

**LENOX TOWNSHIP
REGULAR MEETING PLANNING COMMISSION
MONDAY MAY 22, 2023**

1. Call to order: 6:32 PM

Members Present: Suddon, Clifford, Rosseel, Walker, Muylaert, Pannell

Member Excused: Turchi

Planner: Cassin

Engineer: Saif

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

Motion: Clifford Support: Pannell

Motion to approve the agenda as written. All Ayes. Motion passes.

4. APPROVAL OF MINUTES

Motion: Clifford Support: Pannell

Motion to approve the minutes of April 24, 2023, striking the line about the Ordinance within the Solar Array discussion. All Ayes. Motion passes.

5. PUBLIC COMMENT

There was no Public Comment at this time.

6. UNFINISHED BUSINESS

There was no Unfinished Business to complete at this meeting.

7. NEW BUSINESS

**A. SITE PLAN APPROVAL REQUEST, CLEAN VIEW PROPERTIES 9, LLC., FRANK TOMA
19-06-36-300-034, VACANT 26 MILE ROAD**

Frank Toma, owner of Clean View Auto Wash, provided the Commission with a brief history of his business.

T. Muylaert requested clarification regarding the one-way entrance and exit of the proposed site, voicing concern about the excess traffic currently.

Toma explained that internal calculations indicate that there will be ¼ of the traffic per day compared to his other locations. The Macomb County Department of Roads has approved the proposal.

R. Pannell inquired if the proposed 26 Mile Road entrance was the reason that it would be necessary to amend the Planned Unit Development Agreement (PUD).

Planner Cassin remarked that this issue is being worked out between the petitioner's attorney and the township's attorney, and that the approval of this plan would be dependent on an amendment if it is determined that it is needed. Pannell objected to the 26 Mile Road driveway, considering it was not originally designed that way.

Ars Atisha stated that one of the conditions with the Macomb County Department of Roads was to essentially create an additional lane that the development is paying for, to alleviate some of the traffic concerns. A traffic consultant was hired to review the proposed project. Both petitioners stated that they believe this solution is an answer to possible traffic concerns.

Pannell inquired if the Frost Road sidewalk requirement has been resolved.

Toma stated that a variance would be sought, as Frost is a dead-end dirt road.

Rosseel reported that she contacted Macomb County Department of Roads regarding the approval. She suggested, the Township develop a guideline of what potential developers and home builders would be required to do to build in Lenox. She questioned the small size of the load/unload zone, and the possibility of Meijer providing additional parking spots, so that a part of the Planning Commission or different committee would not hold up the project.

Toma reported that Meijer is onboard with the development.

Pannell inquired about the driveway servicing the vacant area adjacent to this proposed vehicle wash and whether developing that might contribute to the backlog of vehicles. How could a petitioner be told that they could not develop that area if the driveway is not exclusive to the vehicle wash site.

Cassin warned that a potential developer could not be denied if the Township Ordinances are met, although the design could be changed.

Suddon remarked that the focus must be on what the petitioners have brought before the Planning Commission at this meeting. The petitioners have followed the proper protocols, they have permission from Macomb County Department of Roads, have added a lane, and have done road studies; they cannot predict what can happen in the future. Any business to come into the adjacent spot would have to follow the same procedures and protocols, that is out of the Township's control at this time.

Township Engineer Sermed Saif stated that he continues to be concerned with traffic and circulation issues. He cannot guarantee that this design would work; the petitioners cannot guarantee that the design would work either. This proposed development is part of a Planned Unit Development that Meijer is a part of. In order to allow this development, the Planned Unit Development must be amended, approved by the Board of Trustees, and signed by the declarant, which is Beaumont, who purchased the remaining Bay River property. He further stated that his team does not agree with the traffic analysis, the curb cut (and 2 drives on the Chesterfield Township side of the road), the failure of the applicant to utilize Frost Road as recommended, the size of the loading zone, and the sidewalk required on Frost Road along the entire length of the property, which has not been provided. He further stated that a sewer analysis must be done as there is concern about the sewer capacity. His prior recommendation was to not approve this design, but if the Planning Commission prefers to move forward with an approval, he would highly recommend that the Planning Unit Development Agreement be amended to add an Indemnification Agreement be drafted to remove the liability from Lenox Township.

Pannell inquired about the allowance of this curb cut within the PUD and whether it may set a precedent for future developments.

L. Rosseel asked if other developments have been allowed to delay the construction of a sidewalk.

Saif remarked that a petitioner would have to request a variance to approve a delay for sidewalk construction, however all the deficiencies must be sited. The Board of Trustees is the only body that can grant a variance of this requirement.

Cassin clarified that the petitioners met with him with a concept one year ago, he thought that the driveway onto 26 Mile Road may be controversial, he suggested that they make sure the County Department of Roads was onboard before submitting plans to the Township for approval.

Motion: Clifford Support: Walker

Motion to authorize conditional approval following recommendations from the Township Planner, the Township Engineer, and the Public Safety Director, based on the Board of Trustees approving an amendment to the Planned Unit Development Agreement regarding curb cuts, if such approval is deemed necessary by the Township Attorney.

Discussion followed concerning an indemnification clause being added to the motion.

Cassin suggested the proper motion would be for the Planning Commission if they agree, to recommend that to the Township Board of Trustees, the Planning Commission could not require it.

Motion: Suddon Support: Walker

Motion to authorize conditional approval following recommendations from the Township Planner, the Township Engineer, and the Public Safety Director, based on the Board of Trustees approving an amendment to the Planned Unit Development Agreement regarding curb cuts, if such approval is deemed necessary by the Township Attorney, with a recommendation for an indemnification agreement, if necessary, determined by the Attorneys.

Pannell added that he believes that the plan presented was very iffy.

Suddon remarked that there should be a vote on the motion, there should be no continued interruption.

Pannell stated that he could discuss the motion once it has been made, he has that right. The Planning Commission does not have everything nailed down; it is a very contingent plan.

Cassin reported that Mr. Pannell was out of order, he was not discussing the wording of the motion, the discussion had already taken place. It would be proper to vote on the motion at this time.

Pannell reported that he was discussing the motion that was made, that the Planning Commission would not be including the Indemnification agreement.

Roll Call Vote: Pannell- Nay, Muylaert- Aye, Suddon- Aye, Walker- Aye, Rosseel- Aye, Clifford- Aye. Motion passes.

8. CITIZENS COMMENTS

There were no Citizen Comments at this time.

9. ADJOURNMENT

Motion: Suddon Support: Muylaert

Motion to adjourn the Meeting at 7:19 pm. All Ayes. Motion passes.

Thomas Scott Clifford

Carol A. Swantek

Planning Commission Secretary

Acting Recording Secretary