

Wexford Joint Planning Commission
c/o Cherry Grove Township
4830 E. M-55, Cadillac, MI 49601-9332
Ph: 231-775-1138x6 Fax: 231-775-0037 Attn: WJPC
planningandzoning@wexfordjpc.org

SPECIAL LAND USE PERMIT APPLICATION

1. APPLICANT: Name: Perry Jerry
(Last) (First) (M.I.)

Address: 7864 S. 1 1/2 Rd. Harrietta MI 49638
(No. & Street) (City) (State) (Zip)

Phone Nos: (432)967-2408 Same Same NA
(Work) (Home) (Cell) (Fax)

2. APPLICANT'S INTEREST IN PROPERTY: Owner/Developer

3. OWNER: Name: Same as Applicant
(Last) (First) (M.I.)

Address: _____
(No. & Street) (City) (State) (Zip)

Phone Nos: _____
(Work) (Home) (Cell) (Fax)

4. REQUESTING SPECIAL LAND USE PERMIT FOR (Specify Use): _____

5. LEGAL DESCRIPTION OF PROPERTY: Part of SE 1/4 of Sect. 18, described as commencing at S 1/4 Part of Sect.; thence N along N-S 1/4 Line 132.04 ft. to N Line of Highway M-55; and POB: N 1159.59 ft.; E 491 ft. to Westerly Line of Highway M-37; S 32° 02' 04" E along line 1152.58 ft S 34° 16' 34" W along clear vision area Highway R/W line 164.43 ft. to N line of Highway M-55; W along said N line 819.72 ft. to POB. 20 Acres ± SE, Section 7, T21N R12W

6. ADDRESS OF PROPERTY: NW Corner M55 AND M37

7. PRESENT USE OF PROPERTY: Commercial

8. ATTACH REQUIRED SITE PLAN DRAWING and all documentation required to demonstrate compliance with Article 94 (Site Plan), Article 86 (Special Uses), and all other applicable articles and provisions of the Wexford Joint Zoning Ordinance.

9. NAMES & ADDRESSES OF ALL OTHER PERSONS, FIRMS, OR CORPORATIONS HAVING A LEGAL INTEREST IN THE PROPERTY: Not Applicable

10. APPLICANT'S SIGNATURE:

X _____ Date: _____

11. OWNER'S SIGNATURE:

X _____ Date: _____

-OFFICIAL USE ONLY-

CASE NO: _____

FILING DATE: 09-27-2017

REC'D BY: _____ RECEIPT NO: 975328

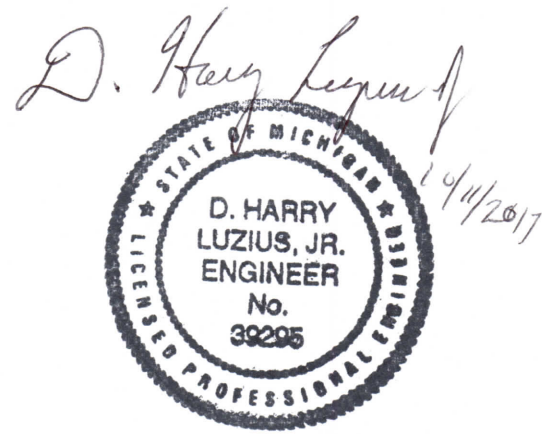
PC ACTION: _____ DATE: _____

BOARD ACTION: _____ DATE: _____

EFFECTIVE DATE: _____

**Narrative for
Special Use Permit Application
For River Rat Off Road Park
at NW Intersection of M55/M37
Owned by Jerry and Amy Perry**

October 11, 2017



General

The parcel in question is located in Section 7 of South Branch Township, more specifically at the north-west corner of M55 and M37. It is owned by Jerry and Amy Perry, dba River Rat Canoe and Kayaks. The parcel identification number is 2112-07-4301, and is approximately 20 Acres in size.

There is little relief of the parcel. From south to north the elevation changes approximately five feet over the course of 1,200± ft., which is a gradual slope of less than 0.5%. A soils evaluation was conducted by District Health Dept. No.10, and a septic and well permit was issued for the proposed commercial building. The soils evaluation shows that 2-inches of Brown, Sandy Loam Topsoil, and 74-inches of Tan Loamy Sand were encountered. The site is composed of a stand of natural pine trees, many of which have been cleared.

Zoning

The lower south east third of the parcel is zoned C-1 Commercial. It is comprised of 7.5 Acres±. The remainder of the north and west of the parcel is zoned R-R, Rural Residential.

Commercial Zoning Portion

The developer intends to develop several commercial enterprises in one building. The "flagship" use on the premises is a 12,640 s.f. structure located in the C-1 portion of the property. It is intended to be used for commercial purposes. The following uses are being proposed within the facility, all of which are included in the permitted uses category for Commercial District Zoning. They are listed as follows: 1) a convenience store (*Retail Trade---Article 5502.E*); a sports bar (*Accommodation and Food Services---Article 5502.O*); a canoe livery for a canoe rental operation (*Real Estate and Rental and Leasing---5502.I*); and an antique automobile museum (*Arts, Entertainment, & Recreation---Article 5502.N*).

(Note: The canoe rental operations took place in portable buildings located in front of the proposed commercial building. These portable buildings will be removed when the commercial building is completed and all operations are moved into the permanent building.)

The commercial sector has access from both M55 and M37. An MDOT Permit has been secured for these access points. It is designated as MDOT Entrance Permit No. 41326.

Phase 2 Land Improvements within the Commercial Zoning Portion

Mr. Perry intends to develop a ball field for community events. This is to be located behind the portion of the structure where the sports bar will be located. It is intended to be developed 2-5 years from approval of the site plan.

Rural-Residential Zoning Portion

Generally, the uses on the rural-residential portion of Mr. Perry's property are intended to support and be in harmony with the commercial use. Site Plan improvements in the Rural-Residential Zoning Portion are as follows:

1. The special uses will involve a Mud Pit Event Area, which is allowable under *Spectator Sports--Article 3703.GG*. This area will be used to hold an annual Mud Pit event. Guard railing is installed for protection of the spectators. An existing covered Open-Air Pavilion is located adjacent the Mud Pit Area. The Pavilion is 3,770 sq. ft. and has a sloped roof, 12-18 feet in height. A second Open Air Pavilion is proposed 2-5 years from approval of the site plan. It will contain 3,770 sq. ft. and will not exceed 20 feet in height.
2. The site plan shows access to the event area by means of proposed driveway off 1 ½ Rd. According to Mr. Perry, the Road Commission has made several on-site visits and have expressed no objections to the presence of the driveway. We are currently reaching out to the road commission to determine if any additional correspondence will be required to memorialize the existence of the driveway.
3. A grand stand area with seating for 1,000 is proposed 2-5 years from approval of the site plan. Seating for handicapped will be in front of the grand stands, adjacent to the guard railing.
4. An area for vendors is proposed behind the guard railing to allow the sale of food and beverages for "post Mud Pit" socializing. This will allow the stationing of temporary food stands, which is consistent with allowable special uses under *Section 3703 T and U, Meat and Meat Product Wholesale, and Fresh Fruit and Vegetable Wholesale*.
5. Ancillary uses such as parking will flow over into the portion of the property which is zoned Residential. As the mud pit event is scheduled to be no more than two events per year, parking will be marked by temporary "football event" striping. Parking is shown on the site plan, with 453 designated parking spaces, plus 30 ADA spaces close to the event area.
6. Plus, a portion of the proposed ball field will be located in the R-R section of the property. This is allowable under *Fitness & Recreational Sports Centers--Article 3703.KK*.

Phase 2 Land Improvements within the Rural-Residential Zoning Portion

As alluded to previously, the grand stand area is envisioned to be installed 2-5 years from now. Additional guard railing will be installed. Plus, a permanent bathroom facility will be installed, dependent on the issuance of a septic permit from the health department. *According to Mr. Perry there will be no more than two events per year, with the addition of the permanent facility. The facility is a "bells and whistles" feature which, if finances allow, will be an added attraction to serve the needs of his customers.*

Appurtenances

A 15-foot wide by 8-foot high berm will be placed around the perimeter of the property to act as a visual barrier. The surrounding properties at this intersection are commercial in nature; thus, the proposed uses on this site are consistent with the general land uses of the adjoining properties. Landscaping is shown around the perimeter of the berm. It consists of coniferous trees, approximately 20 feet apart, throughout the R-R zoned area, consistent with *Section 1062 D.m. Landscaping standards*.

Outside lights are either pole mounted or building mounted. The lighting shall be LUMARK PFPRV-1-A60-T3-20 LED Fixtures and also LUMARK PFPRV-2,3or4-A60-T4-20 LED Fixtures or equal. These

fixtures are night sky compliant and designed to be confined to the light to the subject property, as required in Section 1061. Outside Lights, Paragraph A.

There will be no significant natural features removed or modified.

There will be no additional effluent discharged into the air. Any additional noise will be mitigated by the man-made buffer mentioned in the previous paragraph.

To the best of our knowledge and belief, the proposed land use and also the site plan layout are in compliance with the general provisions of the ordinance as well as the requirements for the respective Commercial district. Furthermore, ancillary and support operations such as parking will flow over into the Residentially zoned portion of the property. Therefore, a special use permit will be needed for those activities. With respect to Special Use Permit Criteria, as defined in Section 8609 of the Joint Planning Commission Zoning Ordinance, we offer the following comments:

1. Is the use reasonable and designed to protect the health, safety and welfare of the community?

Answer: Yes, with the man-made buffer designed to act as a visual and sound buffer, the health, safety and welfare of the community is being protected.

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

Answer: Yes---a permitted use for Rural Residential is Spectator Sports (Article 3703.GG). The mud pit event center is located within the Commercial Zoning; the parking which will support the event center is located in the RR zoning. Since the parking in question is supporting a permitted use, it is therefore consistent with the purpose of the district.

3. Is the use compatible with adjacent land uses?

Answer: The adjacent land uses are primarily commercial in nature. As the primary land use of this parcel is also commercial, then it can be considered compatible with adjacent land uses.

4. Is the use designed to ensure that public services and facilities are capable of accommodating increased loads caused by the land use or activity?

Answer: Yes---the infrastructure of the business has been approved by the local health department. The additional septic infrastructure on the west end of the development is designed to accommodate larger crowds during entertainment events.

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?

Answer: This site is in compliance with the general provisions of this ordinance in terms of parking, signage (no more than a total of 160 sq.ft.), outside lighting and landscaping.

Security Recommendation System:

During the event in August of this year, planning commission staff noted that were approximately 50-60 people sitting along the top of the berm directly in front of the Mud Pit. This raises several security concerns. There were children observed jumping off the berm toward M-37. Plus, there was a significant amount of foot traffic from the Mud Pit event to the business on the other side of M-37.

As shown on the site plan, chain link fences are to be erected, connecting the berms to the commercial building, enclosing the entire event area. Thus, foot traffic to the neighboring business will be minimized if not eliminated entirely. Plus, when the commercial building enterprises are completed and the area for vendors is opened, this will also discourage any incentives to cross the street to the neighboring building.

Nonetheless, an additional step will be required to provide crowd management during these events, so as to ensure the general safety of the attendees at the event. In order to keep people out of dangerous areas, off duty police and/or fire and rescue people will be present the entire day of the event. They will be utilized to assist in traffic control, parking, and ensuring that the designated venues for viewing (i.e., behind the guard railing on the west portion of the site) of the event is the only place where attendees are located.

Utilities:

Electric Utilities/Utility Easements:

The area is served by Consumers Energy. An overhead power line runs along the south edge of the property parallel to M-55. An existing utility easement is shown on the site plan. There are no other known utility easements on the property.

On the north end of the property, a conduit and electric riser was installed to provide power to the existing and proposed open air pavilion areas. The electric riser is shown on the site plan.

Sewer Considerations

An on-site septic permit has been issued for this facility.

Water Considerations

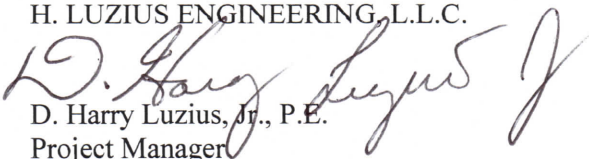
A Type III well permit has been issued for this facility and has been installed. The well meets all isolation distance requirements, including a setback of 800 ft. from the gas station on the east side of M37. A copy of the well log is attached.

Site Drainage/Storm Water Control:

The drainage patterns for rain fall run are generally to the north and east. Proposed retention ponds are shown adjacent the hard surface areas near the commercial building and parking lot. The client has received a soil erosion permit from Wexford County.

Respectfully submitted;

H. LUZIUS ENGINEERING, L.L.C.


D. Harry Luzius, Jr., P.E.
Project Manager