

Ray Township Planning Commission  
Meeting Minutes  
Tuesday, April 12, 2016 at 7:30 p.m.

Location: Ray Township Hall  
64255 Wolcott, Ray, Michigan 48096

Present: Tom Hancock, Chairman  
Tom Penzien, Vice Chairman  
Lori Lascoe, Secretary  
Cynthia Banach  
Joe Jarzyna  
Justin Lease  
John Zoccola

Also present - Lisa Hall, Building, Planning and Zoning Director; Jack Dailey and Jerry Schmeiser, Township Planners; Harold DeMan, Fire Marshal. 5 residents.

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

Chairman Hancock called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.  
Present: Hancock, Penzien, Lascoe, Banach, Jarzyna, Lease and Zoccola.

**2. APPROVAL OF MINUTES – February 9, 2016 – MOTION by Ms. Banach to approve the minutes from February 9, 2016 as presented, supported by Mr. Jarzyna. Motion carried.**

**3. APPROVAL OF AGENDA –  
MOTION by Ms. Lascoe to approve the agenda, supported by Ms. Banach. Motion carried.**

**4. SCHEDULED PUBLIC HEARINGS –**

- a. Unique Clips, LLC – Special Land Use Permit for “Storage of Landscape Material,” Parcel #05-25-351-011; Northwest corner of 27 Mile Road and North Avenue; Jim Sape, Applicant.  
Stacey Cerget, Fountain View Property Management, Representative**

Chairman Hancock summarized the procedures for a Public Hearing and reviewed the guidelines and rules that would be followed tonight.

**Motion by Ms. Lascoe to open the Public Hearing for Unique Clips LLC, Special Land Use, supported by Mr. Jarzyna. Motion carried.**

Chairman Hancock stated we will begin tonight with an overview from the Township Planners.

Mr. Dailey stated the Planners’ report dated April 12, 2016 is quite lengthy, and he summarized for the Commission the proposal as presented in the consultant’s report.

**Recommendation of John Dailey and Jerome R. Schmeiser regarding the request for Special Land Use for Storage of Landscape Material to be located on; Parcel #: 05-25-351-011; Northwest corner of 27 Mile Road and North Ave; UniqueClips- Jim Sape, Applicant.**

It is recommended that the special land use permit for **“Storage of Landscape Material” to be located on: Parcel #: 05-25-351-011 as reference and discussed above should be APPROVED.**

It is the opinion of the undersigned that the proposed use meets all of the standards set forth in Section 22.02 of Zoning Ordinance. You will find discussed immediately below how the request relates to each standard set forth in the Zoning Ordinance to evaluate a request for Special Land Use.

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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 relative to Standard No. 1: The Application for SLU to use subject parcel for storage 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 with minimum lot sizes of 90,000 sq. ft. which would be consistent with the Township Master Plan and the Township Zoning Ordinance.

Township Master Plan- 26-27 Mile Road/North Ave.



The above illustration taken from the Township's Master Land Use Plan clearly indicates that subject property at the northwest corner of 27 Mile Road and North Avenue is planned for industrial land use. The plan is also consistent with the Zoning Map which as noted above has the parcel in question zoned I-1 (Industrial).

It can be seen from the above illustration that there is in place intent and policy to integrate industrial and related activities into the area adjoining R-1 Zoning and Rural Residential Planned areas provided that specific measures are put into effect to protect the residential areas.

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 relative to Standard No. 2: The Application for SLU to use subject parcel for storage 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 minimizing both vehicular and pedestrian conflicts.

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 relative to Standard No. 3: The Application for SLU to use subject parcel for storage 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. The residence to the west is more than 600 ft. away from the closest storage bin. In addition to distance, the noise, lights, fumes and other potential nuisance factors are further mitigated and visually screened by the vegetation from the Coon Creek Easement.

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 or Related to the Request.**
5. The proposed use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.

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Comments of Dailey/Schmeiser relative to Standard No. 5: The Application for SLU to use subject parcel for storage as discussed above can and is designed to be operated in such a manner that the public health and safety would be adequately protected. The proposed use respects the flood plain and drainage in the area by providing detention for storm water storage. Further, the site plan has been designed to meet in all respects every applicable tenant of the zoning ordinance and the Engineering Standards including meeting the standards of the Macomb Department of Roads with respect to the design of the driveway approach to 27 Mile Road.

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 storage as discussed above would operate as a complement to future land uses permitted with said zoning district. The purchasers of real estate in a I-1 District should have every reason to expect that future land uses adjoining their residential parcel shall be used as permitted in the zoning ordinance. The storage of commercial vehicles is NOT a permitted use and there are no mitigating circumstances with respect to parcel size, physical features, or other adjoining land uses that should allow the use as requested to be located on subject parcel.

**In summary the proposed Special Land Use request for “Parking and Storage” to be located on Parcel #: 05-25-351-011; Northwest corner of 27 Mile Road and North Ave; Unique Clips- Jim Sape, Applicant should be **APPROVED** since in the opinion of the Township Planners, the proposed use is consistent with or not in conflict with any of the Special Land Use standards found in Section 2202 of the Zoning Ordinance. (This concludes the recommendation of the Township Planners as read into the record by Mr. Dailey).**

The petitioner’s representative, Stacey Cerget, Fountain View Property Management, 45138 Cass Avenue, Utica, MI, and Mr. Jim Sape, Unique Clips, LLC, the petitioner, 13848 Bernice, Warren, MI appeared before the Commission. Ms. Cerget explained Mr. Sape would like to have a place to store his landscaping vehicles and his landscaping materials for his business. He does not intend to sell landscape materials, but may in the future.

**Motion by Ms. Banach to close the Public Hearing, supported by Ms. Lascoe. Motion carried.**

Mr. Penzien asked for clarification of the wording of the request for the Special Land Use. He pointed out various terms were used in different areas on the application, and throughout the paperwork submitted. He asked if the consultant was satisfied that the recommendation before the Commission took this into consideration? Mr. Dailey assured that action should be based on exact language on the Application and Zoning Ordinance. Mr. Zoccola asked if compost would be included in storage on the property. It was clarified compost would not be stored.

It was determined the Special Land Use is being requested with the exception of compost (prohibiting compost). Mr. Dailey stated it should be included in the motion for clarification.

Ms. Banach inquired if other trailers, or equipment would be stored on the property; Mr. Sape stated only his equipment would be stored on the property.

Mr. Penzien inquired about the storage of commercial vehicles. Mr. Sape stated no commercial vehicles will be stored. Only vehicles for the business will be stored.

Mr. Lease inquired if granting this Special Land Use today, would the Commission be granting a retail, supply yard down the road? Mr. Schmeiser said a future owner would have to come back to the Commission for approval since retail sales require a Special Land Use Approval and retail sales were not part of this request.

Mr. Sape said he did not intend at this point to make this a retail venture.

**MOTION by Mr. Penzien to Approve the application of James Sape, Unique Investment Group, LLC, for Landscape Yard and Outdoor Storage, Parcel #05-25-351-011; Northwest corner of 27 Mile Rd. and North Avenue; based on on the following:**

**The Request for Special Land Use meets all of the Standards set forth in Section 2202 of the Zoning Ordinance, based on all the requirements as set forth in the Planners' recommendations (1 through 6), prohibiting the storage of compost, and excluding retail sales at this time. Supported by Ms. Lascoe.**

**A roll call vote was taken:**

**Mr. Penzien – yes**

**Ms. Lascoe – yes**

**Ms. Banach – yes**

**Mr. Jarzyna – yes**

**Mr. Lease – yes**

**Mr. Zoccola – yes**

**Mr. Hancock – yes**

**Motion carried. Vote of 7-0**

#### **5. New Business –**

- a. Unique Clips, LLC Site Plan Review, Parcel #05-25-351-011; Northwest corner of 27 Mile Rd. and North Ave.; Jim Sape, Applicant.**

Chairman Hancock read the correspondence from the Township Engineer, Fire Marshall, Building Official and Health Department with the following concerns:

The Fire Marshall in his letter of response to the Notice of Public Hearing for subject use raised the following six points:

- (i) Fire lanes shall be 20 ft. wide and posted: "No Parking Fire Lane."
- (ii) Knox Box shall be installed.
- (iii) Gate for fence should be shown on plans with width. Knox Box may be needed.
- (iv) Any fuel tanks on-site must be identified; nothing shown on plans.
- (v) Water supply shall be provided with dry hydrant installed with easement for detention pond. Water supply calculated by hazard class of building. Obtain dry hydrant specs from Ray Twp. Fire & Rescue. Detention pond can be used for water supply.
- (vi) Need list of any hazardous material or flammables to be stored in building.

The Township Engineer in his letter of response to the Notice of Public Hearing raised the following thirteen (13) points:

1. A detailed, written narrative outlining the request, the number and size of stored materials, equipment and vehicles, the hours of operation, and how this use satisfies each of the Special Land Use Standards.
2. We note that the site is currently being cleared and filled. There are no soil erosion control measures, MDEQ permits may be required, and the current fill material includes large pieces of asphalt. All current operations should cease and the unacceptable fill materials should be removed.
3. Provide building elevations and floor plans.
4. Provide a summary of the required and proposed parking for the site.
5. Show and label the existing and proposed Right of Way lines for North Avenue.
6. The parking lot and driveway to 27 Mile must be curbed.
7. The paved area on-site must also provide access to the building truck doors.
8. Provide cross sections of the proposed pond which show the fill and cut areas.
9. It appears that there may not be adequate space between the building and the septic field to allow for grading and drainage as a result of the septic field elevation being 2 feet higher than the building grade.

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10. Provide propose pavement details indicating the type and thickness of the pavement.
11. Provide information regarding the on-site fencing (type, size, gates, etc.)
12. Provide details of the proposed sign and show the setbacks on the plan.
13. Show the easement for the Coon Creek.

Building Officials Notes: Mr. Beckett requested the following be addressed:

1. 1. North Avenue ROW is 150 ft., not 120 ft. as shown on site plan.
2. 2. Exterior doors that swing out will require a landing with foundations.
3. 3. Exterior doors at traffic areas will require bollards for pedestrian protection when existing building.
4. 4. Grade elevations are shown for drainage, especially to the property on the north side.
5. 5. Building plans submitted are for site plan use only.

Stacey Cergot, Fountain View Property Management, Mr. Sape's Representative, spoke at this time. Ms. Cergot presented the site plan and addressed each item of concern from the Fire Marshal, Township Engineer, Planners, Building Inspector, Health Department, and Planning Commission.

Ms. Cergot explained Mr. Sape has not to date made the decision regarding signage for the business.

Mr. Schmeiser asked about landscaping of the site. Ms. Cergot explained due to the septic field, more trees are to be planted along the 27 Mile Road frontage.

It was noted in the Planners' recommendations that if the Planning Commission approves the request for Special Land Use, the Township Planners' recommend that the Site Plan for Unique Clips on subject parcel should also be approved subject to the following conditions:

1. The parking areas to be properly graded, drained, curbed and paved within one (1) years' time to the satisfaction of the Township Engineer. There must be additional paved area provided for access to the rear loading doors of the proposed building. The Township Engineer shall make that determination prior to the preparation of the engineering drawings. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line to be planted with grass and trees, and maintained. No stones (a cobblestone measuring 3-8" in diameter are allowed) or loose materials are permitted in the areas between the building line and street; however a greenbelt with a three (3) foot cement strip along the street line is permitted. The use of small stones other than the 3-8" size are also prohibited in parking area islands, landscape strips between parking areas or in any setback areas.

That all lawn areas including the front yard, side yard setbacks, rear yards, the areas between the sidewalk and curbs, and planting beds to be planted with grass and trees and maintained.

Specifically the Zoning Ordinance requires that street trees must be planted at the rate of one tree for each twenty-five feet of frontage that is developed. Given that on the subject site much of the setback areas off both roads are taken up with a detention basin within the 27 Mile Road right of way and septic fields within the North Avenue right of way; other options should be considered. It is recommended that along 27 Mile Road, west of the entrance drive one tree should be planted on each side (east and west) of the detention basin; and that between the detention basin and the parking area

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that one small shrub (Euonymus variety) must be planted every 25 ft. East of the entrance drive eight trees must be planted spaced 25 ft. on center. On the North Avenue side; that one small shrub should be planted every 25 ft. between the building/parking lot and the septic fields.

4. The driveway to 27 Mile Road must be curbed and further, the curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the Macomb County Department of Roads and the Township Engineer.
5. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties.
6. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall.
7. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount determined by the Township Engineer based upon the site improvements required as part of this approval be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed with two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Building Department.
8. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.
9. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
10. That the sign shall be placed as designated in the notes on the site plan and meet the specifications as noted on the site plan and not exceed 6 ft. in height. Any changes must be approved by the Planning Commission.
11. That the petitioner meet with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building or fill limitations.
12. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
13. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Engineer and the County Drain office.
14. That roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
15. That all requirements of the Zoning Ordinance be met.
16. 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.
17. 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.

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18. The location of the 20 ft. wide Fire Lane must be noted on the Final Engineering Plans.

In Summary, in addition to the above stated 18 Conditions; The Applicant shall meet with the Township Engineer to resolve any issues raised relating to Engineering Development Standards of the Township and the Fire Chief concerning the following:

- The additional area to be paved for access to the building truck doors at the rear of the building.
- Clearly indicate the easement for the Coon Creek on the final engineering plans and that a soil erosion permit is secured from the MDEQ.
- Demonstrate on the final engineering plans that there is adequate space between the building and the septic field to allow for the grading and drainage.
- The location of the 20 ft. wide Fire Lane.
- The asphalt chunks being used as fill must be reduced to about a 2" size for compaction.
- Water supply and hydrant location; and further
- The Applicant shall submit a list of any flammable or hazardous materials to be stored on-site to the Township Fire Department.
- The Applicant shall meet with the Fire Department regarding the number and location of Knox Boxes to be posted on the site.
- The Applicant shall post the required bond prior to the issuance of the necessary permits.
- That the street trees and shrubs must be planted as per item no. 3.

Mr. Dailey asked the Commission to take into consideration as part of their motion tonight, the issue relative to the landscape plan as submitted. Mr. Dailey explained the engineer and Mr. Beckett will approve the plan based upon these specifications. His recommendation is to approve based upon the Planners' 18 recommendations, and a bond to be posted based upon improvements to the site.

Mr. Penzien inquired about the detention pond. Discussion continued regarding Coon Creek.

Discussion concluded and Mr. Hancock indicated a motion was in order at this time.

**MOTION by Mr. Penzien to approve the request for a revised Site Plan for Unique Clips on Parcel #05-25-351-011; Northwest corner of 27 Mile Rd. and North Avenue; Jim Sape, Applicant, contingent upon the Planners' 18 point recommendations, in addition to the following: The Site Plan Bond to be determined by the Engineers; the Landscape Plan submitted to be revised and submitted at the Public Hearing; the cross section of the pond to be submitted to the Engineer for review; additional areas to be paved for access to the building, and concrete paths; and soil erosion permits to be secured. The motion was supported by Mr. Zoccola.**

**A roll call vote was taken:**

**Mr. Penzien – yes**

**Mr. Zoccola – yes**

**Ms. Lascoe – yes**

**Ms. Banach – yes**

**Mr. Jarzyna – yes**

**Mr. Lease – yes**

**Mr. Hancock – yes**

**Motion carried. Vote of 7-0**

**6. OLD BUSINESS—**

- a. Approval of new Master Plan Update – Public Hearing for May 10, 2016. Necessary to allow for required 42 day comment period**

Ms. Hall indicated the need to change the Public Hearing date for the Master Plan Update to May 10, 2016.

**MOTION by Mr. Jarzyna to set the new date for the Public Hearing for the Master Plan Update for May 10, 2016, supported by Ms. Lascoe. Motion carried.**

- b. **Revised dedicated landscape area** – Mr. Dailey said they are working with the Assessor to bring this together and have examples in various communities. Mr. Penzien said he totally agrees with this concept, likes the way this looks, and what he has seen. He asked if the landscaping had to go in first as he understood previously. Mr. Schmeiser said it has to be drafted into the sketches. Discussion continued concerning this concept.

**MOTION by Ms. Lascoe to table the Revised dedicated landscape area to the next meeting, supported by Mr. Jarzyna. Motion carried.**

7. **Presentations** - none

8. **Report of the Township Board Representative** – none

9. **Report of the Zoning Board of Appeals Representative** – none

10. **Correspondence** – Mr. Hancock read into the record the Notice letter from Bruce Township indicating their proposed amendment to the Master Plan. They indicate a request to review the draft to a link provided. Ms. Hall stated they are unable to open the link and have contacted Bruce Township for further information. Mr. Hancock indicated we will table the matter until the next meeting, giving our Planners time to review and give them an update on the Bruce Township master plan at that time.

**MOTION by Ms. Banach to table until the next meeting the review of the Bruce Township Master Plan amendment, giving our Planners' time to access and review online the Master Plan and provide comments. Supported by Mr. Zoccola. Motion carried.**

11. **Comments – Planning Consultants; report from the Planning Consultants** – Mr. Dailey briefly presented the reports for March and April, 2016, welcoming any questions or comments from the Commission.

Ms. Lascoe inquired to the Planners if there was any update on the cell towers. Mr. Dailey replied not to date.

Mr. Penzien inquired about the digital sign for Pine Valley. Mr. Dailey said they will need to file for a variance. He will discuss this matter with the Township attorney. Discussion continued regarding signs. Mr. Dailey made note there can be no flashing and blinking light patterns in digital signs, as it is a violation of the ordinance.

12. **Public Comments** -

**Cliff Kukuk** – 15360 29 Mile Rd., stated he needed help to continue the fundraisers and charitable events he has been having, and would like to continue holding on his property. He advised has held less than 8 events each year; has met with Supervisor Bohm numerous times, and was advised an ordinance would be adopted to help him continue these special events at his home. The ordinance has not come through, and he needs help with approval for a Special Land Use permit. He is requesting to submit the application tonight to the Commission as he has events scheduled. Mr. Hancock advised this is the public comments portion of the meeting and not the time to submit the application. He advised he would like to leave the application and plans with the Commission tonight.

**Richard Smith**, 61200 Kunstman Rd., stated his neighbor is shooting an elephant gun twice a day. This is the same man who was told to stop shooting and disturbing the neighbors previously. He is on less than an acre, he follows the NRA guidelines. The neighbors need help. He is here to ask the Commission for their help. Discussion followed concerning the nuisance that exists. The man is Kevin Kaczmarek, 61244 Kunstman. There is a neighborhood problem. The county sheriff's office won't help. It was decided to have the Planners research to see if something can be done in terms of an ordinance regarding the noise and disturbing the neighbors.



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**MOTION by Ms. Banach to adjourn the meeting at 9:35 p.m., supported by Mr. Zoccola. Motion carried.**

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

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

\_\_\_\_\_  
Date

Respectfully submitted,

Marcia Jamroz, Recording Secretary