

RAY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
TUESDAY, OCTOBER 12, 2021 AT 7:00 P.M.
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Location: Ray Township Hall
64255 Wolcott. Ray, MI 48096

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

Absent: Sharilyn Kaniuk

Also Present: Lora Maue, Planning and Zoning
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. Lascoe, Marberg, Lease, Forro, Zoccola and Penzien were present.

2. APPROVAL OF MINUTES – August 10, 2021 as presented.

MOTION by Forro supported by Lascoe to approve the August 10, 2021 minutes as presented.
MOTION carried.

3. APPROVAL OF AGENDA-

MOTION by Lascoe supported by Zoccola to approve the agenda as amended.
MOTION carried.

4. SCHEDULED PUBLIC HEARINGS - None

5. NEW BUSINESS -

- a. Request for Site Plan review, James Sape, Applicant, 23000 27 Mile Rd., located on the South side of 27 Mile between Indian Trail and North Avenue, Parcel ID 21-05-36-100-030, 3,744 square foot new accessory building.

Penzien asked audience if Mr. Sape was in the attendance?

Sape advised he is present.

Cassin presented his findings and recommendation to the board.

GENERAL INFORMATION

Proposal: Construction of an Accessory Building
Location: 23000 27 Mile Road
Property ID #: 21-05-36-100-030
Project Name: Accessory Building for Storage
Applicant: Jim Sape
Review Date: October 12, 2021

PROPERTY CHARACTERISTICS

The applicant desires to construct a 3,744 square foot accessory building on property zoned IR, Industrial Residential. The property currently contains a single-family home and several out buildings. The general location of the proposed building is shown on the following aerial.



Aerial View of Subject Property

COMPLIANCE WITH THE ZONING ORDINANCE

Section 1513 of the Ray Township Zoning Ordinance allows indoor storage of contractor equipment and supplies.

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

Dimensional Requirements

	Required	Proposed	Compliant
Front Yard Setback (27 Mile Road)	110'	110'	✓
Rear Yard Setback	50'	113'	✓
Side Yard Setback(s)	25'	240', 190'	✓
Height	35'	12'	✓

RECOMMENDATION

Based on the above findings, I recommend approval of the site plan subject to compliance with all Township engineering, building, assessing, and fire department requirements, and all Macomb County requirements relative to roads, drainage, and septic.

Penzien asked Mr. Cassin if the site plan is in line with the ordinance.

Cassin advised it is.

Penzien asked the board to read the comments received into the record.

Marberg read Ray Township Fire and Rescue Department comment dated October 9, 2021 into the record.

Lascoe read Macomb County Department of Roads comment dated October 12, 2021 into the record.

Penzien read Macomb County Health Department comment dated October 7, 2021 into the record.

Lease read Ray Township Building Official Dennis LeMieux comment dated October 1, 2021 into the record.

Forro read Macomb County Department of Public Works comment dated October 5, 2021 into the record.

Penzien asked if there were any public comments.

Penzien asked Mr. Sape if he was aware of all the comments related to the site plan.

Sape advised yes.

Lascoe asked if anything was received from Township Engineer Lou Urban, AEW?

Cassin stated Mr. Urban did contact him, he was confused with the plans, is the property residential or commercial?

Penzien asked Mr. Sape if he had spoken with Mr. Urban.

Sape advised he had not but would contact him.

Motion by Marberg supported by Lascoe to approve site plan, 3,744 square foot accessory building, James Sape, 2300 27 Mile Rd, Parcel ID 21-05-36-100-030, contingent upon meeting compliance with all Township engineering, building, assessing, and fire department requirements and all Macomb County requirements relative to roads, drainage and septic.

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

No: None

MOTION carried.

6. OLD BUSINESS – Tabled form August 10,2021 Meeting

- a. Special Land use to allow outdoor storage of commercial vehicles in the R-1 (Agricultural-Residential) District. According to Ray Township Zoning Ordinance 36, Section 403, H, Commercial Vehicle Storage and

X, Storage of Commercial Vehicles may be permitted as a special Land Use in the R-1(Agricultural-Residential) District. Parcel ID 21-05-36-100-020, North Avenue, Tyler Velger, Applicant.

Penzien asked if Mr. Velger was present in the audience?
Velger advised yes.

Penzien stated this is a request for a Special Land Use to refresh the boards memory. Asked Cassin to provide his findings and comments.

Cassin provided his findings and recommendation to the board.

GENERAL INFORMATION

Zoning:	Residential Transitional
Location:	East side of North Avenue, between 26- and 27-Mile Roads
Property ID #:	21-05-36-100-020
Project Name:	Velger Recreational Vehicle Storage (Phase 1)
Applicant:	Tyler Velger
Review Date:	October 4, 2021

PROPERTY CHARACTERISTICS

The applicant desires to developed a recreational vehicle storage facility. Phase 1 will provide for approximately 120 vehicle storage spaces. In addition, a small 400 square foot office building with 8 parking spaces is proposed near the entrance off North Avenue. The storage area will be enclosed by an 8' high vinyl fence. The property is currently vacant.



Aerial View of Subject Property



View of Property Looking Northeast

COMPLIANCE WITH THE ZONING ORDINANCE

Section 503 of the Ray Township Zoning Ordinance allows outdoor commercial vehicle storage 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 (North Avenue)	110'	110'	✓
Rear Yard Setback	30'	850+'	✓
Side Yard Setback(s)	15'	15'	✓
Height	35'	18'	✓

Parking Requirements

	Required	Proposed	Compliant
Standard Parking Spaces	8	8	✓
Barrier Free Parking Spaces	1	2	✓
Maneuvering Lane Minimum Width	24'	24'	✓
Parking Space Size	10' x 20'	10' x 20'	✓

Landscaping Requirements

	Required	Proposed	Compliant
Parking Area Landscaping	Yes	2	✓
Frontage Landscaping	1 tree per 25' of frontage	41	✓

GENERAL COMMENTS

The site plan does not appear to provide for any trash collection on the site (either at the office building or within the storage yard). All proposed methods of trash collection will need to be shown on the plans. If a refuse dumpster is utilized, it must be gated and screened.

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 type 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 in compliance with township ordinances.
- 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 on the above findings, I recommend approval of Phase 1 of the Special Land Use subject to:

1. Clarification on how on-site trash collection will be handled.
2. Compliance with all Township engineering, building, assessing, and fire department requirements, and all Macomb County requirements relative to roads, drainage, and septic.

I submit this recommendation for your consideration.

Cassin stated the project is proposed in phases and that a revised site plan would be required showing the location of the trash receptacle if the board finds the proposed Special Land use meets all the standards outlined by the ordinance.

Penzien asked the board to read the comments received into the record.

Lease read comment from Township Engineer, Lou Urban, AEW dated September 29, 2021 into the record.

Marberg read Ray Township Fire and Rescue comment dated July 29, 2021 into the record.

Penzien read Ray Township Fire and Rescue comment dated July 31, 2021 into the record

Zoccola read Ray Township Fire and Rescue comment dated October 4, 2021 into the record.

Penzien read Macomb County Health Department comment dated October 7, 2021 into the record.

Penzien asked if any other correspondence had been received.

Maue stated no.

Penzien asked if anyone in the audience would like to comment, if yes please state your name and address for the record.

Michael Miracle, 58203 Omo, stated he lives directly East of the proposed development and his property is adjacent to this, does not want a commercial use in an R1 zoned district – it is zoned residential not commercial. Ordinance does not allow for the commercial storage of vehicles, says can store commercial vehicles with a special land use – not run a commercial business storing vehicles. The drainage is also very poor in this area, this will cause more problems.

Cassin stated the ordinance is vary vague, the ordinance does say that you can do this with a special land use approval.

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Matt Stone, 58655 Omo, stated he is not against anyone doing business, but am against this. We live in a great area with lots of wildlife and this will just bring in more traffic and population to the area that no one wants. The view would be horrific, an 8ft fence is not going to cover a shrunk wrapped boat. If a large berm were added with large trees, it might be better.

Velger stated any fencing would be privacy and would fit in, but if the residents and the township want a berm and trees, he would look at that instead of fencing.

Amy Stone, 58655 Omo, stated looking into her back yard now is peaceful, has concerns about fencing and pole barns, the plan shows no landscaping in the rear, does not want to look at a commercial use. Landscaping in the front is fine but need to add landscaping at the rear.

Velger stated the ordinance does require 50ft setback from the rear and would be willing to do a berm with spruce.

Stone stated he is not in favor of this development.

Cassin stated we are currently looking at phase one of the plan, the rear landscaping would be part of phase two.

Penzien stated the planning commission must find that the proposed Special Land Use meets all the standards.

The board reviewed and discussed the six standards and determined that they cannot all be met at this time, the board has concerns.

Forro stated he visited the site and took a picture of a sign that has been placed on the parcel. The sign reads that there will be 24-hour access, propane, air and water and a dumping station will be available at the site. Also reads the site will be lighted, with an 8ft privacy fence and security cameras. Many of these items are not shown on the plan.

Cassin stated Mr. Forro is correct, many of the items are not shown on the plan and the sign is inconsistent with the plan and the application submitted.

Forro asked about the possible wetlands on the property and the drain?

Cassin stated the engineer did not show any on the plan. Cassin further stated the drain would be in phase two of the project and any work at or near the drain would be regulated by the Macomb County Department of Public Works.

Penzien stated the Planning Commission has discussed the matter and the board needs to determine if the application and proposed project meets all the standards. What are the boards thoughts?

Lease stated the 24 hours would be a nuisance – this and the lighting do not meet the standard.

Lascoe agreed and stated the lighting would need to be shielded.

Velger stated the sign is just advertising, will comply with whatever the planning commission approves.

Zoccola commented on restricted access and having to back a motorhome onto North Avenue in the dark, this could be hazardous.

Velger stated he has owned the parcel for about six months, asked the residents where their houses are located?

Both stated right behind the parcel on Omo Road.

Velger asked how close or far away would something need to be to not be a nuisance?

Miracle stated it is already a nuisance, already cutting all the trees.

Stone stated he understands there is some distance, but it is right behind his home. We already have drainage issues and if a barn and a parking lot are added the drainage will only be worse. No matter how you look at it, the project will be a barn and an ugly parking lot.

Lascoe asked if the applicant had requested a rezoning?

Cassin advised it had been discussed but the previous assessor stated it was not possible.

Penzien asked if the Planning Commission should make a list of items that would be needed on the plan?

Lease stated the planner has advised there are items not shown on the plan.

The planning commission members noted there were many conflicting items shown on the plan.

Penzien stated a revised plan is needed.

Lascoe stated there are too many discrepancies.

Cassin stated the applicant should start the process again, this does not meet the six standards as determined by the board.

MOTION by Lascoe supported by Lease to table the Special Land Use Application, to allow outdoor storage of commercial vehicles and not reschedule another public hearing until revised plans have been received and have been reviewed by Township Planner and Township Engineer. Applicant to pay all costs for advertising, publication fees 300 ft notices as required. Tyler Velger, Parcel ID 21-05-36-100-020, North Avenue.

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

NO: None

MOTION carried.

6B. Zoning Ordinance Amendments

Cassin stated he has been working with Lascoe over the last few months on the ordinance amendments.

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Eliminating the regulating of chickens, a resident contacted Lascoe and provided guidelines related to chickens and animals, will be changing the ordinance to follow GAMPS and the MDARD standards. Also, in talking with Lascoe it has been noted that in the ordinance there are provisions for a certificate of zoning compliance.

**MOTION by Marberg supported by Lease to forward the 2019 Annual report to the Board of Trustees.
MOTION carried.**

7. PRESENTATION – None

8. REPORT OF THE BOARD REPRESENTATIVE:

Lascoe reported at the August 17, 2021 Board meeting the board approved the Medical Marijuana Caregiver Ordinance in the Industrial district. Also approve the application for caregiver cost of \$400.00. Mr. Cassin is currently working on the application.

Sharilyn Kaniuk has submitted a letter of resignation from the planning commission.

9. REPORT OF THE ZONING BOARD OF APPEALS REPRESENTATIVE:

Penzien stated have not had anything.

10. CORRESPONDENCE –

Copies of planning and zoning news were included in your packets.

11. PLANNING CONSULTANTS REPORT.

Cassin stated a resident came into the office recently with questions about installing a large ranch type sign at the entrance of his property – a log type structure with the name over the driveway. He was advised he had two options, go to the ZBA, but would have to prove a hardship or ask the Planning Commission to review. Is this something the Planning Commission would consider, based on parcel size, need PC guidance to provide and answer.

Lease stated it would need a height measurement – Fire Trucks are 13’6”.

Marberg stated the Fire Department has problems with trees.

Penzien stated why wouldn’t we consider?

Forro base it on the size of the parcel.

Cassin stated he will relay the Planning Commission is looking into the matter.

12. PUBLIC COMMENTS

Ethan Ivey, 58733 Omo, asked if accommodations can be made to notify residents outside of the 300’ for the Special Land Use on North Avenue when the hearing is scheduled?

Lascoe stated the notification will be on the website.

Penzien stated the 300’ is regulated by state law.

Mary Barnes, 64120 Wolcott, thanked the board for looking into the Gaamps and the MDARD standards for animals.

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13. ADJOURNMENT.

MOTION Forro supported by Zoccola to adjourn the meeting at 8:40 p.m.
MOTION carried.

Tom Penzien, Chairman

Randy Forro, Secretary

Date

Respectfully submitted,
Lisa Hall, Recording Secretary