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 – January 8, 2019, amended.

**MOTION by Stier supported by Forro to approve the January 8, 2019 minutes as amended.**

**MOTION carried.**

3.APPROVAL OF AGENDA- Stier requested to amend agenda addition under New Business 6A, Election of officers, and 6B, Amend by-laws.

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

**MOTION carried.**

4. SCHEDULED PUBLIC HEARINGS

A. Rezoning Request from Agricultural-Residential (R-1) to Industrial (I-1) for Permanent Parcel No. 21-05-36-100-024; Located on the east side of North Avenue between 26 Mile Road and 27 Mile Road. Stadler Holding., LLC, Petitioner

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

**MOTION carried**

Cassin stated that prior to his contract with the Township the previous Planners, Jack Daily and Jerry Schmeiser and the Planning Commission reviewed and amended the Master Plan to include changing the zoning of North Avenue between 26 Mile Road and 27 Mile Road from I-R back to R-1. No inquires or interest had been shown in the I-R use in that district. The recommendation was sent to the Board of Trustees, all properties were re-zoned back to R-1 with the exception of one parcel at the south end of the district at the request of the property owner.

Cassin stated the applicant is seeking a re-zoning to I-1 not I-R, not a bad use but a more intense land use.

Rezoning Review

Applicant: Tony Stadler, Stadler Holding Co., LLC

Location: South of 27 Mile Road, east side of North Avenue

Property ID: 21-05-36-100-024

Property Size: 43.5 acres

Proposed Rezoning: R-1 Agricultural Residential to I-1 Industrial

Review Date: December 31, 2018

Proposal

The applicant is seeking rezoning of the subject property from R-1 Agricultural Residential to I-1 Industrial for the stated purpose of developing an office and warehouse building for a plumbing company, indoor mini storage facilities, and an outdoor RV-travel trailer storage yard.

Property Characteristics

The 43.5-acre parcel is undeveloped, and has 660 feet of frontage on North Avenue. The northeast portion of the property contains a dense wooded area, and the Stark Drain traverses the parcel.

General Location of Property





Aerial View of the property.

|  |  |  |  |
| --- | --- | --- | --- |
| Zoning and land use characteristics of the surrounding properties are as follows: **Zoning** | | **Land Use** | |
| **North** | R-1  Agricultural Residential | | Residential |
| **East** | R-1  Agricultural Residential | | Residential |
| **South** | R-1  Agricultural Residential | | Residential |
| **West** | I-R  Industrial Residential | | Scattered Residential/Industrial |

Allowable uses in the I-1 Industrial District

Even though the applicant has specified the intended use of the property, the granting of the rezoning would allow the parcel to be developed with any of the principal permitted uses identified in Section 1601 of the Ray Township Zoning Ordinance. These include manufacturing, process, assembly, packaging, storage, office, research, commercial kennels, and indoor mini-

warehouse facilities. Other uses, such as outdoor storage for recreational vehicles, may be allowed as a Special Land Use.

Compliance with the Master Plan

The Ray Township Master Plan designates the property on the east side of North Avenue as Single Family Residential. This designation was adopted in 2015 after careful deliberation by the Planning Commission. In a “working paper” on the Master Plan, the Township’s former planning consultant stated, “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. Further, it must be noted that 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”.

Recommendation

Typically, requests for rezoning are reviewed for both compatibility with the surrounding area, and compatibility with the Master Plan. In each instance, the rezoning request is not compatible. The east side of North Avenue, between 26 Mile Road and 27 Mile Road, is primarily developed as single family residential. The adopted Ray Township Master Plan also designates the property as single family residential. Therefore, I recommend denial of the rezoning as requested.

Penzien stated if there are any comments from the applicant or audience please step to the podium and provide a name and address.

Tom Kalas, 31325 Telegraph, Suite, Bingham Farms, MI representing applicant Stadler Holdings, Tony Stadler.

Kalas stated that the rezoning request if for 43.5 Acres on North Avenue, North of 26 Mile Road from R-1 Agricultural-Residential to I-1 Light Industrial. The property was changed from I-R to R-1 a few years ago, the industrial use will be more in line with the IR district on the West Side of North Avenue.

Kalas stated Mr. Stadler is aware that a Special Land use and Site Plan application and planning Commission approval will be required. Will meet all site plan and SLU requirements including screening and buffering. Will meet all agency criteria.

Kalas stated Mr. Stadler will move his business to the property and construct mini storage facilities in the first stage of construction. Balance of land will be developed as RV storage, depending on market demand.

Kalas stated there is a demand for mini storage, everyone needs storage.

26 Mile Road and North Avenue are designated Class A roads, allowing for truck traffic and is conducive to industrial uses. 27 Mile Road and North Avenue have existing industrial uses.

Kalas stated that part of the zoning of land is the marketability and what is economically feasible. The soils in this area have significant amounts of clay and there are water issues in the area. There is no demand for individual residential homes in this area. The area is an area that could be feasibly used for Light Industrial-Industrial.

Kalas re-stated there is a demand for indoor and outdoor storage. The use Mr. Stadler is asking for is not as intensive as a manufacturing plant but a less intensive use that is feasible n the area.

Kalas requested the Planning Commission make a recommendation to the Township Board of Trustees to rezone Mr. Stadler’s property to IR from R1.

Penzien stated there was no correspondence.

Penzien asked if there were any public comments, seeing none requested a motion to close the public hearing.

**MOTION by Marberg supported by Kaniuk to close the public hearing at 7:15 P.M.**

**MOTION carried.**

Penzien stated Mr. Stadler’s property was previously zoned IR when Chris MacLeod was the planner. Master plan must be reviewed every five (5) years. Mr. Dailey and Mr. Schmieser started as the planning consultants when the Master plan needed to be reviewed. Mr. Dailey and Mr. Schmeiser reviewed all the district zoning and the parcels. Looked at the long-range Master Plan and the Zoning map, pointed out the pros and cons. Based on the lack of interest in the I-R district on the East side of North Avenue and the lack of natural buffers between uses recommended changing the zoning back to R-1 for the East side North Avenue between 26 Mile road and 27 Mile Road.

Lease stated the revisions were made in 2015.

Penzien asked if when the rezoning happened were the property owners notified?

Hall advised all property owners were notified.

Lease asked Mr. Stadler if her owned the property when the zoning was changed.

Stadler stated he owned the property in 2010 when the property zoning was changed to IR, he has owned the property for many years, when the economy went down, he put his plans on the back burner. When the economy started getting better in 2016, he put the property on the market for sale. Stadler advised many asked about the water.

Stadler stated he felt that the rezoning would provide additional tax base for the township and his concept would be a nice addition to the township. Wants to mimic a storage facility on County Line road it would be an appealing development, something low impact.

Forro asked if there are any wetlands on the parcel?

Stadler stated there may be an acre or two.

Kalas advised the development will not encroach on the wetlands.

Stier asked Mr. Stadler if he has spoken to the DEQ or the Department of Roads?

Stadler advised he has not been in contact with either but knows he will have to contact them and go through any processes they require.

Kalas stated any and all requirements will be met.

Marberg asked if Mr. Cassin could clarify the difference between the IR and I1 district?

Cassin stated the for this use IR does not allow outside storage, only inside storage. I1 allows outdoor storage.

Lease stated warehouse would be allowed in the IR district.

Lease asked if the board considered rezoning back to IR is that considered spot zoning.

Penzien stated spot zoning is not something the planning commission can do.

Kalas stated IR would not allow outdoor storage.

Kalas stated he would like to make some final comments. He stated he knows Mr. Dailey, Mr. Schmeiser and Mr. Cassin and understands the methodology. Need to take a hard look at the land in the R1 zoning district where the subject parcel is located. Ray Township has a huge percentage of land for residential use, about 5% of the land is used for industrial. North Avenue and 26 Mile road are both class A roads, look at the Master plan and the current situation. The area has a lot of bad soils, the industrial use is the best use for this area. It will increase the tax base. If left as is, it will not get developed in Mr. Stadler’s lifetime and possibly not in his son’s lifetime.

Kalas stated Macomb Township to the South led the area in residential development in the day and had good soils, Washington Township is similar to Macomb.

Kalas stated that growth to the South is now causing people to move back toward the city, not moving North as often now.

Kalas requested the Planning Commission take this into consideration.

Lease stated the Master Plan will be reviewed in 2020.

Penzien asked if there were any additional comments from the audience or Planning Commission members?

**MOTION by Stier supported by Forro to recommend, to the Township Board of Trustees, denial of the rezoning request submitted by Tony Stadler of Stadler Holding Company, LLC to rezone from R-1 (Agricultural Residential) to I-1 (Industrial) from a property located on the east side of North Avenue south of 27 Mile Rd., Parcel ID No. 21-05-36-100-024, approximately 4.5 acres for the following reasons:**

**1. The proposed rezoning request from Agricultural Residential to Industrial is contrary to the established land use pattern area.**

**2. The current zoning on the parcel is consistent with the duly adopted master plan for Ray Township.**

**3.The requested rezoning would be inconsistent with the Ray Township master plan.**

**4. The site lacks proximity to water and sewer services.**

**5. The applicant has not submitted, and the Township does not have, any information indicating that the cannot be developed as currently zoned.**

**6. The Township has a total of approximately 500 acres of property zoned for industrial use. The applicant has not shown a need or market for an additional 43 acres of industrially zoned property.**

**This motion to deny the applicant’s rezoning request is solely based on the request to rezone the subject site from R-1 (Agricultural Residential) to I-1 (Industrial). This motion is not based on specific proposed use of the site, but rather considers all the used to which the parcel could be put if rezoned to industrial.**

**FOR THIS MOTION:**

**Yes: Stier, Forro, Lease, Kaniuk, Marberg, Penzien**

**No: None**

**ABSENT: Zoccola**

**MOTION carried.**

5. UNFINISHED BUSINESS. –

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

Penzien stated the Township board sent this back to the Planning Commission to re-visit.

Cassin advised he spoke with board members and they like the idea of the Agricultural Tourism Ordinance but want to be sure that it will not be possible for someone to buy a parcel of land and start this type of business. Needs to be allowed only with permission from the planning commission and with the condition of having an established agricultural business.

Lease stated this language covers what the planning commission was trying to avoid.

Penzien stated the planner did a great job.

**MOTION by Lease supported by Stier to approve the proposed amendment to the Agricultural Tourism Ordinance and send to the Township Board for approval and adoption.**

**MOTION carried.**

Discussion Capital Improvements Plan

Stier provided a sketch drawing of the Richmond Township Hall. He and Jarzyna have visited the building and like the layout and flow, a basement would likely be constructed for records storage. Running out of room in the current facility.

Kaniuk asked about the design of the building and would like the building to be something that looks like it belongs in a rural setting. Asked if the plan is an open conversation?

Lease stated these are ideas, would look at the real needs are when ready. Where would the money come from?

Stier stated bonding is an option but the township does have some money. Some grants may be available.

Marberg stated the Capital Improvements plan is a wish list and that grants are a possibility but would require a written plan to apply.

6. NEW BUSINESS

6A. Election of Officers:

Stier asked if the board was happy with the current officers? All advised yes.

**MOTION by Stier supported by Forro to leave officers as currently seated. Penzien, Chairman, Lease, Vice Chairman, Forro, Secretary.**

**MOTION carried.**

6B. Amend Planning Commission By-Laws

Penzien advised there were corrections to the lettering on the first page, a spelling correction on page 5 and a correction to Section 2, G, Scheduled Public Hearings Rules of Procedures, move item 8, Township planner/engineer/other consultants present their report and recommendation, to item 3 to correspond with agendas.

**MOTION by Marberg supported by Kaniuk to accept by-laws as amended.**

**MOTION carried.**

7. PRESENTATION – None

8. REPORT OF THE BOARD REPRESENTATIVE:

Stier advised there is nothing to report at this time.

8. REPORT OF THE ZONING BOARD OF APPEALS REPRESENTATIVE: - Penzien advised that board recently approved three (3) variance requests for a parcel fronting Indian Trail and 30 Mile Road. Two (2) for lots exceeding the Depth to Width ratio and one (1) for a pond setback.

9. CORRESPONDENCE – None.

10. PLANNING CONSULTANTS REPORT. -Cassin advised that the master plan is up for review next year. Have to start looking at a Parks and Recreation Plan.

11. PUBLIC COMMENTS –

Art Beier, 21241 30 Mile Road, stated he has concerns about run-off. Where does the run-off go from the landscaper’s sites and the snow plow company sites, what happens to the land. The industrial site owners need to learn containment. Also concerned about the new homes and the drainage to the neighbors when the homes are built up so high.

Penzien stated the industrial uses have to come to the planning commission for approval and for engineer review.

12. ADJOURNMENT.

**MOTION by Stier supported by Lease to adjourn the meeting at 7:59 p.m.**

**MOTION carried.**

Tom Penzien, Chairman Randy Forro, Secretary Date

Respectfully submitted,

Lisa Hall, Recording Secretary