

LENOX TOWNSHIP
REGULAR MEETING PLANNING COMMISSION
MONDAY APRIL 26, 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** – MARCH 22, 2021
Motion: Turchi Support: Clifford
Motion to approve the minutes of March 22, 2021. All Ayes. Motion carried.
4. **APPROVAL OF AGENDA**
Motion: Marino Support: Clifford
Motion to approve the Agenda as presented. All Ayes. Motion carried.
5. **UNFINISHED BUSINESS**
N/A
6. **NEW BUSINESS**
 - A. **PUBLIC HEARING**
REZONING REQUEST – 19-06-27-401-013, 014, AND 021, Khalid Zaitouma
Motion: Marino Support: Clifford
 - (1) **Motion to Open the Public Hearing.**
Roll Call: Marino- Aye, Clifford- Aye, Turchi- Aye, Gennette- Aye. Motion passes.
Clifford read the Public Hearing Notice aloud.
 - (2) Planner Cassin summarized that the applicant wishes to rezone from Commercial General to Industrial Restricted with the intent for growing, processing, and dispensing Medical Marijuana. The intent is in conflict with Lenox Township’s Ordinance, which states all buildings need to be 500 feet from any Residential Zoned land. In the Village of New Haven, several of the homes in the Riverbrook Mobile Home Community are within 500 feet. At this time, until something is resolved: either additional property is acquired, variances are received, or the Board changes the Ordinance, he cannot recommend approval. He suggests it is either denied or tabled until a future date.
 - (3) **Public Comment**
W. Thompson, on behalf of Mr. Zaitouma, stated that this is basically Rezoning to Industrial Restricted from Commercial. He is unsure of the use, at this time, is part of the Rezoning.

Shaun Mansour, attorney for Mr. Zaitouma, would like to inform everyone that Mr. Zaitouma received a conditional license from the Lenox to cultivate, process, and retail marijuana. The parcel must be rezoned for Industrial, according to state law. The state would not allow a cultivation center on any other Zoning other than Industrial or Agricultural Zoning. At its current state, the conditional approval violates state law.

M. Thompson, 21133 25 Mile, Macomb Township, spoke on behalf of her son at 32812 Susan Lane North in the mobile home park. She stated that the complex is against the Ordinance, as the Ordinance states that no industrial complex can be built within 500 feet of a residential, church, or playground area and this 500 feet involves at least 90 mobile homes. She is concerned for the health and wellbeing of the people in the mobile home park and the quality of life for these people. She believes the cost of the mobile home residences will go down in value. She stated that Lenox Township needs to follow the rules and the rules state that this cannot be built within 500 feet. She is also concerned with the smell from this situation.
 - (4) **Motion: Marino Support: Turchi**

Motion to close the Public Hearing.

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

(5) Discussion

Marino wondered how the Planning Commission got to this point, that we are not within the guidelines of our Ordinances? He wondered if this should have been discussed at the Board. He is conflicted as of what to do, as the Planning Commission cannot allow it within 500 feet as it does not fit within the Ordinance.

Cassin stated that he would have to refer to the Board or the attorney for that question.

Clifford sees that it violates the Ordinance and knows there would be arguments about the smell, but right now he does not know how the Planning Commission could approve it.

Turchi stated that when you do a Rezoning, you are only to look at the Rezoning. They are asking for Industrial Restricted which is not proper for that location; it would be spot Zoning. When you Zone something to IR you need to accept anything that is listed under the Ordinances to be allowed there. Whether it be what they say they are planning for a shop, this is not the area for it. She is not sure how it got a temporary license but Rezoning to IR for that area is not a good idea.

Mansour said respectfully that it is not a temporary license, it is a conditional license that once the state approves this use, his client will be able to cultivate, process, and provision at this parcel. He is not sure what happened, he does not know if the municipality did not look at the Zoning prior to issuing this license, but what happened is that Lenox Township issued his client a conditional license to grow marijuana, process it, and sell it at a retail level and the Zoning is not Zoned for that use. Zoning must be Zoned for Industrial and/or Agricultural use. His client has already made arrangements to construct this property to develop this area. He has received a conditional license from the municipality under the position that this property can be developed with what the zoning is, but we know it cannot be. It must be Zoned for Industrial for the project to move on unless you are saying the client's license is going to be revoked at this time.

Gennette's opinion is that this needs to be tabled until next month for the fact that we need to ask the board or the commissioner in the Township who gave the client the license and what that true process is. He said the Planning Commission should not be at this point where we have a request from a petitioner to Rezone a property for a specific use that violates Lenox Township's rules.

Mansour wants the Planning Commission to understand that the Board issued this license to his client for a property that was not Zoned correctly. He does not think there is fault on his client, but thinks the fault lies with the municipality.

Gennette said he is not blaming anyone and that is why he thinks it needs to be tabled to find out the root cause. It specifically states, when they filled out the application, that the proposed use is a Marijuana Grow Facility. Knowing that, it is the Planning Commission's obligation to find out why the Township has issued that license.

Mansour has no problem tabling but points out that his client was given a timeline for when he needs to construct this parcel by and asks if the timeline would be moved because of this adjournment.

Cassin said that those are questions he would have to refer to the Township Attorney.

Motion: Marino Support: Clifford

Motion to table and refer this back to the Lenox Township Board and the Township Attorney.

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

7. CITIZENS COMMENTS

N/A

8. COMMUNICATIONS PRESENTED

N/A

9. TOWNSHIP PLANNER

N/A

10. ADJOURNMENT

Motion: Marino Support: Clifford

Motion to adjourn the Meeting at 6:52 PM. All Ayes. Motion passes.

Thomas Scott Clifford
Planning Commission Secretary

Karen Kaltz
Planning Commission Recording Secretary