



## Wexford Joint Planning Commission Staff Report – November 2020

### Planning and Zoning

As the WJPC reviews their 2<sup>nd</sup> Site Plan of 2020 (a 3<sup>rd</sup> is pending), staff would ask that the members possibly review the types and intensity (of the site plans) in regards to considering a process for administrative approval as contemplated in the text of the zoning ordinance in Article 94, Section 9402.B.2 (see below):

2. A Medium Site Plan (Section 9405), for any permitted use --which is not a dwelling, addition to a dwelling, construction of accessory structures to dwelling-- and for any matter before the Appeals Board which would not need a Detailed Site Plan. The Commission shall publish policy for when a Medium Site Plan --not drawn for purposes of an Appeal-- shall be required to be reviewed by the Commission and/or a committee of the Commission, or the Administrator.

The Zoning Administrator would point out that it would not be appropriate to publish 'policy' but rather an actual ordinance amendment would be required to change the current procedure. The procedure must be spelled out in the zoning ordinance —<sup>1</sup>

<p>9. If the site plan review is done by an individual officer (e.g., the zoning administrator), is a record and his or her review based on standards? (See questions on procedure on the job, office process, and filing system for the zoning administrator in <i>PLANNING AND ZONING*A*SYST #5: Community Planning &amp; Zoning Audit</i> "Chapter 2 Administrative Structure"). (M.C.L. 125.3501(4))</p>	<p>N/A or Yes <input type="checkbox"/></p> <p>Good. Go to the next question.</p>	<p>No <input type="checkbox"/></p> <p>This is required by the Michigan Zoning Enabling Act. Even if a site plan is reviewed by an individual, the basis of review on standards and record keeping must still be done. Change policy, office manual, or job description or scope of service to include these duties.</p>
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Summary – every Site Plan that the planning commission has reviewed (not associated with a Special Use) has been an improvement, addition, and/or an alteration to an existing use. The Planning Commission’s review of the site plans has resulted in very few (if any) changes that resulted in any significant impact to the applicant and / or the immediate vicinity.

Allowing administrative approvals of specific projects (under written guidelines) would do a valuable service to the community and perhaps untangle some of the timeline hurdles that developers and applicants face in this geographic area. (see sample excerpts below)

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<sup>1</sup> Excerpt from Michigan State University Extension – Community Planning & Zoning Audit – Site Plan Review  
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**SECTION 25.02 - USES REQUIRING SITE PLAN APPROVAL**

.. The Zoning Administrator shall not issue a Zoning Permit, nor shall the Building Official issue a building permit for any principal use listed below, nor for any accessory use on a lot or parcel for which site plan approval was previously granted or is required, until a site plan covering the entire lot or parcel has been reviewed and approved:

1. The Planning Commission shall review and approve, deny, or approve with conditions all site plans involving the following, except those provided in Section 25.02.A.2 and 25.02.8 below:
  - a. Any new principal use or any expanded principal use requiring more than ten (10) parking spaces in any district;
  - b. All uses requiring a Special Use Permit as specified in each zoning district, except Section 23.10.A1.
  - c. All new or substantially redeveloped uses within the Commercial (C-1) District, the General-Industrial (G-1) District, and the Light-Industrial (L-1) District, and for erection of new principal buildings on all public lands.
  - d. All Planned Unit Developments.
  - e. Or as required elsewhere in this Ordinance. **Added by amendment # 15-01 adopted May 2015**
2. The Zoning Administrator, or the Planning Commission when requested by the Zoning Administrator, shall review and approve, deny, or approve with conditions site plans for expansion of all uses listed in Section 25.02.A.1(c) that are under 20% of the existing structure size, and all expansions requiring less than ten (10) new parking spaces.

B. The Zoning Administrator, or Planning Commission when requested by the Zoning Administrator, may waive Site Plan Review and action thereon where:

1. a change of use requires no new buildings or structures, no expansion in area or height of existing structures or buildings and no new parking;
2. an expansion of an existing use involves only the erection of an accessory structure of a size and location that meets all applicable nondiscretionary standards of this Ordinance or minor building alterations in the discretion of either the Zoning Administrator or Planning Commission;
3. all such waivers are recorded by the Zoning Administrator in a log, along with the rationale for the waiver.

Any administrative approval would CONTINUE to be subject to the exact same standards that the WJPC commission of the whole would apply. **As the ordinance is currently written, an established business enterprise (such as Cadillac Culvert) would need to prepare a medium Site Plan and present it to YOU for a proposed 24' X 24' garage to be used for lawn maintenance equipment storage.**

Staff would like to recommend that the WJPC take a serious look at what 'types' of alterations, additions, and expansions would be better suited for a more expedient administrative review process.

## 25.18 ZONING ADMINISTRATIVE APPROVAL

A. The Zoning Administrator shall review and approve, approve with conditions or deny the following site plans without their submission to the Planning Commission except where the applicant so requests:

1. Accessory uses or buildings not to exceed 400 square feet, incidental to a conforming existing use where said use does not require any variance and where said site plan conforms with all requirements of this Ordinance.
2. Expansion and/or addition to an existing conforming use where said site plan conforms with all requirements of this Ordinance and does not increase the size of the existing or proposed structure by more than 1000 square feet or does not increase the existing or proposed use by more than ten (10) percent, whichever is less.
3. A change in the internal floor plan which does not increase the intensity of use or parking requirements.
4. Movement of a building, drive, road or parking by up to twenty (20) feet during construction due to unanticipated and documented constraint, to improve safety or to preserve natural features. The site plan shall still meet all required setbacks and other standards of this Ordinance.
5. An existing building and site to be re-occupied by a use permitted in the subject zoning district where the new use will not require significant changes in the existing site facilities.
6. Expansion and alterations of landscaping areas, sidewalks, bike paths and fences consistent with this Ordinance.
7. Relocation of a trash receptacle and/or installation of screening.
8. Relocation or replacement of a sign meeting the dimensional and locational standards.
9. Modifications to upgrade a building to state barrier free design.

(WHITEWATER TOWNSHIP ZONING ORDINANCE)

10. Increases in off-street parking areas, parking buildings and/or structures, increases in loading/unloading spaces in commercial and industrial Zoning Districts, and landscape improvements as required by this Ordinance.
11. Alterations to the off-street parking layout or installation of pavement and curbing improvements provided that the total number of spaces remains constant and meets, or if necessary has been modified to meet, the ordinance requirements for the building and/or use.
12. Changes to lighting consistent with this Ordinance.
13. Situations similar to the above.

**Land Use Permit Activity**

LUP110	2110-18-1407	Peever, Robin - Mid Mich Barns	RA	RR	CHE	Accessory Building
LUP111	2210-26-4407	Guetschow Trust - Karen Miller Trustee	Fence	R2	SEL	Fence
LUP112	2411-07-4106	Oliver, Michael	RA	RR	HAN	Accessory Building
LUP113	2212-10-1104	Verment, Dennis	RA	RR	SLA	Accessory Building
LUP114	2409-17-4304	Thayer, Wayne	AG Bldg.	RR	LIB	AG Building
N/A	2409-18-1101	Trails RV Park (formerly Manton Pines)	N/A		LIB	Special Use Review / Renewal
LUP115	2311-MW-09	Albertson, Richard	ND/Acc	R1	ANT	New Dwelling att. Garage
LUP116	2311-MW-10	Albertson, Richard	ND/Acc	R1	ANT	New Dwelling att. Garage
LUP117	2210-08-1106	O'Hare, Thomas - TJ McAllister Build.	Acc. Bldg.	RR	SEL	Attached Garage
LUP118	2210-BR2-26	Letts, Melvin	RAD	R1	SEL	Attached Lean-to
SPR-2020-03	2210-25-2401	CTDA Properties - Thomas, Chuck	C-Add.	RST	SEL	Addition to exist. COM Build.
LUP119	2210-17-3301	Ray, James	ND/Acc	RR	SEL	New Dwelling / Acc. Building
LUP120	2210-35-2101	Boyer, James	Acc. Bldg.	R2	SEL	Accessory Building

**Accessory Building Language**

The 'FINAL' version of the 'proposed' accessory building language along with all supporting documentation was forwarded to ALL WJPC Township Clerks on November 6<sup>th</sup>, 2020 in accordance with Article 98 of the Wexford Joint Zoning Ordinance.

**Court [mud bog]**

Our appeal of the decision of the District Court was not a 'right'; therefore, we were required to request 'leave-to-appeal' – this was filed in a timely manner. As of the writing of this report we have not received a response from the Circuit Court.

**Planning Commission: Term Membership Expiration Dates**

Antioch Township	Paul Osborne Vice Chair	3911 N. 15 Road Mesick, Mich. 49668-9757	(231)878-0108	paulo@acegroup.cc	Yes	January 1, 2018 to December 31, 2020
Boon Township	Richard Harvey	700 S 15 Road Harrietta, Mi 49638-9740	c(231)920-8000 h(231)389-2615	rhharv@gmail.com	Yes	January 1, 2018 to December 31, 2020
Cherry Grove Township	Marty Dahlstrom	9472 S. 33 Road Cadillac, Mich 49601-8955	(231) 878-1683	mzpdahl@gmail.com	Yes	January 1, 2018 to December 31, 2020

**\*\* MOST WEXFORD JOINT ZONING BOARD OF APPEAL terms are in the process of expiring – Townships will be notified ASAP regarding reappointments.**

***Any members (WJPC or ZBA) interested in continuing to serve should solicit reappointment by their respective Township Supervisor for another three (3) year term.***

***Reminder: ALL PC members and ZBA members are REQUIRED to take an oath of office.***

**Master Plan**

The Planner of Record is in the process of completing a survey that will focus on a 'zoning plan'(as well as other required elements of a Master Plan). It is our intention to engage the PC and all of the participating Township board members as well as making it available to the general public.

- As of this staff report, Selma Township and Slagle Township have not submitted the participating municipality shares required, totaling: \$11,070.50

Respectfully submitted,



Planning and Zoning Director