

**Village of Lexington
Public Hearing and
Planning Commission Regular Meeting
Village Hall, 7227 Huron Ave., Lexington, MI 48450
Wednesday, July 5, 2023
7 PM**

Call to Order Public Hearing: Mike Ziegler

The purpose of this hearing is to take comments on proposed amendments to the following sections of the Village Zoning Ordinances, Article 2 Definitions, Section 2.2 Dumpster; Article 6 Environmental Protection & Design Provisions, Section 6.2.9 Screening of Trash Containers, Section 6.10.1 Containers & Dumpsters.

Close the Special Hearing: Mike Ziegler

CALL TO ORDER SPECIAL MEETING: Mike Ziegler

ROLL CALL: Vicki Scott

Members: Ziegler Stencil Roehl Fulton Kaatz
 Picot Regan Morris Huepenbecker

APPROVAL OF AGENDA:

APPROVAL OF MINUTES:

Pages 1-4

Motion to approve the minutes of the Regular Meeting of June 5, 2023.

Motion to approve the minutes of the Special Meeting on June 15, 2023

PUBLIC COMMENT: (3-minute limit)

ZONING ADMINISTRATOR'S REPORT

Pages 5

OLD BUSINESS

Pages 6-10

1. Update on Gielow Project
2. Consider recommending to Council changes to the ordinance regarding Screening for Trash Containers
3. Discuss RRC Visit by Katie Higgs, our MEDC consultant for RRC
4. Update by Ad Hoc Committee on RRC, Capital Improvement Plan, ZBA
5. Update by Ad Hoc Committee on Trash Containers, Gielow Land Use, Solar Energy Ordinance
6. Monthly Budget Report

NEW BUSINESS

1. Recommend to Council a fee of \$200 for Appeals to the ZBA

PUBLIC COMMENT: (3-minute limit)

ADJOURNMENT

VILLAGE OF LEXINGTON
Planning Commission Regular Meeting
Village Hall
7227 Huron Avenue, Lexington, MI
June 5, 2023 7 p.m.

Regular Meeting called to order at 7:00 p.m. by Chairman Ziegler

Roll Call: Vicki Scott, Clerk

Present: Ziegler, Picot, Stencel, Roehl, Fulton, Huepenbecker

Absent: Regan, Morris, Kaatz

Others Present: Muoio, Adams, DeCoster, Jarosz

Approval of Agenda:

Motion by Huepenbecker, seconded by Fulton, to approve the agenda as amended adding Design Review for Cottage Lot under Old Business #1, and reverse items #1 and #2 under Old Business.

All ayes

Motion carried

Approval of Minutes:

Motion by Roehl, seconded by Fulton, to approve the minutes of the Regular Meeting of May 1, 2023, as presented.

All ayes

Motion carried

Motion by Fulton, seconded by Roehl, to approve the minutes of the Special Meeting of May 11, 2023, as presented.

All ayes

Motion carried

Public Comment: None

Zoning Administrator's Report:

Motion by Huepenbecker, seconded by Picot, to approve the zoning administrator's report as presented.

All ayes

Motion carried

Old Business:

1. Design Review for Cottage Lot 7333 Lake St.–

Huepenbecker explained this is a unique property as it has two frontages – Lake St. and the shoreline. In September 2021, Jim Pierce approved a land use permit for them as a cottage lot. However, they didn't build the house. Denny gave them a few extensions, then the owners changed their plan. If Lake St. is considered as the front, it doesn't qualify as a cottage lot, but if the shoreline is considered the front, it does. They have the required setbacks. The only change from their original plan is they removed the second story; the footprint remains the same.

Adam Young verified it is okay in this instance to use the shoreline as the front. Lengthy discussion followed. Board members would like more time to look into this property and provide notice of it on the agenda and agreed to hold a special meeting.

Motion by Huepenbecker, seconded by Fulton, to hold a special meeting on June 15, 2023 at 7:00 p.m. to consider the cottage lot at 7333 Lake St.

All Ayes

Motion carried

2. Report of Ad hoc Committee on Trash Containers, Gielow land Use, Solar Energy Ordinance

Picot explained the committee is prepared to discuss the trash enclosures item. You received in your packet an ordinance amendment recommendation to be considered by the Planning Commission. Picot explained the changes:

Insert the following new definition in Section 2.2

Dumpster: A bin or other rigid container that is placed long-term at a property for the purpose of temporary storage of solid waste, site-separated materials, or source-separated materials, as defined in this chapter for periodic pick-up by a waste hauler.

Delete Section 6.2.9. Screening of Trash Containers.

Add a new section:

6.10.1 Containers and Dumpsters

1. Containers and dumpsters shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the building they serve.
2. Containers and dumpsters shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
3. Containers and dumpsters shall be located away from public view insofar as possible.

Motion by Picot, seconded by Ziegler, to recommend this ordinance amendment to the Council.

The clerk notes before any change to a zoning ordinance is recommended to council, a public hearing must be held.

Roehl asked about using different language for 6.10.1. He said he couldn't vote for an ordinance that wasn't clear. Huepenbecker read a list of twenty communities that she had checked, and all of them had the screening of trash receptacles in their zoning ordinance. Some of them had waivers for properties where it was difficult to put in screening, like it would be for Foley's and suggested we do that instead. Ziegler said that it is difficult for trucks and they often get damaged and many communities don't enforce the ordinance. Lengthy discussion continued.

Amended motion by Picot, seconded by Ziegler, to set a Public Hearing for the zoning ordinance amendment proposal on the above changes at the next regular meeting.

Ayes – 5

Nays – Huepenbecker

Motion carried

Picot explained the Harbor Redevelopment Committee has not met yet but will update the Board at the next meeting.

Picot explained Adam Young gave us a few options regarding solar ordinance. We have a few sample ordinances as well as recommendations from our planner. The committee will review this and report back at the next meeting.

3. Discussion of Screening of Trash Containers

That was previously discussed.

4. **Report of Ad Hoc Committee on RRC, Capital Improvement Plan, ZBA –**

Huepenbecker explained the ZBA is meeting on June 27, 2023, for a hearing of an appeal as well as to consider draft bylaws. For RRC certification, the committee sent a letter to Kaatz asking to appoint a few members from Council to be in charge of the tasks that need to be completed. Kaatz asked that the letter come from the Commission, rather than from a committee. Discussion followed.

Motion by Huepenbecker, seconded by Fulton, to appoint Doug Roehl as the representative for the Capital Improvement Plan from the Planning Commission.

All Ayes

Motion carried

Motion by Huepenbecker, seconded by Fulton, to send the letter from the Planning Commission to Kristen and Council.

All Ayes

Motion carried

New Business: None

Public Comment

- Larry Adams – commented on notifications to neighbors, fences on corner lots, and reviewing the ordinances on fences.
- Ed Jarosz – commented on being thankful for the zoning administrator we currently have in place.
- Kathy DeCoster – commented on dumpsters at the Pub and the need for the property to be re-surveyed.
- Dave Picot – commented the Planning Commission is very happy with the current zoning administrator.

Correspondence: Worth Township Letter regarding their master plan.

Adjournment - Motion by Huepenbecker, seconded by Fulton, to adjourn at 8:36p.m.

Respectfully submitted,
Vicki Scott

VILLAGE OF LEXINGTON
Planning Commission Special Meeting
Village Hall
7227 Huron Avenue, Lexington, MI
June 15, 2023

Special Meeting called to order at 7:00 p.m. by Chairman Ziegler

Roll Call: Jackie Huepenbecker, Planning Commission Secretary

Present: Ziegler, Stencel, Fulton, Huepenbecker, Roehl, Regan, Morris

Absent: Kaatz, Picot

Others Present: Dennis Klaas, zoning administrator, Larry Adams, and one other person

Approval of the Agenda:

Moved by Morris, supported by Fulton to approve the agenda. Motion carried.

Public Comment: Larry Adams questioned whether a boat could be parked on the concrete of the cottage lot since it was considered a rear yard.

Business:

Design Review for Cottage Lot at 7333 Lake Street.

Members reviewed the setbacks. Morris asked Klaas, zoning administrator, if all was in order, and he said it was.

Moved by Morris, supported by Fulton, to approve the design review of the cottage lot.

Roll Call:

Ayes: Morris, Fulton, Ziegler, Stencel, Roehl, Regan, Huepenbecker

Nays: None

Motion carried

Public Comment: Larry Adams questioned whether signs promoting events were permitted to be placed in the flower containers.

Adjournment - Motion by Fulton, seconded by Morris, to adjourn at 7:18 p.m.

Respectfully submitted,

Jackie Huepenbecker, Planning Commission secretary

Zoning Administrator Report

Village of Lexington

June, 31st 2023

I am pleased to provide you with a summary of recent zoning activities and updates within our Village:

Expansion Project with Doug Gielow:

I have been actively working with Doug Gielow on their proposed expansion project. We have reviewed their plans, conducted site visits, and ensured compliance with all relevant zoning regulations. The project is progressing, and we will continue to monitor its implementation to ensure adherence to the approved plans and compliance with all applicable zoning requirements. We will be meeting to discuss changes in the plans for the three-phase due to some unforeseen issues.

Violations Issued for Grass and Blight:

In an effort to maintain the aesthetics and property standards within our community, we have taken proactive measures to address violations related to overgrown grass and blight. Violation notices have been issued to property owners who were found to be in violation of the zoning regulations pertaining to these matters. We will continue to follow up and monitor the progress of corrective actions to ensure compliance.

Signage Regulations and Communication with Real Estate Businesses:

In accordance with our signage regulations, we have recently sent out letters to local real estate businesses to remind them of the requirement to maintain a clear view of traffic by keeping their signage at least 5 feet away from the roadway. This measure aims to ensure the safety of motorists and pedestrians by minimizing visual obstructions. We will continue to work closely with the real estate community to address any concerns and ensure compliance with the signage regulations.

I am committed to maintaining effective communication with all stakeholders and enforcing zoning regulations to promote a safe, attractive, and well-planned community. If you have any questions or require further information on these matters, please do not hesitate to contact me.

Thank you for your attention to this report, and I look forward to discussing any necessary actions or updates during our next meeting.

(12) Land Use Permit Applications:

5333 Main St (Sign Permit) Lexington Coffee Company

7266 Boynton St (Sign Permit) Main Street Boutique

(4) Ordinance Violations

Thank you for your attention to this report, and I look forward to discussing any necessary actions or updates during our next meeting.

Dennis Klaas

Village of Lexington Zoning Administrator

586-372-8035

zoning@villageoflexington.com

Recommended Changes to the Ordinance Regarding Screening of Trash Containers

NOTE: Text proposed to be deleted is shown with a strikethrough (i.e., ~~text to be deleted~~), while text to be added is shown in bold (i.e., **text to be added**).

SEC. 2.2 DEFINITIONS

INSERT THE FOLLOWING NEW DEFINITIONS INTO SECTION 2.2:

DUMPSTER. A bin or other rigid container that is placed long-term at a property for the purpose of temporary storage of solid waste, site-separated materials, or source-separated materials, as defined in this chapter, for periodic pick-up by a waste hauler.

SEC. 6.2 LANDSCAPING, GREENBELTS & BUFFERS & SCREENS

~~6.2.9. Screening of Trash Containers.~~

- ~~1. Outside trash disposal containers shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of material which is compatible with the architectural materials used in the site development.~~
- ~~2. Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the building they serve.~~
- ~~3. Containers and enclosures shall be located away from public view insofar as possible.~~
- ~~4. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.~~
- ~~5. Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of six (6) 30-gallon cans or more. Aprons shall be provided for loading of bins with a capacity of 1.5 cubic yards or more.~~
- ~~6. For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.~~
- ~~7. Screening and gates shall be of a durable construction.~~

SEC. 6.10 SAFETY

New language:

6.10.1 Containers and Dumpsters

- 1. Containers and dumpsters shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the building they serve.**
- 2. Containers and dumpsters shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.**
- 3. Containers and dumpsters shall be located away from public view insofar as possible.**

Report of Ad Hoc Committee for RRC (Redevelopment Ready Communities, CIP (Capital Improvement Plan), and ZBA (Zoning Board of Appeals)

RRC Certification

Our letter to Kristen was on the Council Agenda for June 26, and Kristen took action.

Training: She appointed Larry Adams to take charge of the training part of RRC for Council. He may also be submitting their orientation and expectations pieces.

Updating the Public Participation Plan: She said it would be best to wait until the new manager is on board, and she will make it a priority.

On July 13, we are meeting to prepare for a visit of Katie Higgs, our MEDC consultant for RRC, who is visiting with us on July 20. Dave Picot organized this, and it is an agenda item.

Capital Improvement Plan

Kristen appointed Sheila Klaas to be the representative on the Capital Improvement Plan Committee.

Kristen said when the new manager gets on board, she will have Doug and the new manager work with staff and others on the Capital Improvement Plan.

Kristen will have Shelly update the costs on the Capital Improvement Plan before the new manager is here.

Zoning Board of Appeals

On July 6 at 10 AM, the Zoning Board of Appeals is having a work session with Jackie Huepenbecker to work on the bylaws. The budget Council approved includes funds for the ZBA members to take an online ZBA certification class.

Budget Report June 30, 2023

Line Items	Original 2022-23	Amend 2022-23	Spent thru 6/30/2023	Approved 2023-24
Wages	8000	18,300	16,519	32,500
Match Social Security	1150	1,400	1,264	2,525
Mich Emp Sec Cp,	350	350	344	350
Operating Supplies	150	320	253	400
Phone	0	600	525	900
Advertising/Publications	500	500	229	700
School/Training	1000	900	894	1,800
Membership/Dues	675	725	725	725
Legal	1500	500	495	1,500
Mileage		200	179	200
Contracted Services	1000	1,400	1,400	1,200
	14325	25,195	22,827	42,800

Most increases are due to having a zoning administrator.

The 2023-24 School/Training budget includes \$900 for training for the ZBA.

Date	JNL	Type	Description	Reference #	Debits	Credits	Balance
Fund 101 GENERAL FUND							
05/01/2023			101-722-701.000 WAGES		BEG. BALANCE		13,212.50
05/03/2023	PR	CHK	SUMMARY PR 05/03/2023		400.00		13,612.50
05/10/2023	PR	CHK	SUMMARY PR 05/10/2023		550.00		14,162.50
05/17/2023	PR	CHK	SUMMARY PR 05/17/2023		531.25		14,693.75
05/24/2023	PR	CHK	SUMMARY PR 05/24/2023		500.00		15,193.75
05/31/2023	PR	CHK	SUMMARY PR 05/31/2023		550.00		15,743.75
05/31/2023			101-722-701.000	END BALANCE	2,531.25	0.00	15,743.75
05/01/2023			101-722-704.100 MATCH - SOCIAL SECURITY		BEG. BALANCE		1,010.76
05/03/2023	PR	CHK	SUMMARY PR 05/03/2023		30.60		1,041.36
05/10/2023	PR	CHK	SUMMARY PR 05/10/2023		42.08		1,083.44
05/17/2023	PR	CHK	SUMMARY PR 05/17/2023		40.64		1,124.08
05/24/2023	PR	CHK	SUMMARY PR 05/24/2023		38.25		1,162.33
05/31/2023	PR	CHK	SUMMARY PR 05/31/2023		42.07		1,204.40
05/31/2023			101-722-704.100	END BALANCE	193.64	0.00	1,204.40
05/01/2023			101-722-704.500 MICH EMP SEC COM		BEG. BALANCE		343.70
05/31/2023			101-722-704.500	END BALANCE	0.00	0.00	343.70
05/01/2023			101-722-740.000 SUPPLIES		BEG. BALANCE		253.10
05/31/2023			101-722-740.000	END BALANCE	0.00	0.00	253.10
05/01/2023			101-722-803.000 PHONE		BEG. BALANCE		375.00
05/09/2023	AP	INV	AP 2023 PHONE	AP 2023 PHONE	75.00		450.00
05/31/2023			101-722-803.000	END BALANCE	75.00	0.00	450.00
05/01/2023			101-722-805.000 ADVERT/PUBLICATIONS		BEG. BALANCE		35.20
05/18/2023	AP	INV	PLANNING OR. AMENDMENTS EV INFRASTRU	337608	193.60		228.80
05/31/2023			101-722-805.000	END BALANCE	193.60	0.00	228.80
05/01/2023			101-722-808.000 SCHOOL/TRAINING		BEG. BALANCE		894.35
05/31/2023			101-722-808.000	END BALANCE	0.00	0.00	894.35
05/01/2023			101-722-810.000 MEMBERSHIP/DUES		BEG. BALANCE		0.00
05/18/2023	AP	INV	MEMBERSHIP JUNE 2023 - JUNE 2024	900994 JUNE 2023	725.00		725.00
05/31/2023			101-722-810.000	END BALANCE	725.00	0.00	725.00
05/01/2023			101-722-811.000 LEGAL		BEG. BALANCE		495.00
05/31/2023			101-722-811.000	END BALANCE	0.00	0.00	495.00
05/01/2023			101-722-812.000 MILEAGE		BEG. BALANCE		179.34
05/31/2023			101-722-812.000	END BALANCE	0.00	0.00	179.34
05/01/2023			101-722-820.000 CONTRACTED SERVICES		BEG. BALANCE		1,150.18
05/31/2023			101-722-820.000	END BALANCE	0.00	0.00	1,150.18
TOTAL FOR FUND 101 GENERAL FUND					3,718.49		21,667.62

PLANNING

GL NUMBER	DESCRIPTION	2022-23 ORIGINAL BUDGET	2022-23 AMENDED BUDGET	MONTH 05/31/2023 INCREASE (DECREASE)	ACTIVITY FOR MONTH 05/31/2023	YTD BALANCE 05/31/2023	% BDTG USED
					NORMAL (ABNORMAL)		
Fund 101 - GENERAL FUND							
Revenues							
Dept 722 - COMMUNITY & ECONOMIC DLMENT							
101-722-670.000	SHORT TERM RENTAL	0.00	750.00	400.00		1,150.00	153.33
Total Dept 722 - COMMUNITY & ECONOMIC DLMENT		0.00	750.00	400.00		1,150.00	153.33
TOTAL REVENUES							
		0.00	750.00	400.00		1,150.00	153.33
Expenditures							
Dept 722 - COMMUNITY & ECONOMIC DLMENT							
101-722-701.000	WAGES	8,000.00	21,100.00	2,531.25		15,743.75	74.61
101-722-704.100	MATCH - SOCIAL SECURITY	1,150.00	1,620.00	193.64		1,204.40	74.35
101-722-704.500	MICH EMP SEC COM	350.00	350.00	0.00		343.70	98.20
101-722-740.000	SUPPLIES	150.00	320.00	0.00		253.10	79.09
101-722-803.000	PHONE	0.00	525.00	75.00		450.00	85.71
101-722-805.000	ADVERT/PUBLICATIONS	500.00	500.00	193.60		45.76	45.76
101-722-808.000	SCHOOL/TRAINING	1,000.00	1,000.00	0.00		894.35	89.44
101-722-810.000	MEMBERSHIP/DUES	675.00	675.00	725.00		725.00	107.41
101-722-811.000	LEGAL	1,500.00	500.00	0.00		495.00	99.00
101-722-812.000	MILEAGE	0.00	200.00	0.00		179.34	89.67
101-722-820.000	CONTRACTED SERVICES	1,000.00	1,150.00	0.00		1,150.18	100.02
Total Dept 722 - COMMUNITY & ECONOMIC DLMENT		14,325.00	27,940.00	3,718.49		21,667.62	77.55
TOTAL EXPENDITURES							
		14,325.00	27,940.00	3,718.49		21,667.62	77.55
Fund 101 - GENERAL FUND:							
TOTAL REVENUES							
		0.00	750.00	400.00		1,150.00	153.33
TOTAL EXPENDITURES							
		14,325.00	27,940.00	3,718.49		21,667.62	77.55
NET OF REVENUES & EXPENDITURES		(14,325.00)	(27,190.00)	(3,318.49)		(20,517.62)	75.46
TOTAL REVENUES - ALL FUNDS							
TOTAL EXPENDITURES - ALL FUNDS							
		0.00	750.00	400.00		1,150.00	153.33
NET OF REVENUES & EXPENDITURES		14,325.00	27,940.00	3,718.49		21,667.62	77.55
NET OF REVENUES & EXPENDITURES		(14,325.00)	(27,190.00)	(3,318.49)		(20,517.62)	75.46