

VILLAGE OF LEXINGTON
Public Hearing and Planning Commission Regular Meeting
Monday, January 6, 2020
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 Conditional Land Uses for Short Term Rental Application at 5283 Main Street and Conditional Land Use of Property at 6934 Peck Road.

Public Comment –

Gaeten Gerville- Reache, attorney for Denise Cardaris, 5283 Main St. made statements regarding the application for Short Term Rental at 5283 Main Street and on another short term rental at 7228 Jefferson, which is within 300 ft. of 5283 Main Street. Stated rental on Jefferson has not been operation and doesn't meet the conditions of the application. Also stated owner is willing to create barriers, such as trees and shrubs, and this rental creates more lodging for the Village.

Denise Cardaris – Commented on lodging needs in the Village. Stated she is a dedicated business owner and dedicated to the community events and is willing to work with everyone to help create growth and development. Feels the denial of the conditional land use is unfair, only 10 ft. difference. Willing to work on the noise control and pool issues.

Sue Balysh, realtor commented that 5382 Main Street is a unique piece of property, 5 acres, long driveway 20-30 ft. deep.

Dennis Balmer, 7214 Simons commented that 54 neighbors signed a petition opposing the short term rental at 5283 Main Street because it is within 300 ft. of another short term rental and noise issues. Property ticketed for continuing to rent after denial.

Denise Cardaris commented that the Wayne Street Short Term Rental was relinquished.

Mike Fulton, 5727 Union St. commented that the reason for the STR ordinance is to create more lodging, while maintaining single family neighborhood integrity for our residents. Also, commented that the 6934 Peck Road Conditional Land Use request is a gateway to the Village.

Ron Bienek, 7205 Simons stated he is opposed to the short term rental at 5382 Main Street, a property directly behind his residence. The renters are loud, people using the pool are noisy, and there are dumpsters up by the road.

Gaeten Gerville Reache responded to comments opposing the Short Term Rental

Dennis Balmer commented on the number of people staying at 5283 Main Street, the noise, and the pool not being enclosed. St.

Randy Schultz speaking on behalf of Larry Rossi, 7187 Simons St. commented about children and pool issues.

Kevin Martin commented on his request for conditional land use 6934 Peck Road. Does not intend on putting concrete company at the location or running concrete trucks in and out. Intends on nursery and landscaping supplies. Responded to questions from board regarding the driveways and delivery. The new driveway comes in to the west side for deliveries. Driveway for residential is the far east driveway.

Mike Ziegler questioned the trees on the drawing.

Martin explained those trees were put in by the engineer; only one tree on the east side of the property.

Mike Fulton commented that 6934 Peck Rd is at the entrance of the Village and requirements of the zoning ordinance should be met.

Henry Tomlinson, 6954 Peck Rd asked questions regarding the conditional land use at 6934 Peck Road. Martin responded.

Close Public Hearing – Chairperson Mike Ziegler closed the Public Hearing at 7:30 p.m.

Meeting Called to Order at 7:30 p.m.

Roll Call by Beth Grohman, Clerk

Present- Macksey, Picot, Morris, Kaatz, Ziegler

Absent – McCombs, Huepenbecker, Stencil

Others Present –Beth Grohman, Holly Tatman, Jerry Dawson, Jackie Huepenbecker (telephone) and 19 citizens

Approval of Agenda: Motion by Macksey, seconded by Morris, to approve the agenda as presented.

All Ayes

Motion carried

Approval of Minutes – Motion by Picot, seconded by Morris, to approve the minutes of December 9, 2019 as presented.

All Ayes

Motion carried

Public Comment – None

Zoning Administrator Report – Motion by Macksey, seconded by Picot, to accept the Zoning Administrator Report.

All ayes

Motion carried

New Business:

1. Election of Officers

Chairperson – Morris and Macksey nominated Mike Ziegler- Nominations closed

Vice Chairperson – Ziegler and Kaatz nominated Will Morris. Nominations closed

Secretary – Ziegler and Morris nominated Jackie Huepenbecker

Nominations closed

Motion by Ziegler, seconded by Morris, to accept all nominations as presented.

All Ayes

Motion carried

2. Set Meeting Schedule – Motion by Picot, seconded by Kaatz, to accept the 2020 meeting schedule as presented.

All Ayes

Motion carried

3. **Conditional Land Use Application at 5283 Main Street** – Motion by Picot, seconded by Morris, for the purpose of discussion, to recommend denial to Council.

Discussion-

Morris – Clarification of current short term rentals within the 300 ft.

Dawson- There is one on Jefferson Street that has been under construction and has not been used this past year. The owner filed a renewal for the short term rental as required. House had been a short term rental previously.

Picot – Basis for his motion is the ZA indicated it was rented a short term rental previously. Recommends it go to council, but Council should follow up prior to the meeting to determine whether 7280 Jefferson has a short term rental permit.

Macksey asked for an order of events. Dawson stated it was a short term rental prior to the ordinance going into effect so the address was grandfathered.

Ziegler – When the first application filed in July 2018 was it rented? Dawson responded it was rented prior to construction.

Tatman clarified that the renewal is good until May 2020.

Macksey asked Dawson if he denied the application for the short term rental at 5382 Main St. Dawson responded that he did deny the application due to the 300 ft. rule.

Roll Call

Ayes- Picot, Morris, Macksey, Ziegler

Nays- None

Abstain – Kaatz

Motion carried

4. **Final Site Plan for Cadillac Expansion** – Motion by Macksey, seconded by Picot, to recommend approval of the Cadillac Expansion Project.

Roll Call

Ayes- Macksey, Picot, Morris, Kaatz, Ziegler

Nays- None

Motion carried

5. **Consideration of Preliminary Site Plan for Conditional Land Use at 6934 Peck Rd.** Motion by Macksey, to consider the conditional land use and recommend approval of the site plan, Morris seconded for the purpose of discussion.

Discussion– Dawson reviewed the site plan, all requirements have been met; one issue was with storm water retention. Condition to have engineer give report for the storm water retention and a landscaping plan.

Dawson stated there is enough parking area, and recommended using some parking area for landscaping.

Picot – Concerned about with gravel parking lot, ordinance does not allow for gravel parking lots, only asphalt or cement.

Morris - Gateway to the community, enhance the entrance into the Village. Appearance.

Macksey amended the motion to recommend approval subject to adding a landscaping plan as part of the site plan subject to the ordinances. Morris supported the amendment.

Roll Call
Ayes- Macksey Morris, Ziegler
Nays – Picot
Abstain – Kaatz
Motion carried

Public Comment –

Randy Schultz – Questions regarding requirements for asphalt, crushed or pressed.

Adjournment – Ziegler adjourned meeting at 8:08 p.m.

Beth Grohman
Village Clerk

DRAFT

Short Term Rental Dwelling Registration Form

Village of Lexington

7227 Huron Ave Suite 100, Lexington Michigan

For information call: 810-359-8631

Registration fee of \$200 due with annual submission.

(Please complete one application for each rental unit.)

Short Term Rental Dwelling Unit Address: 7164 HURON AVE Lexington

Property Owner: LOUISE HALL

Owner's Address: 6288 Santa Barbara Lexington

Owner's Phone(s): 248-496-5156

Owner's E-mail: jantina@aol.com

Secondary Contact: Victor DeBono

Secondary Contact's phone (s): 810-359-2455

Number of bedrooms: 3

Was this dwelling unit occupied as a short term rental (a period of less than 30 days) at least three (3) times in since January 1, 2017? NO

If the answer is yes, attach documentation such as income reported on tax return, advertisement on website such as VRBO or Airbnb. (Purpose: to determine if the STR is eligible to be considered established.)

Maximum number of occupants permitted: 6

Length of typical anticipated rental period per reservation during the summer: 7 days

Number of off-street parking spaces available on site: 5

* Advertized on personal facebook

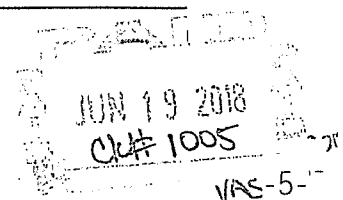
A designated 'agent' is required if the above identified owner does not reside within 100 miles of the village limits. The agent is required to live or work within 30 miles of the village.

Agent's Name (If other than owner): _____

Agent's Phone Numbers): _____ Alternate: _____

Agent's Address: _____

Agent's E-mail: _____



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 (180) 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: Louise Hall DATE: 6-18-18

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.	
<u>Sally Tatum</u> Village Official	<u>6/19/18</u> Date

Short Term Rental Dwelling – Request for Approval

Village of Lexington

7227 Huron Ave Suite 100, Lexington Michigan

For information call: 810-359-8631

AUG 08 2009

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: 7244 Simons Lexington MI 48450

Property Owner: Dennis Balmer & LINDA BOMBARD

Owner's Address: 7214 Simons Lexington MI 48450

Owner's Phone(s): 810-359-8961, 586-764-9807

Owner's E-mail: Caryopteris242@outlook.com

Secondary Contact: Linda Bombard

Secondary Contact's phone (s): 810 434 4844

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.

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

Number of bedrooms: 4

Maximum number of occupants permitted: 8

Length of typical anticipated rental period per reservation during the summer: 14 days

Number of off-street parking spaces available on site: 4

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): Christopher Balmer (Carrie)

Agent's Phone Number(s): 810 434 0146 Alternate: 586-264-3943

Agent's Address: 5010 Vincent Rd, Clyde Twp MI 48049

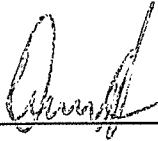
Agent's E-mail: Carriem_83@yahoo.com

AFFIDAVIT

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 - Street address of dwelling
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 - 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: _____



DATE: 8-7-19

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.

Gerald Dawson
Village Official

Aug 19 2019
Date

Short Term Rental Dwelling Registration Form

Village of Lexington

7227 Huron Ave Suite 100, Lexington Michigan

For information call: 810-359-8631

Registration fee of \$200 due with annual submission.

(Please complete one application for each rental unit.)

Check # 1358

(1st year = \$200 \$50/yr. to renew)

Short Term Rental Dwelling Unit Address: 5096 Union St.

Property Owner: Michelle Phillips

Owner's Address: 5096 Union St. Lexington MI 48450

Owner's Phone(s): 313-320-7608

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

Secondary Contact: Nancy Reinhard

Secondary Contact's phone (s): 810-423-5808

Number of bedrooms: 2

Was this dwelling unit occupied as a short term rental (a period of less than 30 days) at least three (3) times in since January 1, 2017? No

If the answer is yes, attach documentation such as income reported on tax return, advertisement on website such as VRBO or Airbnb. (Purpose: to determine if the STR is eligible to be considered established.)

Maximum number of occupants permitted: 6

Length of typical anticipated rental period per reservation during the summer: 5 days

Number of off-street parking spaces available on site: 3

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. N/A

Agent's Name (If other than owner): _____

Agent's Phone Numbers): _____ Alternate: _____

Agent's Address: _____

Agent's E-mail: _____

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SEP 05 2019
OH 1358
VAS -9-e

AFFIDAVIT

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 - Street address of dwelling
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 - 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: W. P. Phelps DATE: 10 August 2019

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.	
<u>Gerald Dawson</u> Village Official	<u>9/5/19</u> Date