

RAY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
TUESDAY, APRIL 13, 2021 AT 7:00 P.M.
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Location: Ray Township Hall
64255 Wolcott, Ray, MI 48096

Present: Justin Lease, Vice Chairman
Randy Forro, Secretary
Justin Marberg
Lori Lascoe
John Zoccola

Excused Absent: Tom Penzien, Chairman
Sharilyn Kaniuk

Also Present: Stephen Cassin, Township Planner
Lora Maue, Planning and Zoning Clerk
Brian Heitmann
Mike Heitmann

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES & ROLL CALL.
Vice Chairman Lease called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited. Lisa Hall, Recording Secretary; Forro, Lascoe, Zoccola, Marberg and Lease were present.

2. APPROVAL OF MINUTES –
MOTION by Lascoe supported by Marberg to approve the March 16, 2021 remote meeting minutes as presented.
MOTION carried.

3. APPROVAL OF AGENDA -
MOTION by Zoccola supported by Forro to approve agenda as presented.
MOTION carried.

4. SCHEDULED PUBLIC HEARINGS -
a. Proposed Zoning Ordinance amendments as related to Section 211 – Medical Marijuana Caregivers.

Steve Cassin, Township Planning Consultant advised the Commission he has discussed the proposed zoning ordinance amendment with the Township Attorney. Further stated the proposed amendment would require medical marijuana caregiver activities to be conducted in the Industrial district. He stated this is the best way to regulate.

MOTION by Lascoe supported by Forro to open the public hearing at 7:04 pm.
MOTION carried.

Vice-Chairman Lease explained the public hearing process and advised the audience public comments are welcomed and encouraged. He explained comments are limited to approximately three minutes. Further asked those in attendance wanting to speak to please step to the podium and state your name and address.

James Zensen stated he is not in favor of the proposed ordinance amendment. He stated not everyone can afford to purchase property in the industrial district.

Darryl stated he is considering purchasing property in the Township. He asked if caregivers already in operation would have to follow the amendment? He asked if the Township is considering allowing commercial grows? He asked if the Township will be transparent on the ownership of the industrial property

Cassin stated the legal caregivers in operation would be allowed to continue.

Lascoe stated the Township Board opted out of all marijuana establishments. She explained the Master Plan is on display in the Township and anyone can inquire who owns land that is zoned industrial.

Mary Borgman stated she is in support of the amendment. She stated she is a long term resident, pays taxes and is unhappy with the current situation of caregiver grow operations in the residential district and the effect they have on neighboring properties. She stated she is not against caregivers, but it should be moved out of the residential areas, she agrees with moving it into the industrial district and it should be regulated.

Lauren Zensen stated she currently grows hemp which is recognized under the right to farm act. She stated she started growing for the purpose of providing medical products cultivated from hemp for ill family members. She stated she recently obtained a caregiver license and is surrounded by farmland. She stated hemp and marijuana look and smell the same. Further stated she grows to help people, not as a drug dealer.

Mark Phillips asked the Commission to table the item and to get educated about medical marijuana. He told the Commission not to be afraid of marijuana.

Matt Phillips stated he does not particularly like marijuana, but prohibition does not work. He stated marijuana is a plant, the only reason it has been prohibited is monetary.

**MOTION by Zoccola supported by Lascoe to close the public hearing at 7:30 pm.
MOTION carried.**

Steve Cassin, Planning Consultant stated there seems to be some confusion, the Township is not trying to prohibit caregivers. He stated the Township is in favor of caregivers but would be moving the use to an industrial area and out of the residential district. Further stated majority of the Township is zoned R-1 Agricultural-residential, and all the complaints are from in the R-1 district.

Lease stated a lot of what is being done is being done illegally.

Zoccola stated hemp is regulated by the state.

Lascoe stated one correspondence was emailed to the Commission from a resident adding language to the proposed ordinance.

Steve Cassin stated the resident correspondence are part of the act itself and do not need to be added to the proposed amendment. Further advised the Commission they could table or recommend approval to the Township Board of Trustees.

Zoccola asked if the Township Attorney has reviewed the proposed language?

Steve Cassin stated the Township Attorney has reviewed the proposed amendment.

Marberg stated the language pretty much follows what the state says.

Steve Cassin stated the state determined it can be regulated into an industrial district.

Zoccola stated this is a way to make it manageable.

**MOTION by Zoccola supported by Forro to recommend approval and forward the proposed Zoning Ordinance amendments of Section 211 to Township Board of Trustees.
MOTION carried**

5. New Business -- None

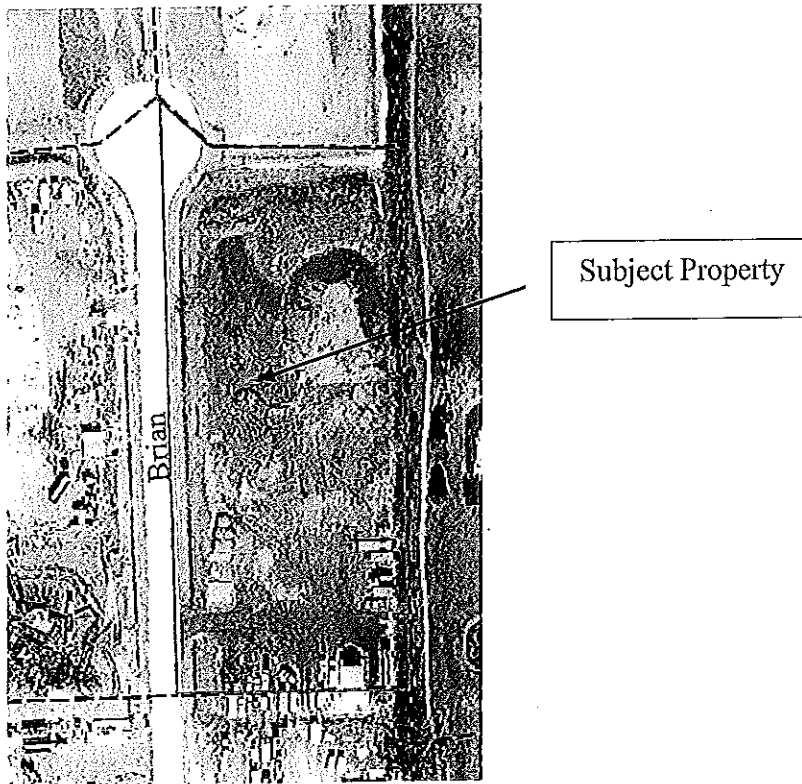
6. Old Business – Tabled from March 16, 2021 meeting.
a. Special Land Use and Site Plan Application, Contractors Yard, Outdoor storage of contractor's equipment and materials in the I-1 (Industrial) District. According to Ray Township Zoning Ordinance 36, Section 1602, O storage of contractor's equipment 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.

Steve Cassin, Planning Commission provided his revised findings of 4-10-21 and recommendation to the Commission.

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: April 10, 2021

Proposal

The applicant desires to utilize property on the east side of Brian Drive, and north of 31 Mile Road, as a 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
Front Yard Setback (Private Road)	60'	60'	✓
Rear Yard Setback	30'	30'	✓
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	1	✓
Maneuvering Lane Minimum Width	24'	24'	✓
Parking Space Size	10' x 20'	10' x 20'	✓

General Comments

Temporary storage containers such as shipping containers and Conex boxes are not allowed per Township ordinance.

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 special land use request subject to compliance with all applicable building, engineering, and assessing requirements, and the removal of the temporary storage containers from the drawings.

Mr. Cassin stated there were a few issues, but Mr. Heitmann came in and most have been resolved. He asked Heitmann about the temporary buildings on the site. Conex boxes are not allowed in the township. How long will they be on the site?

Heitmann stated the storage boxes were on the site when purchased and he had not intended to move them. How can we make them permanent?

Cassin stated they would need to be anchored. He advised the applicant to make an appointment to come in and meet with him and the Building Official to find a resolution. There is no issue with the location, the Conex boxes just need to be permanent.

Correspondence received was read into the record. Comments are on file for review.

Marberg read comment received from Township Engineer, Lou Urban, PE, AEW April 12, 2021 into the record
Lease read comment received from Harold DeMan, Fire Marshal, Ray Township Fire and Rescue April 7, 2021 into the record.

**MOTION by Marberg supported by Lascoe to approve the Site Plan and Special Land Use to allow the Contractors Yard, outdoor storage of contractor's 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. The approval was based on the condition that all applicable Township building, Fire and Engineering requirements are to be met.
MOTION carried.**

7. Presentation -none

8. Report of the Township Board Representative

Lascoe reported the Board of Trustees tabled the proposed zoning ordinance amendments.

9. Report of the Zoning Board of Appeals Representative – Representative was absent.

Lisa Hall stated the next ZBA meeting is scheduled for April 27, 2021 at 7:00 p.m.

10. Correspondence – Federal Communications Commission – Informational Notice

Lascoe stated correspondences have been received regarding the ordinance amendments and have been provided to each Board member.

11. Planning Commission Comments

Mr. Cassin stated he received correspondence from a resident that lives near the airport. The resident would like the Planning Commission to consider allowing parcels adjacent to the airport be allowed special consideration for larger accessory buildings for their planes.

12. PUBLIC COMMENTS:

Vince LoCicero, 24255 26 Mile Road asked when the proposed chicken ordinance will be on the Township Board agenda?

Lascoe stated the item was on the March 16, 2021 Board agenda and was tabled at the meeting. She stated the next Board meeting is April 20, 2021 at 7:00 p.m. Further stated all correspondence received regarding the ordinance amendments have been forwarded to each Board members.

Mr. LoCicero stated four birds per acre would barely feed his family. He asked where the number of four chickens per acre come from? He stated this is not Shelby Township, his neighbor has 40 horses on 30 acres, but you want to limit 4 chickens per acre.

Lease explained the Board tabled the zoning ordinance amendments.

Laurinda Zensen stated she received her caregiver's license. She stated the Township must have been notified of the caregiver license.

Mr. Cassin explained the state does not advise of caregiver licenses. The Township is only notified of licenses for grows of 500, 1,000 and 1,500 plants. He explained communities that opted in to the grows of that size receive license information on those grows only. He stated a caregiver is limited to 72 plants and if you want to grow in the Township you would need to apply and receive approval to grow in the R-1 district.

Zensen stated they were not aware they needed to come to the Township.

Mr. Cassin stated caregivers in the R-1 district in many cases have created a nuisance. The Byron- vs- DeRuiter decision allowed Townships to regulate caregivers and their location.

Zensen asked if there is a way to be grandfathered in since they are already growing hemp? She stated the State Supreme Court is currently looking at Medical Marijuana to determine if it should be the same as hemp. She stated this should be tabled until the Supreme Court rules on the matter. She stated she cannot afford to move into the industrial district.

Zoccola stated the proposed ordinance language goes to the Board for approval. We are not out to hurt anyone, trying to find some middle ground.

Resident asked how many grows there are in the Township?

Mr. Cassin stated there is one legal operation in the Township.

Zoccola stated this is happening in many townships.

Lease stated people move to Ray because they want the lifestyle. He stated things are happening in the Township and the planning commission is trying to protect every one of the residents.

Resident asked about an ordinance enforcement officer that can address the odor problems.

Zensen asked if the Township could charge fees for permits to allow caregivers. She stated she does not want people buying homes and growing, can something be done to stop them.

Cassin stated he is willing to speak with the Township Attorney before this matter goes before the Township Board.

Lascoe stated the matter will likely not be on the next Board agenda since Mr. Cassin will be contacting the Township Attorney.


Lease stated again things are changing. The Township has limited power and are trying to address the complaints. The township is not trying to infringe on anyone, but the Township has the ability to regulate.

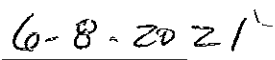
13. ADJOURNMENT

MOTION by Marberg supported by Forro to adjourn the meeting at 8:37 p.m.

MOTION carried.


Tom Penzien, Chairman


Randy Forro, Secretary


Date

Lisa Hall, Recording Secretary