



Grobbel Environmental & Planning Associates

PO Box 58 Lake Leelanau Michigan 49653

February 12, 2018

Wexford Joint Planning Commission
c/o Cherry Grove Township
4830 E. M-55 Highway
Cadillac, MI 49601

RE: Conditional Rezoning Requests and Wexford Joint Master Plan Language

Dear Wexford Joint Planning Commission,

Per the request of Bob Hall, Wexford Joint Planning Commission (WJPC) Zoning Administrator, I have reviewed the Wexford Joint Master Plan relative to language supporting the WJPC consideration of conditional rezoning requests.

Conditional Rezoning Requests

Section 125.3405 of the Michigan Zoning Enabling Act (MZEA)¹ authorizes local units of government to accept and act upon “conditional rezoning” requests. Conditional rezoning allows an applicant to propose rezoning a specific parcel with attached conditions intended to make the rezoning request more acceptable to the community. Typical conditions for property rezoning may include limiting the property to a specific land use, allowing a limited commercial land use in a noncommercial district adjacent to a commercial district, voluntary height restrictions, cleanup of junk/blight conditions, specific landscaping and screening plans, etc. Landowners voluntarily offer to undertake certain actions in exchange for the

¹ Michigan Public Act 110 of 2006, as amended, effective July 1, 2006.

rezoning of a parcel, and the municipality then considers the request. In approving conditional rezoning actions a local unit of government may establish a time period during which the conditions apply to the parcel. Unless an extension is granted, if the conditions are not satisfied within the specified timeframe the parcel shall revert to its former zoning classification. Moreover, if a property owner fails to comply with the rezoning conditions within the required timeframe, it is recommended that the municipality initiate rezoning the parcel back to its original zoning classification.

While conditional rezoning is not specifically addressed within the Wexford Joint Master Plan,² support can be found in the following Master Plan sections.

- 1) Part E Overall Plan: Chapter E1 #5 which states “future development should primarily take place in a compact development pattern,” p. 15, and Goal #2 which states “centralize commercial, industrial and residential development at recognized trade centers and incorporated municipalities where ever possible,” p. 17.
- 2) Part F Land Use Plan: Chapter F1 Goal #1 which states “economic growth and development is focused on existing urban centers and away from undeveloped areas of Wexford County,” and Goal #3 stating “incompatible land uses are minimized through coordinated planning between Wexford County and its cities, villages and townships,” p. 22.
- 3) Part F3: Commercial: Goal #1 which states “encourage light commercial uses as a buffer zone between heavy commercial and residential areas,” p. 45; Goal #3 which states “clustered development of heavy commercial areas along or near major thoroughfares,” p. 46; and Goal #4 which states “commercial areas in Wexford County will be visually appealing and will allow for safe access for vehicular and pedestrian traffic,” p. 46.
- 4) Part F10” Transition Areas: Goal #1 to “avoid strip development,” and Goal #2 to “have phased progression of growth (i.e., transition areas) around the County’s urban areas,” p. 62.

² WJPC has incorporated the Wexford County Comprehensive Plan, May 19, 2004.

It is important to note that under Michigan's ZEA, a municipality may accept and act upon conditional rezoning requests even if the community has not adopted a procedure for doing so.

If you have any questions regarding these findings, please feel free to contact me at cgrobbel@grobbelenvironmental.com or 231-499-7165. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Grobbel". The signature is written in a cursive, flowing style.

Christopher P. Grobbel, Ph.D.
Sr. Planner