



Wexford Joint Planning Commission

% Cherry Grove Township
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June 14, 2018

STAFF REPORT

1. Application

Applicant's Agent:	Harry Luzius, Professional Engineer
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 is coming back before the PC with a Supplemental Site plan for a new storage building which will store old cars and trucks.
- 2.3 Ambiguity in Ordinance for Setback – This property is located in a rural area with a major highway going past it. Therefore, there is a one-hundred (100') foot setback Right of Way (ROW) from the middle of the road to the property line. Then there is a thirty (30') foot setback for Consumers Energy (CE) to have an easement for any electricity it may bring

down this highway. With this CE easement, the Applicant has reasonably asked for, and Staff also recommends placing the building far enough away from the easement to cause no interruption in anything CE would wish to do in the future.

- **Staff recommends placing this building at least forty (40') feet away from CE easement for ingress/egress to both sides of the building from in front of the building (and not behind).**

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)
 - **Staff used more stringent Commercial standards and agree that applicant has applied the Ordinance to this building.**
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 easements were provided for in last year’s site plan. Applicant is also being sensitive to the Consumers Energy**
3. Are all “water lines, sewer lines,” and “all provisions of surface water drainage” approved by respective agencies?
 - **There are no needed changes from the last site plan that need to be addressed.**

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 additional building which will not conflict with any of the previously approved plans.
3. Reasons for Approval are owing to the simple facts that the Site Plan and Narrative from the Applicant reveals a building which will be used for storage. 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 existing structures and the proposed future structure.”*

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 Commercial portion of the parcel in which the current structure was previously approved by the Wexford County Zoning and the Wexford County Building Department. This permit will allow a similar, although smaller building to be built in an area which can allow for storage.)
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 this building, which will also need Wexford County Building Department approval, meets the needs of the community and would also add a buffer zone along M-55 for other activities on the property.**
 2. Is the use consistent with the intent and purpose of the district? (Refers to page 131, Section 8609.A.2)
 - **This new building will facilitate the intent and purpose of this Commercial land on the corner of M-55 and M-37. There will be no traffic increase as a result of this building, as it will be used for storage.**
 3. Is the use compatible with adjacent land uses? (Refers to page 131, Section 8609.A.3.)
 - **Yes, it is compatible with the other three corners of this intersection.**
 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” caused by this new building.**
 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 and specific standards will have been met in regards to this new structure.**
- 4.2 **Findings of Fact and Conclusions of Law**

1. The above section of the Ordinance (WJZO 8600, et. Seq.) have been met in their entirety.
2. Special Use Permits, as per WJZO 8616 – Expiration of Special Use Permits, are issued for one year only. An SUP will expire according to the Ordinance “if the use is not used, moved or vacated for a period of one year.”
3. This does not change the area in any degree as an effect on the other approved Special Uses on the property. This is merely a storage building.
4. Therefore, the Special Use Permit should be granted to the Applicant.

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

Respectfully submitted,



Dr. Ben Townsend,
Assistant Planning and Zoning Administrator