



Wexford Joint Planning Commission

% Cherry Grove Township
4830 E. M-55
Cadillac, Michigan 49601

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March 20, 2019

STAFF REPORT/Site Plan Review

1. Application

Owner: Ms.Green Recycling/Luke Mattison, Rita Meech
Site Address, 10748 E. M-115 Hwy, Cadillac, Michigan 49601
And Proposed Location Parcel ID# 2210-25-2206

Applicant(s): Dave and Holly Pahl
PAHL ENTERPRISES, LLC
11168 North M-37
Buckley, Michigan 49620

Zoned: Commercial

Site Plan: Medium Site Plan (**amendment(s)**) Attached

2. Development Proposal

- 2.1 Property Description – Parcel ID# 2210-25-2206
THAT PART OF NW 1/4 OF NW 1/4 LYING S&W OF HWY M-115 SUB TO & TOG
W/ EASMT 2.6 A M/L SEL. SEC. 25 T22N R10W -CAPS-
- 2.2 Action Report – The property owner, by way of signing the zoning application and through a lease agreement with the Applicant, is allowing the ‘applicant’ to request a Site Plan Review / Amendment for the proposed placement and sales of trade merchandise (small pre-built mini-barns / storage buildings) to be displayed for sale on the premises of Ms. Green Recycling.
- 2.3 The proposed use / site plan amendment is most appropriately classified as Retail Trade, listed as a permitted use in the Commercial District under 5502.E [44-45] subject to Site Plan Review. There are no proposed structural additions to any existing buildings on the subject parcel. The ‘use’ is described as displaying Retail Trade items. In this case – the displaying of pre-built mini-barns / storage buildings.

2.4 Background:

1. This property recently was the subject of a Site Plan Review (recycling center) for the new owners of the property. The Site Plan Review was conducted and approved at the December 17, 2018 meeting of the Wexford Joint Planning Commission allowing an addition to the existing structure. Land Use Permit #163 of 2018 was issued for the approved addition.

2. **Article 10, Section 1003.B [WJPC Zoning Ordinance excerpt]**

B. Required spatial relationships and physical requirements of this Ordinance shall be allocated to be in connection with only one use, structure, building, parcel and are not transferable, not to be split or divided by any means, not to be shared, unless;

1. any of the uses, structures, buildings, parcels involved in the transfer does not result in failing to meet required spatial relationships and physical requirements of this Ordinance or other applicable ordinances including, but not limited to, the participating municipality's and State of Michigan subdivision control laws.

Spatial relationship considerations:

a.) Minimum lot size required is 20,000 square feet – Actual lot size is 2.6 acres or 113,939 square feet

b.) Buildable area must be 15,000 square feet (per principal unit)

c.) Maximum parcel coverage shall not exceed 35% - current use with recently approved addition is: 4% - Applicant does NOT propose to exceed maximum permitted

d.) There are no setback encroachments

e.) There are no 'permanent' (affixed to the land) structures proposed

3. Article 94, Section 9417 authorizes the planning commission, by mutual agreement, to approve minor nonsubstantive changes to a previously approved Site Plan provided that the change is sought prior to the issuance of an occupancy permit. The Wexford Joint Zoning Ordinance does not list specific criteria in determining what may constitute a nonsubstantive change.

2.5 Current Narrative:

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1. The applicant(s) Dave and Holly Pahl / PAHL ENTERPRISES, LLC – are proposing to amend the previously approved Site Plan at the Ms. Green Recycling location in order to permit a 'secondary' use of the property as permitted in accordance with Article 10, Section 1003.B of the Wexford Joint Zoning Ordinance.
2. On March 11, 2019, the applicant executed a lease agreement with the owner of the subject property governing the placement of the 'trade fixtures and equipment' on the property
3. The applicant(s) Dave and Holly Pahl / PAHL ENTERPRISES, LLC presented a Medium Site Plan showing the proposed location for the prebuilt mini barns / storage buildings. NOTE: the applicant was advised to use the existing site

plan information previously submitted by Ms Green in order to maintain consistency of the information provided.

3. **STANDARDS OF REVIEW** for consideration by the Planning Commission under the provisions of Article 94, Section 9411.A-C with Staff Comment and Recommendations

3.1 According to WJZO Article 94, Section 9411.A-C – The following standards shall be used by the Planning Commission to review requests for Site Plans under this Article.

1. All **applicable** regulations of this Ordinance which apply generally to all districts (Article 10 – General Regulations), and all **applicable** regulations of this Ordinance which apply to the **specific zoning district** (Article 55), to any conditions imposed with the granting of a Special Use Permit or variance, shall be shown on the site plan as being complied with. **There are no special use considerations applicable to the proposed use.**

- Staff Comment and Recommendations: The following are the “applicable regulations” for the Commercial Zoning District.

- Minimum Parcel Area (5504.A) – This property surpasses the 20,000 square feet minimum area with 113,939 square feet.
- Buildable Area (5504.B) – This parcel surpasses the minimum area of 15,000 square feet with over 90,000 square feet of buildable area.
- Minimum Parcel Width (5504.C) – This parcel meets this standard with 656.5’ along the road. The standard is 150’.
- Setback Requirements-

- Front yard (5504.D.1.a) – Standard requires not less than 5’ and not more than 30’ from the front property line. The existing building is 153’ from the front property line, ***and there is no proposed additional permanent construction being proposed.***

- Side Yard (5504.D.1.b) – Standard requires “not less than twenty (20) feet. The existing structure meets this standard from both side yards at being 50.8’ from the west side yard and 42.8’ from the south side yard and there is no ***and there is no proposed additional permanent construction being proposed.***

- Rear Yard (5504.D.1.c) – NOTE: There is no rear yard due to the parcel being a triangle. There is a front yard and there are two side yards.

- Buffer (5504.D.2) – This parcel is not near to any dwelling, therefore has no buffer area and needs no buffer area.

- Height (5504.E) – Standard is 35’. ***No trade fixtures or equipment are expected to exceed the height restrictions.***

2. All utility easements shall be distributed on site in a manner which is least harmful to surrounding properties. Electric, telephone coaxial cable and other lines shall be located underground unless this requirement is specifically waived by the administrator, Commission or Appeals Board upon review of the site plan.
 - ***Staff Comments and Recommendations: There is no proposed physical construction requiring consideration, “this requirement is specifically waived by the administrator.”***
3. Water lines, sewer lines, all provisions of surface water drainage shall be approved by the respective agency and designed in compliance with any applicable federal and state statute, city, village, township. Or county ordinance.
 - ***Staff Comments and Recommendations: The proposal to place the prebuilt mini barns / storage buildings is not anticipated to approach a level of concern requiring any additional on-site storm water management, “all provisions of surface water drainage” has already been approved by the applicable ordinances.***

Note: The applicant is not proposing any additional ancillary fixtures such as electrical and / or lighting. There is adequate parking area on site to accommodate the anticipated level of business. The Commercial signage regulations permit up to 160 square feet of signage on the parcel. The owner and applicant have been advised that all signage must remain in compliance. The owner and applicant have been advise that the easement / right-of-way cannot be used for parking purposes and that appropriate signage should be used to direct traffic.

Final Staff Comment and Recommendations: Recommend that the Planning Commission approve requested Site Plan as presented.

Respectfully submitted for consideration by the Wexford Joint Planning Commission,



Dr. Ben Townsend
Assistant Planning and Zoning Administrator