect and or engineer will need to design these accessible features in the new building. Changes in use, occupancy and occupancy load may change the needs for accessibility egresses and emergency exit ways and the number of required exits and elevators that may be needed.

### **Energy Code Compliance:**

This building fails to comply with the Michigan Energy Code 2015.

### **Mechanical:**

Given that this structure requires either a major remodel or demolition and rebuild, this building will require a new furnace and ac unit that will be sized and configured for the new structure and use at today's building codes.

### **Electrical / Plumbing:**

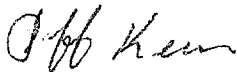
This structure does not meet any current plumbing or electrical codes and will need to be completely re-plumbed and wired to meet current building, plumbing, mechanical and electrical codes. There are two existing electrical panels and neither are up to code. There is currently no plumbing that is operating in the building.

### **Parking / Site Upgrades:**

Building codes do not address parking areas, however zoning ordinances do. Zoning ordinance will require parking lot layout, drainage and number of spaces based on occupancy load. Site upgrades could include additional signage, lighting, drainage and drains and landscaping, greenbelt areas and sprinklers.

### **Miscellaneous:**

Open plumbing and water filled utility pit with the municipal water meters and possible contamination of the water service is noted. The ceiling over the furnace has a fiber board material that may contain asbestos. I would recommend having this tested prior to any final demolition



Jeff Kern

PA54# 4708

Builders License #2102216880

December 2nd 2019

VILLAGE OF LEXINGTON  
PLANNING COMMISSION  
APPLICATION  
CONDITIONAL USE PERMIT

Date: 1/2/2020 Property Tax I.D.: 46-52431441

Property Owner Name(s): Kevin Martin

Owner Address: 5242 Altona Dr

Post Office, State & Zip Code: Lexington MI 48450

Address and/or Location of the site: (if different from above)

6934 Peck Rd , Lexington

Reason for the Application for Conditional Use: (In detail – Use an additional page if needed)

Future Nursery and Supply company

List the type of product(s) to be sold or produced in addition to any other function that is relevant to the use of the property:

Trees, shrubs, mulch, topsoil, stone

Please list the days and hours of operation – if seasonal, include the weeks or months of operation:

Monday - Friday 7AM - 5pm

Saturday Sunday - 9AM - 4PM

Will this project include any of the following, if yes, please indicate and explain: This could include Auctions, Outdoor Sale of Products, Truck Traffic, Fencing, Operation of more than 10 -12 hours daily, Special Lighting or Green belt, Outdoor Storage, Signage:

Sale of mulch, topsoil and Landscape supplies

Outdoor storage of landscape supplies

Outdoor sign to remain in the same spot

Conditions as prescribed by the Commission and/or Village Council:

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) \_\_\_\_\_

If this Conditional Use Permit is not initiated within six (6) months of issuance (an extension of 90 days is available upon written request) or if the entity is not in operation for a consecutive six (6) months (excluding seasonal business) this permit will become null and void. This Conditional Use Permit, by Ordinance, will be subject to a yearly inspection by the Village Zoning Administrator for verification of all conditions.

Date of Issuance: \_\_\_\_\_

Signature of Owner(s): *[Signature]*

\_\_\_\_\_  
All information submitted on this application is accurate to the best of my knowledge.

Planning Commission Chairman: \_\_\_\_\_

Village President: \_\_\_\_\_

Signature of Zoning Administrator: \_\_\_\_\_

\* Inspection: In an effort to verify compliance with this permit application, it may be necessary for the Zoning Administrator or his/her agent to enter the premises at reasonable times until the certificate of occupancy is issued. Authorization for these inspections is granted by the applicants signature on this document.

\_\_\_\_\_  
*Work of*  
Application received: 12-9-2019 Fee of \$ 403.00

Hearing Date: 1/16/2020 Time: 9pm

Notices Posted On: 12/20/2019 Publication Date: 12/20/2019

Planning Commission recommendation on: \_\_\_\_\_

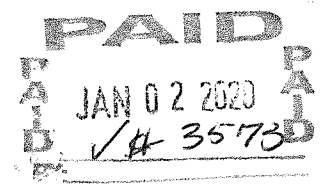
Recommendation by the Village Council on: \_\_\_\_\_

Council Action Taken On: \_\_\_\_\_

Date of Preliminary Site Plan Review: \_\_\_\_\_ Final: \_\_\_\_\_

\_\_\_\_\_ Check list for the preliminary site plan provided.

\_\_\_\_\_ Check list for the final site plan provided.



# 19-46

VILLAGE OF LEXINGTON  
7227 HURON AVENUE SUITE 100  
LEXINGTON, MI 48450  
(810) 359-8631

APPLICATION FOR VARIANCE/CONDITIONAL/SPECIAL LAND USE

Date: 12/31/19 Tax I.D. # 46-5243144

Applicant Name: Kevin Martin

Property Address: 6934 Peck Rd

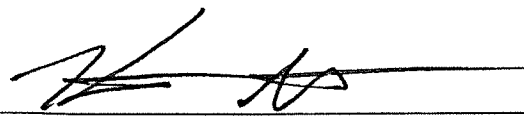
City: Lexington State: MI

Zip: 48450 Phone: 810-404-2223

Mailing Address: 5242 Altana Dr

City: Lexington State: MI

Zip: 48450 Phone: 810-404-2223

 Date 12/31/19  
Applicant Signature

Fee for Variance \$403.00 (non-refundable)

Please attach a diagram of the property, the building, road, etc., which the variance refers to.

Reason for Applicants request:

Village of Lexington  
7227 Huron Avenue, Suite 100  
Lexington, MI 48450

**USE VARIANCE**

A Use Variance permits the use of land that is otherwise not allowed in a zoning district.

1. Property cannot be used or put to reasonable use for the purpose permitted in that zoning district because:

2. The property is unique because:

3. The proposed use will not alter the essential character of the area because:

4. The situation is not self-created because:

**For Office Use Only**

Date application & deposit received: \_\_\_\_\_

Date set for: \_\_\_\_\_ Date published: \_\_\_\_\_

Bg82916