Location: Ray Township Hall

64255 Wolcott. Ray, MI 48096

Present: Tom Penzien, Chairman

Justin Lease, Vice-Chair

Randy Forro, Secretary

Members: Sharilyn Kaniuk

Justin Marberg

Doug Stier

Absent: John Zoccola (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, Marberg, Lease, Forro, Kaniuk, and Stier were present. Zoccola was absent.

2.APPROVAL OF MINUTES – November 13, 2018

**MOTION by Forro supported by Lease to approve the November 13, 2018 minutes as presented.**

**MOTION carried.**

3.APPROVAL OF AGENDA- Lease requested to amend agenda striking 5A Rezoning Request.

**MOTION by Lease supported by Stier to approve the agenda as amended.**

**MOTION carried.**

4. OLD BUSINESS

Special Land Use/Site Plan Application, Private Road, 8 Parcels, 15632 29 Mile Rd,

Parcel ID 21-05-19-100-004 Tony Virelli, Petitioner – Tabled from October 9,2018 Meeting

Chairman Penzien stated the Special Land Use-Site Plan had been heard previously by the planning commission and the applicant has made revisions to the site plan.

Mr. Cassin stated the applicant has made the requested revisions to the site plan to show the re-location of the easement.

Mr. Cassin, Planning Consultant presented his findings and recommendations dated December 31, 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: December 31, 2018, (Revised based on plans stamped December 10, 2018)

**Proposal**

The applicant desires (1) to construct a 1,540-foot-long private road, and (2) split the property into 8 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 7.60 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.***

* 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 8 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 8-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 8-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:**

1. **The Road Maintenance Agreement and Deed Restrictions being reviewed and approved by the Township attorney,**
2. **Compliance with all applicable requirements of the Township Engineer, Macomb County Department of Public Works, and the Macomb County Department of Roads,**
3. **Approval from Consumers Power relative to the relocation of the easement,**
4. **Permits for any dwelling or building on any parcel served by the private road shall not be issued until the Township’s engineer determines that the road was constructed and completed in accordance with this ordinance.**

Mr. Cassin stated the amendment to the Private Road Ordinance is included on the Planning Commission Agenda for this date January 8, 2019 and would be part of the conditions of approval.

Mr. Cassin stated that the Planning Commission discussed the matter at the last meeting and there is concern that homes could be built prior to the completion of the road; the ordinance amendment is to protect the any residents on the private drive and to ensure completion of the road as described in the site plan.

***Private Roads proposed amendment***

***Add Section 2500 A 6***

***Permits for any dwelling or building on any parcel served by the private road shall not be issued until the Township’s engineer determines that the road was constructed and completed in accordance with this ordinance.***

Pete Snyder asked if any parcel would be compliant with a driveway? If a parcel has access off of a main road, would the road completion be required? All homes off the private road must be accessible by the private road?

Penzien stated the Planning Commission has received the proper site plan but will need the other

documents turned into the township.

Stier stated that if as an example, parcel 3 shown on the site plan were purchased, could the road be completed to parcel 3?

Lease asked Mr. Virelli what his intent would be for completion of the road if parcel 3 sold, would he complete only to parcel 3 or complete the entire road?

Virelli advised he will construct the entire road and do all site work at one time.

Lease stated the fear as a Township is that there have been unfinished private roads in the past and this is why the new ordinances are being put in place.

Penzien stated the new ordinance is the protection for the townships and parcel owners fronting on this and any future private roads.

**MOTION by Lease supported by Kaniuk to approve amended site plan for parcel # 21-05-19-100-007 also known as 15632 29 Mile Road, approve private road and special land with the following conditions.**

**1.The Road Maintenance Agreement and Deed Restrictions being reviewed and approved by the Township attorney,**

**2.Compliance with all applicable requirements of the Township Engineer, Macomb County Department of Public Works, and the Macomb County Department of Roads,**

**3.Approval from Consumers Power relative to the relocation of the easement,**

**4.Permits for any dwelling or building on any parcel served by the private road shall not be issued until the Township’s engineer determines that the road was constructed and completed in accordance with this ordinance.**

**ROLL CALL VOTE:**

**LEASE-YES**

**KANIUK – YES**

**MARBERG – YES**

**STIER – YES**

**PENZIEN – YES**

**FORRO – YES**

**MOTION carried.**

5.Scheduled Public Hearings:

A. Public Hearing Regarding Amendments to Ray Township Zoning Ordinance #36

Inserting Section 3001 – Definition – Agricultural – Tourism, Inserting Section 1700 R – Agricultural Tourism

Inserting Section 2500 A 6 – Private Roads

Inserting Section 1.025 A Definitions – Dedicated Landscape Area,

Adding Section 3.05 Dedicated Landscape Area.

Chairman Penzien explained the public hearing procedure, the planner will explain the proposed amendments so the audience will be informed on the amendments. Then the public hearing would be open for the public to come to the podium, state their name and address and state any comments they may have regarding the agenda item.

**MOTION by Lease supported by Forro to open the public hearing at 7:17 p.m.**

**MOTION carried.**

Mr. Cassin presented the proposed ordinance amendment language as follows:

Private Roads

Add Section 2500 A 6

Permits for any dwelling or building on any parcel served by the private road shall not be issued until the Township’s engineer determines that the road was constructed and completed in accordance with this ordinance.

Dedicated Landscape Area

Insert Section 1.02 5 A Definitions – Dedicated Landscape Area

A strip or parcel of land, privately restricted or publicly dedicated as open space, located between incompatible uses, and along major roads for the purpose of protecting and enhancing residential developments.

Add Section 3.05 Dedicated Landscape Area

*Dedicated landscape area.* A landscaping plan shall be reviewed by the municipal planner and municipal engineer and a recommendation submitted to the planning commission and reviewed based on the following standards:

1. A complete landscape plan shall be prepared and sealed by a registered landscape architect licensed by the state of Michigan to prepare such plan. The plan must be drawn to scale, dimensioned and labeled to explain all features, and must include two (2) separate detail sheets as follows:
   1. A planting plan must be drawn to a minimum (engineer) scale of one (1) inch equals thirty (30) feet. The plan must be dimensioned to show the finished grade of the dedicated landscape area, the topography including berms, drainage, the location of all trees and shrubs including their spacing and size, signs, lighting and other landscape features. The scaled drawing must show all plants on the landscape plan to represent their true size at the time of installation, as well as the projected size of plants, drawn to scale, at maturity.
   2. A scaled structure and improvement plan must show the dedicated landscape area in relationship to the structures built on each lot, the sidewalks, catch basins, slopes, watering systems, underground utility lines, and easements. The structure plan must be drawn to scale and include dimensions, in plan and elevation view, for all structures located within the dedicated landscape area.
2. The planting plan must show a complete plant list with the number, size, genus and species of each plant noted. Although a specific number of plants are not required, the number of trees and shrubs planted must effectively screen the subdivision from incompatible feature and land uses. The final design and number of trees rests with the township board of trustees.
3. An ample variety and quantity of ornamental plants, trees and shrubs should be used in the plan. Some dominant types are usually chosen with subordinate types interspersed for accent. Repeating certain types creates unity, but no types should be overused. Variety should be achieved with respect to seasonal changes, species selected, texture, color and size at maturity.
4. The planting plan must also indicate the planting and staking details of all plantings to be installed. Further, all plant materials used in the plan shall be of acceptable varieties and species shall be hardy in Macomb County, shall conform to standards of the American Association of Nurserymen, and shall have passed any inspections required under state regulations. All plants must be planted in fertile soil.
5. A landscape dedication shall be a minimum of twenty (20) feet wide.
6. A landscape dedication shall not be a part of a roadway right-of-way, utility easement or lot.
7. The area of the plat or site condominium subdivision designated as the dedicated landscape area must contain the following statement on the plan: "The entire common area is subject to a private easement dedicated to the ownership association for landscaping."
8. Should the dedicated landscape area be separated by a roadway, etc., then the continuation of the dedicated landscape area must be identified and contain the dedication as set forth above.
9. The following plant materials are specifically prohibited for use in any plan considered under provisions of these regulations: boxelder, soft maple, elm, poplar, willow, nut bearing horse chestnut, tree of heaven, catalpa, fruit bearing trees, all thorned trees and shrubs, gooseberry and cottonwood.
10. The acceptable size of the plant materials used in the plan must meet or exceed the sizes listed in of the following chart:

|  |  |
| --- | --- |
| Large evergreen trees (including arborvitae) | 5' to 6' in height |
| Large deciduous shrubs | 3' to 4' in height |
| Small and large deciduous trees | 2" to 2 1/2" caliper |
| Small deciduous shrubs | 18" to 2' in height |
| Small evergreen shrubs | 18" to 2' spread |
| Large evergreen shrubs | 2' to 3' in height |
| Ground cover | 2" peat |
| Vines | 2-gallon container |

1. The dedicated landscape area and all common areas, except for regulated wetlands or defined natural areas, must be sodded with pre-grown grass seed and irrigated, as noted in subsection (12) below, and placed to enhance the tree and shrub installation. Common areas shall include any public rights-of-way, parks, greenbelts, access easements, basin areas and/or other areas not intended for immediate development but planned to be developed as a unit or portion of the site.
2. The dedicated landscape area must be provided with a watering system that is separately metered and utilized to provide the plants with scheduled watering to maintain the landscaping in a health growing condition. Adequate drainage must be provided per township engineering standards. Development of stormwater facilities, including plantings, slopes, drainage and irrigation shall be reviewed and approved by the municipal engineer.
3. All signs and landscape features such as walls, light standards or fixtures, kiosks and/or other ornamental structures such as gazebos and arches must be shown on the plan and constructed in accordance with township standards.
4. The construction of any feature of the plan must not encroach into any easements of the plat or site condominium subdivision.
5. The restrictive covenants of the subdivision for plats or the master deed for site condominium subdivisions must make provision for the responsibility and maintenance of the dedicated landscape area.
6. The location of all landscaping must respect the property lines of each lot or unit.
7. Landscape berms shall be designed so as not to impede or trap drainage. Berms shall not be used adjacent to screening walls or other berms unless appropriate measures for drainage are provided and shown on the landscape plan.

Mr. Cassin advised that the previous planning consultants had started this amendment language and it is a great solution to a huge problem.

Agricultural Tourism

Add Section 3001 Definitions - Agricultural-tourism

Agriculturally related uses, that are typically subordinate to the growing of crops or the raising of livestock, designed to bring the public to the farm on a temporary or continuous basis, such as U-pick farm sales, retail sales of farm products, farm mazes, pumpkin patches, farm animal viewing and petting, wagon rides, farmland and facility tours, horticulture nurseries and associated display gardens, cider mills, wineries, classes or workshops, etc.

Add Section 1700 R – Agricultural Tourism

1. Purpose: It is recognized that agricultural tourism uses protect and promote agriculture as an important component of our township’s economy, empower farmers and other rural land owners to start new entrepreneurial endeavors that augment and highlight the importance of local agriculture, and entice residents and visitors to see and experience the value of agricultural lands to our culture, economy and local food supply.
2. Allowable Uses: The following agricultural tourism uses are permitted in the R-1 Agricultural Residential zoning district subject to Special Land Use Approval:
3. Wineries, cider mills, and associated tasting rooms
4. U-pick fruits and vegetables, and farm markets
5. Kitchen facilities (owned and operated by the land owner) for processing/cooking items grown predominantly on the site
6. Gift shops for the sale of agricultural products, agricultural related product, as well as promotional items bearing the name of the agricultural tourism operator.
7. Food concessions
8. Seasonal restaurant operations primarily selling agricultural products grown, produced, or raised on site.
9. Petting farms, animal display, pony rides, and playground equipment, and other similar type uses
10. Small scale entertainment that is ancillary to the agricultural tourism operations on the property.
11. Outdoor mazes of agricultural origin such as straw bales or corn
12. Wagon, sleigh, and hayrides
13. Nature trails
14. Open air or covered picnic areas.
15. Educational classes, lectures, seminars related to agriculture such as: farming, food preparation, food processing, or food safety
16. Other uses similar to the above
17. General Requirements:
18. The minimum parcel size required to conduct an agricultural tourism use is five (5) acres.
19. The hours of operation of any outdoor agricultural tourism activity shall be limited to 9 am to 7 pm on Sunday through Thursday, and 9 am to 10 pm on Fridays and Saturdays.
20. Access to the site shall be directly from a major or secondary thoroughfare have a minimum right-of-way width of eighty-six (86’) feet.
21. All agricultural tourism uses shall conform to the setback and height restrictions of the R-1 Agricultural Residential zoning district.
22. Landscaping, pursuant to Section 1811, shall be required. In instances where the required landscaping would serve no useful purpose, the Planning Commission may waive the requirement.
23. Any proposed outdoor lighting must be compliant with Section 1814.
24. Agricultural tourism uses shall provide parking at a ratio of one space for each 500 square feet of indoor retail/eating/drinking areas, and one space for every 1,000 square feet of outdoor related activity areas.
25. The Planning Commission may require overflow parking areas based upon the anticipated peak seasonal demand of the proposed use. The Planning Commission may also allow such overflow parking areas on gravel, dirt, or cut lawn.
26. All parking areas shall be located outside of the existing and proposed rights-of-way and shall be located in such a manner to avoid traffic hazards associated with entering and exiting the site.

Mr. Cassin advised that the current ordinance is silent on Agri-Business, new ordinance if adopted are subject to special Land Use and Site Plan approval.

**MOTION by Lease supported by Stier to close the public hearing at 7:19 P.M.**

**MOTION carried**

The board discussed the proposed amendments as presented.

Kaniuk commented that barn weddings are a popular trend and there is no place in Macomb County with a venue, should the planning commission entertain the idea? If this type of request came to the Township is the Township prepared?

Penzien advised the Planning Commission has been approached with a wedding barn, the public within 300’ feet of the location were notified and the public didn’t like it.

Lease stated that the events that had been held at the location were not done correctly and without approval.

Forro asked if it would fit into the proposed agri-business ordinance?

Marberg asked where does it cross the agricultural-established farm, someone cannot just buy a large piece of land and build a wedding barn.

Penzien stated Westview in Washington holds weddings and events.

Lease stated Blakes in Armada has a venue for weddings and events.

Board continued discussion, leave out wedding barns of ordinance proposed agri-business ordinance until it can be further evaluated.

Lease stated the dedicated landscape ordinance needs to be adopted.

**MOTION by Lease supported by Forro to recommend sending the three (3) proposed ordinance amendments to the Township Board for approval.**

**MOTION carried.**

Lease commented regarding Capital Improvements Plan under old business not discussed before public hearing.

Lease asked if Supervisor Jarzyna has heard from HCMA.

Stier asked if any of the commissioners have visited the Richmond Township offices to look at the building layout? Feels the building design would work well.

Kaniuk asked Stier what he likes about the building? Stier advised he likes the way it flows.

6. NEW BUSINESS. – None.

7. PRESENTATION: None.

8. REPORT OF THE BOARD REPRESENTATIVE:

Stier advised there is nothing to report at this time.

Lease commented that he was reviewing a website of municipalities that opted out of recreational marihuana and did not see Ray Township listed.

Stier advised that the Township adopted an ordinance opting out of Recreational Marihuana.

9. REPORT OF THE ZONING BOARD OF APPEALS REPRESENTATIVE: - Penzien advised that board recently approved a setback variance at 30 Mile and Romeo Plank. Variance was required for existing farmhouse located on a large parcel that will be split into 9 lots.

10. CORRESPONDENCE – None.

11. PLANNING CONSULTANTS REPORT. -Cassin advised that Macomb County is offering the Citizen Planner training, one (1) night per week for six (6) weeks. Also advised the State Legislature has approved legislation regarding the placement of wireless antennas and other items within the Right-of Way, without township approval. The proposed tree legislation was not approved.

12. PUBLIC COMMENTS – None.

13. ADJOURNMENT.

**MOTION by Stier supported by Forro to adjourn the meeting at 7:52 p.m.**

**MOTION carried.**

Tom Penzien, Chairman Randy Forro, Secretary Date

Respectfully submitted,

Lisa Hall, Recording Secretary