



Wexford Joint Planning Commission

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Staff Report – Conditional Rezoning Request

Re: Parcel #2210-36-1202 and 2210-36-2101

This 'conditional / contractual' rezoning request affects fewer than 11 properties and was noticed according to PA 110 of 2006 – an affidavit of publication is on file. All owners of real property (as listed with Wexford County) located within 300' (three hundred) feet were notified via first class mail.

Unlike a traditional rezoning, this request contains a 'contract' for a specific use of the property only that is enforceable.

The primary consideration of the Planning Commission as recited in the Wexford Joint Zoning Ordinance is finding that the proposed rezoning is in compliance with formally adopted plans under P.A. 33 of 2008 (being the Michigan Planning Enabling Act, M.C.L. 125.3801). Please see a copy of the planner of record memo dated February 18, 2018 for reference (following this report).

As of the writing of this staff report it cannot be confirmed that Article 98, Section 9802.C.2 has been complied with by the applicant requiring a presentation to the participating municipality of Selma.

NOTE: The Planning Commission cannot take **FINAL** action until such time as the proposed amendment allowing the conditional rezoning has been adopted by ALL of the participating municipalities.

Although this public hearing appears to have the 'cart before the horse' syndrome, the Attorney has conceded a level as comfort in proceeding cautioning that NO FINAL ACTION BE TAKEN until such time as the amending ordinance has been lawfully amended.

The Planning and Zoning Administrator has two (2) specific recommendations regarding this conditional rezoning request:

1. Recommend combining the two (2) separate parcels into one (1) new parcel number.
2. Recommend withholding ANY final decisions until such time as an ordinance is effective regarding conditional rezoning.

Respectfully submitted,

Robert Hall

Planning and Zoning Administrator