

Village of Lexington
Planning Commission Public Hearing & Special Meeting
Village Hall, 7227 Huron Ave., Lexington, MI 48450
October 16, 2023
7:00 PM

Call to Order Public Hearing: Mike Ziegler

The purpose of the public hearing is to take comments on the Brown Ridge Estate Proposed Preliminary Planned Unit Development (PUD) in accordance with Section 7.3.2 of the Zoning Ordinance.

Close the Public Hearing: Mike Ziegler

CALL TO ORDER SPECIAL MEETING: Mike Ziegler

ROLL CALL: Vicki Scott

Members:	Ziegler	Stencil	Roehl	Kaatz
	Picot	Regan	Morris	Huepenbecker

PUBLIC COMMENT: (3-minute limit)

BUSINESS:

1. **CONSIDER APPROVAL OF THE PRELIMINARY PLAN FOR THE BROWN RIDGE ESTATES PLANNED UNIT DEVELOPMENT –**
2. **CODE OF ETHICS POLICY –**

PUBLIC COMMENT: (3-minute limit)

ADJOURNMENT

SANILAC COUNTY
CONDOMINIUM SUBDIVISION

EXHIBIT B TO MASTER DEED OF

Attention County Register of Deeds

The Condominium Subdivision Plan number must be assigned in consecutive sequence when a number has been assigned to this project, it must be properly shown in the title and the various certificates on this sheet and on Sheet 2

BROWN RIDGE ESTATES CONDOMINIUM

Part of the NE 1 / 4 Section 25 T10N-R16E Village of Lexington

DESCRIPTON

Commencing at the NE Corner of Section 25, T10N-R16E, Village of Lexington, Sanilac County Michigan, Thence S03°57'50"W 633.00 feet along the E. Section Line to the Point of Beginning RUNNING THENCE S03°57'50"W 250.50 feet along the E. Section Line, Thence N86°28'00"W 1312.19 feet, Thence N04°06'26"E 583.52 feet, Thence S86°28'00"E 640.00 feet, Thence N04°06'26"E 107.00 feet, Thence S86°28'00"E 477.46 feet, Thence S03°57'50"W 290.00 feet, Thence N86°28'00"W 202.00 feet, Thence S03°57'50"W 150.00 feet, Thence S86°28'00"E 395.00 feet to the Point of Beginning and containing 16.569 acres more or less.

NOTES

The proposed site is a wooded undeveloped site at this time. The area of the proposed site and adjacent properties are single family residential and the BIRCHWOOD CONDOMINIUM is adjacent to the proposed units 10 and 11

Surveyors Certificate

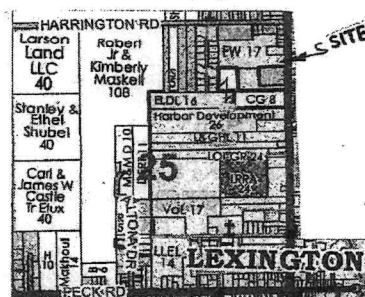
I John A Milletics License Land Surveyor of the State of Michigan hereby certify that the subdivision plan NO. _____ as shown on the accompanying drawings, represents a survey on the ground made under my direction, that there are no existing encroachments upon the lands and property herein described. That the required monuments and iron markers have been located in the ground as required by rules promulgated under section 142 of act number 59 of the public acts of 1978, as amended that the bearings as shown, are noted on the survey plan as required by the rules promulgated under section 142 of act number 59 of the public acts of 1978 as amended

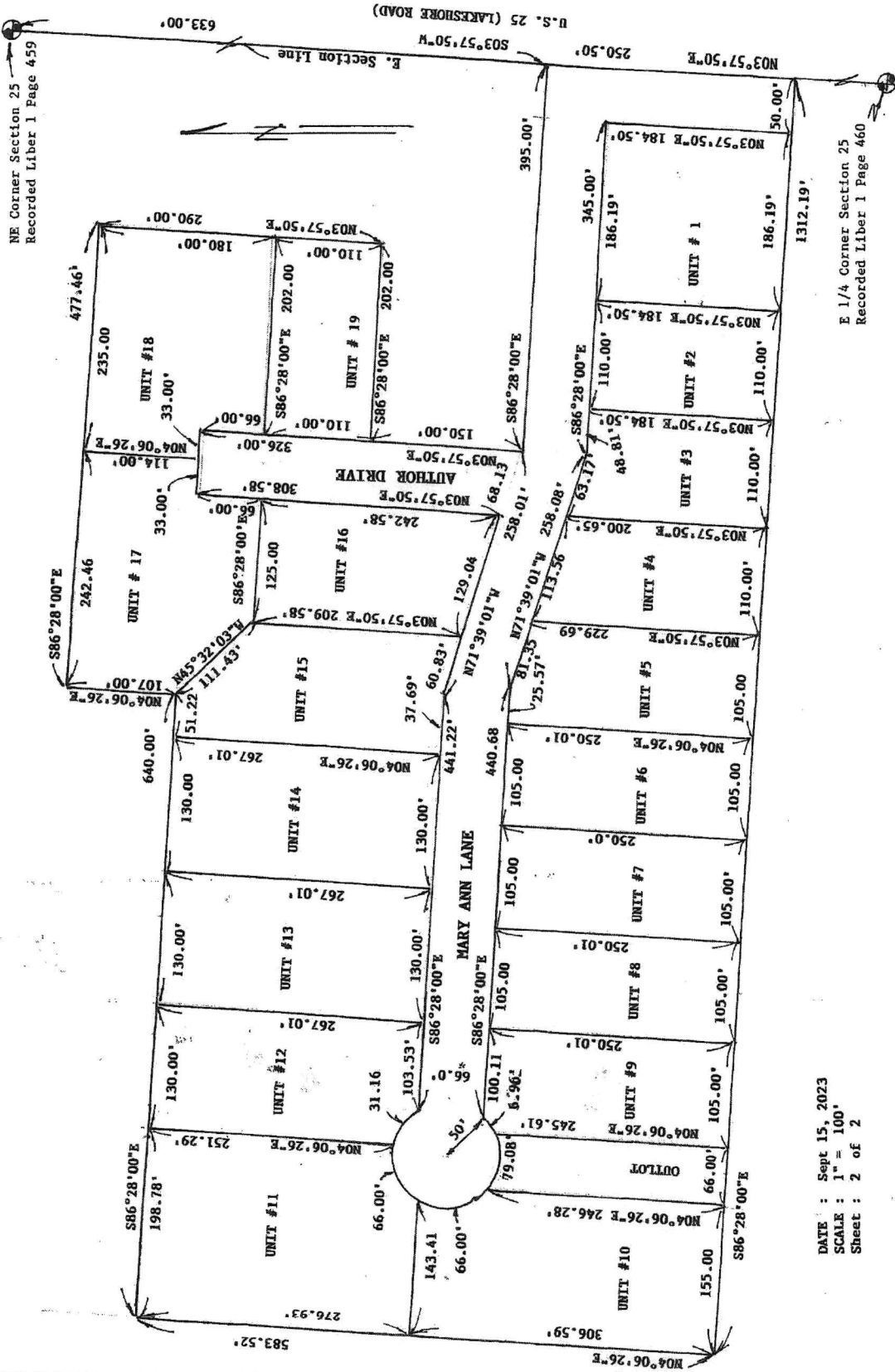
DATE : Sept 15, 2023

DEVELOPER:
Brown Builders and Contracting
6836 Wiltsie Road
Lexington Michigan 48450
1 810 334 9862

SURVEYOR
John A Milletics P.S. #4001025859
37 E. Sanilac
Sandusky, Michigan 48471
1 810 648 3440

LOCATION MAP





NE Corner Section 25
 Recorded Liber 1 Page 459

E 1/4 Corner Section 25
 Recorded Liber 1 Page 460

DATE : Sept 15, 2023
 SCALE : 1" = 100'
 Sheet : 2 of 2



ARTICLE 7
PUD-PLANNED UNIT DEVELOPMENT DISTRICT





SEC. 7.1 PURPOSE & INTENT

Planned Unit Development (PUD) district regulations are intended to provide for various types of land uses planned in a manner which shall; encourage the use of land in accordance with its character and adaptability; conserve natural resources and energy; encourage innovation in land use planning; provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the Village; and bring about a greater compatibility of design and use. The provisions of this Article provide enabling authority and standards for the submission, review, and approval of applications for planned unit developments.

SEC. 7.2 PUD REGULATIONS

7.2.1. A planned unit development (PUD) may be applied for in any zoning district. The grant of a planned unit development application shall require a rezoning by way of amendment of this Ordinance upon the recommendation of the Planning Commission and approval of the Village Council.

7.2.2. Any land use authorized in this Ordinance may be included in a planned unit development, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.

7.2.3. The applicant for a planned unit development must demonstrate all of the following criteria as a condition to being entitled to planned unit development treatment:

1. Grant of the planned unit development will result in one of the following:
 - a. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 - b. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 - c. A non-conforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.
2. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, streets and utilities.
3. The proposed development shall be consistent with the public health, safety and welfare of the Village.
4. The proposed development shall be consistent with adjacent circulation patterns or there should be stub streets to accommodate the traditional street patterns that could be developed on adjacent parcels.
5. The proposed development shall not result in an unreasonable negative environmental impact on the subject site or surrounding land.
6. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
7. The proposed development shall be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this Ordinance.





8. The proposed development shall be consistent with the Goals and Policies of the General Development Plan.

SEC. 7.3 PROCEDURE FOR REVIEW

7.3.1. Pre-application Conference.

Prior to the submission of an application for planned unit development approval, the applicant shall meet with the Zoning Administrator, together with any staff and consultants the Administrator deems appropriate. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed planned unit development, as well as the following information: Total number of acres in the project; a statement of the number of residential units, if any; the number and type of non-residential uses, the number of acres to be occupied by each type of use; the known deviations from ordinance regulations to be sought; the number of acres to be preserved as open or recreational space; and, all known natural resources and natural features to be preserved.

7.3.2. Preliminary Plan.

Following the Pre-application Conference, the applicant shall submit a preliminary site plan of the proposed planned unit development. The preliminary site plan shall be prepared in accordance with the standard set forth in Section 3.4.2. A narrative report shall accompany the site plan providing a description of the project, discussing the market concept and feasibility of the project, and explaining the manner in which the criteria set forth in Section 7.1 have been met.

1. **Planning Commission Action.** The Preliminary Plan shall be noticed for public hearing as a zoning amendment before the Planning Commission. Following the hearing, the Planning Commission shall review the preliminary site plan and shall take one of the following actions:
2. **Approval.** Upon finding that the Preliminary Plan meets the criteria and standards set forth in Sections 7.1 and 7.2, the Planning Commission shall grant preliminary approval. Approval shall constitute approval of the uses and design concept as shown on the Preliminary Plan and shall confer upon the applicant the right to proceed to preparation of the Final Plan.
3. **Approval of the Preliminary Plan by the Planning Commission** shall not constitute rezoning of the property to PUD nor bind the Village Council to approval of the Final Plan.
4. **Tabling.** Upon finding that the Preliminary Plan does not meet the criteria and standards set forth in Sections 7.1 and 7.2, but could meet such criteria if revised, the Planning Commission may table action until a revised Preliminary Plan is resubmitted.
5. **Denial.** Upon finding that the Preliminary Plan does not meet the criteria and standards set forth in Sections 7.1 and 7.2, the Planning Commission shall deny preliminary approval.





7.3.3. Final Plan.

Within six (6) months following receipt of the Planning Commission comments on the preliminary plan, the applicant shall submit a final plan and supporting materials conforming with this Section. If a final plan is not submitted by the applicant for final approval within six (6) months following receipt of Planning Commission comments, the preliminary plan approval becomes null and void.

1. Information Required. A final site plan and application for a PUD shall contain the following information:
 - a. A site plan meeting all requirements of Section 3.4.3, Final Site Plan.
 - b. A separately delineated specification of all deviations from this ordinance which would otherwise be applicable to the uses and development proposed in the absence of this planned unit development article.
 - c. A specific schedule of the intended development and construction details, including phasing or timing.
 - d. A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
 - e. A specification of the exterior building materials with respect to the structures proposed in the project.
 - f. Signatures of all parties having an interest in the property.
2. Planning Commission and Action. The final plan shall constitute an application to amend this Ordinance, and shall be noticed for public hearing as a zoning amendment before the Planning Commission, and otherwise acted upon by the Planning Commission, and the Village Council, as provided by law.
 - a. Approval. Upon finding that the Final Plan meets the criteria and standards set forth in Section 7.1 and 7.2, the Planning Commission shall recommend approval to the Village Council.
 - b. Tabling. Upon finding that the Final Plan does not meet the criteria and standards set forth in Section 7.1 and 7.2, but could meet such criteria if revised, the Planning Commission may take action until a revised Final Plan is resubmitted.
 - c. Denial. Upon finding that the final plan does not meet the criteria and standards set forth in Section 7.1 and 7.2, the Planning Commission shall recommend denial to the Village Council.
 The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the planned unit development project including, without limitation, recommendations with respect to matters on which the Village Council must exercise discretion.
3. Village Council Action. Upon receiving a recommendation from the Planning Commission, the Village Council shall review the Final Plan. Taking into consideration the recommendations of the Planning Commission and the criteria and standards set forth in Sections 7.1 and 7.2, the Village Council shall approve, table or deny the Final Plan.
4. Prior to approval of a Final Plan, the Village Council shall require all standards and conditions of approval to be incorporated in a Development Agreement. The Agreement shall be prepared by the Village Attorney, approved by the Village Council,





and signed by both the Village and the Applicant.

SEC. 7.4 PROJECT DESIGN STANDARDS

7.4.1. Residential Design Standards.

1. Residential density shall not be greater than the maximum density permitted in the zoning district in which the property is situated immediately prior to classification under this Article.

Additional density for residential uses may be allowed in the discretion of the Village Council upon the recommendation of the Planning Commission and based upon a demonstration by the applicant of consistency with the General Development Plan and of planning and design excellence resulting in a material benefit to the Village, adjacent land uses, and/or the ultimate users of the project, where such benefit would otherwise be unlikely to be achieved without the application of the PUD regulations, including, without limitation, innovative design producing significant energy efficiency, pedestrian or vehicular safety, long term aesthetic beauty, and protection and preservation of natural resources and features.

2. Residential street layout patterns shall be consistent with the traditional street patterns as established in the Village in order to meet the intent of this Ordinance as outlined in Section 1.2 of this Ordinance.

7.4.2. Non-Residential Design Standards.

1. Non-residential uses may be permitted in combination with other non-residential uses or as part of a common development with residential uses.
2. The non-residential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.
3. Nonresidential properties in excess of 200 feet in width along an existing right-of-way shall provide at least on side street right-of-way to permit access to the property to the rear of the nonresidential parcel.

7.4.3. General Design Standards.

1. All regulations applicable to setbacks, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is listed as a Principal Permitted Use. In all cases, the strictest provisions shall apply.

Notwithstanding the immediately preceding paragraph, deviations with respect to such regulation may be granted as part of the overall approval of the planned unit development, provided there are features or elements demonstrated by the applicant and deemed adequate by the Village Council upon the recommendation of the Planning Commission designed into the project plan for the purpose of achieving the objectives of this Article.

2. To the maximum extent feasible, the development shall be designed so as to preserve the natural resources and natural features. The benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of the natural resources or features and the following criteria:
 - a. The availability of feasible and prudent alternative methods of accomplishing any





development.

- b. The extent and permanence of the beneficial or detrimental effects of the proposed activity.
 - c. The size, quality and rarity of the natural resources or natural features which would be impaired or destroyed.
3. There shall be a perimeter setback and berming, as found to be necessary by the Village, for the purpose of buffering the development in relation to surrounding properties. If the planned unit development project includes non-residential uses adjacent to a district authorizing residential uses, and/or if the project is larger than one acre in area, such perimeter setback shall be established with a dimension from the property line of up to one hundred (100) feet in the discretion of the Village Council, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.
 4. Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
 5. There shall be underground installation of utilities, including electricity and telephone, as found necessary by the Village.
 6. Pedestrian walkways shall be separated from vehicular circulation, as found necessary by the Village.
 7. Signage, lighting, landscaping, building materials for the exterior of all structure, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
 8. Where non-residential uses adjoin off-site residentially zoned property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed. The Village, in its discretion, shall review and approve the design and location of such mechanisms.
 9. The Village Council upon the recommendation of the Planning Commission shall resolve all ambiguities as to applicable regulations using the Zoning Ordinance, General Development Plan, and other Village standards or policies as a guide.

SEC. 7.5 CONDITIONS

7.5.1. Reasonable conditions may be required with the approval of a planned unit development, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.





7.5.2. Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the planned unit development; and, necessary to meet the intent and purpose of this Ordinance, and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.

SEC. 7.6 PHASING & COMMENCEMENT OF CONSTRUCTION

7.6.1. Phasing.

Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Village Council after recommendation from the Planning Commission.

7.6.2. Commencement and Completion of Construction.

To ensure completion of required improvements, the Village is authorized to impose performance guarantees in accordance with Section 3.7. Construction shall be commenced within one (1) year following final approval of a planned unit development and shall proceed substantially in conformance with the schedule set forth by the applicant, as required by Section 7.2.3. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the Village Council upon good cause shown if such request is made to the Village Council prior to the expiration of the initial period. Moreover, in the event a site plan has expired, the Village Council, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

SEC. 7.7 EFFECT OF APPROVAL

Section 7.7 Effect of Approval.

When approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such amendment. Notice of adoption of the final PUD plan and conditions shall be recorded by the applicant at the Sanilac County Register of Deeds, evidence of which shall be supplied to the Zoning Administrator.





Village of Lexington Code of Ethics Policy

The Code of Ethics Policy of the Village of Lexington is for members of Council and of the Village's Boards, Committees and Commissions ("Members") to ensure public confidence in the integrity of local government and its effective, responsible, transparent and fair operations.

1. Members shall comply with the laws of the United States of America, the State of Michigan and the Village of Lexington in the performance of their public duties.
2. Members recognize that stewardship of the public interest is their primary concern. They shall work for the common good of the residents of the Village.
3. Members shall endeavor to treat all members of the public fairly and equitably and conduct themselves in a businesslike manner, respecting the rights and opinions of other members and the public.
4. Members shall be committed to the concepts of effective and democratic local government and perform their duties in accordance with the processes and rules of order as established by the Village Council.
5. Members have an obligation to attend meetings for the performance of their official duties. Members should be prepared for the meetings they attend, review materials, attend trainings, and listen to the public comments and discussions.
6. The Village values the independent advice of boards, committees, and commissions to the public decision-making process. Members shall refrain from using their position to unduly influence the deliberations or outcomes of council, committee, commission, and staff deliberation proceedings.
7. Members shall support the maintenance of a positive and constructive work place environment for Village employees and for citizens and businesses dealing with the Village. Members shall recognize their role in dealing with Village employees and in no way create the perception of inappropriate direction to staff.
8. Members accept responsibility to represent the Council, Commission, or Committee they are appointed to with dignity and pride by being a positive role model.

Board/Commission Member Signature