

VILLAGE OF LEXINGTON
Planning Commission Zoom Regular Meeting
Monday, August 3, 2020
7 p.m.

Regular Meeting called to order at 7:01 p.m. by Chairperson Mike Ziegler

Roll Call by Beth Grohman, Clerk

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

Absent – None

Others Present –Holly Tatman, and 16 citizens

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

All ayes

Motion carried

Approval of Minutes – Motion by Huepenbecker, seconded by Stencel, to approve the minutes of July 6, 2020 as presented.

All ayes

Motion carried

Public Comment –

Jennifer Stencel – Speaking on behalf of Peggy Stencel – Comments on disappointment in the community in which she has invested and supported for over 26 years can make a zoning decision that will decrease the value of her property and that we paid a ridiculous price for a planner to tell us what to do.

Zoning Administrator Report – Motion by Huepenbecker, seconded by Macksey to accept the Zoning Administrator Report as presented.

All ayes

Motion Carried

Old Business:

1. **Zoning Ordinance and Master Plan Concerns – Sara Grout, Attorney Representing the Rzepka Trust** –

Sara Grout said changing the current zoning of Harbor Crest Apartments from is General Commercial (C-1) to Single Family Residential (R-1) immediately makes it non-conforming. Notices were placed on the Village website and other places, but there was no input from the property owners.

When she asked why it was changed to residential, she was told it was an intentional down zoning to put it in conformity with the surrounding area and in line with the master plan. She said the house adjacent to the south, owned by Joe Rzepka is also being changed to R-1, and he is not in favor of it.

Grout asked if the Planning Commission does not want to spot zone, why is the property on M-90 owned by Martin Concrete Contracting being rezoned C-MU (Corridor-Mixed Use) while the rest of it is zoned for agriculture.

Huepenbecker answered that except for the property along 25, the properties around the Rzepka Trust property are residential. She explained C-MU (Corridors-Mixed Use) districts are created to increase flexibility by providing opportunities for mixed-use development.

Grout asked who developed the master plan. Tatman responded that information was compiled after months were spent gathering information from business owners and residents, giving the public lots of opportunities to weigh in.

Grout asked it be noted that she finds serious fault with this; the argument she is using is the same one being used for the C-MU on Peck Rd., but she is denied from using it for her client's efforts.

Next, Grout brought up a concern with the number of businesses on the main drag that will be hurt by Article 10 on non-conforming lots. She listed 13 businesses, citing 3 as non-conforming (carwash, laundromat, winery), 2 as possibly non-conforming (Creamery and Temptations) and the other 8 as special land use (SLU).

She is specifically concerned with the intent not to encourage the survival of the businesses she listed. Huepenbecker responded that out of the entire list, only the car wash and laundromat are non-conforming. The rest are special land use (SLU) and conforming.

Grout agreed those that are special land use are conforming, but asked when they would become non-non-conforming. Would they be conforming forever? For example, if either the Lakeside A&W and St. Denis Church put on an addition that extended beyond the existing footprint of the building, they would immediately become non-conforming. Huepenbecker disagreed; they are special land use and conforming. They would need to comply with setbacks in the new ordinance and changes couldn't be made that are not allowed.

Tatman added it is not the intention of the ordinance to hurt our businesses. They can function as they are, however, it would not be able to change to one that is not allowed.

Grout stated that might not be the intention, but that is what the ordinance does. The carwash is non-conforming so it is not allowed to update beyond a certain percentage, add a bay, or have a facelift. Tatman said such things as repairs and a facelift would be allowed.

Grout said since it is not clear where the Creamery would fall under restaurants because the definitions are confusing, it could also be non-conforming and could not put on an addition. Huepenbecker disagreed, saying it is certainly a SLU and is conforming.

Grout said she doesn't feel her questions are being answered, and in her legal opinion, she believes Section 10.7 is incredibly vague and wording should be added to clarify it.

Grout also pointed out a concern that on the zoning map, three parcels are half in one zoning district and half in another. She doesn't believe parcels can be half in one district and half in another, but doesn't know if that's a map issue or a new rule she is not aware of.

McCombs said she has an issue with the corridor mixed use added to agriculture on the property on Peck Rd. She also feels uncomfortable that with covid19 at not being able to have round table meetings.

Kaatz explained that the land on Peck Rd. was designated commercial by the township and agricultural by the Village so the plan might be to get it in line.

- Draft Zoning Ordinance and Map** – Huepenbecker said the Village received a suggestion from Susan Deiner to change the property on 5294 Dallas from CBD to R-1 to bring it in line with the other properties on Dallas that are all residential. Members agreed. 5480 and 5481 Washington were already changed from CBD to R-1. .

Kaatz asked about the properties on the west side of 25 between Simon and Dennissen that have two zonings: C-MU on the front and R-1 in the back. Huepenbecker said it was to enable the owners to use corridor mixed use. Kaatz said there was no way to do that because there was no access to the back so the properties couldn't be split. Huepenbecker answered that the properties wouldn't actually be split- just different in use.

Kaatz asked if the property has two zones, how the owner would determine the portion that is mixed use. How would you determine the setbacks? Maybe the portion that is C-MU isn't buildable. Stencil asked the purpose. Is it legal?

Stencil said the C-MU goes right through St. Denis Church. Huepenbecker said churches could be in both C-MU and R-1. Kaatz pointed out the hall in the back of the property is used for receptions, etc. Morris asked why you would want to split a property. He said that with churches closing all over, it could be a problem for St. Denis. Ziegler suggested the unused rectory south of the church that could have a commercial use.

McCombs asked about why C-MU doesn't continue through the entrance to the condos south of Lester Street. Huepenbecker said possibly because it is just a driveway.

Tatman said Adam Young says frontages can be split off. Stencil asked if there is anything in our ordinance about it. Huepenbecker said there is not. Macksey suggested asking Adam Young to come to a meeting to answer these questions. Members agreed.

Stencil remarked that the old map was more detailed; the new one is vague and could cause problems down the road. Macksey said this one has large blocks of color with property designations, but not property lines. Huepenbecker said the property lines are light on the hard copy of the map, but clear on the digital one.

Section 9.8.3 Recreational Vehicles was clarified on the July 30 ordinance. McCombs suggested changing the time from one week to less than forty-eight (48) hours.

9.8.6 Recreational Vehicle storage. Huepenbecker said Jeff Kern (zoning administrator) said the language restricting storage of recreational vehicles to only those belonging to residents of the property would be helpful.

Discussion on Responses to concerns brought up at the Public Hearing.

Decreasing the distance between short-term rentals from 300 to 250 feet. Huepenbecker said a statement made that with the decrease, Simon St. could have 4 instead of 3 short term rental is incorrect. There could still be only 3, but there would be more flexibility in location.

Ziegler said by walking the lot lines in the area between Lester St. and Huron Avenue, he found 300 ft. distances pretty well eliminated more short-term rentals. By decreasing it to 250 ft., we could have a few more.

Combining the R-1A and R-1B single residential districts will provide more places to build houses in the village as was discussed at many meetings. Macksey said he supports one zone with 66 ft. lots because it provides more density throughout the Village.

Stencil asked how many lots would be added. Huepenbecker said plenty because in areas such as south of Greenbush, there could be 66 ft., rather than 100 ft. lots. Macksey said the gentleman at the Public Hearing was not concerned about undeveloped land, rather the land that was developed. Stencil said he thought it was a good way to look at it.

Picot warned when you require lots to be 100 ft. you create non-conformities and move in a direction away from genuine, authentic neighborhoods. 66 ft. lots are common and customary in our Village. Macksey, Ziegler, Huepenbecker, Morris, Kaatz, and McCombs agreed with Picot that it makes sense to have one designation of 66 ft. lots in our Village.

Motion by Huepenbecker, supported by Macksey to table the approval of the zoning ordinance and map for further discussion.

Roll Call

Ayes- Huepenbecker, Macksey, Stencil, Kaatz, Picot, Morris, McCombs, Ziegler

Nays- None

Motion carried

3. **Draft Master Plan** - Huepenbecker asked members to return the surveys so they can be forwarded to Planner, and she agreed to email another copy to everyone.

Morris suggested meeting more frequently to wrap up the zoning ordinance and map. It was agreed and suggested to ask Adam Young (Wade Trim) to attend to answer questions. Stencil suggested asking the Village attorney attend as well. Tatman to make the contacts.

Depending on the availability of Adam Young, the meeting is tentatively scheduled for Monday, August 10 at 7 PM in Tierney Park, weather permitting.

Picot suggested summarizing key points to be addressed by the next meeting so we get answers satisfactorily communicated: unclear definitions, single parcels multi-zoned, specificity in the zoning map, and the suggestion that non-conformities are anti-business.

New Business: None

Public Comment –

Mike Fulton said there is a fine line between being pro-business and keeping the aesthetics of the Village. He appreciates all the hard work that has been put in the project.

Adjournment - Motion by Kaatz, seconded by Picot, to adjourn at 8:38 p.m.

All Ayes

Motion Carried

Beth Grohman
Village Clerk

APPROVED