

RAY TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
TUESDAY, October 11, 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 Chairman
Randy Forro, Secretary
Justin Marberg
John Zoccola
Betty Youngblood
Lori Lascoe

Absence: None

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

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.
2. APPROVAL OF MINUTES – September 13, 2022
MOTION by Lascoe supported by Youngblood to approve the September 13, 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. Special Land Use to allow indoor storage buildings in the B-2 (General Business) zoning district. According to the Ray Township zoning Ordinance 36, Section 1302, D - warehousing and storage within a completely enclosed building may be permitted as a Special Land Use in the B-2 (General Business) district. 63249 north Ave, parcel ID 21- 05- 14- 476- 013; located on the West side of North Ave, between 29 and 30 Mile Roads, Section 14. VanOverbeke Storage LLC, Applicant

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

MOTION by Zoccola supported by Lease to open the public hearing at 7:03 p.m.
MOTION carried.

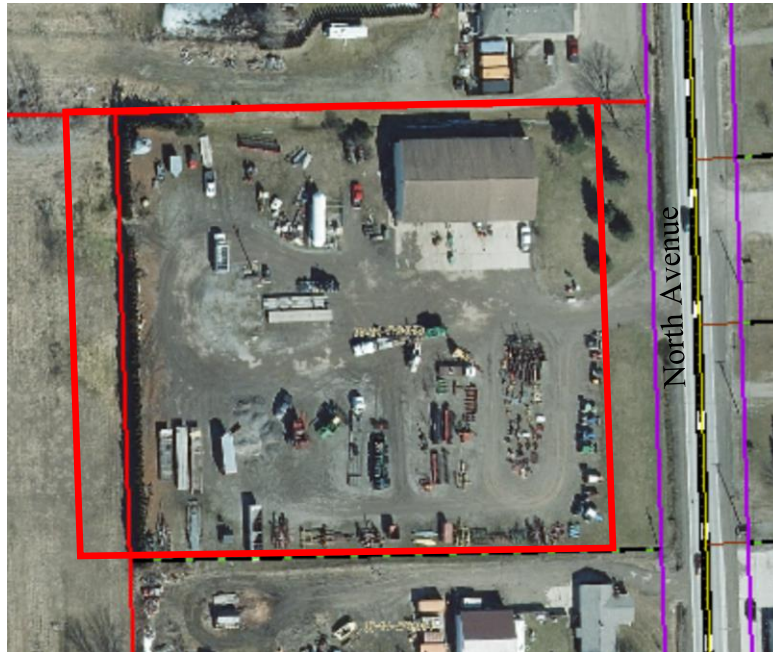
Steve Cassin, Township Planner provided his report to the Commission for the Special Land Use request as follows.

GENERAL INFORMATION

Zoning: B-2, General Business
Location: 63249 North Ave. (West side of North Ave., north of 29 Mile Rd.)
Property ID #: 21-14-476-013
Project Name: 63429 North Ave. Storage Buildings
Applicant: M.J. VanOverbeke Contracting
Review Date: October 3, 2022

PROPERTY CHARACTERISTICS

The property is currently developed with a 6,120 square foot storage building, and outside storage of contractor equipment and supplies. The applicant is now requesting to construct 4 new storage units on the south side of the property (each containing 2,400 square feet).



Aerial View of Subject Property



View of Property Looking West from North Avenue

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'	125'	✓
Rear Yard Setback	50'	50'	✓
Side Yard Setback(s)	15'	15'	✓
Height	35'	23'	✓

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
Frontage Landscaping	14 (1 per 25' of frontage)	34	✓

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 at the southwest corner of the property. The container is proposed to be screen with a 6' high chain link fence with privacy slats. **This is compliant with the ordinance.**

RECOMMENDATION

Based on the above findings, I recommend approval of the site plan subject to compliance with all Township engineering, building, assessing, and fire requirements.

Chairman Penzien stated updated drawings and a letter was submitted on October 5, 2022,

Mr. Cassin stated his review is not based on the updated drawings.

The following correspondences were read into the record as follows:

Correspondences:

- 9/1/22 Semco Energy
- 9/16/22 Building Official
- 9/12/22 Macomb County Department of Roads
- 8/31/22 Macomb County Department of Public Works
- 10/2/22 Fire & Rescue
- 9/30/22 Township Engineer -AEW
- 10/10/22 Township Engineer – AEW

**MOTION by Zoccola supported by Lease to close the public hearing at 7:23 p.m.
MOTION carried.**

Chairman Penzien asked the Planning Commission if they had any questions for the applicant.

Mr. VanOverbeke, Petitioner stated he does not have a drawing of the existing building but will provide one and asked about the requirement for the fire suppression and dry hydrant.

Harold DeMan, Fire Marshal was in the audience and stated he would work with the applicant to determine what is needed for the fire suppression and the dry hydrant.

Lascoe asked what type of storage will be in the new and existing buildings.

Mr. VanOverbeke stated he has had a lot of interest from landscapers and tree removal companies.

Lascoe asked if all storage will be inside the proposed buildings.

Mr. VanOverbeke stated the parcel has been used for outdoor storage for a long time.

Mr. Cassin advised the petitioner and Planning Commission that no outdoor storage was discussed or shown on the plan.

Lascoe stated the Township advertised for a special land use for indoor storage per the application.

Mr. Cassin stated outside storage is non-conforming and we were hoping to clean up the site with the indoor storage. Further stated the applicant did not apply for outdoor storage.

Chairman Penzien asked if outdoor storage is allowed?

Mr. Cassin stated outdoor storage is allowed in the industrial district.

Mr. VanOverbeke stated renters would be allowed outdoor storage. Further stated he may move his company to the site.

Lascoe stated the application for the special land use is for warehousing and storage within a completely enclosed building.

Mr. VanOverbeke stated he wanted the outdoor storage to remain as is and to add indoor storage. He stated currently 100% of the outside is outside storage and if approved there will be less outdoor storage, the buildings will eliminate some of it.

Lease stated the application does not reflect what the applicant has stated this evening.

Mr. Cassin noted the statement has been made by the applicant that the occupants would be allowed additional outside storage. The petitioner can only do one or the other, the existing non-conforming use can be continued or the application for indoor storage can be approved and no outside storage would be allowed. The non-conforming use cannot be increased to allow contractors to store items outside, it would be increasing the non-conformity.

Chairman Penzien noted that the Planning Commission must follow the zoning ordinances.

Discussion was held on the site and the Commission members discussed they like the development but need clarification on what can and cannot be done on the site. Further they would like a legal opinion from the Township Attorney.

MOTION by Lease supported by Forro to Table the Special Land Use request to allow indoor storage buildings at 63249 North Ave, parcel ID 21-05-14-476-013; for VanOverbeke Storage LLC until the November 1, 2022 meeting and to request a legal opinion from the Township Attorney.

**FOR THIS MOTION: Yes: Lease, Forro, Marberg, Youngblood, Lascoe, Zoccola, Penzien
No: None**

MOTION carried.

5. New Business

- a. Site Plan Review: Residential Open Space Development, 19601 27 Mile Road, Parcel ID #21-05-28-300-005. located on the north side of 27 Mile, east of Kunstman, Section 28. Fillipo Leone, Applicant

Chairman Penzien explained the site plan review procedure and asked if the applicant was present.

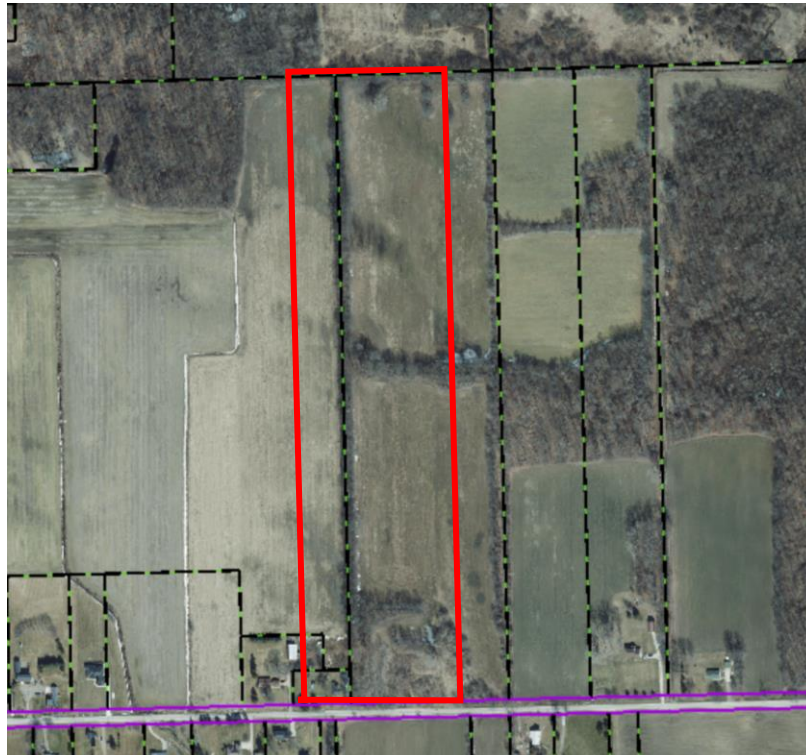
Steve Cassin, Township Planner provided his report to the Commission as follows.

GENERAL INFORMATION

Zoning: R-1, Agricultural Residential
Location: North side of 27 Mile Road, between Kunstman and Teller Roads
Property ID #: 21-05-28-300-005
Project Name: The Preserve of Ray Township Open Space Residential Development
Applicant: M&C Properties
Review Date: October 3, 2022

PROPERTY CHARACTERISTICS

The 40-acre parcel is currently undeveloped. The applicant is now requesting approval to construct an open space development with 19 residential home sites.



Aerial View of Subject Property

COMPLIANCE WITH THE ZONING ORDINANCE

Section 2400 of the Ray Township Zoning Ordinance allows Open Space residential developments within the Township. The purpose is to allow and encourage alternative subdivision designs which preserve Ray Township's character and environmentally sensitive elements. In addition, Open Space development promotes the following objectives:

- Maintains rural character
- Preserves open space
- Preserves natural resources
- Preserves agriculture and farming

To qualify as an open space development, the proposal must meet the following:

- Have direct access to a public roadway.

The project will have direct access to 27 Mile Road. Furthermore, the proposed Leone Drive must be built to Macomb County Department of Roads specifications and accepted by the Department as a public road.

- The number of lots shall not exceed the number allowed under a traditional-type subdivision or development.

The minimum lot size in the R-1 zoning district is 2.06 acres. This would create a maximum yield under a traditional design of 19 lots (40 acres / 2.06 = 19.41). The development proposes 19 lots.

- Minimum Exterior Road Buffer - A minimum of a one hundred and fifty (150) foot buffer from the proposed right-of-way along any exterior County Road or State Highway (27 Mile Road).

This requirement has not been met. The buffer is 30'.

- Minimum Open Space – A minimum of fifty (50%) percent of the gross land area shall be open space.

This requirement has not been met. The total land set aside for open space is 9.14 acres.

- Houses Abutting the Open Space - A minimum of fifty (50%) percent of all dwelling units within the development shall abut a dedicated open space area.

This requirement has been met. All lots within the development have direct access to the open space areas.

- Dedication of Open Space – The dedicated open space shall be set aside in an irrevocable conveyance that is acceptable to the Township.

The applicant needs to specify in writing how this requirement will be satisfied. In addition, the Township Attorney shall review the conveyance and assure the Township that such lands shall remain as open space for perpetuity. The conveyance shall also detail a maintenance schedule and funding for operation, maintenance and insurances for all common areas.

RECOMMENDATION

Based on the above findings, I recommend this matter be tabled until the items specified above are satisfied.

The following correspondences were read into the record as follows:

Correspondences:

9/1/22 Semco Energy
9/16/22 Building Official
9/9/22 Macomb County Department of Roads
8/31/22 Macomb County Department of Public Works
10/2/22 Fire & Rescue
10/3/22 Township Engineer – AEW

Mr. Leone, Petitioner stated he is concerned about the open space and would like to subtract two five-acre parcels and accommodate the open space in the remaining thirty acres.

Chairman Penzien stated now is not the time to make changes to the plan being reviewed.

Mr. Cassin stated the plan should be revised and brought back to the Planning Commission when it meets the zoning ordinance requirements.

MOTION by Marberg supported by Lease to Table the Site Plan for Residential Open Space Development at 19601 27 Mile Road, Parcel ID #21-05-28-300-005, Fillipo Leone, Applicant, until revised plans are submitted.

**FOR THIS MOTION: Yes: Marberg, Lease, Forro, Youngblood, Zoccola, Lascoe, Penzien.
No: None**

MOTION carried.

6. Unfinished Business

a. Master Plan discussion

Mr. Cassin provided the map showing the proposed changes to the master plan as discussed by the Planning Commission. He stated the airport is included in the industrial district, along with North Avenue on the east and west sides from 26 Mile Road to 27 Mile Road as industrial. Discussion was held on the mixed use districts and have been designated and single family along 26 Mile Road. He stated the Master Plan should be simplified for a more rural area. Mr. Cassin stated he will create a Master Plan draft and bring it to the next meeting for review.

MOTION by Marberg supported by Lascoe to have Mr. Cassin proceed with his recommendation for the map and create a draft master plan for review by the planning commission.

MOTION carried.

7. Presentation - None

8. Report of the Township Board Representative

Lascoe stated we are preparing for the General Election if anyone would like an absentee ballot to please contact her. She announced the Clerk's office will be open on Saturday, November 5th from 8:00 a.m. to 4:00 p.m. to register to vote or to receive an absentee ballot.

Lascoe stated a special Board meeting was held on October 4th for Fire Prevention month. She stated the firefighters were presented with awards: Harold DeMan received a pin for 45 years of service, Earl Schwark was absent but has been on the department for 40 years and Tim Brooks was given the Life Saving Award.

Lascoe stated the Township Board considered the conditional rezoning for the LaForest property on North Avenue and tabled the item for the Township Attorney to review correspondence that had been submitted. She stated the Township Attorney has indicated the parcel had action in circuit court and an amendment to the consent judgment would need to be amended in court.

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9. Report of the Zoning Board of Appeals Representative
Chairman Penzien stated the Zoning Board of Appeals has not had any meetings this year.
10. Correspondence - None
11. Planning Consultants Comment
Mr. Cassin advised the Commission he is in the office on Thursday mornings for meetings. Further stated about a year ago the meetings were consistently about marijuana, that is no longer the case, meetings now are about recreational and outdoor storage.
12. Public comment – None
13. Adjournment
MOTION by Lascoe supported by Marberg to adjourn the meeting at 8:41 p.m.
MOTION carried

Tom Penzien, Chairman

Randy Forro, Secretary

Date

Lisa Hall, Recording Secretary