



## Wexford Joint Planning Commission

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July 12, 2017

### STAFF REPORT/SITE PLAN REVIEW

#### 1. Application

Applicant's Agent:	Daniel E. Miller, River Rat Canoe and Camping
Owner:	Jerry Perry
Owner Address:	7864 S. 1 ½ Rd Harrietta, MI 49638
Site Address, Contact Information, And Proposed Location	7892 S. M-37 Hwy Wellston, MI 49689 Parcel ID# 2112-07-4301 – South Branch Township
Zoned:	Split Zoned C-1 and R R, Approximately 10 acres Commercial, 10 Acres Rural Residential
Site Plan:	Attached (Exhibit A)

#### 2. Development Proposal

- 2.1 Property Description – The property is located in Section 7, South Branch Township, at the NW Corner of M-37 and M-55. The property is approximately 20.2 acres, or 879,790 square feet. Assessment Role Description reads: Part of SE ¼ Desc as Com at S ¼ Post of Sec; N Alg N-S ¼ Ln 132.04 ft to N Ln of Hwy M-55 and POB: N 1189.59 Ft; E 491 ft to W'ly Ln of Hwy M-37; S23D02'04" E Alg Ln 1152.58 ft S34D06'34"W Alg Clear Vision Area Hwy R/W Ln 164.43 ft to N line of Hwy M-55; W Alg SD N Ln 819.72 ft to POB. 19.81 A. M/L SB. Sec. 7 T21N R12W.
- 2.2 Action Report – The Applicant(s) is requesting approval for the different usages of the buildings, which include a canoe livery, convenience store, car museum and sports bar/restaurant. Also, mostly on the commercial property is the application for a Mud Bog with accessory buildings and parking. Ancillary building, part of the Mud Bog usage is to be built on the Rural-Residential section of the property. Also, overflow parking for the Mud Bog is mainly on the Rural-Residential section of the property.

2.3 Background:

1. This property started under the Wexford County Zoning back in August of 2016, when Jerry Perry applied for a Zoning Permit on 8/10/2016 from Wexford County Zoning for a proposed "Mercantile/Storage" pole building. It was approved by Karen Selim on 8/15/2016.
2. A "Phased Approval" for a building permit was given by the Wexford County Building Department on 8/31/2016 by Bob Scarbrough for a "Mixed Use: Non-separated M, S1 Mercantile & Storage. The full building permit was issued on 12/27/2016 by the same entity.
3. Driveway permits were applied for and received from MDOT on 8/9/2016 for driveways off of M-37 and M-55.
4. Septic and Well permits were obtained by the District Health Department on 8/11/2016.
5. Since that time the Applicant's Agent, Dan Miller has been using the temporary trailer on the property as a commercial enterprise with customers coming in and out of temporary trailer renting canoes from Mr. Miller's "River Rat Canoe Rental."
6. It should be noted that while a phased approval for a building permit was issued, there were no reviews regarding the impact of the uses on the land, such as is required under the current zoning ordinance.

2.4 Current Narrative:

1. A letter was mailed to Amy and Jerry Perry at their residence in Hamilton, Michigan on 4/6/2017 by the Wexford Joint Planning and Zoning Administrator when it was determined that the owner was actively continuing to excavate, clear the land, and promote land uses which were not approved through the appropriate permitting process.
2. Acting on complaint and discovery that the work progress at the corner of M-37 and M-55 was continuing in a non-licensed fashion, a STOP WORK order was given to the Applicant on 5/26/2016 at the Agent's place of business there, after consultation with the Wexford Joint Commission Attorney of Record.
3. Application was made on behalf of Jerry Perry by his Agent Dan Miller on 6/7/2017 for a "Site Plan Review" on the property at the NW corner of M-55 and M-37. Their \$660 was paid at that time.
4. On that same date, 6/7/2017, a Memorandum was given and gone through with the Agent, Mr. Miller concerning Zoning Principles of having a Mud Bog in this jurisdiction. Also, there was a list of questions which were helps for their consideration of having an outdoor activity with potentially hundreds of individuals on the property, considering the noise of the engines for the Mud Bog, the lighting for the property and other considerations for them to contemplate.
5. In the initial review process, the Zoning Administrator realized the property was located in two different zoning districts, Commercial and Rural-Residential. The ZA advised the Applicant's Agent that the more stringent use standards would apply. Consequently on June 21, the applicant's agent paid the amount due for consideration of a special land use.



6. A follow-up letter was written to the Owners, Jerry and Amy Perry on 6/23/2017, praising them for the “significant progress” made with their Agent, Mr. Miller. This letter also cancelled the site plan review which was scheduled for 6/26/2017 by the Wexford Joint Planning Commission because of their lack of a scaled site plan.
7. A new scaled site plan was received by the Zoning Administrator on 6/27/2017 by Engineer H. Luzius which showed the site plan in its entirety. Working with the Mr. Luzius, a new site plan was made which showed the proper zoning areas for the parcel. The mercantile/storage building and the Mud Bog pit with proper outdoor portapotties are all located within the Commercial Zone. The 30’ x 40’ Agriculture and Equipment storage building would be located in the Rural-Residential area of the parcel.
8. According to the Applicant’s usage description all of the usages requested on the Commercially zoned portion of the parcel are permitted under section 5502.E. and 5502.N in the North American Industry Classification System (NAICS sector 44-45). Also, as a permitted use under NAICS sector 71, Arts, Entertainment and Recreation, such an activity as Mud Bogs would be permitted. It is all subject only to site plan review standards by the Planning Commission.

2.5 Wexford Fact Book Notation:

1. On page 239 of the Wexford Fact Book it states that the places in Wexford County which are more rural intersections known as “Hamlet’s,” such as “Gartlett Corners” at the corner of M-55 and M-37, are viewed as different Commercial properties than those of a city like Cadillac, or a town like Mesick. According to the Master Plan, these “Hamlet’s” are to be supporting Commercial enterprises to those larger Commercial towns and cities. Therefore, Commercial activities like Gasoline stations and other small businesses are warranted in these rural intersections.

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 “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)

*Staff Comment and Recommendations: The site plan shows all building structures and setbacks are in compliance in both the Commercial area and the Rural Residential area. **Recommend** getting for the record an affirmation of proper lighting as per WJZO Article 1054.E, “Any light source in or around parking lot shall be shaded so there is not a direct line of sight to the filament, or light bulb from anywhere off the parking area. The area to be illuminated shall be directed toward the parking area and pedestrian walks between the parking area and*

*principle use. Lighting shall be low intensity to avoid light cast, glare, or illumination beyond the parking area.” Also, **recommend** because the overflow parking notated on the Site Plan is on a large portion of the Rural-Residential portion of the land that it is asked of the Applicants if they intend to allow parking in this area “after dark.” If after dark parking is allowed in this area, would recommend to the Commission to get assent from Applicants that this parking area would also be well lit. The Applicant shall also commit to demonstrating compliance with Section 1061 regulating outside lights.*

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)

*Staff Comments and Recommendations: Staff Exhibit B shows the telephone lines from Acentek are all cabled and underground. Inquire for the record to make sure all utility lines are currently buried underground that come to the property, and that all of the same for the new construction is to be underground.*

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

*Staff Comments and Recommendations: Both driveway permits are noted on the site plan, obtained from the MDOT. Both Septic and Well permits were obtained by the District Health Department #10 (Septic - #83-4549, Well - #83-4550). A Soil Erosion and Sedimentation Control Permit was issued by Wexford County. Also, notice the “Drainage Flow Direction” is noted on the Site Plan.*

#### 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.

**(Note: This is concerning the R-R portion of the parcel which has the 30’x40’ building and the overflow parking lot.)**

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 Comment and Recommendations: The berm around the property is to protect the noise level and the sight of the facilities to the public. Most of the berm is on the R-R portion of the property. The building is a integral building to be utilized by the permitted use of the Commercial property’s Mud Bog and for equipment for those enterprises. The parking area is to be utilized as overflow parking for the Mud Bog, which takes place on the Commercial portion of the property. Again, **recommend** a commitment for lighting of parking area in order to protect the safety and welfare of those in attendance to these uses on the property. Also,*



**recommend** said berm continues on the east side of the property all the way to the driveway.

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2. Is the use consistent with the intent and purpose of the district? (Refers to page 131, Section 8609.A.2)

*Staff Comment and Recommendations: According to Article 3701, the purpose of the R-R District is “to provide for neighborhoods of a rural character with a mix of forestry practices, agricultural practices, residential uses, resort-residential uses of a same or similar kind or nature, and to implement the Master Plan; while at the same time discouraging retail, manufacturing, wholesale, service businesses, etc. and other major institutional or community services.” Staff notes that the building may not fit the usage of a R-R property. In the simplicity of it, we ask, can there be an “accessory building” on a R-R property without there being a dwelling? Because of the nature of the property before us, being half Commercial and half Rural-Residential, the Commission would have to determine if they would allow an “accessory building” to be placed alone on a R-R parcel without a dwelling. Staff recommends that Commission states for the record that in the case of a split property of Commercial/Rural-Residential, any “accessory buildings” built upon the Rural-Residential section should be only a support building for the primary use (in this case Mud Bog) in the Commercial section. Therefore, the building would not be confused with an Agricultural building or a Farm building.*

3. Is the use compatible with adjacent land uses? (Refers to page 131, Section 8609.A.3.)

*Staff Comment and Recommendations: There is a gasoline station directly across M-37 and a future campground (Fee for Campground has been paid and application has been received and is being processed, pending additional information from the applicant) directly across M-55. The uses on this property would be consistent and compatible with these Commercial enterprises.*

**Recommend** that this Commercial business would act in harmony with the surrounding businesses. For example: the campers in the campground can use the entertainment activities at the Mud Bog, and those automobiles which park on the R-R overflow parking can use the gasoline station across the road to fill up. Note: The Applicant has taken measures to insure compatibility trying to mitigate noise and traffic with the berm. They have received proper driveway permitting from MDOT. And no outside agencies have taken any steps either.

4. Is the use designed to insure 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.)

*Staff Comments and Recommendations: With the driveways where they are placed, and the extra parking on the R-R section, the increased loads of the land use will be minimal. Being rural in nature and having proper permitting, nothing seems to be an issue with any outside agencies.*

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.)

*Staff Comment and Recommendations: There is nothing in section 1601 that would pertain to this Special Use. The Zoning Staff has reviewed all applicable general provisions and have the following **Recommendations**:*

- **Temporary building(s)**, although generally not address, the temporary buildings should not be permitted during the site plan review and should be removed from the property within 60 days of receiving Certificate of Occupancy.
- **Signage**: Although not significantly reviewed on the site plan, the Applicant shall provide documentation demonstrating compliance with section 1060 of the Zoning Ordinance.
- Although not specifically address, the proposed uses will **generate waste** that will need to be removed from the property on a regular basis. The location of the **waste receptacles** should be demonstrated on the site plan or in supplemental materials presented to the Zoning Administrator.
- In addition to site plan requirements, Applicants shall demonstrate compliance with **landscaping standards** in accordance to Section 1062. This will be shown to the Zoning Administrator before Certificate of Occupancy.

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

*“If the Applicant agrees to all of the above suggestions from the Zoning Administrators, and approved by the Planning Commission, then we recommend the Site Plan of Applicant be approved.”*

**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.”*

Very truly yours,



Robert A. Hall, Planning and Zoning Administrator