

LENOX TOWNSHIP
REGULAR MEETING PLANNING COMMISSION
MONDAY MARCH 22, 2021 6:30 PM

This meeting was held virtually.

1. Call to order: 6:31 pm
Members Present: Clifford, Turchi, Marino, Gennette
Member Excused: Vennard
Planner: Stephen Cassin
2. **PLEDGE OF ALLEGIANCE** – N/A
3. **APPROVAL OF PREVIOUS MINUTES** – JANUARY 25, 2021
Motion: Turchi Support: Clifford
Motion to approve the minutes of January 25, 2021 as written. All Ayes. Motion carried.
4. **APPROVAL OF AGENDA**
Township Planner Cassin would like to add item: **6 C. – Site Plan Review for Wendy’s Fast Food Restaurant.**
Turchi inquired if the plans were submitted in the correct timeframe. She wondered about automatically holding Public Hearings, whereas before the Planning Commission scheduled the Public Hearing ensuring petitioners were prepared. Cassin stated that the policy has changed to accommodate potential businesses to try to be more welcoming.
Motion: Marino Support: Clifford
Motion to approve the Agenda with addition of item 6 C. – Site Plan approval for Wendy’s. All Ayes. Motion carried.
5. **UNFINISHED BUSINESS**
N/A
6. **NEW BUSINESS**
 - A. **PUBLIC HEARING**
SPECIAL LAND USE REQUEST – 19-06-12-300-003, 65545 GRATIOT, LLC.
Motion: Turchi Support: Clifford
 - (1) **Motion to Open the Public Hearing.**
Roll Call: Turchi- Aye, Clifford- Aye, Marino- Aye, Gennette- Aye. Motion passes.
Clifford read the Public Hearing Notice aloud.
 - (2) Planner Cassin summarized that the applicant received a Provisionary Certificate and wants to proceed on their existing building. The Site Plan has been reviewed, it meets the conditions of the Licensing Ordinance and the Zoning Ordinance, and he recommends approval subject to meeting both the Engineer and Fire Department requirements.
 - (3) **Public Comment**
Laurel & Bryan Eisen, 65700 S. Forest Avenue, Lenox
Bryan is concerned about what the site will look like and if the proximity may be too close to residential houses. He does not believe the site has been cleaned up of tires and debris, and wondered if there are any site decontamination procedures taken due to the type of business that was there prior. He is concerned about the smell, light pollution, and the tree removal in the area. He does not want a lot of trees removed. He stated that several neighbors did not get notice of this Public Hearing. He also wondered what fencing and security measures would be in place. Laurel stated that she is concerned about the light pollution as she likes to star gaze and does not want the light coming into their bedroom. She is concerned about the smell, noise, security, and the decrease of her property values. She inquired if there are Ordinances in place for a grow facility in Lenox Township. They did not plan on something like this being in their backyard as they are just starting off with two young children. She wondered why they were the only neighbors in the area that got notification of the Public Hearing and was disappointed in this.
Joe Cannon, 65820 Forest Avenue, Lenox

Joe reported that he did not get notification; he echoes all the sentiments of Laurel and Bryan. He has grave concerns about this facility. He wonders what the Township and the County's plan is to mitigate the crime and break-ins that will come into this community because of that facility. He asked what the plan for crime and security is for the facility.

(4) Motion: Marino Support: Clifford

Motion to close the Public Hearing.

Roll Call: Marino – Aye, Clifford – Aye, Turchi – Aye, Gennette – Aye. Motion carried.

(5) Discussion

Cassin said he received information from the Clerk's Office that property owners within 300 feet of the facility were notified; no letters were returned from the Post Office as undeliverable. A Provisionary Certificate was previously issued by the Township Board and the next step is to review Site Plans. The Planning Commission has the right to ask for conditions to help mitigate some of the concerns that the residents have. He said the developer was present to answer questions.

A representative of 65545 Gratiot, LLC, stated that the building would not go significantly into the property; there are no plans to build to the west toward Forest. They would be happy to show residents their development plans and discuss concerns. There would be parking lot lights and securing lights on the building as well. They plan to meet all Township requirements.

Attorney for the petitioner stated that they are working with the State of Michigan for funding on cleaning up the property and to do proper environmental tests. He stated that the tire issue would be cleaned up in 2021.

The Representative stated that the brush that was taken out in the back of the building was all scrub. The trees were carefully protected and the woods on the south side and the west side would be left alone. The back part of the building will be kept as a refuge. The company is a well-established state-of-the art company. Everything is environmentally and computer controlled. There would be no spillage of grow lights outside of the building. The air is protected and there would be no air leakage going outside. The inside air is recirculated and UV filtered. They would be dealing with medical grade Marihuana not recreational.

Amy stated that she has two teenage kids and understands the resident's concerns; reassuring the public that they would do everything right.

Clifford and Marino questioned the Ordinance about how far away a facility like this needs to be.

Cassin said the Ordinance requires the building to be 500 feet from a single-family home.

Turchi asked the petitioner to address the security issues.

The Representative said that they have a state-of-the-art security system including state-of-the-art electronics, motion detectors, attached to the police department, and would have fortified walls. He also said that it has recirculated moisture.

Hachem explained that they would have a security officer on site 24 hours a day to monitor the building and the parking lot in addition to a camera system inside and outside.

The Representative reported that they would be able to view the security footage from their phones.

Marino said he noticed there is no screen wall and in order to protect the residents maybe screening would be beneficial along the west side. He asked if this might cut down on traffic.

Hachem answered that on the end there is a proposed screening wall on the back side which is six foot high. Half of the site is occupied and would have shielded parking lights that would shine downward. It will be a newer building, paved and curbed parking lot and a concrete deceleration lane.

Motion: Marino Support: Clifford

Motion to approve the Special Land Use Request provided it meets all requirements of the Building Department, Engineering Department, and Fire Department.

Roll Call: Marino – Aye, Clifford – Aye, Turchi – Aye, Gennette – Aye. Motion carried.

B. LOT SPLIT REQUEST

BARBARA AND KENNETH KIERNICKI, VACANT PLACE ROAD, 19-06-06-200-034

Planner Steve Cassin said he has no issues with this request; the Assessing Department is waiting for the approval from the Planning Commission to proceed.

Motion: Clifford Support: Marino

Motion to approve the lot split request by Barbara and Kenneth Kiernicki, Vacant Place Road, 19-06-06-200-034.

Turchi wondered if the Planning Commission is allowed to approve this split as it would make the second lot non-conforming.

Cassin answered that the Planning Commission is allowed to grant a waiver.

Roll Call: Clifford – Aye, Marino – Aye, Turchi – Aye, Gennette - Aye. Motion carried.

C. SITE PLAN APPROVAL – WENDY’S FAST FOOD RESTAURANT

Lenox Township Planner Steve Cassin explained that he and Township Engineer Sermed Saif have been working closely with Wendy’s Representatives to come up with a plan that meets the Ordinance. This building would be on the north side of 26 Mile in vacant land east of the former BBQ building. They are requesting to construct a 2100 square foot fast food restaurant. He said the site plan meets the conditions of the Zoning Ordinance. There are some details that would need to be worked out with the Township Engineer.

Township Engineer Sermed said there are some geometry issues for the one-way versus two-way. If they shift the parking for the two-way it would be a much better design. He said they would revise single lanes to two-way lanes which would resolve the dumpster enclosure and the drive-thru lanes. They could reduce the dumpster enclosure size, which would resolve the conflict. The Planned Unit Development (PUD) must be updated with the cross access between the Donut shop and Wendy’s. The entrance must be improved, which they are working on and have agreed to address all the concerns.

Turchi inquired about traffic issues with the entrances and exits, and voiced concern for fire trucks being an issue with the size.

Saif reported that there are no issues with fire trucks due to the property size, however, one-way lanes are a problem; they have agreed to make them two-way lanes. He would also recommend a deceleration/acceleration lane as well as an easement between the two properties. The Macomb County Road Commission must review the entrance and exit plans.

Marino asked if there is enough parking and if this would interfere with the PUD Agreement.

Cassin stated that the number of parking spots meets the Ordinance. The PUD would have to be revised to include the cross easement with the BBQ place. The PUD Agreement has additional standards that are above and beyond the Zoning requirements. There is additional PUD verbiage that says the Zoning Board of Appeals has no jurisdiction over the PUD Agreement, so the sign variances would have to go through a PUD Amendment process which would go to the Board of Trustees for approval.

Motion: Turchi Support: Clifford

Motion to approve the Wendy’s Site Plan provided they follow the Fire and Engineering recommendations.

Roll call: Turchi- Aye, Clifford- Aye, Marino- Aye, Gennette, Aye. Motion carried.

7. CITIZENS COMMENTS

N/A

8. COMMUNICATIONS PRESENTED

Marino wondered about a new Ethics Ordinance which was brought up at the last Board of Trustees Meeting.

Cassin stated that the draft Ordinance is an administrative Ordinance so it is not reviewed by the Planning Commission and would be handled by the Township Board.

9. TOWNSHIP PLANNER

N/A

10. ADJOURNMENT

Motion: Marino Support: Clifford

Motion to adjourn the meeting at 7:19 PM. All Ayes. Motion passes.

Thomas Scott Clifford
Planning Commission Secretary

Karen Kaltz
Planning Commission Recording Secretary