



Wexford Joint Planning Commission

% Cherry Grove Township
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Cadillac, Michigan 49601

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August 5, 2018

STAFF REPORT

1. Application

Applicant:	Kirkman, Dewayne 3847 Morningside Drive Traverse City, Michigan 49684
Owner:	SAME AS APPLICANT
Site Address, Contact Information, And Proposed Location	116 West Lake Drive Cadillac, Michigan 49601 Parcel ID #2110-HP-58 – Cherry Grove Township
Zoned:	R2 Residential District
Site Plan:	Attached (Exhibit A)

2. Development Proposal

- 2.1 Property Description – The property is located in Section 3, Cherry Grove Township, at 116 West Lake Drive and is described as: LOTS 58 & 59 HIDEAWAY PLAT CG. SEC. 3 T21N R10W
- 2.2 Action Report – The Applicant is seeking a Special Use Permit to operate a Cottage Industry for Short Term Rental of a dwelling as listed in Article 46, Section 4603.D.
- 2.3 Background – This property currently has a single-family home located on it meeting not less than all yard setbacks as required by the zoning ordinance (with the exception of the waterfront ‘yard’) for the R2 zoning district.

3. Standards for Site Plan Review

3.1 According to WJZO Article 9411 – The following standards shall be used by the Planning Commission to review site plans.

1. Does the site plan show “all applicable regulations of this Ordinance” both “generally to all districts,” and apply to this “specific zoning district” (C and/or R-R)? (Refers to page 141 WJZO 9411.A)
 - **Elements of Article 10, Sections 1004.C and G, 1054.A (parking), 1060.C (signage), 1061 (lighting), should be complied with as applicable to this request.**
2. Have “all utility easements” been “distributed on site in a manner which is least harmful to surrounding properties?” And, are all “electric, telephone, and coaxial cable and other lines” to be located (if not already located) underground? (Refers to page 141 WJZO 9411.B)
 - **All ‘utility easements’ are already in place – no new construction is being proposed – only a change of use for the property is being requested.**
3. Are all “water lines, sewer lines,” and “all provisions of surface water drainage” approved by respective agencies?
 - **Any ‘water lines, sewer lines’ are already in place – no new construction is being proposed – only a change of use for the property is being requested.**

3.2 Findings of Fact and Conclusions of Law

1. As per WJZO 9412, “within sixty (60) days of the site plan being found complete, the Commission shall act to approve, approve with modifications, or disapprove the site plan in writing **with reasons.**”
2. This site plan shows simply **an existing residential dwelling** – only a change of use to allow a short-term rental as a Special use is being requested.
3. There are NO ‘physical changes being proposed to the existing site. WJZO 9412.C states that there should be “reasons for approval” of the Site Plan.

Recommendation #1 – Approval of the Site Plan

- ***“The Planning and Zoning Administrators recommend the Planning Commission approve the Site Plan as it is currently expressed. We find the current Site Plan complete and transparent concerning the proposed use as a Cottage Industry for the purpose of a residential short-term rental.”***

4. Standards for Special Use Permit with Staff Comments and Recommendations

- 4.1 According to WJZO Article 8609 – The following standards shall be used by the Planning Commission to review Special Use Permits.
1. Is the use reasonable and designed to protect the health, safety, and welfare of the community? (Refers to page 131, Section 8609.A.1)
 - **Staff believes that key element to be reviewed here is the ‘use’ as a short-term rental. The applicant has addressed these standards to the commission via email (see attached) and contends that that the ‘use’ will be diligently managed so as not to have an adverse impact on the surrounding community.**
 2. Is the use consistent with the intent and purpose of the district? (Refers to page 131, Section 8609.A.2)
 - **The R2 Residential District specifically lists a Cottage Industry for Short Term Rental of a dwelling as a ‘Special Use. Therefore, should the Planning Commission foresee any adverse impact as being prevalent, safeguards should be in place to demonstrate compliance.**
 3. Is the use compatible with adjacent land uses? (Refers to page 131, Section 8609.A.3.)
 - **This zoning district actually allows duplexes (a dwelling designed for two housing units) as a ‘use’ permitted by right. The applicant contends that his continuing use of this single-family home as a short-term rental will be maintained and managed in a manner that will continue to be compatible with the adjacent land uses which are also residential in nature.**
 4. Is the use designed to ensure that the public services and facilities are capable of accommodating increased loads caused by the land use or activity? (Refers to page 131, Section 8609.A.4.)
 - **There will be no “increased loads” not already anticipated.**
 5. Does the use comply with other general and specific standards in section 1601 of this ordinance, the respective district, and general provisions of this ordinance? (Refers to page 131, Section 8609.A.5.)
 - **All general standards have been addressed in 3.1.1 - and specific standards listed in Article 16, Section 1610 are primarily duplicative of the general standards.**
- 4.2 **Findings of Fact and Conclusions of Law**
1. The above section of the Ordinance (WJZO 8600, et. Seq.) places an emphasis on health, safety, welfare, and compatibility. The applicant has offered his ‘contract’

for rental as a written confirmation of the intent to comply and satisfy all ordinance standards related to the special use request.

Recommendation #2 – Approval of the Special Use

*“The Zoning Administrators recommend the Special Use Permit be approved by the Planning Commission as is suggested above in the findings of fact and conclusions of law and contingent upon the self-imposed regulations contained within the applicants document: **LAZY ACORN CABIN RENTALS – Short Term Vacation Rental Property – Terms and Conditions of Occupancy***

Respectfully submitted,



Robert Hall,
Planning and Zoning Administrator