

RAY TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
TUESDAY, DECEMBER 13, 2016 AT 7:30 P.M.  
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**APPROVED**

Location: Ray Township Hall  
64255 Wolcott. Ray, MI 48096

Present: Tom Hancock, Chairman  
Tom Penzien, Vice-Chairman  
Lori Lascoe, Secretary  
Members: Cynthia Banach  
Justin Lease  
Absent: None.

Also Present: Lisa Hall, Planning and Zoning Administrator,  
Jack Dailey and Jerry Schmeiser, Township Planners.

1. CALL TO ORDER – PLEDGE OF ALLEGIANCE AND ROLL CALL.  
Chairman Hancock called the meeting to order at 7:30 p.m. The Pledge of Allegiance was recited. All members were present.
2. APPROVAL OF MINUTES – November 1, 2016  
**MOTION by Banach supported by Lascoe to approve the minutes from November 1, 2016 as presented.  
MOTION carried.**
3. APPROVAL OF AGENDA  
**MOTION by Banach supported by Lascoe to approve the agenda as presented.  
MOTION carried.**
4. NEW BUSINESS:
  - a. Public Hearing; Special Land Use & Site Plan; Outdoor Storage of Contractor Equipment and Material; Located at 67406 Brian Drive; Permanent Parcel No. 05-06-401-011. Daniel Teller, D. Teller Excavating, Petitioner.

Chairman Hancock explained the public hearing procedure to stand and state their name and address and any comments they may have regarding the agenda item.

**MOTION by PENZIEN supported by BANACH to open the public hearing at 7:34 p.m.  
MOTION carried.**

Mr. Teller, Petitioner stated they are proposing a stock pile site with a cold storage building to house their equipment.

Public Portion: None.

**MOTION by PENZIEN supported by BANACH to close the public hearing at 7:35 p.m.  
MOTION carried.**

Jack Dailey, Township Planner presented his findings dated 12-8-2016, as follows:

The purpose of this request as noted on the APPLICATION FOR SPECIAL LAND USE APPROVAL is and to allow the outdoor storage of various construction materials including sand, stone, millings, broken concrete and asphalt. In addition, site plan approval is sought for the construction of a proposed equipment building to accommodate storage of tractors, trailers and other equipment. The subject parcel is zoned I-1 (Industrial). The parcel is located approximately 800 ft. north of 31 Mile Road on the east side of Brian Drive.

Section 1602 of the Zoning Ordinance provides that the use as requested may be permitted after special land use approval has been granted by the Township Planning Commission; see Section 1602-O which states: “Storage facilities for building materials, sand, gravel, lumber or storage of contractors equipment and materials.”

Special Land Use (SLU) is the use of a lot or parcel of land for an activity which, under usual circumstances, might be detrimental to other permitted land uses and cannot be permitted within the same district, but which use can be permitted under circumstances unique to the proposed location and subject to conditions acceptable to the community and providing protection to adjacent land use.

The Zoning Ordinance has vested the power to grant special land use approval to the Planning Commission. The Planning Commission must as part of its review and consideration conduct a public hearing regarding the merits of this request. The Planning Commission shall make a determination as to whether the proposed use as discussed below meets all ordinance requirements applicable to the Special Land Use requested in addition to the required review standards found in Section 2202 of the Zoning Ordinance. The Commission must also find that there are no more adverse effects than would normally be associated with the subject district which in the opinion of the Planning Commission cause injury to the adjacent properties or residents, or the Township as a whole.

The Special Land Use Standards itemized in Section 2202 of the Zoning Ordinance will be referenced individually later in this report.

Subject Area



The general description of the surrounding properties is as follows:

- A. The parcels adjoining on the north, south and to west across Brian Drive are zoned I-1 and undeveloped.
- B. The parcel to the east is zoned I-1 and contains the west nine holes of the Pine Valley Golf Course.

The site plan sketch submitted indicates the following;

- A. The subject property is provided with approximately 800 ft. of frontage on the east side of Brian Drive and extends for a depth of 391 ft. at the south property line and 250.67 ft. on the north line; for a total site size of **5.561 acres**.
- B. The parcel presently is undeveloped.
- C. The proposed equipment building 76 ft. x 104 ft. (7,904 sq. ft.) would be constructed 240 ft. from the north property line, 76.78 ft. from the east property line and 440.52 from the south property line. Its placement in relation to Brian Drive will vary from 70 ft. to 90 ft. given its relationship to the curve in Brian Drive.
- D. The site has been provided with a front yard setback of 80 ft. measured from the centerline of Brian Drive. Within the setback there will be developed a lawn area of approximately 45 ft. measured from the edge of the existing road ditch east to the edge of the proposed storage and parking/maneuvering areas. The maneuvering areas located north and south of the proposed building will be surfaced with asphalt millings.
- E. There will be proposed concrete aprons installed (20' x 76') on both the north and south elevations of the proposed building.
- F. Access would be provided via one 30 ft. drive 130 ft. from the north property line. The drive currently exists but is not developed to the Township Engineering standards.
- G. The parking spaces required for the proposed building will be placed adjoining the east elevation of the proposed building. The Township Engineer has note that the surface required for the parking spaces must be hard surfaced. The surface as noted on the plan is asphalt millings.
- H. The storage area for building materials is proposed to be in the south 250 feet of the parcel. The storage materials would be setback a minimum of 40 ft. from the lawn area off Brian Drive, and 45 ft. off the east and south property lines. This affords the materials to be far enough off property lines to allow for circulation around the material without interfering with either another parcel or the landscaping in front setback.
- I. It is noted that a future septic field and an existing well are located within the front yard lawn area.

Chairman Hancock reviewed the correspondences for the site in question.

- 12/8/16 Ray Township Building Official.
- 11/30/16 Macomb County Health Department
- 12/2/16 Anderson, Eckstein & Westrick
- 11/30/16 Macomb County Public Works
- 10/30/16 & 12/4/16 Ray Township Fire Department
- 7/3/2002 Mark P. Simpson, PE, Engineer for Brian Drive
- 12/8/16 Ray Township Assessor

Discussion was held on holding in abeyance the required hard parking spaces until such time as the proposed building is to be serviced by sanitary sewer or the proposed septic system.

**MOTION by Penzien to supported by Lascoe to Approve the Special Land Use Permit Outdoor Storage of Contractor Equipment and Material; Located at 67406 Brian Drive; Permanent Parcel No. 05-06-401-011 based upon the Planners recommendation, of meeting the six standards of Section 2202 of the Zoning Ordinance, as follows;**

**STANDARD NO. 1**

The proposed special approval land use will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.

**Comments of Dailey/Schmeiser to Standard No. 1:** The Application for SLU to use subject parcel for outdoor storage in an INDUSTRIAL DISTRICT as discussed above would be harmonious with the appropriate and orderly development of the surrounding neighborhood and/or vicinity, since the area is planned and zoned for Industrial Development which would be consistent with the Township Master Plan and the Township Zoning Ordinance.

**STANDARD NO. 2**

The use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements, routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access to off-street parking and provisions for pedestrian traffic, with particular attention to minimizing pedestrian vehicle conflicts. **Comments of Dailey/Schmeiser to Standard No. 2:** The Application for SLU to use subject parcel for Outdoor Storage to service an industrial use in an industrial district as discussed above would be consistent with the I-1 District. The parcel in question is of sufficient size to accommodate the proposed use and has been designed with respect to access to the public right-of-ways to safely and efficiently move vehicles on and off the parcel with no impact on either vehicular or pedestrian traffic.

**STANDARD NO. 3**

The proposed use will be designated so that the location, size, intensity, site layout and periods of operation of the proposed use eliminate any excessive nuisance emanating there from which might be objectionable to the occupants of any other nearby permitted uses. **Comments of Dailey/Schmeiser to Standard No. 3:** The Application for SLU to use subject parcel for Outdoor Storage to service an industrial use in an industrial district as discussed above would NOT be out of character with the District and adjoining parcels with respect to issues of noise, fumes lights, and vibration. If the proposed storage area is operated within the limits of existing township ordinances there should have no negative impacts relating to noise, lights, fumes and other potential nuisance factors.

**STANDARD NO. 4**

The proposed use will be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. *No Comments Applicable.*

**STANDARD NO. 5**

The proposed use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected. **Comments of Dailey/Schmeiser to Standard No. 5:** The Application for SLU to use subject parcel for Outdoor Storage to service an industrial use in an industrial district as discussed above can and is designed to be operated in such a manner that the public health and safety would be adequately protected.

**STANDARD NO. 6**

The proposed use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district. **Comments of Dailey/Schmeiser relative to Standard No. 6:** The Application for SLU to use subject parcel for Outdoor Storage to service an industrial use in an industrial district as discussed above would operate as a complement to future land uses permitted with said zoning district.

**FOR THIS APPROVAL:     Yes:   Penzien, Lascoe, Lease, Banach, Hancock.  
                                  No:    None.**

**MOTION carried.**

**MOTION by Penzien supported by Banach to Approve the Site Plan Permit Outdoor Storage of Contractor Equipment and Material; Located at 67406 Brian Drive; Permanent Parcel No. 05-06-401-011 based upon the Planners recommendation and subject to the following conditions;**

- 1. That outside storage shall be limited to those areas defined in the site plan as approved by the Planning Commission and required by the Zoning Ordinance. Any additional areas for outside storage must be approved by the Planning Commission.**
- 2. The driveway to Brian Drive must be curbed and further, the curb radii, curb cuts, including their location, and other geometrics and designs, are subject to approval by the Township Engineer.**
- 3. That the required hard surfaced parking for the parking spaces may be held in abeyance until such time as the proposed building is to serviced by sanitary sewer via the proposed septic or public system.**
- 4. That all requirements of the Zoning Ordinance be met.**
- 5. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.**
- 6. That all requirements of the Fire Department shall be met as noted in the letter from the Township Fire Marshal and specified as follows:**
  - a. There shall be a 20 ft. fire lane designated and kept open and clear at all times**
  - b. There are no above ground storage tanks approved as part of this action**
  - c. The address of the building shall be posted in accordance with the Building Code**
  - d. Knox box is to be installed to the satisfaction of the Fire Department**
  - e. Dry hydrant with water supply shall be installed.**
  - f. List of materials to be stored in the building must be submitted to the Fire Department prior to the issuance of a building permit.**
  - g. Walls and doors must be in accordance with the Building Code**
  - h. Business survey to be submitted to the Fire Department prior to the issuance of a Certificate of Occupancy.**
- 7. The plans submitted to the Township Engineer for review and approval shall include the water source and all comments noted by the Fire Dept.**

**FOR THIS MOTION: Yes:   Penzien, Banach, Lease, Lascoe, Hancock.  
                                  No:    None.**

**MOTION carried.**

- b. Public Hearing Rezoning Proposal; Currently Zoned Industrial-Residential (IR) to Agricultural Residential (R-1) to be consistent with the 2016 Adopted Master Plan. The parcels are located with frontage on east side of North Avenue between 26 Mile Road and 27 Mile Road; Section 36. Permanent Parcel Nos. 05-36-300-014, 05-36-300-012, 05-36-300-016, 05-36-100-018, 05-36-100-020, 05-36-100-021, 05-36-100-023, 05-36-100-024, 05-36-100-028, 05-36-100-029, 05-36-300-036, 05-36-300-037, 05-36-300-038, 05-36-300-049. Ray Township Planning Commission; Applicant**

Chairman Hancock explained the public hearing procedure for the rezoning.

Penzien asked if all property owners within the rezoning were notified of the meeting.

Lisa Hall stated all property owners were notified of the meeting notice from the Planning Commission.

**MOTION by Banach supported by Penzien to open the public hearing at 8 :04 p.m.  
MOTION carried.**

Mr. Dailey reviewed the Planners findings and recommendation dated December 8, 2016, as follows :

The purpose of this request as noted on the Agenda for December 13, 2016 is to hear comments relating to a proposal by the Planning Commission to rezone multiple parcels located on the East side of North Avenue between 26 Mile Road and 27 Mile Road currently zoned Industrial – Residential (IR) to Agricultural – Residential (R1) in order to be consistent with the 2016 Ray Township Adopted Master Plan Amendment.

The general description of the subject properties and surrounding properties is as follows:

The property in question consists of 14 separate parcels containing approximately 100 acres that front on the east side of North Avenue in Section 36 beginning on the north at the north line of Section 36 and extending south for approximately 4,700 ft. or .9 of a mile.

The north 2,457 ft. of the grouping of parcels extend in depth nearly 1300 ft. while the south 2,227 ft. of the grouping are 527 ft. deep.

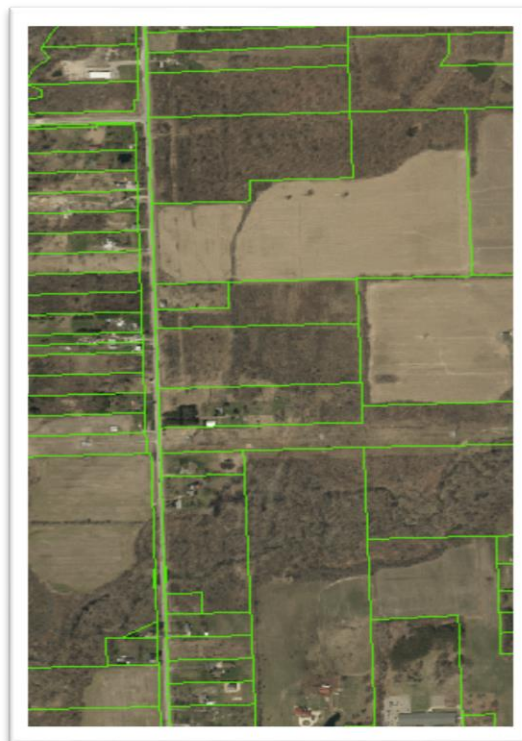
The subject parcels are vacant except for seven parcels that contain single family structures.

The parcels to the west across North Avenue are zoned IR- Industrial Residential.

The parcels to the north along the east side of North Avenue are zoned R-1 and contain scattered site residential development; while the parcels on the west side of North Ave are Zone I-1; Industrial. A landscaping material yard is located at the northwest corner of 27 Mile and North Avenue.

The parcels to the east are zoned R-1 and are generally undeveloped.

The parcels to the south are zoned B-2 and contain single family residences.



The Planning Commission in 2015 recommended an updated Master Plan that included a revision for the subject properties. The Master Plan Update changed the Future Land Use designation for subject parcels that had been in place since 2010. The update of the 2010 plan eliminated the Industrial-Residential designation that had been in the Master Plan for the east side of North Avenue and replaced with "Single Family Residential Medium". The Township Board supported the recommendation and adopted the Master Plan as recommended by the Planning Commission.

Public Portion:

Chris Taft, 57270 North Avenue asked what would happen if there is a business on one of the properties.

Mr. Dailey stated if there is a business on one of the parcels in question it is not legal with the Township.

Chairman Hancock stated the business would be in violation of the ordinance since the Township has no record of any of the parcels in question having a business.

**MOTION by Banach supported by Penzien to close the public portion at 8:13 p.m.  
MOTION carried.**

**MOTION by Penzien supported by Banach to recommend Approval to the Township Board to Rezone the Currently Zoned Industrial-Residential (IR) to Agricultural Residential (R-1) to be consistent with the 2016 Adopted Master Plan. The parcels are located with frontage on east side of North Avenue between 26 Mile Road and 27 Mile Road; Section 36. Permanent Parcel Nos. 05-36-300-014, 05-36-300-012, 05-36-300-016, 05-36-100-018, 05-36-100-020, 05-36-100-021, 05-36-100-023, 05-36-100-024, 05-36-100-028, 05-36-100-029, 05-36-300-036, 05-36-300-037, 05-36-300-038, 05-36-300-049. recommendation Ray Township Planning Commission; Applicant. The rezoning from Industrial Residential (IR) to Agricultural Residential (R-1) is based upon the Township Planners for the following reason:**

**The balance of Section 36 is designated in the Master Plan for Single Family Residential. The Single Family Residential zone (R-1) would allow for a more compatible transition to the balance of Section 36. Residential development could be designed and developed integrating the parcels on the east side of North Avenue with the balance of Section 36 in such a manner that the impacts of industrial development on the west side of North Avenue could be minimized by a combination of existing development practices and township ordinances. For example, present day development practices along major thoroughfares back lots to the major road and provide a minimum of 20 ft. landscape easement to further screen the residential areas from negative effects of heavy traffic along major thoroughfares. In addition the Ray Township Zoning Ordinance requires that any industrial use along a major thoroughfare such as North Avenue must be setback a minimum of 125 feet from the centerline of North Avenue and further special landscape treatment must be planted to screen the industrial activities from both North Avenue and the land uses on the east side of North Avenue.**

**It is more logical to maintain the east side of North Avenue as residential since the balance of Section 36 is planned and zoned for residential living. There is no physical or topographical feature such as a water course or wetland to separate the North Avenue frontage from the existing and planned residential areas east of the parcels currently fronting on the east side of North Avenue. Whereas, on the west side of North Avenue the Coon Creek serves to separate the parcels on the west side of North Avenue from the balance of the planned residential in Section 35.**

**There does not currently exist any industrial/residential uses on the east side of North Avenue therefore, non-conforming uses would not be created by this action.**

**The intent and rationale of the Planning Commission in creating the Industrial/Residential Area and Zoning District was to allow for individual entrepreneurs to begin a business on a parcel while continuing residing thereon. It was intended to act as a transition district from the existing single family residential land uses found along North Avenue essentially between 26 Mile Road and 27 Mile Road. The fact that North Avenue and 26 Mile Roads are Class A roads coupled with the demand for trucking operations that would not be compatible with the quality residential housing being constructed elsewhere in the township made the North Avenue corridor between 26 and 27 Mile Roads appear reasonable for such a planning proposal.**

**The opinion that the concept remains a valid approach to serve a demand for limited trucking and less intense industrial uses. The interests of the land owners involved would be best served at this time if the Industrial/Residential Planned Area and Zoning District remain on the west side of North Avenue in Section 35 only; and should be removed from the east side of North Avenue in Section 36 and the east side should be rezoned to R-1.**

**FOR THIS MOTION:      Yes: Penzien, Banach, Lease, Lascoe, Hancock.  
   No: None.**

**MOTION carried.**

5. Old Business – None.
6. Scheduled Public Hearing – *Addressed under New Business.*
7. Presentation – None.
8. Report of the Township Board Representative – None.
9. Report of the Zoning Board of Appeals Representative – None.
10. Correspondence –
  - a. Invitation from Cannabis Legal Group to attend City of Warren’s First Licensed Medical Marijuana Facility

Mr. Dailey stated he visited the site in Warren and stated the facility is a pharmaceutical laboratory in an industrial zone. He provided photos of the facility including the controlled temperatures. He suggested the Commission review the zoning ordinance for medical marijuana since it is only allowed in primary residences. He would be presenting new language for a zoning ordinance amendment to comply with the new law.

- b. Resignation of Lori Lascoe from the Planning Commission

Chairman Hancock stated Lori Lascoe has submitted her resignation from the Planning Commission.

Lascoe stated at the next Township Board meeting the Supervisor will be making a recommendation for a Board liaison to the Commission. She stated the two members both have the Master Planners certificate. She stated she will take the Planning Commission minutes.

**MOTION by Banach supported by Penzien to accept Lori Lascoe resignation with regret from the Planning Commission.**

**MOTION carried.**



11. Planning Consultants; report dated 12-12-2016

Mr. Dailey stated the Planning Commission has the report for the month of November for review.

Mr. Dailey stated they recently had a meeting with Youngblood Vineyards on Ray Center Road and Hartway Dobson Subdivision regarding development of an agri-business dedicated to grape vineyard, tasting room and a family friendly entertainment including hayrides and a zip line. Further, stated they will be looking at zoning ordinance regulations from our neighboring communities and bringing them to the Commission for review.

12. Public Comments: None.

13. Adjournment.

**MOTION by Lascoe supported by Banach to adjourn the meeting at 8:39 p.m.  
MOTION carried.**

\_\_\_\_\_  
Tom Hancock, Chairman

\_\_\_\_\_  
Lori Lascoe, Secretary

\_\_\_\_\_  
Date

Respectfully submitted,  
Lori R. Lascoe, Recording Secretary  
Ray Township Clerk