

RAY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
TUESDAY, MARCH 9, 2021 AT 7:00 P.M.
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Location: ZOOM conference **Meeting ID: 597 725 0966– Password 642075**

Present: Tom Penzien, Chairman
Justin Lease, Vice-Chair
Randy Forro Secretary
Members: Justin Marberg
Lori Lascoe
John Zoccola
Sharilyn Kaniuk

Absent: None

Also, Present: Lisa Hall, Planning and Zoning Clerk,
Stephen Cassin, Township Planner.
Attendance record on file
David & Jessica Youngblood, Applicants
Brian Heitmann, Applicant
Rich Williams, Applicant
Other members of the public were logged into the meeting.

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.
Marberg, Lascoe, Kaniuk, Zoccola, Lease, Forro and Penzien, all members were present.

2. APPROVAL OF MINUTES – January 12, 2021 as presented.

MOTION by Forro supported by Zoccola to approve the January 12, 2021 minutes as presented.

FOR THIS MOTION: YES: Forro, Zoccola, Lascoe, Kaniuk, Lease, Marberg, Penzien
NO: None
ABSENT: None

MOTION carried.

3. APPROVAL OF AGENDA-

Penzien stated he would like to amend the agenda, move item 5a, New Business to after item 4b scheduled public, hearing.

Marberg advised the board he received a 300-foot notice for item 4a, and will refrain from discussion and voting on the matter.

MOTION by Lease supported by Forro to approve the agenda as amended.

FOR THIS MOTION: YES: Lease, Forro, Zoccola, Marberg, Lascoe, Kaniuk, Penzien
NO: None
ABSENT: None

MOTION carried.

4. SCHEDULED PUBLIC HEARINGS –

4A. Special Land Use to allow Agricultural Tourism, Wineries in the R-1 (Agricultural – Residential) District. According to Ray Township Zoning Ordinance 36, Section 1700, S, 2, A, Wineries and Accessory Uses Section 1700 S, 3, A, through E, as a Special Land Use in the R-1 (Agricultural – Residential) District. Parcel ID 21-05-22-400-011, 61829 Ray Center, David and Jessica Youngblood, Applicants.

Chairman Penzien explained the public hearing procedure and asked if the Youngbloods are present.

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David and Jessica Youngblood, both present.

Cassin presented his findings and recommendation to the board.

Special Land Use Review (Revised 2-26-21)

Zoning:	R-1, Agricultural Residential
Location:	61829 Ray Center Road
Property ID:	21-05-22-400-011
Project Name:	Youngblood Winery and Agritourism
Property Size:	43.55 acres
Applicant:	David and Jessica Youngblood
Review Date:	February 26, 2021

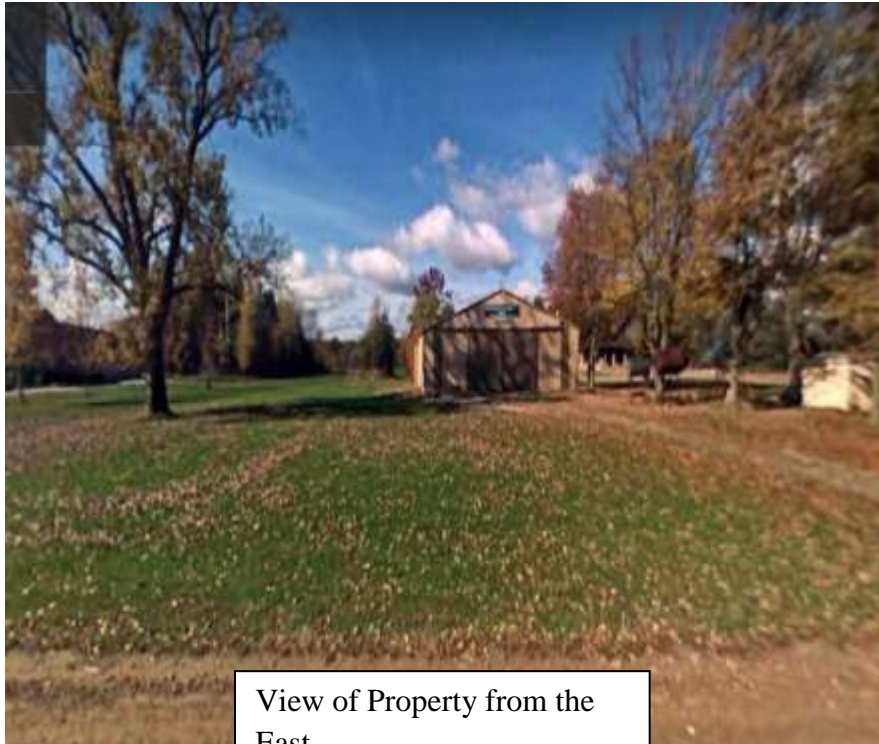
Proposal

The applicants desire to use the property as a vineyard/winery that would be open to the public. In addition, they are seeking approval to construct a 16,400 square foot production facility, a 400 square foot pergola, a 600 square foot pavilion, a gravel parking area for approximately 75 vehicles, an overflow grass parking area supporting approximately 69 vehicles, and other various site improvements.

Property Characteristics

The property is currently zoned R-1, Agriculture Residential, and contains a couple of small agricultural outbuildings and an orchard area. The properties to the north are zoned Single Family Residential. All other surrounding properties are zoned R-1, Agriculture Residential.





View of Property from the
East

Compliance with the Zoning Ordinance

Section 1700 S, of the Ray Township Zoning Ordinance allows the following uses in the R-1 zoning District subject to special land use approval being granted by the Planning Commission.

- Wineries, cider mills, and associated tasting rooms
- U-pick fruits and vegetables, and farm markets
- Kitchen facilities (owned and operated by the land owner) for processing/cooking items grown predominantly on the site
- Gift shops for the sale of agricultural products, agricultural related product, as well as promotional items bearing the name of the agricultural tourism operator.
- Food concessions
- Seasonal restaurant operations primarily selling agricultural products grown, produced, or raised on site.
- Petting farms, animal display, pony rides, and playground equipment, and other similar type uses
- Small scale entertainment that is ancillary to the agricultural tourism operations on the property.
- Outdoor mazes of agricultural origin such as straw bales or corn
- Wagon, sleigh, and hayrides
- Nature trails
- Open air or covered picnic areas.
- Educational classes, lectures, seminars related to agriculture such as: farming, food preparation, food processing, or food safety

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- Other uses similar to the above

The ordinance also requires compliance with several other standards, which are detailed below:

- The minimum parcel size required to conduct an agricultural tourism use is five (5) acres.
The proposed site is 43.55 acres.
- 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.
Assurances will need to be obtained from the applicant that this provision will be met.
- 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.
Ray Center Road has a proposed right of way width of one-hundred twenty (120) feet.
- All agricultural tourism uses shall conform to the setback and height restrictions of the R-1 Agricultural Residential zoning district.
The proposed site plan meets all applicable setback and height requirements.
- Landscaping, pursuant to Section 1811 of the Zoning Ordinance, shall be required. In instances where the required landscaping would serve no useful purpose, the Planning Commission may waive the requirement.
A previous site plan submitted and incorporated as part of the Certificate of Zoning Compliance (dated 6/27/16) proposed 250 green giant arborvitae along the north property line. These plantings (or others suitable to be Planning Commission) should be incorporated as part of this approval process.
- Any proposed outdoor lighting must be compliant with Section 1814 which requires lighting be shielded away from all property lines.
Assurances will need to be obtained from the applicant that this provision will be met.
- 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.
The site plan proposes a total of 75 gravel parking spaces, and 69 additional overflow parking spaces to be provided on grass. (Please note: the Township Engineer has requested that the barrier free parking spaces be paved.)
- 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.
The site plan proposes a total of 75 gravel parking spaces, and 69 additional overflow parking spaces to be provided on grass.
- 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.
The proposal is compliant with these conditions.

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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 use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved.
- The proposed use will be designed so that the location, size, intensity, site layout and periods of operation, eliminate excessive nuisances to surrounding areas.
- 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 proposed use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.
- The proposed use will not cause substantial injury to the value of other property in the area.

Recommendation

Section 1700 S, Agriculture Tourism, of Township Zoning Ordinance recognizes 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.

Therefore, subject to assurances/compliance being obtained from the applicant relative to the items listed on the attached memorandum, I find that the request meets the requirements of the Ray Township Zoning Ordinance, and recommend approval. Such approval should be conditioned upon meeting all applicable county and township building, fire, engineering, assessing, and Department of Road's requirements.

Please note that under Special Land Use Approval, that the Planning Commission may request additional improvements or modifications to the site plan that would make the development more compatible with the surrounding area.

Memorandum

To: David and Jessica Youngblood
From: Steve Cassin, Ray Township Planner
Re: Review of Special Land Use Request – Youngblood Vineyards
Date: January 21, 2021

Per our conversation, there are a number of items that need to be clarified in order for the Planning Commission to approve your application for Special Land Use. It is my understanding that most of these comments were

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previously conveyed to you through the reviews of the Township Engineering firm and the Township Fire Department.

In order to avoid any further delays in the approval of your application, I respectfully request that the site plan be revised to reflect the concerns referenced below. Upon receipt of the revised plans, we will place the item on the next available Planning Commission agenda.

Engineer's Comments:

- The site plan needs to be signed and sealed by the professional engineer who prepared it.
- A dimensioned floor plan for the 22,400 square foot building is required. The plans should indicate the location of all doors and windows.
- The proposed parking allocation is provided, but there is no calculation for the required spaces. This needs to be shown on the plans.
- The proposed parking lot is shown connecting to the existing 16-foot gravel farm lane. This will invite vehicular traffic to utilize this as an exit from the site to Ray Center Road. As such, a second Macomb Department of Roads will be required as well as improvements to the gravel farm lane.
- Barrier free parking spaces are indicated near the pavilion, but there is no indication of a sidewalk to convey pedestrian traffic. The American Disabilities Act provides standards for barrier free parking space number, slope, and hard surface.
- Dimensions shall be provided for the gravel drive widths and parking spaces.
- The site plan should indicate the thickness of the proposed gravel.
- There is no indication of ditching or site grading to account for sheet drainage from the improvements.
- There does not appear to be a loop around the proposed production facility for fire access. It is unclear as to the ability of the gravel farm lane to be utilized for emergency vehicles, and there is no cul-de-sac to turn around.
- If site lighting is to be used, the location and intensity shall be indicated.

Fire Department Comments:

- Fire lanes need to be 20 foot wide with signage.
- The fire lanes need to be engineered to hold a 75,000-pound fire truck.
- There needs to be a fire lane near the production facility and parking.
- What is the distance from the horse barn to the access lane?
- What are the materials used in the construction of the pavilion?
- The hammerhead turn needs to be shown as 120 feet (not 84 feet), with 60 feet on each side and a 28-foot radius.
- What materials will be used in the construction of the buildings?
- How large are the tanks in the storage area?

General Comments:

- All public restroom facilities (permanent and temporary) need to be shown on the site plan.
- Façade elevations of the building need to be provided.
- A previous site plan submitted and incorporated as part of the Certificate of Zoning Compliance (dated 6/27/16) proposed 250 green giant arborvitaes along the north property line. These plantings (or others suitable to be Planning Commission) should be shown on the current plans and incorporated as part of this approval process.

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- Proposed signage (if known) needs to be indicated on the plans.

All correspondence was read into the record and are on file.

Correspondence:

Lease read AEW comment and recommendation dated February 12, 2021.

Forro read Ray Township Fire and Rescue comment dated February 24, 2021.

Lascoe read Ray Township Building Department comment dated February 16, 2021.

Kaniuk read Macomb County Department of Public Works comment dated February 25, 2021.

Zoccola read Macomb County Health Department comment dated January 4, 2021.

Penzien read Macomb County Health Department comment dated March 3, 2021.

Penzien read Macomb County Department of Roads comment dated February 26, 2021.

Penzien advised all neighbor comments will be read.

MOTION by Lascoe supported by Forro to open the public hearing at 7:32 pm.

FOR THIS MOTION: YES: Lascoe, Forro, Lease, Kaniuk, Zoccola, Penzien
NO: None
ABSENT: None

MOTION carried.

Penzien stated public comment is open and advised any public in attendance are welcome to comment. Please state name and address.

Troy Jeschke, 21670 Chester stated his backyard is adjacent to the North property line of the vineyard, is in favor of the vineyard. Stated he is employed as the City Planner for the City of Richmond, holds a Masters in Urban & Regional Planning. A lot of the neighbor correspondence seems to be concerned with property that they do not own, if they are worried, they can plant trees in their yards. Further stated "feels this is a great thing".

MOTION by Lascoe supported by Lease to close the public hearing at 7:32 pm.

FOR THIS MOTION: YES: Lascoe, Lease, Zoccola, Kaniuk, Forro, Penzien
NO: None
ABSENT: None

MOTION carried.

David Youngblood stated he would like to thank the members and employees of the township for their guidance and support. Stated they appreciate all the comments and concerns and are doing everything possible to alleviate any and all concerns. We are the fifth generation to live on the farm and are vested in Ray.

Youngblood stated in terms of the noise, we will comply with the ordinances related to noise and hours of operation. We started the vineyard five years ago primarily to produce crops. In regards to the proposed building the total footprint is 16,000 square feet, of which 12,000 square feet is production and storage space. The remaining 4,000 square feet will be event space. The closest activity to any of the neighbors is 375 feet from their rear yards and there are grapes growing within that 375 feet. The proposed pavilion at the rear of the farm is over 1,000 feet from any of the neighbors.

The vineyard has been operating for two years and only two times in two years have any cars been parked on Ray Center. The two days were opening day and the 4th of July.

Youngblood stated they have been very mindful and respectful and he would welcome any and all questions.

Lease asked Mr. Cassin, at the last meeting in January you stated you would be contacting the township attorney regarding the right to farm act, have you spoke with her?

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Cassin advised he had spoken with the attorney, who advised the vineyard falls under the right to farm, but wine-tasting and events fall under the Agri-tourism ordinance.

Forro stated he only sees a portable bathroom on the site and asked, what are the plans for bathrooms?

Youngblood stated we have used porta johns for the last two years but have purchased a large mobile luxury restroom trailer. The bathroom units are pumped out and do not require any additional septic on the property.

Penzien asked if the health department knows about the bathroom trailers.

Youngblood advised they are aware.

Forro asked Youngblood about the disposal of wastewater?

Youngblood advised the pulp from the grapes can be disposed on in the vineyard. We do have a tank for in the current production facility that is pumped and dumped offsite. There is very little water usage, only at initial production. We will comply with all health department regulations.

Penzien asked Youngblood if he had reviewed page 3 of Cassin's report regarding the arborvitaes?

Youngblood stated the arborvitaes have been added back to the plan. The neighbors were not happy when the trees on the property were removed but there are 100's of feet of crops between the neighbors and the buildings.

Penzien asked Youngblood if they had looked at the comments related to lighting?

Youngblood, they don't have the exact lighting but will comply with all requirements.

Penzien asked Youngblood if he has reviewed Lou Urbans, Township Engineer comment related to parking?

Cassin stated the barrier free parking has to be paved, and in talking with Mr. Youngblood he understands this is required and will comply with the requirement.

Youngblood stated they will comply and meet requirements. Youngblood stated at the rear of the property is a 7-acre square with no vines, if an event space is ever created in the back there is a lot of open space that could increase parking if needed.

Lascoe asked Youngblood where the 4,000 square feet of event space will be located within the building, will it be on the North or South end?

Youngblood stated it will be on the South end of the building, there is a floor plan of the proposed structure on the drawing, not very descriptive.

Kaniuk stated Mr. LeMieux building official noted in his comment about emergency lighting, how are you going to light this so people can get out in an emergency?

Youngblood stated they will work with the building department and the fire department to meet all requirements,

Penzien stated the neighbors have concerns about the hours of operation.

Youngblood stated we have complied with the Ray Township Agri-business ordinance requirements for hours of operation and will continue to do so. We close by 10pm on Friday and Saturday and on Sunday by 9pm.

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Penzien stated all agencies have recommended approval contingent upon meeting all requirements as stated, there are a lot of items.

Penzien asked Youngblood if they can meet all the requirements?

Youngblood stated yes.

Forro asked where the drainage from the parking lot will go, there is no elevation shown?

Youngblood stated on the site plan between the barn and house notes existing drainage ditch, drainage flows to that ditch and the Clinton River runs behind the property. The elevations will be higher for the parking lot will be higher and will to the ditch at the front of the property and additionally will be some ditching to the rear. The parking area is flat now, and we have good sheet drainage, will ditch and direct flow to run to both ditches.

Penzien asked Cassin if ditching would fall under Agri-tourism?

Cassin stated any land disturbances would require input from public works.

Zoccola stated ditching for farming should be covered under the right to farm act.

Cassin agreed with Zoccola about the farm drainage and ditching.

PENZIEN asked if there would be an outdoor PA system?

Youngblood stated there are no plans for any outdoor noise amplifying devices. May occasionally be something for vows for weddings.

Penzien noted page 5 of Cassin's review, "Please note that under Special Land Use Approval, that the Planning Commission may request additional improvements or modifications to the site plan that would make the development more compatible with the surrounding area". Does the planning commission have any request for additional improvements for modifications not discussed?

Seeing none would seek a motion to approve conditioned upon the applicant being a meeting all applicable county and township building, fire, engineering, assessing, and Department of Road's requirements.

MOTION by Lascoe supported by Zoccola to approve Site Plan and Special Land Use to allow Agricultural Tourism Wineries and accessory uses in the R-1 (Agricultural – Residential) District, according to Ray Township Zoning Ordinance 36, Section 1700, S, 2, A, and Section 1700 S, 3, A, through E, Parcel ID 21-05-22-400-011, 61829 Ray Center, David and Jessica Youngblood applicants, conditioned upon applicant meeting all applicable county and township building, fire, engineering, assessing, and Department of Road's requirements.

FOR THIS MOTION: Yes: Lascoe, Zoccola, Kaniuk, Lease, Penzien

No: Forro

MOTION carried.

4b. Special Land Use to allow outdoor storage of contractor equipment and materials in the I-1 (Industrial) District. According to Ray Township Zoning Ordinance 36, Section 1602, O, storage of contractor's equipment and materials may be permitted as a Special Land Use in the I-1(Industrial) District. 67504 Brian Drive, Parcel ID 21-05-06-401-009, Height Control Lawn & Landscape, LLC., Brian Heitmann, Applicant

Chairman Penzien explained the public hearing procedure.

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Cassin presented his findings and recommendation to the board.

Site Plan & Special Land Use Review

Zoning: I-1, Industrial
Location: East side of Brian Drive, North of 31 Mile Road
Property ID #: 21-05-06-401-009
Project Name: Height Control Lawn and Landscaping
Applicant: Brian Heitman
Review Date: March 1, 2021

Proposal

The applicant desires to utilize property on the east side of Brian Drive, and north of 31 Mile Road, as an equipment storage yard for a landscaping business. The site plan proposes a crushed concrete surfaced storage yard, a parking area for 16 cars, and 10 concrete enclosed bins for the storage of landscaping materials.



Compliance with the Zoning Ordinance

Section 1602 allows the outside storage of contractor's equipment and supplies as a Special Land Use within the district.

The ordinance also requires compliance with several other standards, which are detailed below:

Dimensional Requirements

	Required	Proposed	Compliant
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Front Yard Setback (Private Road)	60'	50'	X
Rear Yard Setback	30'	27'	X
Side Yard Setback(s)	15'	3,180'	✓
Height	35'	NA	NA

Parking Requirements

	Required	Proposed	Compliant
Standard Parking Spaces	1 per employee	11	✓
Barrier Free Parking Spaces	1	0	X
Maneuvering Lane Minimum Width	24'	24'	✓
Parking Space Size	10' x 20'	10' x 20'	✓

Landscaping Requirements

	Required	Proposed	Compliant
Frontage Landscaping	1 tree per 25' of frontage	0	X

General Comments

- Site plan does not meet front yard and rear yard setback requirements.
- The one required handicapped parking space has not been shown on the plan.
- The required landscaping in the front yard setback (nine trees) is not indicated.
- There are two storage containers shown on the site. Temporary storage container such as shipping containers and Conex boxes are not allowed per Township ordinance.
- No lighting has been indicated. If the intent is to provide on-site lighting, this must be shown on the plans.
- No fencing or other enclosures have been indicated on the plans. If the intent is to enclose the site, the method must be indicated on the plans.

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Special Land Use Requirements

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 adjacent area is master planned and zoned for industrial uses.
- 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 proposed use is not expected to generate excessive traffic.
- The proposed use will be designed so that the location, size, intensity, site layout and periods of operation, eliminate excessive nuisances to surrounding areas.
The proposed use is not expected to create nuisances to surrounding properties.
- 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 proposed use is consistent with the development trends of the area.
- The proposed use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.
The proposed use is not expected to create any health, safety, and welfare issues.
- The proposed use will not cause substantial injury to the value of other property in the area.
The proposed use is consistent with the development trends of the area.

RECOMMENDATION

It is my recommendation that the proposed Site Plan and Special Land Use request be tabled, until the above site plan deficiencies are addressed.

Penzien asked if anyone was present for this site plan and special land use request.

Heitmann advised yes.

All correspondence was read into the record and are on file.

Correspondence:

Lease read AEW comment and recommendation dated February 15, 2021.

Forro read Ray Township Building Department comment dated February 19, 2021.

Marberg read Ray Township Fire and Rescue Department comment dated February 24, 2021.

Lascoe read Ray Township Fire and Rescue Department comment dated March 7, 2021.

Zoccola read Macomb County Health Public Works comment dated February 25, 2021.

Marberg read Macomb County Health Department comment dated March 3, 2021.

Penzien read Macomb County Department of Roads comment dated February 23, 2021.

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Penzien read talking points provided by applicant provided on March 4, 2021.

MOTION by Zoccola supported by Lascoe to open the public hearing at 8:23 pm.

FOR THIS MOTION: **YES: Zoccola, Lascoe, Marberg, Forro, Kaniuk, Lease, Penzien**
 NO: None
 ABSENT: None

MOTION carried.

No public comment.

MOTION by Marberg supported by Zoccola to close the public hearing at 8:25 pm.

FOR THIS MOTION: **YES: Marberg, Zoccola, Forro, Lease, Kaniuk, Penzien**
 NO: None
 ABSENT: None

MOTION carried.

Lease asked Cassin about landscape trees on site plan, noted there are none on adjacent parcels, hard to request when no other occupants have trees.

Penzien asked Heitmann if he had received all comments and if there are any he cannot meet?

Heitmann advised he has received all comments, the concrete blocks were existing and there are more on adjacent parcels. Can the blocks stay where they are located?

Penzien stated the site plan is not compliant with the ordinance.

Cassin stated the site plan is not compliant and for the blocks to stay where located would require a ZBA variance.

Heitmann asked what that would require? All the other businesses in the area have the blocks and no trees. Heitmann asked why is a handicap parking space required if there is no building?

Cassin stated if you show parking you need one handicap parking space and if you have arguments as to why the ordinance does not apply you can apply to the ZBA.

Heitmann asked what this meeting was about?

Cassin stated if you agree with all the conditions of the ordinance and revise your site plan to comply the planning commission could approve.

Discussion continued.

Lascoe noted if the applicant chooses to go to the ZBA they must have a hardship.

MOTION by Lease supported by Zoccola to table item 4b Special Land Use to allow outdoor storage of contractor equipment and materials in the I-1 (Industrial) District. 67504 Brian Drive, Parcel ID 21-05-06-401-009, Height Control Lawn & Landscape, LLC., Brian Heitmann, Applicant seek out ZBA and come back to Planning Commission.

FOR THIS MOTION: **Yes: Lease, Zoccola, Marberg, Lascoe, Kaniuk, Forro, Penzien.**
 No: None
 Absent: None

MOTION carried.

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Zoccola asked if the blocks are moved out of the right of way and move the parking would the Reschke ZBA still be necessary? Just a suggestion.

Cassin stated that could work, will need a handicap space for parking.

Heitmann asked what is needed for the parking.

Cassin stated put a space on the plan and bring it in for review, will work with you on the needed changes.

5. NEW BUSINESS –

5a. Site Plan Application, Contractor Yard and Equipment Storage, revise existing approved plan, add truck/equipment parking and structure. 59187 North Avenue, Parcel ID 21-05-25-351-010, Matzak, Inc., Rich Williams, Applicant.

Penzien asked if Mr. Williams is in attendance?

Rich Williams and Zack Williams in attendance.

Penzien stated this is a revision to an already approved site plan and special land use.

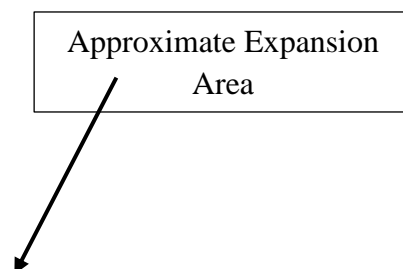
Cassin presented his findings and recommendations to the board.

Site Plan Approval

Zoning:	I-1, Industrial
Location:	59187 North Avenue
Property ID #:	21-05-25-351-010
Project Name:	Matzak Contractor and Equipment Yard
Applicant:	Richard Williams and Scott Jacklyn
Review Date:	March 1, 2021

Proposal

On April 19, 2007, the applicant received Site Plan and Special Land Use approval to construct a contractor's equipment and storage facility on the subject property. At this time, they are seeking an expansion of the storage area to include 7 additional storage bins, additional truck and employee parking, and the relocation of a salt dome, in the area identified on the aerial photograph below:





Compliance with the Zoning Ordinance

Section 1602 allows the outside storage of contractor's equipment and supplies as a Special Land Use within the district.

The ordinance also requires compliance with several other standards, which are detailed below:

Dimensional Requirements

	Required	Proposed	Compliant
Front Yard Setback	150'	170'	✓
Rear Yard Setback	30'	90+'	✓
Side Yard Setback(s)	15'	30'	✓
Height	35'	NA	NA


Parking Requirements

	Required	Proposed	Compliant
Standard Parking Spaces	1 per employee	11+	✓
Barrier Free Parking Spaces	1	1	✓
Maneuvering Lane Minimum Width	24'	24'	✓
Parking Space Size	10' x 20'	10' x 20'	✓

Landscaping Requirements

	Required	Proposed	Compliant

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Frontage Landscaping	1 tree per 25' of frontage	Total of 121 trees proposed	
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General Comments

- No lighting has been indicated. If the intent is to provide on-site lighting, this must be shown on the plans.
- No fencing or other enclosures have been indicated on the plans. If the intent is to enclose the site, the method must be indicated on the plans.
- The landscaping indicated on the site plan was originally shown on the plans approved in 2007, but was never installed. I suggest the Planning Commission receive assurances that the proposed landscaping will be installed.

Special Land Use Requirements

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 adjacent area is master planned and zoned for industrial uses.
- 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 proposed use is not expected to generate excessive traffic.
- The proposed use will be designed so that the location, size, intensity, site layout and periods of operation, eliminate excessive nuisances to surrounding areas.
The proposed use is not expected to create nuisances to surrounding properties.
- 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 proposed use is consistent with the development trends of the area.
- The proposed use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.
The proposed use is not expected to create any health, safety, and welfare issues.
- The proposed use will not cause substantial injury to the value of other property in the area.
The proposed use is consistent with the development trends of the area.

RECOMMENDATION

Based upon the above, I recommend approval of the request, conditioned upon the installation of the required landscaping, and compliance with all applicable Township building, engineering, assessing, and fire regulations. All correspondence was read into the record and are on file.

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Correspondence:

Lease read AEW comment dated February 15, 2021 into the record.

Forro read Dennis LeMieux, Ray Township Building comment dated February 22, 2021 into the record.

Hall noted the plans for the salt dome have been submitted.

Marberg read Ray Township Fire and Rescue comment dated February 24, 2021 into the record.

Lascoe read Macomb County Public Works comment dated February 25, 2021 into the record.

Penzien read Macomb County Department of Roads comment dated February 23, 2021 into the record.

Marberg read Macomb County Health Department comment dated March 3, 2021 into the record.

Penzien asked for Mr. Williams if he has received all comments?

Williams advised yes.

Lascoe asked Cassin for clarification, this is site plan approval only, does not include special land use?

Cassin advised yes, this is a request for a revision to a previously approved site plan and special land use approval.

Penzien stated this is a request to revise an approved site plan, if there are no objections or concerns, he would seek a motion.

MOTION by Forro supported by Lascoe to approve revision of existing site plan, adding truck/equipment parking and structure conditioned upon compliance with all applicable Township building, engineering, assessing, and fire regulations at 59187 North Avenue, Parcel Id 21-05-25-351-010, Matzak, Inc., Rich Williams applicant.

FOR THIS MOTION: **Yes: Forro, Lascoe, Marberg, Kaniuk, Lease, Zoccola Penzien**
 No: None
 Absent: None

MOTION carried.

SCHEDULED PUBLIC HEARINGS –

4c. Proposed Zoning Ordinance amendments as related to Section 3001-Definitions, Section 218-Temporary Structures, Section 200-Accessory Structures, Section 211 – Medical Marijuana Caregivers, Section 1815-Fences and Walls, Section 222-Height exceptions, Section 201-Keeping of Animals (Chickens), Section 222-Dumpsters at Construction Sites, Section 403-Special Land Uses, Section 2900-Certificates of Zoning Compliance, Section 2900,B – Wells, Section 2110-Engineering Reviews, Section 2205-Engineering Reviews

Cassin stated omitting discussion of Section 211 tonight. Will be taking a different approach and are going to require caregivers be moved into the industrial district.

Cassin stated the proposed amendments have been before the planning commission at least three times, have made some additional minor changes, this is a public hearing.

MOTION by Lascoe supported by Marberg to open the public hearing at 8:58 pm.

FOR THIS MOTION: **YES: Lascoe, Marberg, Kaniuk, Zoccola, Forro, Penzien**
 NO: None
 ABSENT: None

MOTION carried.

Penzien asked for comment.

MOTION by Lascoe supported by Forro to close the public hearing at 8:59 pm.

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Board discussion,

Penzien asked what the next step is?

Cassin stated send to Township board with recommendation to approve.

MOTION by Marberg supported by Lease to recommend approval of zoning ordinance amendments and send to Township board for approval.

FOR THIS MOTION: Yes: Marberg, Lease, Zoccola, Forro, Kaniuk, Lascoe, Penzien.

No: None

Absent: None

MOTION carried.

6. OLD BUSINESS - None

7. REPORT OF THE BOARD REPRESENTATIVE:

Lascoe stated at the February 16, 2021 Township board meeting the board adopted the 2018 International Fire Code. The next Township board meeting will be an in-person meeting.

Zoccola asked what the cost will be for curbside?

Lascoe advised it will be on a subscription basis so the cost will depend on the number of residents that subscribe to the service.

9. REPORT OF THE ZONING BOARD OF APPEALS REPRESENTATIVE: nothing to report.

10. CORRESPONDENCE –

Penzien stated there was correspondence from Edge Consulting and two issues of Planning and Zoning News

11. PLANNING CONSULTANTS REPORT.

Cassin stated he has nothing to report.

12. PUBLIC COMMENTS – None

13. ADJOURNMENT.

MOTION by Lascoe supported by Lease to adjourn the meeting at 9:06 PM.

FOR THIS MOTION: YES: Lascoe, Lease, Marberg, Kaniuk, Zoccola, Forro, Penzien.

NO: None

ABSENT: None

MOTION carried.

Tom Penzien, Chairman

Randy Forro, Secretary

Date

Respectfully submitted,
Lisa Hall, Recording Secretary