

RAY TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
TUESDAY, OCTOBER 9, 2018 AT 7:00 P.M.  
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Location: Ray Township Hall  
64255 Wolcott. Ray, MI 48096

Present: Tom Penzien, Chairman  
Justin Lease, Vice-Chair  
Randy Forro, Secretary  
Members: Sharilyn Kaniuk  
John Zoccola  
Doug Stier

Absent: Justin Marberg (excused)

Also Present: Lisa Hall, Planning and Zoning Clerk,  
Stephen Cassin, Township Planner.  
Attendance record on file

1. CALL TO ORDER – PLEDGE OF ALLEGIANCE AND ROLL CALL.

Chairman Penzien called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited. Penzien, Zoccola, Lease, Forro, Kaniuk, and Stier were present. Marberg was absent.

2. APPROVAL OF MINUTES – July 10, 2018

**MOTION by Zoccola supported by Forro to approve the July 10, 2018 minutes as presented.  
MOTION carried.**

3. APPROVAL OF AGENDA-

**MOTION by Forro supported by Zoccola to approve the agenda as presented.  
MOTION carried.**

4. SCHEDULED PUBLIC HEARINGS

A. Request for Special Land Use, Private Road, 8 Parcels, 15632 29 Mile Road, Permanent Parcel ID #21-05-19-100-004

Chairman Penzien explained the public hearing procedure to the residents that the Planner will present his findings for the application. The correspondences from the departments would be read into the record. Then the public should come to the podium, state their name, address and any concerns or comments they have on the item.

**MOTION by Stier supported by Forro to open the public hearing at 7:03 P.M.  
MOTION carried**

Mr. Cassin, Planning Consultant presented his findings and recommendations date October 8, 2018 as follows:

**Special Land Use Review**

Zoning: R-1, Agricultural Residential

Location: Southside of 29 Mile Road, west of Romeo Plank  
Property ID: 21-05-19-100-007  
Project Name: Cutro Estates: Private Road and Single-Family Development  
Case No: PPR-18-066  
Property Size: 36.06 acres  
Applicant: Antonio Virelli  
Review Date: October 8, 2018 (Revised)

### **Proposal**

The applicant desires (1) to construct a 1,540-foot-long private road, and (2) split the property into 7 residential lots which would abut the west side of the road. The balance of the property would remain undeveloped, with possible additional land splits in the future.

### **Property Characteristics**

The property is predominantly vacant and is located south side of 29 Mile Road and west of Romeo Plank. The property is bisected by land owned by Consumer's Power (developed with a gas pipeline). There are 28.45 acres of land west of the pipeline that front 29 Mile Road, and 7.61 acres of land east of the pipeline without road frontage. The Healy Brook Drain traverses the southwest corner of the property.

### **Compliance with the Zoning Ordinance**

Section 403 of the Ray Township Zoning Ordinance allows private roads in the R-1 Residential Agricultural zoning district subject to special land use approval. In addition, Section 2500 requires that several general conditions be adhered to in order to receive approval from the Planning Commission. They include:

- The owners of any lot, outlot, or parcel of land fronting upon said private road, or using the same for ingress and egress, shall own an undivided property interest herein.  
*Assurances will need to be obtained from the applicant that this provision will be met.*
- The private road shall be officially named as approved by the Township, and all-weather road signs, which comply with Macomb County Department of Roads standards and specifications, shall be erected.  
*Assurances will need to be obtained from the applicant that this provision will be met.*
- All land divisions shall conform to the State of Michigan Land Division Act and all applicable regulations of the Township.  
*Upon review of the site plan, the regulations of the Act appear to have been met.*
- All necessary construction permits shall be obtained from the Macomb County Department of Roads and all other applicable agencies prior to the roadway being constructed.  
*Assurances will need to be obtained from the applicant that this provision will be met.*

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- All lots abutting a private road shall only have access to the private road, unless there is an existing access drive which is utilized for an existing structure.  
*The proposed site plan complies with this requirement.*

In addition, the Zoning Ordinance provides several design standards which must be met.

- A private road shall not be allowed if it abuts or is adjacent to a separate parcel whose owner is not a joint applicant.  
*Not applicable*
- A private road shall not be permitted on section or ½ section lines unless the Macomb County Department of Roads and Ray Township have determined in writing that a public road at that location is not required.  
*Not applicable*
- All private roads shall have a minimum right-of-way or easement as established by the Zoning Ordinance and Master Plan.  
*A right-of-way width of 60 feet is proposed, which is compliant.*
- The maximum length of any private road shall be 2,640 feet.  
*The length of the proposed road is 1,540 feet, which is compliant.*
- A cul-de-sac shall have a minimum radius of 44 feet.  
*The proposed cul-de-sac has a radius of 44 feet, which is compliant.*
- A boulevard entrance shall be provided for any road over 800 feet in length. The maximum length of the boulevard without a break shall not exceed 100 feet. Such boulevard shall be landscaped and shall be included within the road's maintenance agreement.  
*A boulevard has been provided. The length is approximately 50 feet. However, the plans do not address landscaping within the boulevard.*
- The intersection of the private road and the abutting road shall be at 90-degree angles.  
*The proposal is compliant with this requirement.*
- The placement of the private road shall allow for the development of building sites, meeting the requirements of the underlying zoning district.  
*The 7 buildable lots comply with the area and setback requirements of the R-1 zoning district; 90,000 square foot minimum lots, 150-foot minimum lot width, 80-foot front yard setbacks, 50-foot rear yard setbacks, and 15-foot side yard setbacks.*
- A 20-foot landscaped greenbelt shall be provided along all exterior roadways. A complete landscape plan for the entire development shall be permitted.  
*The proposal is compliant with this requirement.*
- A minimum of four (4) trees shall be planted outside of and parallel to the private road easement for each lot.  
*The landscape plan proposes four (4) trees per lot, which is compliant.*

### **Special Land Use Approval**

In addition to compliance with the above referenced requirements, the Planning Commission prior to granting Special Land Use approval, must also find that each of the following special land use standards are met.

- The proposed special land use will be of such location, size, and character that it will be harmony with the appropriate and orderly development of the area.  
*The 7-parcel single family development would be compatible with the area.*
- The use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved.  
*The amount of traffic generated from the development would be minimal.*
- The proposed use will be designed so that the location, size, intensity, site layout and periods of operation, eliminate excessive nuisances to surrounding areas.  
*Single family homes typically do not create excessive nuisances.*
- The proposed use will be such that the location and height of buildings or structures will not interfere or discourage appropriate development in the area.  
*The development will comply with zoning ordinance requirements relative to size, height, and setbacks.*
- The proposed use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.  
*No adverse effects to health, safety and welfare are anticipated.*
- The proposed use will not cause substantial injury to the value of other property in the area.  
*The 7-parcel single family development would be compatible with the area.*

### **Recommendation**

Subject to assurances being obtained by the applicant on several of the items listed above, I find that the request is compliant with the requirements of the Ray Township Zoning Ordinance, and recommend **approval subject to the Road Maintenance Agreement and Deed Restrictions being reviewed and approved by the Township attorney, and compliance with all applicable requirements of the Township Engineer, Macomb County Department of Public Works, and the Macomb County Department of Roads.**

Penzien asked petitioner if he had any questions or comments?  
Virelli stated everything was covered.

All correspondence received was read into the minutes.

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Penzien read Urban Land Consultants, L.L.C., Pete Snyder, P.E. correspondence dated 9-17-18 regarding Cutro Estates, Single Family Development.

Lease read Anderson, Eckstein & Westrick, Inc. Lyle Winn, P.E. correspondence dated 9-27-18.

Forro read Macomb County Department of Public Works correspondence dated 9-26-18

Stier read Ray Township Fire Department correspondence dated 10-1-18

Zoccola read Ray Township Building Official correspondence dated 9-25-18

Penzien read Ray Township Assessor correspondence dated 10-9-18

Penzien requested anyone with a public comment please step to the podium, state name and address. Welcome any and all comments.

Jim Thompson, 15850 29 Mile, stated the proposed eight lots are located directly to the West of him, he is concerned about water. Neighbor next to him has two wells.

Penzien asked Mr. Thompson if his parcel is East of the proposed development abuts the gas easement?

Virelli stated all lots have perked, each house will be serviced by a well.

Penzien asked if any other comments from the audience, seeing no other comments, seek a motion to close the public hearing.

**MOTION by Forro supported by Zoccola to close the public hearing at 7:20 P.M.**  
**MOTION carried**

Discussion by board continued:

Zoccola asked Mr. Virelli if any test wells had been put in?

Virelli stated no.

Question from audience regarding the number of gallons of flow required per minute for a well. Zoccola advised the Macomb County Health Department issues well permits not Ray Township.

Stier stated the Township Assessor noted a few issues. Planning Commission must have the Private Road Maintenance agreement that has been recorded with the Macomb County Register of Deeds. Every parcel owner/purchaser must know they will need to pay for portions of the road maintenance. Deed restrictions document must be reviewed and approved by the Ray Township attorney. Plan as submitted would require that the 7.61-acre east portion of the parcel would have to become part of split 7, as it is contiguous by the easement shown and would have the required 150' feet of minimum road frontage.

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To become part of the remainder parcel or parcel 8 the easement will need to be moved to the South making it contiguous and providing the 150' feet of required road frontage. Fire Department and Assessors requirements must be met.

Penzien stated that a revised site plan showing the wetlands have been addressed needs to the submitted to the Planning Commission. Should reflect comments from Public Works and DEQ.

Snyder advised that the wetlands are currently being addressed.

Cassin advised that all approvals from the DEQ and Public Works will go thorough Lyle Winn, Township Engineer.

Snyder questioned what all needs to be shown on revised site plan?

Penzien advised site plan needs to show:

Consumers Power Easement moved to the South connecting remainder parcel/split 8 to 7.61 acres.

Deed Restrictions

Private Road agreement

Legal Descriptions for each parcel on site plan

Penzien asked if board has any other concerns?

Stier asked Zoccola if the Macomb County Department of Roads would require a stop sign at the end of the private road exiting onto 29 Mile Road.

Zoccola inquired about the potential future lot split of the 7.61 acres.

Snyder advised that the plan as shown uses all the available land divisions, remaining 7.61 acres cannot be split for 10 years. Could be additional lot or lots in future.

**MOTION by Stier supported by Lease to table Private Road -Special Land Use and Site Plan for the following reasons. Approval and Filings of the Road Maintenance agreement, Deed Restrictions, Written Legal descriptions for all parcels on the site plan, the movement of the 60-foot ingress and egress easement per the Ray Township Assessors Comments and approval from Consumers Powers in their right of Way  
MOTION carried.**

5. NEW BUSINESS. – None.

6. OLD BUSINESS.

Capital Improvements Plan-Stier advised a meeting is scheduled with HCMA regarding a parcel of land adjacent to Township property on Wolcott Road.

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Dedicated Landscape-Lease stated he feels this needs to be put in place before developers start coming in. If not in place developers will want to eliminate that requirement. We need the dedicated landscape ordinance.

Zoccola stated there needs to be an assurance that private roads are completed. Roxbury Lane and Windmill are examples of what happens when the roads are not completed prior to homes being constructed.

No building permits should be issued if road is not completed. Must hold to road completion profile shown on plan.

Cassin advised Planning Commission can add any conditions or provisions to an approval.

Penzien introduced and welcomed Sharilyn Kaniuk to the planning commission.

7. PRESENTATION: None.

8. REPORT OF THE BOARD REPRESENTATIVE:

Stier stated the Phragmite spraying has been completed. Currently have 21 new homes under construction.

9. REPORT OF THE ZONING BOARD OF APPEALS REPRESENTATIVE: - Have approved some variance requests.

10. CORRESPONDENCE – None.

11. PLANNING CONSULTANTS REPORT. -none

12. PUBLIC COMMENTS – None.

13. ADJOURNMENT.

**MOTION by Stier supported by Zoccola to adjourn the meeting at 8:10 p.m.  
MOTION carried.**

\_\_\_\_\_  
Tom Penzien, Chairman

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Randy Forro, Secretary

\_\_\_\_\_  
Date

Respectfully submitted,  
Lisa Hall, Recording Secretary