

RAY TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
TUESDAY, FEBRUARY 14, 2017 AT 7:30 P.M.  
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Approved

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

Present: Tom Hancock, Chairman  
Justin Lease, Secretary  
Members: Cynthia Banach  
Randy Forro  
Doug Stier

Absent: Tom Penzien, Vice-Chairman - Excused  
John Zoccola -Excused.

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. Penzien and Zoccola were absent and excused, all other members were present.
2. APPROVAL OF MINUTES - January 10, 2017  
**MOTION by Banach supported by Stier to approve the corrected minutes from January 10, 2017 with the corrected date.**  
**MOTION carried.**
3. APPROVAL OF AGENDA  
**MOTION by Forro supported by Stier to approve the agenda as presented.**  
**MOTION carried.**
4. NEW BUSINESS
  - a. Request to allow Retail Sales; Unique Clips, located at 23075 27 Mile Road, located at the northwest corner of 27 Mile Road/North Avenue; Section 25. Permanent Parcel No. 05-25-3510-011. Jim Sape, Petitioner.

Chairman Hancock stated the Planning Commission approved the special land use in April of 2016. Further requested the Planner to explain the petitioners request for retail sales.

Mr. Dailey, Planner, presented his findings dated February 7, 2017, as follows:

Mr. Jim Sape submitted a letter to the Planning Commission dated January 27, 2017 to request clarification relating to the Special Land Use Approval granted by the Planning Commission for the parcel referenced above. The Planning Commission in April of 2016 granted Special Land Use Approval and Site Plan Approval for “Storage of Landscape Material” on the subject parcel. Specifically, Mr. Sape requests permission to sell retail to the general public the materials approved to be stored and sold at wholesale on the property.

The subject property is provided with 235.89 ft. of frontage on the west side of North Avenue and extends for a depth of 744.34 ft.; for a total site size of **3.758 acres**. The building constructed measures 60’ x 96’ (5,760 sq. ft.) located on the property setback 152.8 ft. from the centerline of North Avenue, and 30.04 ft. from the north property line. The building is used as a service building and was **NOT** approved as a building to be used for general retail purposes.

Parking for automobiles compliant with the zoning ordinance for wholesale purposes and provided with ten (10) spaces located east of the drive and south of the proposed building 110 ft. from the centerline of 27 Mile Road.

It was clearly the understanding of the undersigned when formulating the recommendation regarding the Special Land Use Application that the use to be approved was for a wholesale landscape business not for general retail purposes. The site as approved was designed to be used for the storage of landscape materials and sale at wholesale as a primary use. If the primary use was to be the retail sale of landscaping material together with a retail sales building the required number of parking spaces would be twenty-nine (29) spaces not ten (10) as approved. Mr. Sape has expressed to the undersigned that the intent here is have retail sales as secondary to the wholesale and general contractor use of the parcel. It is not his intent to establish this site as a retail establishment.

Mr. Dailey explained the request is to allow 800 square feet of retail space in the existing building. Further explained the Planning Commission in no way would be granting a variance of parking spaces and recommended approval.

Discussion was held on the retail sales area and the parking area.

Mr. Sape, Petitioner explained he would like to be able to sell topsoil and mulch to the public from the outside storage bins and the customer would go inside the building for payment.

**MOTION by Banach supported by Forro to Approve the Request to Allow Retail Sales for Unique Clips; located at 23075 27 Mile Road, located at the northwest corner of 27 Mile Road/North Avenue for Permanent Parcel No. 05-25-3510-011. This approval is based on the Planners recommendations, with the following conditions:**

- **The sale of merchandise at retail including office space shall be limited to no more than 800 total sq. ft. within the existing building. The balance of the building; (4,960 sq. ft.) shall be used for warehouse and/or storage of equipment, bulk material, inventory and vehicles.**
- **The limitation on sales area reflects directly to the requirements of the zoning ordinance for parking. Retail requires 1 space for each 200 sq. ft. of floor area. The remaining 6 spaces are necessary for employees on-site.**
- **Any other retail related activity to take place on-site such as seasonal sales in defined areas; shall be reviewed by the Building Official and the Planner to determine if the spirit and intent of the Planning Commission approval is being met.**
- **Any retail sales activity beyond the limitations noted as part of this approval shall be considered a violation of the Zoning Ordinance and**
- **Any request for additional retail must be reviewed as a new application for Special Land Use under Section 1602-A of the Zoning Ordinance.**
- **There shall be no temporary signs placed on-site announcing the introduction of retail sales.**
- **The Fire Marshall and Building Official shall review the floor plan to determine if the proposed layout meets fire and building safety codes and the intent of this approval.**
- **The approval to sell at retail shall not go into effect until the Building and Fire Departments have signed off on a revised Certificate of Zoning Compliance and**
- **A revised Certificate of Occupancy has been issued by the Building Official.**

**FOR THIS MOTION: Yes: Banach, Forro, Stier, Lease, Hancock.**

**No: None.**

**Absent: Penzien, Zoccola.**

**MOTION carried.**

5. Old Business

a. Medical Marijuana Ordinance

Mr. Dailey stated the need to regulate medical marijuana in the residential areas. The Court of Appeals has ruled that a patient can grow their personal use in the residence or a secured accessory building. Further stated the Building Official does not feel it is a good idea for a patient to grow twelve plants in a home. He stated at this time it is important to get more information. Further stated he will be attending the Michigan State University Extension Local Government Medical Marijuana Workshop in Richmond along with several Planning Commission members to learn more information. Further stated the new act goes into effect December of 2017.

Discussion was held on patients growing medical marijuana in the home.

Mr. Dailey stated the Township has the right for safety to the residents and should know who is growing inside the home. He stated the site should be inspected for proper electrical. He stated the Townships concern should be for the public, health, welfare and safety of the community. Further stated the medical marijuana ordinance is not ready for a public hearing.

Mr. Schmeiser stated the Commission all received a copy of the article "Clearing the haze on medical marijuana" from the Michigan Township Focus magazine.

**MOTION by Banach supported by Lease to Table the Medical Marijuana Ordinance to the next meeting.**

**MOTION carried.**

6. Scheduled Public Hearings: None.

7. Presentation – None.

8. Report of the Township Board Representative – Nothing to report at this time.

9. Report of the Zoning Board of Appeals Representative – January 24<sup>th</sup>, 2017

Harold DeMan stated the Board granted a variance for the barn to be in the front yard setback because the barn was built in the 1930, before the zoning ordinance. Further stated a variance was also granted to allow a parcel to have the existing house to be located within the required 152' front yard setback because the house will be moved back in two years.

10. Correspondence – Memo from the Township Supervisor, as follows:

On Monday, February 13, 2017, I spoke with Christine Anderson the Township Attorney and she advised the following:

- The Township cannot require a patient to grow personal use medical marijuana in an industrial district.
- The Court of Appeals has ruled a "patient" may grow their own use of medical marijuana in the residents or a secured accessory building.
- Caregivers in an industrial area is a great idea and New Baltimore has done a great job.
- Schedule the public hearing for March 14, 2017. Christine Anderson will have the supporting written opinion completed.

**MOTION by Stier supported by Lease to receive and file the memo from the Township Supervisor, dated February 14, 2017.  
MOTION carried.**

11. Report from Planning Consultants-The Commission received the Planners report, dated January 9, 2017.  
Mr. Dailey reviewed the Planners report.
12. Public Comments: None.
13. Adjournment.

**MOTION by Stier supported by Banach to adjourn the meeting at 8:12 p.m.  
MOTION carried.**

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Tom Hancock, Chairman

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Justin Lease, Secretary

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Date

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