



# Wexford Joint Planning Commission

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May 11, 2022

## STAFF REPORT/SITE PLAN REVIEW/SPECIAL LAND USE CHANGE OF USE

### 1. Application

Applicant:	<b>Kern, Gary</b> 400 W. John Street Mesick, Michigan 49668
Owner(s):	SAME AS APPLICANT
Site Address, And Proposed Location	620 W. Wexford Avenue - Buckley Michigan 49620 Parcel ID# 2411-06-2401 Hanover Township
Zoned:	COMMERCIAL / Rural Residential
Site Plan:	Attached

### 2. Development Proposal

2.1 Property Description – Parcel ID# 2411-06-2401, **Hanover Township**  
PAR A; COM AT C 1/4 COR OF SEC; W 958.49 FT TO POB; N 675 FT E 306.05 FT; S 410.81 FT;  
W 75.76 FT; S 42.56 FT; S50D07M13S W 97.14 FT; S 162.12 FT; W 154.25 FT TO POB. --3.932 A M/L HNR. SEC.  
6 T24N R11W -BUCKLEY-

2.2 Action Report – The Applicant(s) are requesting a ‘**change of use**’ involving existing structures of the former South Side Bar to a multi-purpose event / wedding venue facility classified under major group [72] in the North American Industry Classification System (NAICS).

2.3 Article 55, Section 5503.F lists NAICS major group code [72]: based upon the representations of the applicant, staff further defines (a majority) of their specific use under sub group, **NAICS Code 722320** - Banquet halls with catering staff are included in this industry. Examples of events catered by establishments in this industry are graduation parties, wedding receptions, business or retirement luncheons, and trade shows.”

2.4 Current Narrative:

1. The Planning and Zoning Administrator was contacted early on in the process inquiring about the steps needed to operate the requested special land use in Hanover Township. Advice regarding the process was given to the applicant.
2. The applicant presented at the February 7<sup>th</sup>, 2022 meeting of the Hanover Township Board per Article 86, Section 8604.B
3. A site plan was received approximately 30 days prior to the scheduled April 25<sup>th</sup>, 2022 meeting of the WJPC.
4. The WJPC at their April 25<sup>th</sup>, 2022 meeting postponed the scheduled public hearing requesting additional site plan information.
5. New publication of a public hearing was scheduled for May 7<sup>th</sup>, 2022 – 16 days prior to the May 23, 2022 WJPC meeting
6. New 300’ notices were mailed out via US Mail on May 5, 2022

3. Standards for Site Plan Review with Staff Comments and Recommendations

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 that “all applicable regulations of this Ordinance” both “generally to all districts,” and to the “specific zoning district” (C) as being complied with?

**GENERAL REGULATIONS (Article 10)**

Staff has determined that the following denoted General Regulations are Generally applicable to the subject property: (*see commentary below*)

<b>1003</b>		<b>1012</b>		<b>1031</b>		<b>1050</b>	<b>Y</b>	<b>1054</b>	<b>Y</b>	<b>1070</b>		<b>1074</b>	
<b>1004</b>		<b>1013</b>		<b>1040</b>		<b>1051</b>	<b>Y</b>	<b>1060</b>	<b>Y</b>	<b>1071</b>		<b>1080</b>	
<b>1010</b>		<b>1020</b>	<b>Y</b>	<b>1041</b>		<b>1052</b>		<b>1061</b>	<b>Y</b>	<b>1072</b>		<b>1081</b>	
<b>1011</b>		<b>1030</b>		<b>1042</b>		<b>1053</b>		<b>1062</b>	<b>Y</b>	<b>1073</b>		<b>1082</b>	

### **Article 80, Section 8011**

D. When a special use owner applies to amend the unwritten Special Use Permit for expansion or change, a written Special Use Permit shall be prepared for the entire use and parcel. **In review of the Special Use Permit amendment application for expansion or change, the Commission shall only review and act on the expansion or change portion of the Special Use Permit.** If the application for amendment of the Special Use Permit is approved, approved with conditions, denied or denied in part, **the action shall not change or alter those parts of the special use that are shown on the Pre-existing Special Use Permit.**

*Based upon the above – staff offers the below comments related to the General Regulations. The North American Industry Classification System manual (NAICS) lists Bars (i.e. drinking places) alcoholic beverages, in the ‘same’ major use group; therefore, it is reasonable to assume that the impacts will be similar and additional standards and / or conditions should NOT be applied to this ‘change-of-use’.*

#### ***Staff Commentary related to ‘applicable’ General Regulations***

**1020: Waste Accumulation and Outside Storage** – the applicant has not shown a proposed dumpster location and enclosure.

**1050: Driveway Design**-The proposed / existing driveway design meets the minimum criteria of Article 10, Section 1050 and has been approved by MDOT.

**1051: Driveway and Curb Cuts** – because another driveway is NOT being proposed and because the location is on a state trunkline – these provisions for driveway space are not applicable.

**1054: Vehicular Parking Space, Access and Lighting**-the existing establishment has 70+ parking spaces indicating a maximum capacity of approximately 140 persons including employees. Additional parking should be required to be provided on site in the event the current capacity is exceeded on a regular basis. On-site parking lot lighting shall be in compliance with Article 10, Sections 1054 and 1061. The site plan exhibits adequate loading / unloading area.

**1060: Signs**-The existing sign shall and / or any proposed new signs shall continue comply with Article 10, Section 1060 of the Wexford Joint zoning ordinance.

**1061: Outside Lights**-The site plan does not indicate any existing or proposed outside lighting. Any newly installed lighting shall comply with Article 10, Section

**1062: Landscaping Standards** – **‘existing special use’: N/A**

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?

***Staff Comments and Recommendations: All utilities are currently in place – no changes being proposed***

3. Are all “water lines, sewer lines,” and “all provisions of surface water drainage” approved by respective agencies?

***Staff Comments and Recommendations: All utilities are currently in place – no changes being proposed***

## 5. 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?

***Staff Comment and Recommendations: The proposed change of use to a multi-purpose event / wedding venue facility classified under major group [72] in the North American Industry Classification System (NAICS) as the same use group as the previous use as a restaurant / bar establishment – the same or similar impacts can be expected.***

2. Is the use consistent with the intent and purpose of the district?

***Staff Comment and Recommendations: The use is listed as a ‘special’ use in the subject zoning district. Any ‘concerns’ should be mitigated through the review and approval process by the Wexford Joint Planning Commission.***

3. Is the use compatible with adjacent land uses?

***Staff Comment and Recommendations: In Michigan, Zoning must be based on a plan (part of the Master Plan). The uses (both Permitted and Special) that are listed in the Commercial District (Article 55 of the Wexford Joint Zoning Ordinance) in which this property is located are contemplated as being compatible when and if certain provisions are complied with. The site plan, statements of the applicant, and special use process for the requested use are to be reviewed for compatibility.***

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?

***Staff Comments and Recommendations: The proposed change of use is anticipated to have similar impacts as the previous land use as a bar / restaurant.***

*The applicant has adequately demonstrated their intent to comply with applicable provisions of Article 10, General Regulations.*

**Recommendation #1 – Approval of Site Plan**

*“Staff believes that the applicant narrative and site plan have demonstrated compliance with the purpose and intent of the zoning ordinance and it is recommended that the Site Plan of Applicant, related to the change of use be approved.”*

**Recommendation #2 – Approval of Special Use**

*“The Zoning Administrator recommends the Special Use Permit be approved by the Planning Commission as is suggested above.”*

Respectfully submitted for Planning Commission consideration,



Planning and Zoning Director