

RAY TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
TUESDAY, SEPTEMBER 13, 2022 AT 7:00 P.M.  
Page 1 of 10

Location: Ray Township Hall  
64255 Wolcott. Ray, MI 48096

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

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. Roll call: Youngblood, Zoccola, Marberg, Lease, Forro, Lascoe and Penzien were present.

2. APPROVAL OF MINUTES – August 9, 2022 as presented.

**MOTION by Lascoe supported by Forro to approve the August 9, 2022 minutes as presented.  
MOTION carried.**

3. APPROVAL OF AGENDA-

**MOTION by Zoccola supported by Lease to approve the agenda as presented.  
MOTION carried.**

4. SCHEDULED PUBLIC HEARINGS

a. Rezoning request: Agricultural-Residential (R-1) to Industrial (I-1) for Parcel Id #'s 21-05-07-200-002 and 21-05-07-400-006; located on the South side of 31 Mile Road, between Powell and Romeo Plan, Section 07. Midway Real Estate LLC, Applicant

Chairman Penzien explained the public hearing procedure process and asked if the applicant was present.

**MOTION by Forro supported by Marberg to open the public hearing at 7:03 PM.  
MOTION carried.**

Steve Cassin, Township Planner provided his report to the Commission for the rezoning request, as follows:

**Rezoning Review**

Applicant: A & D Farms  
Location: South side of 31 Mile Road, west of Romeo Plank Road  
Property ID's: 21-05-07-200-002, 21-05-07-400-006  
Property Size: 136 acres  
Proposed Rezoning: R-1 Agricultural Residential to I-1 Industrial  
Review Date: August 24, 2022

**Proposal**

The applicant is seeking rezoning of two parcels of property from R-1 Agricultural Residential to I-1 Industrial. The applicant indicates the intended use of the property as “industrial usage”.

**Property Characteristics**

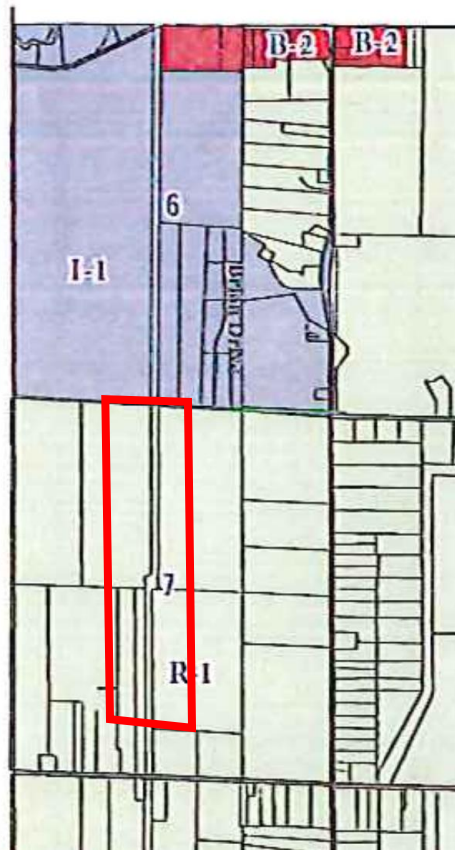
The predominantly vacant parcels are identified on the map below. The northern parcel has direct access to 31 Mile Road. The southern parcel is landlocked, and if rezoned would need to be combined with the northern parcel. Both parcels have drains traversing the property.



Aerial View of Subject Property

**Compatibility with Surrounding Area**

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



Ray Township Zoning Map

	<b>Zoning</b>	<b>Land Use</b>
North (across 31 Mile Road)	I-1 Industrial	Industrial
East	R-1 Agricultural Residential	Vacant, Agricultural
South	R-1 Agricultural Residential	Vacant, Agricultural
West	R-1 Agricultural Residential	Vacant, Agricultural

**Compliance with the Master Plan**

The current Ray Township Master Plan designates the northern parcel as Industrial and the southern parcel as agricultural. Although the Planning Commission is in the process of updating the Master Plan, it is envisioned that no major changes will occur in this area.



Current Future Land Use Map

**Recommendation**

Typically, requests for rezoning are reviewed for both compatibility with the surrounding area, and compatibility with the Master Plan. The northern parcel is consistent with both the Master Plan and with existing and anticipated development trends in the area. **Therefore, I recommend approval of the requested rezoning for this parcel.**

The southern parcel is not consistent with the current Master Plan. **Therefore, at this time, I cannot recommend approval of the requested rezoning for this parcel.**

Chairman Penzien stated the Commission received correspondences, they were read into the record as follows:

**Correspondences:**

8/9/22 Ray Township Assessor, letter was read into the record.

9/1/22 Esther Hessel letter was read into the record.

Chairman Penzien asked if the Planning Commission members are aware of the placement of the parcels.

RAY TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
TUESDAY, SEPTEMBER 13, 2022 AT 7:00 P.M.  
Page 4 of 10

Forro stated the depth of the north parcel is 2,640 ft and asked if anyone knew the depth of the south parcel.

Mr. Cassin stated the south parcel depth is 1,740 feet.

Bill Ferrans, 16399 30 Mile Road stated the north lot line of his daughter's property abuts the south parcel. He stated they moved to the area because they chose this neighborhood with no light pollution and the environment. He stated they have a well and have concerns about an industrial use and the creek that runs behind and through the residential parcels. Further stated as a neighbor, he is opposed to the rezoning of the south parcel.

George Geering, 15785 30 Mile Road, stated he is on the north side of 30 Mile and has concerns about an industrial use would do to the residential wells. He stated he abuts the rear of the parcel to the west of this parcel. Further stated he is opposed to the rezoning of the south parcel.

Alisa Mazur, 16203 31 Mile Road stated she is concerned about the conditions of the roads, the dust from the roads and all of the chemicals. Further stated 31 Mile Road is extremely busy and development is good.

Tim Travis, 16203 31 Mile Road asked if an industrial development is developed, what type of capital improvements would need to be done and asked if 31 Mile Road would be paved.

Amy Ciranni, 16287 30 Mile Road, stated she is adjacent to the land locked parcel and is concerned about her well. She stated they have a tree farm and the northwest rear corner of their property touches the southeast corner of the land locked parcel. Further stated she is opposed to the rezoning.

Dan Zelewski, 16455 30 Mile Road, stated he is the furthest east on the north side, closer to the corner of 30 Mile/Romeo Plank. He stated the Camp Brook drain runs thorough the rear of his parcel and any runoff or drainage will run into the drain and through his parcel and he could be subject to light pollution. Further stated he is opposed to the rezoning.

Chairman Penzien explained every five years the Planning Commission must review the Master Plan. He explained the Master Plan is what the Township uses for the development of the Township.

Mike Kopial, stated he is part of the Rumph farm that is located at the southwest corner of 31 Mile/Romeo Plank. He questioned how far the parcels in question are from Powell Road and if city water runs along Powell Road. He stated portions of 31 Mile Road have city water and if the parcel is rezoned the developer/owner could bring city water to the parcel and if the land locked parcel does not get improved how will there be access to it.

**MOTION by Forro supported by Lascoe to close the public hearing at 7:29 PM.  
MOTION carried.**

Mr. Cassin stated the Planning Commission action for a rezoning is a recommendation to the Township Board. Further recommended that the Commission make two motions since action will be for two parcels.

**MOTION by Zoccola supported by Lease to recommend to the Township Board of Trustees to approve the rezoning request for parcel # 21-05-07-200-002 from R-1 Agricultural-Residential to I-1 Industrial since it is consistent with the Master Plan.  
FOR THIS MOTION: Yes: Zoccola, Lease, Marberg, Forro, Youngblood, Lascoe, Penzien  
No: None**

**MOTION carried.**

**MOTION by Zoccola supported by Youngblood to make a recommendation to the Township Board of Trustees to deny the rezoning request for parcel #21-05-07-400-006 from R-1 Agricultural-Residential to I-1 Industrial since it is not consistent with the Master Plan.  
FOR THIS MOTION: YES: Zoccola, Youngblood, Lascoe, Marberg, Lease, Penzien  
No: Forro.**

**MOTION carried.**

RAY TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
TUESDAY, SEPTEMBER 13, 2022 AT 7:00 P.M.  
Page 5 of 10

5. NEW BUSINESS

- a. Site Plan Review: 58250 North Avenue, Parcel ID #21-05-36-100-020; located on the East side of North Avenue, between 26 and 27 Mile Road, Section 36, Tyler Velger, Applicant

Chairman Penzien stated a site plan has been submitted for the Planning Commission to review.

Mr. Cassin stated the site has been reviewed by the Planning Commission for a Special Land Use and also for a rezoning request. He stated the applicant rezoning request was approved by the Township Board and he has submitted a site plan for review. There is one item on the site plan that does not meet the ordinance. The ordinance requires a masonry wall for screening of the refuge dumpster.

Mr. Cassin noted that the site plan review provided supersedes all previous reviews. He provided his report as follows:

Zoning: I-1, Industrial

Location: East side of North Avenue, between 26 and 27 Mile Roads

Property ID #: 21-05-36-100-020

Project Name: Velger Storage Buildings and Recreation Vehicle Storage (Phase 1)

Applicant: Tyler Velger

Review Date: September 4, 2022

PROPERTY CHARACTERISTICS

The applicant desires to construct two self-storage buildings, (14,000 square feet with 84 storage units), and outdoor storage space for 119 vehicles. In addition, a small parking area with 8 parking spaces is proposed near the entrance off North Avenue. The development will be enclosed by a 6' high chain link privacy fence along the north, east, and south property lines. The frontage of the property along North Avenue will have a landscaped berm and a 6' high "simulated" wrought iron fence, The property is currently vacant.



Aerial View of Subject Property





View of Property Looking Northeast

COMPLIANCE WITH THE ZONING ORDINANCE

In order for the site plan to be approved, it must be compliant with relevant provisions of the Ray Township Zoning Ordinance which are detailed below:

Dimensional Requirements

	Required	Proposed	Compliant
Front Yard Setback (North Avenue)	110'	110.5'	✓
Rear Yard Setback	30'	1,155+'	✓
Side Yard Setback(s)	15'	15', 25'	✓
Height	35'	9' 2"	✓

Parking Requirements

	Required	Proposed	Compliant
Standard Parking Spaces	8	8	✓
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
Parking Area Landscaping	Yes	2	✓
Frontage Landscaping	1 tree per 25' of frontage	42	✓

Lighting

The plans indicate the use of shielded wall mounted lighting. **This is compliant with the ordinance.**

Refuse Container

The site plan indicates a 10' x 12' refuse dumpster enclosure adjacent to the west side of the northernmost storage building. The container is proposed to be screen with a 6' high chain link fence with privacy slats.

**This is not compliant with the ordinance. Section 1807 of the Ray Township Zoning Ordinance specifies that all trash receptacles shall be screened on three (3) sides by durable masonry walls which are similar to, or compatible with, the exterior construction materials used elsewhere on site. The height of the masonry screening shall be six (6') feet. The walls shall be constructed of either color impregnated poured concrete with a simulated brick pattern or decorative clay brick, the same as that used for the principal building. The dumpster enclosure shall not be painted. Further, the trash receptacle enclosure shall be complemented with evergreen and other decorative plantings that provide a continuous screen.**

RECOMMENDATION

Based on the above findings, I recommend approval of the Phase 1 site plan subject to:

1. Revising the plans to reflect the requirements pertaining to refuse containers.
2. Compliance with all Township engineering, building, assessing, and fire requirements.

Chairman Penzien thanked Mr. Cassin for his review. The following correspondences for the site plan were read into the record, as follow:

Correspondences:

- 9/4/22 Fire Marshal, Harold DeMan Jr.
- 9/2/22 Township Engineer, Lou Urban, Anderson Eckstein & Westrick.
- 8/31/22 Building Official, Dennis Lemieux.

Chairman Penzien stated the Township departments recommend approval if all the conditions and contingencies can be met.

Lascoe stated on the site plan that was submitted the zoning states the property is R-1(Residential-Agricultural). Further requested the site plan be corrected to Industrial since the parcel was rezoned.

**MOTION by Marberg supported by Lease to Approve Phase One of the Site Plan for 58250 North Avenue, Parcel ID #21-05-36-100-020 subject to revising the plans to reflect the requirements pertaining to refuse containers and proper zoning and compliance will all Township engineering, building, assessing and fire requirements.**

**MOTION carried.**

6. UNFINISHED BUSINESS

- a. Tabled form July 12, 2022 meeting – 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; located on the East side of North Avenue, between 26 and 27 Mile Roads, Section 36. Brian LaForest, Applicant.

Chairman Penzien stated the applicant is present for the conditional rezoning item which was tabled from the July 12, 2022 meeting.

Mr. Cassin stated the conditional rezoning is offered by the applicant. Under the Michigan Zoning Enabling Act of 2006 an applicant can request a rezoning based on a specific use with a corresponding site plan to be constructed within a reasonable amount of time as determined by the Township Board. If the construction does not happen the zoning reverts back to the previous zoning. The Township Board and the Township attorney will draft the language.

RAY TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
TUESDAY, SEPTEMBER 13, 2022 AT 7:00 P.M.  
Page 8 of 10

This was tabled because building elevations were not provided and the landscaping plans as submitted did not meet the required screening. Further provided his report as follows:

Conditional Rezoning Review – 2<sup>nd</sup> 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: Originally reviewed on June 29, 2022, Second review on August 24, 2022  
(Changes from original review highlighted in red)

**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 densely 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 a 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 is 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.



RAY TOWNSHIP PLANNING COMMISSION  
 MEETING MINUTES  
 TUESDAY, SEPTEMBER 13, 2022 AT 7:00 P.M.  
 Page 9 of 10

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'	11'	✓

Building façade elevations have now been provided.

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	✓

The applicant has revised his original site plan to indicate a 4' high berm, with 6-8' tall evergreens (at planting) which will be placed in two staggered rows, 20 feet on center.

Recommendation

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

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

Chairman Penzien stated correspondences have been submitted for the conditional rezoning and they were read into the record as follows:

Correspondences:

9/2/22 Township Engineer, Lou Urban, Anderson, Eckstein & Westrick.

8/31/22 Ray Township Building Official, Dennis Lemieux.

9/4/22 Ray Township Fire Marshal, Harold DeMan Jr.

Chairman Penzien asked Mr. LaForest if he was aware of all the comments and if he could meet all the requests.

LaForest stated yes.

RAY TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
TUESDAY, SEPTEMBER 13, 2022 AT 7:00 P.M.  
Page 10 of 10

Chairman Penzien asked the Commission members if they recall the meeting of July 12, 2022, Mr. LaForest was seeking a conditional rezoning. The conditional rezoning is tied to this site plan as Mr. Cassin indicated and if it is not developed it will go back to the R-1 zoning.

**MOTION by Zoccola supported by Forro to recommend Approval to the Township Board for the Conditional Rezoning of Parcel 21-05-36-100-024 for development of a mini storage yard subject to compliance with all applicable engineering, building, public works, fire, MDOT, and Michigan Department of Environment, Great Lakes, and Energy requirements and all legal documents relating to the conditional rezoning, being reviewed and approved by the Township attorney, with the costs paid by the applicant. MOTION carried.**

b. Master Plan

Mr. Cassin stated a second workshop is need and he would have a map ready for the next meeting.

7. PRESENTATION – None

8. REPORT OF THE BOARD REPRESENTATIVE:

Lascoe reminded everyone that Wednesday, September 14, 2022 is the last day to pay summer taxes.

9. REPORT OF THE ZONING BOARD OF APPEALS REPRESENTATIVE:

Penziem stated the Zoning Board of Appeals has not had any meetings.

10. CORRESPONDENCE

11. PLANNING CONSULTANTS REPORT

12. PUBLIC COMMENTS

13. ADJOURNMENT.

**MOTION Lascoe supported by Zoccola to adjourn the meeting at 8:14 p.m.**

**MOTION carried.**

\_\_\_\_\_  
Tom Penzien, Chairman

\_\_\_\_\_  
Randy Forro, Secretary

\_\_\_\_\_  
Date

Respectfully submitted,  
Lisa Hall, Recording Secretary