

**Village of Lexington
Public Hearing and
Planning Commission Regular Meeting
Tierney Park, 7410 Simons Street
September 14, 2020
7 PM**

Call to Order Public Hearing: Mike Ziegler

The purpose of this hearing is to take comments on the proposed Master Plan. The proposed Plan includes new redevelopment-focused chapters and a revised implementation plan to replace the previously adopted 2015 Village Master Plan. The Master Plan provides guidance to the Planning Commission and Village Council in making future decisions related to planning and zoning matters.

Call to Order Regular Meeting: Mike Ziegler

Roll Call: Beth Grohman

Members: Ziegler Stencil McCombs Macksey
 Kaatz Morris Huepenbecker

Approval of Agenda:

Approval of Minutes: Minutes of August 10, 2020

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Public Comment: (3 minute limit)

Zoning Administrator's Report

Old Business

1. Discuss/revise the updated Master Plan and determine whether further review is needed or if it is ready to be recommended to Council.

Pages 6-9

New Business

None

Public Comment: (3 minute limit)

Adjournment

VILLAGE OF LEXINGTON
Planning Commission Regular Meeting
Tierney Park 7410 Simons Lexington, MI
Monday, August 10, 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- McCombs, Macksey, Huepenbecker, Morris, Picot, Stencel, Ziegler

Absent –Kaatz

Others Present –Holly Tatman, Jeff Kern, Adam Young, and 17 citizens

Approval of Agenda: Motion by Huepenbecker, seconded by McCombs, to approve the agenda as presented.

All ayes

Motion carried

Approval of Minutes – Motion by Macksey, seconded by Morris, to approve the minutes of August 3, 2020 as presented.

All ayes

Motion carried

Public Comment –

Richard Stapleton – 5427 Union – Commented on the zoning changes of R1-A to R1. Changes are unacceptable and 100ft lots should be grandfathered. This areas has been R1-A (100ft lots) for over twenty five years.

Sue Haron – 6800 Peck Road- Township resident and opposed to having the agricultural property changed to commercial. Does not want commercial developments next to her home.

Kathleen Parraghi -5203 Main – Statement from Peggy Stencel – Requests the board to consider the complaints heard regarding the zoning district changes from Commercial to R1 (residential). New districts are very restricting and decrease property values.

Sara Grout – Rzepka Trust – Comments in opposition to the intentional downzoning causing a decrease in property values, and adding restrictions. Also commented on the rezone of the R1-A to R1. Requesting again to reconsider the changes.

Wendy Garnham- 5203 Main – Comments on the Master Plan, regarding the Mobile Home Park, restroom, playgrounds, protected sand, concession, and food trucks. Opposed to having concessions and food stands in the park.

Old Business:

1. Zoning Ordinance and Map –

McCombs – Addressing concerns with the CMU on Peck Road. CMU is not compatible with surrounding area and primarily residential and agricultural. The only commercialized entry into the village should be preserved for rural residential. There are no single family homes on those parcels and CMU does not allow for single residential

area and removes growth. Maintaining the agricultural zoning is more prudent it allows for single family rebuilds and is compatible with the surrounding neighborhood.

Motion by Macksey, seconded by McCombs, to not zone the parcels on Peck Road to CMU and continue current zoning, agricultural.

All ayes

Motion carried

Motion by Huepenbecker, seconded by Picot, recommend the draft zoning ordinance and Map, from June 30th with the changes from Monday, August 3rd, and the amendment not having the corridor CMU on Peck Road for adoption.

Adam Young, Wade Trim – Questions raised tonight the current zoning of R1-A and R1-B being merged into a single R1 zoning district. It changes 100ft lot width to 66 ft lot width requirement. Grandfathering and undersized that was legally established is grandfathered no matter what lot size it was, if it was 80ft wide and was changed to 100ft wide, it could be developed upon and used. Once an ordinance is changed to 66ft minimum lot width, it means new development or new split lots moving forward even it if was previously minimum lot width of 100 ft .Throughout the Village there are going to be instances where you could potentially see some bigger properties or adjacent properties adjoined and split off.

Kaatz entered meeting at 7:26 p.m.

Other comments regarding the process used. As part of the Master Plan and follow up on the Master Plan and a zoning ordinance, a lot of people were involved. Decisions are based on research that was done as part as the project of the Master Plan including existing conditions, sections, surveys, and market studies. There were public meetings held, stakeholder meetings, and a steering committee; appointed to guide the process of preparing the Master Plan, to hash out potential changes to the zoning ordinances and map. Also relied on advice from your professional assistance, such as consultants and researched best practices. Part of the funding for this project came from the Michigan Economic Development Corporation and we did look at best practices that are in place throughout the state for making good communities, looked at other studies that are ongoing or have occurred.

No specific properties were discussed during the process and the decrease in value. We reviewed the future land use map that was purposed at the time and the committee as a whole looked at the different areas of the community what should each portion of the community look like. Ultimately you have a full draft Master Plan for consideration that has not been adopted yet and there is still opportunity for change.

A key reason why we have looked at the R1 district recognizing it does allow for some smaller lots. Discussion on having smaller lots sizes in the Village to accommodate development that would increase the density in the Village. A greater diversity of housing stock, smaller homes to accommodate more affordable housing. Being a community where you can provide a variety of housing stock would be desired by a diverse population.

One point made regarding the Rzepka property and the potential for the property to have a decreased value due to the rezone certainly may be the case for other properties that affected by a zoning change. I would encourage you as the Village ultimately to make the decisions that are in the best interest of the Village as a whole and not look at specific properties. This property presently is zoned commercial extending all the way back to the waterfront, with the potential for commercial development to occur to the waterfront. Taking away the commercial zoning potentially limits the ultimate property values, new strict commercial center developed on that property would lead more property value, but you have to look at the potential impact on the surrounding areas in the neighborhood as a whole. Commercial development all the way to the water may have an impact on the residents nearby.

There was a consideration and desire throughout the Master Plan to protect the waterfront and the areas that could be cleaned up on your current zoning map that would accomplish that. The Master Plan and the future land use map in the Master Plan shows the waterfront and the back portion of those sites, not just that particular property, but other waterfront sites as single family residential and the proposal to take the zoning to R1 is consistent with the future land use map. On that property right now there is an existing apartment building, if it is rezoned to R1 that apartment building would be nonconforming use, but would be allowed to remain and maintained but could not be expanded, and there other restrictions for nonconforming uses. Another option to consider would be multifamily zoning that would keep the apartment building as conforming use.

There was discussion regarding definitions for restaurants in the Village and where they would be allowed. A specific restaurant mentioned in the discussion was the A & W. According to the definitions it would be considered a drive in restaurant and the proposal is for that property to be rezoned general commercial. A fast food restaurant including a drive in is listed as special land use in general commercial district; it would be considered a conforming use. The definitions in the proposed zoning ordinance that is clear.

The Light House Creamery and Temptations both are proposed to be zoned Corridor Mixed Use. They clearly fit under the fast food restaurant definitions which allows for sit down or carry out service from a cafeteria or quick serve, it is allowed under a special land use.

Questions from board members

Stencel – Corridor mixed use clearly does not allow for automotive, car wash or gas stations.

Adam Young – It is true the CMU does prohibit or limit the automobile oriented businesses. It is the intent.

Stencel – How can that be done, those businesses have been here decades.

Adam Young – The Village has the right do that legally. The thought behind it is you have the ability as a Village to determine the character of your community.

Stencel – Bottom line clearly spelled out in there these businesses are not wanted in this district.

Adam Young – Making a policy decision that those uses are nonconforming, can remain but with restrictions.

Stencel – This is something that was not brought up at these meetings. They cannot be enlarged; the footprint cannot change. That is not right.

Morris – If we included gas stations and car washes in the ordinance, we could end up with more and one at every corner.

Stencel – Free market would dictate that. The marketplace would determine it.

Adam Young – Based on the decision of the character of the community and what is best for the community is to not allow gas stations and car washes in that district. Nonconforming uses what can and cannot be done; cannot be enlarged or moved to a different property; cannot be rebuilt if it demolished, you can sell it, maintain it or repair it up to 50% of replacement value.

There are different ways that a property can be nonconforming, a structure can be nonconforming, meaning that it may be built to close to the road. Or the property can be nonconforming because the use is not allowed in the zoning district. Other nonconforming conditions, example is it is a sit down restaurant that is a conforming use, but the building is too close to the road, if it was damaged by fire, it would not be allowed to be rebuilt in the same it would have to meet the ordinances.

The nonconforming section of the ordinance clearly states that special land uses are not considered nonconforming. For example, the Light House Creamery, that is proposed to be CMU, Corridor Mixed Use, is a special land use, and the ordinance states it is conforming.

Picot – A tool in the new ordinance has to do with conditional rezoning. Does it remedy any of the questions, we had come before us?

Adam Young - Conditional rezoning, included in the ordinance as an option is different from a rezone request. If a property owner requests a rezone with the conditional rezone, the board/property owner could propose conditions to be considered.

Kaatz – Asked how that would remedy spot zoning.

Adam Young – The legislature created that option. Proper procedures had to put in place with a review process.

McComb – Has a study has been done on zoning changes, if it actually increases or decreases property value?

Adam Young – I do not have an answer for that, but there may be a study, similar to the Village zoning district. It would have to be a specific study.

McComb – I have concerns with the three story buildings in the CMU/GMU districts. I prefer historic quality not over commercialized.

Huepenbecker amends the motion to include the language for two stories only in the CMU/GMU districts, Picot supports the amendment.

Ziegler- If either gas station was destroyed, and cannot be rebuilt, where would we put gas stations?

Adam Young – The gas station at the corner of Lake and Main would be general commercial which would be allowed.

Roll Call

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

Nays- Stencil

Motion carried

New Business: None

Public Comment –

Mike Fulton –5727 Union- Commented Lexington Is First Resort North and is marketed as such and we need to establish design standards to maintain that.

Richard Stapleton – Questioned how many lots does the change affect and how lots can be split. Also commented on the smaller lots and the decrease in property value.

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

All Ayes

Motion Carried

Beth Grohman

Village Clerk

Suggestions for Revisions to DRAFT Master Plan

Section	Page Location	Concern	Suggested Resolution	Submitted by	Note
Introduction Community Summary	12 last para	Ethan Allen fought in the Revolutionary War, but not in the Battle of Lexington	Replace with: The village was renamed Lexington around 1845, reportedly in honor of Patriots fighting in Lexington, Massachusetts.	J. McCombs 6/12/2020	Discussed 7/6/2020
Future Land Use Map	26	The property on the the south side of Peck Rd. is zoned corridor mixed use. Many comments against; Commission voted for change in zoning ordinance	Zone it Agritourism	Huepenbecker 8/10/2020	Discussed 7/6/2020
Land Use & Development Mixed Use	29 Top left	Side by Side Mixed Use photo shows a box business	Replace with a photo that shows more compatible architecture, such as a building that looks like a home that's repurposed	J. McCombs 6/12/2020	Discussed 7/6/2020
Parking	41 Right	No mention of parking for golf carts, and number of them is increasing	Provide for adequate parking for golf carts	R. Cutler 7/23/2020	
Downtown/Waterfront Placemaking	52 Top left	Photo: Public Square precedent, Warren City Center	Replace with a photo of town center that includes permeable pavers and bioswales	J. McCombs 6/12/2020	Discussed 7/6/2020
Public Engagement	56 1st par	beach stands, concessions/food trucks should not be at North Shores; that is our neighborhood	delete beach stands, concessions/food trucks	W. Garnham 7/6/2020	
Public Engagement	56 2nd par	improvement plan for North Shores waterfront was planned, but not presented or discussed.	delete "and an improvement plan for North Shore" change "were" to "was"	Huepenbecker 8/25/2020	
Implementation	100 55	Progress meetings need to be held more often	Change "annually" to "quarterly"	M. Fulton 7/19/2020	
Implementation	100 57	Critical need for documented policy for internal review	Change timing from short-term to immediate	M. Fulton 7/19/2020	
Implementation	100 new S	Need a committee to steer implementation.	Village President/Council to establish a committee comprised of representatives from each committee within the Village. It should be structured to assign tasks and responsibilities to individuals and have the ability to remove individuals as needed to assure accountability for completion of those tasks in a timely manner.	M. Fulton 7/19/2020	

APPENDIX	Page Location	Concern	Suggested Resolution	Submitted by
Economic Development Stakeholder Meeting March 28, 2019	A-1	Clarifications needed for Names/Roles	James Van Dyke- Roxbury Group Callen Fox VanHemert- Roxbury Group Joe O'Mara- Sanilac County Commissioner Holly Tatman- Village Manager Dave Picot- Village Council, PC Kristin Kaatz- Village President Carl Osentoski- Sanilac County Economic Dev. Jerry Johnson- MSU Extension - Thumb Region Will Morris- PC, Sanilac County Mental Health Exec. Dir. David DeRita- Roxbury Group Steve and Peggy Stencil- PC, DDA, A&W, Creamery Mark Edmonson- P&R chair, Business in Worth Twp; DTE Dan Gilbertson- Cros-Lex Schools Superintendent	J. Huepenbecker
Visioning - Open House March 28, 2019	A-6	# of participants not mentioned	Add at least 54 residents attended	
Downtown & Waterfront May 20, 2019		# of participants not mentioned	Add at least 37 residents attended	
Downtown Business Economic Dev July 17, 2019	A-16	# of participants not mentioned	Add at least 58 residents attended	
Downtown & Waterfront July 30, 2019	A-18	# of participants not mentioned	Add at least 37 residents attended	
		Do not believe plan for waterfront at North Shores was discussed.	Delete the information regarding the Waterfront at the North Shores	

MY EVALUATION OF THE COMPLETED MASTER PLAN AND ZONING ORDINANCE

I believe that the master plan and the zoning ordinance fulfill the village's need for primary guidance and implementation documents for future land use, and believe those documents accurately follow the wishes of the citizens of Lexington.

The following can be discerned by a careful reading of the master plan.

Who we are: a safe and social community that is of human scale, affordable, fun, authentic, traditional by design, and who especially enjoy and benefit from the natural wonder that is Lake Huron.

What we wish for:

- Preservation and enhancement of the above
- A more diverse local economy through compatible forms of growth and development.
- A sense of certainty about the future. (there is a strong sense that the things about our town that we value could easily be lost to indiscriminate growth.)

From a fundamental understanding of what's valued and what's hoped for, we can craft strategies toward that end and that's what the pages beyond page 20 of the master plan are about.

Some of the strategies the plan identifies that will be useful to our purposes:

- Improved utilization of corridors
- More and more diverse housing
- ✓ New architecture that is strongly linked with tradition
- Village style residential rather than subdivision
- Mixed use(s) that are complementary, and compatible
- Infill instead of sprawl
- A strong town center
- Gateways that properly transition and are complementary to the town center
- Active asset management of our public lands
- Limited auto-oriented uses and more pedestrian friendly design
- Stronger site design standards for all zones
- Zoning that is more flexible
- Zoning processes that are easier to use and understand
- Proactive marketing of our town

I am proud to have been a small part of the creation of these documents.

Dave Picot 8/10/20

Master Plan Review – Peter Muoio

I have read and reread the plan and find it to be comprehensive and ambitious. A passing concern for all levels of planning and action in America is the current virus pandemic and the accompanying recession. The extent and duration of both are unknown at this time.

The plan is loaded with great concepts. Some of the key items that ring a bell with me are:

- a) Village Center for info, rest rooms, gathering and displays
- b) Parking needs to be developed on village edge (Lester Park) and serviced with a trolley. This would help with business development beyond the main block.
- c) Beach expansion requires purchase of private property and/or the effective development of the North Shores beach
- d) Winter season development - weather will not support outdoor activities. Twenty years ago, snowmobiles were popular about 20 -30 miles north of here, No ski opportunities and ice fishing is minimal. Development of a large, varied entertainment/hospitality program may be possible but difficult
- e) Parking on Huron is a visual distraction and needs to be reset to allow legal and safe passage of traffic.
- f) Wayfinding has improved but there is opportunity for more including a walking tour with a digital guide program available
- g) Development proposals from the State and the Army Corp. need to be supported and will require state and national political assistance
- h) Downtown high-density housing could follow Royal Oak pattern. The aim would be the retirement marketing and weekenders
- i) College - the State of N.Y. developed a number of two-year technical as well as four year colleges in small communities throughout the State. It would be gangbusters if an existing institution would develop a site here.
- j) The adult playground equipment sounds promising
- k) Master plan action needs to incorporate a coordinated approach with all entities in the Southeast section of the county. This needs to address ambulance, police coverage, funding and management.