

RAY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
TUESDAY, MARCH 8, 2022 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: Lori Lascoe
Betty Youngblood

Absent: Justin Marberg, Excused
John Zoccola, Excused

Also Present: 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, Lease, Forro, Youngblood and Penzien were present. Marberg and Zoccola excused.

2. APPROVAL OF MINUTES – February 8, 2022 as presented.

MOTION by Youngblood supported by Forro to approve the February 8, 2022 minutes as presented.
MOTION carried.

3. APPROVAL OF AGENDA-

MOTION by Lascoe supported by Youngblood to approve the agenda as presented.
MOTION carried.

4. SCHEDULED PUBLIC HEARINGS

a. Rezoning request: Agricultural – Residential (R-1) to Industrial (I-1) for 58250 North Avenue, Parcel 21-05-36-100-020; located on the East side of North Avenue between 26 & 27 Mile Roads, Section 36. Tyler Velger, Applicant.

Chairman Penzien explained the public hearing procedure and asked if Mr. Velger is in the audience.

Mr. Velger advised yes.

MOTION by Forro supported by Youngblood to open the public hearing at 7:02 P.M.
MOTION carried.

Cassin stated the proposed rezoning is consistent with the consent judgement for the parcel to the North of the subject property.

Cassin presented his findings and recommendation to the board.

Rezoning Review

Applicant: Tyler Velger
Location: East side of North Avenue, between 26 and 27 Mile Roads
Property ID: 21-05-36-100-020
Property Size: 15.25 acres
Proposed Rezoning: R-1 Agricultural Residential to I-1 Industrial
Review Date: February 28, 2022

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Proposal

The applicant is seeking rezoning of the subject property from R-1 Agricultural Residential to I-1 Industrial for the stated purpose of developing a recreational vehicle storage facility. The development previously received special land use approval for a recreational vehicle storage facility in the R-1 district. The applicant now desires to change the zoning designation of the property, with the intention of still constructing the use which received special land use approval.

Property Characteristics

The vacant 15.5 acre parcel has 480 feet of frontage on North Avenue. The Stark Drain traverses the property.



Aerial View of Subject Property



View of Property Looking Northeast

Zoning and land use characteristics of the surrounding properties are as follows:

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	Zoning	Land Use
North	R-1 Agricultural Residential	Residential
East	R-1 Agricultural Residential	Residential
South	R-1 Agricultural Residential	Residential
West	I-R Industrial Residential	Scattered Residential/Industrial

Compliance with the Master Plan

The current Ray Township Master Plan designates the property on the east side of North Avenue as R-1 Agricultural Residential. However, under a recent Macomb County Circuit Court consent judgement, property approximately 350 feet to the north was rezoned to I-1. Furthermore, the township is currently updating its Master Plan, and is expected to give consideration to designating all properties along the east side of North Avenue, between 26 and 27 Mile Roads, as industrial.

Compatibility with Surrounding Area

Properties across North Avenue, to the west, are zoned Industrial Residential. It is expected that the new Master Plan will recommend eliminating the IR zoning district and replacing it with the I-1, Industrial District.

Recommendation

Typically, requests for rezoning are reviewed for both compatibility with the surrounding area, and compatibility with the Master Plan. In each instance, the rezoning request appears compatible. **Therefore, I recommend approval of the rezoning as requested.**

Penzien read the correspondence received from Ray resident Michael Miracle dated 2/27/22.

Chairman Penzien stated the meeting is a public hearing and anyone who would like to comment to come to the podium and state their name and address.

**MOTION by Lascoe supported by Lease to close the public hearing at 7:09 PM
MOTION carried.**

Michael Miracle, 58203 Omo, stated the parcel to the North that was part of the consent judgement was only rezoned in the front. Questioned why the Special Land use was approved under Ray Township Zoning Ordinance #36, Section 216, stated vehicles must be owned by the parcel owner. If this is RV storage, why was it approved under commercial? Why was Mr. Velger allowed to change his fence from privacy to chain link?

Lease asked Cassin how this would change the approved Special Land Use?

Cassin advised this is already under an approved special land use. With the Industrial Zoning if any changes are made a new site plan and meeting would be needed. If the property is sold anything allowed in the industrial district would be allowed with a site plan approval.

Penzien asked the applicant why he is requesting to rezone after receiving the Special Land Use approval?

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Velger advised from a cost standpoint it will save him money and time if he has any changes.

Cassin stated with property zoned industrial a site plan would come directly to the Planning Commission, no public hearing is required for a permitted use.

Penzien stated at one time the east side of North Avenue was zoned I-R (Industrial-Residential) but was changed back to R-1 (Agricultural-Residential) as recommended by the former planning consultants.

Forro asked Mr. Cassin if the applicant has to develop the site as the approved special land Use?

Cassin advised yes, unless he revises the site plan.

Miracle asked if the second phase of the project has to be approved?

Cassin explained the second phase has to be approved and would require a public hearing if it is not rezoned.

Lascoe stated she agrees with the Industrial rezoning. She explained she voted against the Special Land Use since the use is in a residential area and they wanted 24 hour business in an industrial district. Stated she is in favor of the industrial zoning.

Cassin stated the Planning Commission motion would be a recommendation to approve to the Township Board.

MOTION by Lascoe supported by Lease to send the recommendation to approve the rezoning from Agricultural – Residential (R-1) to Industrial (I-1) for 58250 North Avenue, Parcel 21-05-36-100-020; located on the East side of North Avenue between 26 & 27 Mile Roads, Section 36 to the Township Board.

**FOR THIS MOTION: YES: Lascoe, Lease, Forro, Youngblood, Penzien
NO: None**

MOTION carried.

b. Amendments to Ray Township Zoning Ordinance #36
The proposed amendments are as follows:

Amend Article 3001, Definitions

Small-scale Nursery Grower, Nursery Grower, Building Height, Animal Unit.

Amend Article 218, Temporary Structures

Amend Article 200 A, 200 6 d and 200-A-6-b, Accessory Structures

Amend Article 1815 H, Fences and Walls

Amend Article 304, Map, Tree and Shrub Nurseries

Amend Article 222 – Height exceptions, Height Exception

Amend Article 223 – Temporary Dumpsters, Dumpsters at Construction Sites

Amend Article 2900 C, Certificates of Zoning Compliance

Amend Article 2900 D, Building Permits, Wells

Amend Article 2110 and 2205, Engineering Reviews

Amend Article 1700 S 4 g, Agricultural Tourism

Amend Article 2500 A 7, Private Roads

Amend Article 2108 1, Financial Guarantees

Amend Article 201 – Keeping of Animals, Keeping of Animals

Amend Article 402 E (Storage) and 502 E – Storage

MOTION by Lascoe supported by Youngblood to open the public hearing at 7:18 PM

MOTION carried.

Cassin explained the planning commission has been working on zoning ordinance amendments for the last 1 ½ years, and the amendments will clarify the definitions.

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Lascoe asked if residents will be allowed to construct a hoop building with a foundation?

Cassin stated yes but a permit is required.

Youngblood asked about chickens.

Mr. Cassin stated chickens have been removed from any amendments.

Mary Barnes, 64120 Wolcott, stated she is concerned about the proposed amendment for keeping of animals and suggested striking non-domesticated.

Luke Will, 22209 28 Mile Rd, asked if the Township follows everything under the Right to Farm Act (GAAMPS).

Cassin explained to be a farm and have the GAAMPS apply you have to be a registered bona-fide farm.

Giovanni Maniaci, residential builder, asked why a well must be drilled and in place before a home is constructed? Asked if the board knows what could happen to a well that has been drilled on a construction site? Currently there is a long wait for someone to drill a well and it holds up construction.

Penzien stated many of the parcels in the Township are over 90,000 square feet, which is adequate space for an engineered septic field and reserve field.

Lascoe stated there are some homes in the Township that have holding tanks in their basements because they could not get an adequate supply of water.

Forro inquired what would happen if a parcel could not get water?

Cassin stated the parcel owner would need to obtain approval from the Health Department for a holding tank.

Lascoe stated there are many areas that do not perk that require an engineered septic field.

Luke Will, asked if someone does not have adequate water flow can they get a cistern?

Cassin stated that is up to the Health Department.

Maniaci asked about temporary storage on a parcel that has an active building permit. He inquired if a Conex box could be used for storage on a site under construction?

MOTION by Forro supported by Lease to close the public hearing at 7:45 PM.
MOTION carried.

Penzien stated the planning commission has had many discussions regarding the amendments.

Forro asked how many other communities require wells before construction?

Cassin stated Ray Township and Richmond Township.

Lascoe stated we know we have water problems in areas of the Township.

Penzien stated the storage containers are a hot topic in the Township.

Cassin stated the keeping of animals will be updated as discussed before this item goes to the Township Board for approval.

MOTION by Lease supported by Forro to approve recommend approval to the Township Board for the Zoning Ordinance #36 as discussed.
FOR THIS MOTION: YES: Lease, Forro, Youngblood, Lascoe, Penzien

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NO: None

MOTION carried.

5. NEW BUSINESS –

a. Commencement of Master Plan process.

Mr. Cassin stated everything is ready to begin the Master Plan update. He summarized the process and stated the neighboring communities, Macomb County and the public utilities will be notified of the Master Plan update. He stated notices will be published in the paper, along with a survey which be available online and printed copies will be available at the Township Hall and the Library.

Penzien asked how long the survey will be available?

Cassin advised about one month.

Penzien asked how will we notify the residents?

Cassin stated it will be on the Township website, newsletter, newspapers – the last survey we did here in the township received great results.

Lascoe stated it will be shared on the Township Facebook page.

Forro asked about question 4 and how many residents over 65 would take the survey?

Cassin stated the Master Plan needs to accommodate the goals and objectives of all age groups.

Lease asked if there would be space for additional comments?

Cassin stated yes.

Betty Youngblood asked for the age groups in the survey to be broken down more to provide for planning for all ages.

Cassin agreed and stated after a draft of the Master Plan is completed, copies will have to be mailed to all surrounding communities, utilities and to Macomb County. Printed copies will be available at the Township Hall and the Library and the draft will be on the website. There is a 63-day required comment period for the draft plan.

The Commission agreed to proceed with Master Plan process.

6. OLD BUSINESS – None

7. PRESENTATION – None

8. REPORT OF THE BOARD REPRESENTATIVE:

Lascoe reported at the last board meeting County Commissioner, Don Brown, was in attendance. He was there to discuss the proposed traffic light at 26 Mile and Hayes. The Macomb County Department of Roads has requested all four adjacent communities to each contribute \$100,000.00 to complete the improvement. Brown advised he has been in discussion with the Department of Roads regarding the population difference in Macomb, Shelby, Washington and Ray. Lascoe reported she noted at the board meeting that one subdivision in any of the neighboring communities may have as many residents as all of Ray Township. Also, that the other communities will be receiving millions of dollars in ARPA funds and Ray will be receiving \$470,000.00.

Penzien asked if Ray Township could say no?

Lascoe stated two people were killed at the intersection during the construction of the roundabout at 25 Mile and Romeo Plank.

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Lease also asked what if Ray says no.

Lascoe stated Commissioner Brown is going to keep in contact with the Township.

9. REPORT OF THE ZONING BOARD OF APPEALS REPRESENTATIVE:

Penzien stated there have been no agenda items.

10. CORRESPONDENCE –

Penzien stated the Commission has received copies of the Planning and Zoning news.

11. PLANNING CONSULTANTS REPORT

Cassin stated Supervisor Jarzyna has asked the planning commission to consider an amendment that once a business or building has received a temporary certificate of occupancy, that any requirements to receive the final certificate of occupancy must be completed in a certain amount of time.

Lease asked if it would be based on certain conditions?

Cassin stated it would be dependent on the circumstances.

12. PUBLIC COMMENTS

Art Beier, 24241 30 Mile stated he was not in favor of the zoning from R-1 to I-1.

13. ADJOURNMENT.

MOTION Youngblood supported by Lascoe to adjourn the meeting at 8:07 p.m.

MOTION carried.

Tom Penzien, Chairman

Randy Forro, Secretary

Date

Respectfully submitted,
Lisa Hall, Recording Secretary