

RAY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
TUESDAY, July 12, 2022 AT 7:00 P.M.
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Location: Ray Township Hall
64255 Wolcott, Ray, MI 48096

Present: Tom Penzien, Chairman
Randy Forro, Secretary
Justin Marberg
Lori Lascoe
Betty Youngblood

Excused Absence: Justin Lease, Vice Chairman
John Zoccola

Also Present: Stephen Cassin, Township Planner
Lora Maue, Planning and Zoning Clerk
Brian LaForest, Petitioner

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES & ROLL CALL.
Chairman Penzien called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited. Roll Call: Penzien, Forro, Marberg, Lascoe and Youngblood were present. Excused Absence: Lease and Zoccola.
2. APPROVAL OF MINUTES – June 14, 2022
MOTION by Forro supported by Marberg to approve the June 14, 2022 meeting minutes as submitted. MOTION carried.
3. APPROVAL OF AGENDA
MOTION by Youngblood supported by Lascoe to approve agenda as presented. MOTION carried.
4. SCHEDULED PUBLIC HEARINGS-
 - a. Conditional rezoning from Agricultural Residential (R-1) to Industrial (I-1) for the stated purpose of indoor & outdoor storage, for Parcel ID # 21-05-36-100-024, Brian LaForest, Applicant

Chairman Penzien explained the public hearing procedure.

MOTION by Lascoe supported by Youngblood to open the public hearing at 7:02 pm. MOTION carried.

Chairman Penzien asked if the applicant was present.

Conditional Rezoning Review

Applicant: Brian La Forest, La Forest Holding Co., LLC
Location: South of 27 Mile Road, east side of North Avenue
Property ID: 21-05-36-100-024
Property Size: 43.5 acres
Proposed Rezoning: R-1 Agricultural Residential to I-1 Industrial
Review Date: June 29, 2022

Proposal

The applicant is seeking conditional rezoning of the subject property from R-1 Agricultural Residential to I-1 Industrial for the stated purpose of developing 32,800 square feet of indoor mini storage, and an outdoor RV-travel trailer storage yard containing 210 spaces.

The 43.5 acre parcel is undeveloped, and has 660 feet of frontage on North Avenue. The northeast portion of the property contains a dense wooded area, and the Stark Drain traverses the parcel. (Please note that this property was previously approved under a Macomb County Circuit Court Consent Judgement to develop a similar use.)



Aerial View of Property

Conditional rezonings are authorized under the Michigan Zoning Enabling Act of 2006, and allow an applicant to request a rezoning based upon the condition that only a certain use (with corresponding site plan) can be constructed. If such use is not constructed within a reasonable time, as determined by the Township Board, then the zoning of the property reverts back to the original zoning designation.

Conditional rezoning are typically reviewed under two sets of standards. First, is the rezoning appropriate, to the area, and second, does the accompanying site plan meets zoning ordinance requirements?

Rezoning Review

The current Ray Township Master Plan designates the property on the east side of North Avenue as R-1 Agricultural Residential. However, 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.

In addition, 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.

Based upon these conditions, and the fact that a Consent Judgement has already authorized an industrial use for the property, the request for rezoning is justified.

Site Plan Review

The Ray Township Zoning Ordinance requires compliance with several site plan review standards, which are detailed below:

	Required	Proposed	Compliant
Front Yard Setback (North Ave.)	110'	125'	✓
Rear Yard Setback	30'	50'	✓
Side Yard Setback(s)	15'	30'	✓
Height	35'	Not Specified	?

Parking Requirements

	Required	Proposed	Compliant
Standard Parking Spaces	12	12	✓
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
Frontage Landscaping	1 tree per 25' of frontage 22 trees are required	28	✓

Recommendation

Based upon the preceding review, I recommend approval of the conditional rezoning, subject to the following:

1. Clarification on the height of the storage buildings.
2. Compliance with all applicable engineering, building, public works, fire, MDOT, and Michigan Department of Environment, Great Lakes, and Energy requirements.
3. All legal documents relating to the conditional rezoning, being reviewed and approved by the Township attorney.

Mr. Steve Cassin, Planner explained a conditional rezoning is tied to the specific site plan and must be completed within two years. He explained to the audience the Township is in the process of updating the Master Plan and it has been established that in the updated plan North Avenue between 26 & 27 Mile Road will be Industrial (I-1).

Chairman Penzien asked Mr. Cassin if the site plan meets the requirements.

Mr. Cassin stated the site plan complies with the zoning ordinance. He explained the Commission can require additional items such as landscaping to provide screening for the residential district. He explained the Macomb County Circuit Court approved a consent judgment for the property for a storage facility for owner of the property.

Chairman Penzien asked about the courts' process to determine the use for the current owner.

Mr. Cassin explained Mr. Stadler was denied a rezoning by the Ray Township Board of Trustees. The property filed a lawsuit before the court and the court ruled in his favor, which allowed for a storage facility, a plumbing contractor office and yard.

Correspondences:

- 6/22/22 Lou Urban, of Anderson, Eckstein & Westrick, Inc., letter was read into the record.
- 6/15/22 Tamara Keskeny, of Macomb County Public Works letter was read into the record.
- 7/3/22 Harold DeMan Jr, Fire Marshal, Ray Township Fire & Rescue letter was read into the record.
- 7/12/22 Parcel owner, Tyer Velger, letter was read into the record.
- 6/17/22 Dennis LeMieux, Ray Township Building Official letter was read into the record.
- 6/16/22 Mr. Singh, Macomb County Department of Roads letter was read into the record.
- 7/12/22 Maryanne Denewith, of Kirk, Huth, Lange & Badalamenti, PLC, Attorney for Mr. Miracle, letter was read into the record.

Chairman Penzien explained the correspondences reflect, all of the professionals have reviewed the file and recommend approval.

Chairman Penzien stated the Township voted against the rezoning and was overruled by the courts. The Planning Commission should review site plan and look at the adjacent parcels and determine if more landscaping or screening is needed. He stated the last page of the letter from Mr. Miracle's attorneys is a map showing the location of his parcels and the property in question. He stated the site plan provided shows a 50 foot rear setback a 50 foot greenbelt proposed with deciduous trees, plus the existing tree line.

Chairman Penzien stated the conditional rezoning is a public hearing. He asked the audience if anyone would like to speak regarding the agenda item to please step to the podium and to provide their name and address.

Mike Miracle, 58203 Omo Road stated no one living in the area between 26 & 27 Mile Roads wants the area rezoned to industrial. He stated every parcel that does not have a house in the area is connected to his properties. He stated in the future if he wanted to develop his land for residential that no one would want to see RV's.

Matthew Stone, Omo Road, Ray, stated he is opposed to any further industrial. He stated there needs to be higher berms on the site. He asked the applicant if the project is approved, when would construction begin.

LaForest stated he assumes it will be within one year.

**MOTION by Forro supported by Lascoe to close the public hearing at 7:51 pm.
MOTION carried.**

Chairman Penzien stated the Planning Commission heard all of the reviews from the professionals. He asked the applicant if he received copies of all of the correspondences.

Mr. LaForest, Petitioner stated he did receive the correspondences except the attorneys.

Chairman Penzien asked the Planning Commission if anyone had any questions on the plan submitted.

Lascoe asked if the building elevations or floor plans were submitted?

Mr. LaForest stated he is working with the contractor on the building and does not have a plan at this time.

Forro asked if there is some type of fence along the east property line or if there is a tree line.

Miracle stated where the trees are there was an old barn. He stated his property and the property in question were farmed by the same farmer. Mr. Stadler asked the current farmer not to plant this year.

Chairman Penzien stated the plan shows a 50 foot yard setback, east to Omo Road is about 1,300 feet. He stated Mr. Miracles home is about 450 feet off Omo Road.

Mr. Cassin stated the required setback by ordinance are 15 feet for the side yard, 30 feet for the rear yard and 110 feet for the front yard. He stated if the Planning Commission feels additional landscaping is required for screening the site they can require more landscaping.

Chairman Penzien stated he does not see the need for additional screening in this area.

Lascoe asked if the application for a conditional rezoning requires the elevation and floor plan for the buildings.

Mr. Cassin stated it is required.

Mr. LaForest stated building A will have no garage doors facing North Avenue. He explained the garage doors will face the east and south, the rest of the buildings will have doors on all sides. He stated the eaves will be about 8 to 8.5 feet. He explained building A will have a peak roof and all the others will have flat roofs. All buildings will be one story.

Cassin stated for a conditional rezoning all dimensions and details will be required to be put into the document for the attorney.

Lascoe asked if the Planning Commission would see the document after it is completed?

Cassin stated only if the Planning Commission requested to see it again.

Penzien stated all the reviews recommend approval.

Forro stated one of his concerns is the tree line.

Mr. Miracle stated in the fall when the leaves are gone, he can see North Avenue. Further stated the screening is supposed to be evergreens and a berm.

Chairman Penzien stated he has confidence in the engineer and department heads that all of this will be reviewed and addressed.

Marberg asked Mr. Cassin if he would provide clarification on the buffer.

Mr. Cassin stated it is ambiguous, not overly clear, the Planning Commission can require additional buffers.

Lascoe asked the petitioner if the site will be lights onsite.

Mr. LaForest stated it will be lit between the buildings and there will also be motion sensor lighting.

Forro asked about the hours of use for the storage facility.

Mr. LaForest stated the hours will be from 6 a.m. to 11 p.m.

Lascoe stated she would like to see the elevation, building and floor plan for the site, as it is a required for the application.

Mr. LaForest stated he would not have time to have the building plan, elevation and floor plan for the August meeting.

MOTION BY Lascoe supported by Forro to table Conditional Rezoning from Agricultural Residential (R-1) to Industrial (I-1) for the stated purpose of indoor & outdoor storage, for Parcel ID# 21-05-36-100-024, Brain LaForest, Applicant to the September 13, 2022 Planning Commission so applicant can provide landscaping plans and building and elevation plans.

FOR THIS MOTION: Yes: Lascoe, Forro, Marberg, Youngblood, Penzien

No: None

Absent: Lease, Zoccola

MOTION carried.

Mr. Miracle asked if letters will be sent out?

Lascoe stated notices will not be sent out since the item was tabled to the September 13, 2022 meeting.

5. New Business – None

6. Unfinished Business

a. Master Plan Discussion.

Mr. Cassin stated he would like to request the PC to schedule a public hearing for the August PC meeting. Goals and objectives will be discussed.

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7. Presentation – None
8. Report of the Township Board Representative
Lascoe reported the Primary Election will be held on Tuesday, August 2, 2022. The polls will be open from 7:00am to 8:00 pm. The clerk’s office will be open on Saturday July 30, 2022 from 8:00am to 4:00 pm to obtain an absentee ballot to register to vote. If anyone would like an absentee ballot application, please contact the Clerks office at 586-749-5171 Ext 201 or by email to Clerk@Raytwp.org
9. Report of the Zoning Board of Appeals Representative
Penzien stated the Zoning Board of Appeals has not had any meetings.
10. Correspondences -None
11. Planning Consultants Comments – No comment at this time
12. Public comment – None
13. Adjournment
MOTION by Marberg supported by Youngblood to adjourn the meeting at 8:26 p.m.
MOTION carried.

Tom Penzien, Chairman

Randy Forro, Secretary

Date

Lisa Hall, Recording Secretary