



# Wexford Joint Planning Commission

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## STAFF REPORT/SITE PLAN REVIEW/SPECIAL LAND USE

### 1. Application

Applicant's Agent:	Nathan Piwowarski
Applicant:	<b>Hoxeyville Productions, LLC</b> 9712 W. 48 Road Wellston, MI 49689
Owner(s):	Gregory E. Mikl, Tr. 11330 W. 48 ½ Road Wellston, MI 49689  Dolores M. Mikl, Tr. 11400 W. 48 ½ Road Wellston, MI 49689  Michael Battaglia 11490 W. 48 ½ Road Wellston, MI 49689
Site Address, And Proposed Location	11330, 11400, and 11490 W. 48 ½ Road Parcel ID# 2112-30-1201, 2112-30-1203, and 2112-30-1204 South Branch Township
Zoned:	2112-30-1201 Rural Residential 2112-30-1203 Rural Residential 2112-30-1204 Rural Residential
Site Plan:	Attached (Exhibit A)

## 2. Development Proposal

- 2.1 Property Description – Parcel ID# 2112-30-1201, 2112-30-1203, and 2112-30-1204 South Branch Township consisting of 55 acres (more or less)
- 2.2 Action Report – The Applicant(s) are requesting approval to conduct a three-day event (Friday morning through Sunday evening) generally described as a music festival including onsite provisions for camping, vendors, and parking during this same three-day period. The applicant has presented a substantial narrative addressing Article 86 [Special Land Uses] and Article 94 [Site Plan] review standards. There are no additional permanent structures proposed
- 2.3 Background:
  1. This property has historically been used for the requested purpose (in the same capacity and intensity, per the applicant) since 2008 under the jurisdiction of Wexford County.
  2. The 3 (three) subject parcels are contiguous with parcel #2112-30-1201 containing a dwelling. All parcels have frontage on W. 48 ½ Road.
  3. The ‘additional’ use on the property complies with the Bulk Regulations of Article 10, section 1003.B.1 in the current Wexford Joint Zoning Ordinance.
- 2.4 Current Narrative:
  1. The Planning and Zoning Administrator was first contacted in April of 2017 regarding the appropriate permitting process under the Wexford Joint Zoning Ordinance. The applicants’ agent, Nathan Piwowarski, forwarded application material previously required by Wexford County via email on April 26, 2017 for review.
  2. The applicant, through their agent, attended a pre-application conference with the Planning and Zoning Administrator and Assistant Zoning Administrator to discuss the Special Use application process and procedures.
  3. Application was made on behalf of Hoxeyville Productions, LLC for a “Special Land Use” / Temporary outdoor Arts, Entertainment, and Recreation [71] under Article 37, Section 3703.G to be conducted on the properties as indicated on the application and site plan on the dates of August 18, 19, and 20, 2017.
  4. After a review of the initial application materials received on June 21, 2017 via email, it was concluded by the Planning and Zoning Administrator that there would be supplemental materials required, such as a detailed site plan and Health Department / (temporary camping and sanitary) permits. Historically, events of this nature do NOT receive their ancillary approvals until immediately prior to the scheduled event.
  5. The applicant was notified of the additional materials that would be required to consider the application complete for review by the Wexford Joint Planning Commission. A brief discussion followed this notification acknowledging that the Planning and Zoning Administrator was aware that other agencies often were not in step with the Wexford Joint Zoning Ordinance requirements for ‘other’ applicable permits.

6. A complete narrative addressing the Article 94 [Site Plan] standards of review and the Article 86 [Special Use] standards of review and the applicable fee for a Special Use application was received at the office of the Wexford Joint Planning Commission on June 28, 2017.
7. On Wednesday, July 12, 2017, phone contact was made with the applicant's agent, Nathan Piwowarski, informing him that the proper notices and publications were made in preparation for the public hearing to be conducted by the Wexford Joint Planning Commission at their regularly scheduled meeting being held on Monday, July 24, 2017.
8. According to the Applicant's usage description, the 'use' is classified as a Special Use subject to the Site Plan review and Special Use standards of the Wexford Joint Zoning Ordinance.

### 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 that “all applicable regulations of this Ordinance” both “generally to all districts,” and to the “specific zoning district” (R-R) as being complied with? (Refers to page 141 WJZO 9411.A)

*Staff Comment and Recommendations: All of the captioned properties are located within the Rural Residential zoning district and the appropriate district regulations have been demonstrated via the provided narrative.*

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: Since this is a once per year event, there are no permanent electric, telephone or coaxial cables in the vicinity that would hinder the surrounding properties. **Recommend** getting a commitment that the temporary electric lines or generators which are run to power the stage will be well marked and maintained by the festival to ensure no harm to attendees and guests. **Recommend** that these temporary electric lines be noted on future site plans.*

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

*Staff Comments and Recommendations: The Applicants have assured WJPC that the District Health Department has approved all water supply and disposal systems which are at the festival. This includes portable lavatories. Nine Porta Potties are noted on Site Plan placed in various locations on the properties.*

### 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.

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: There are no more than four (4) occupied dwelling units within approximately ½ mile of the subject property. The applicants' narrative sufficiently identifies reasonable measures (such as stage direction and sound level controls) that are being implemented to mitigate possible nuisances related to off-site sound disturbances. The applicant has demonstrated that all other agency permits required have been (or will be) obtained prior to the proposed event. **Recommend** mitigating neighbor's complaints by identifying boundaries of surrounding properties which may be affected by trespassers, hikers or walkers which come from the Tent Camping Area.*

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 requested 'use' is listed as a Special Use under Article 37, Section 3703.G, Temporary outdoor Arts, Entertainment, and Recreation [71]. Special use permits generally relate to uses that are allowed in specific zoning districts provided they meet certain conditions set out in the ordinance. Those conditions are generally related to avoiding adverse impacts on the neighboring area. In a manner of speaking, 'special' uses are permitted as long as the appropriate safeguards are in place to adequately protect the uses permitted by right. Staff **recommends** a commitment from festival organizers to not allow any other non-approved festivals during other times of the year.*

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

*Staff Comment and Recommendations: In Michigan, Zoning must be based on a plan (part of the Master Plan). The uses (both Permitted and Special) that are listed in the Rural Residential District (Article 37 of the Wexford Joint Zoning Ordinance) in which this property is located are contemplated as being compatible when and if certain provisions are complied with. Hence, the site plan review and special use process for the requested use. Please refer to the comments in Section three (3) above of this staff report – the **applicants' narrative may be used as a commitment to insure compatibility for the duration of the requested activity.***

**Recommend** that this ‘use’ will act in harmony with the adjacent land uses if the Planning Commission mandates that the narrated assertions are followed through with.

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.)

*Staff Comments and Recommendations: The proposed location is extremely rural in nature. Although a county primary road it is also a terminus serving western portions of Manistee County (Norman Township / Dublin) and beyond (Scottville / Ludington). The applicant has noted in their narrative that they are above-board in their use of appropriate agencies to help regulate automobile traffic and pedestrian traffic.*

4. 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 applicant has adequately demonstrated their intent to comply with applicable provisions of Article 10, General Regulations.*

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

*“If the Applicant agrees to 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 Special Use**

*“The Zoning Administrators recommend the Special Use Permit be approved by the Planning Commission as is suggested above.”*

#### **Recommendation #3 – Future Yearly Reapplication and Fees for Hoxeyville Music Festival**

*“The Zoning Administrators, with counsel recommendation of WJPC Attorney Richard Wilson, recommends to the WJPC that the while the Hoxeyville Music Festival is properly classified as ‘Temporary’ outdoor Arts and Entertainment, the festival itself is ‘permanent,’ that is, annually reoccurring.*

**Recommend:** *The WJPC issue a SUP for the festival that continues without expiration date, so long as the festival remains ‘temporary’ and meets the other conditions imposed in the permit. Some of these items addressed would include,*

*1) length of festival (3 days plus setup and takedown days, 5 days total),*

*2) period during which festival may be held (August),*

*3) other activities besides music that may occur or be added,*

*4) a future greater influx of people, and*

*5) an annual pre-festival report to the Planning Commission describing the coming year’s festival.*

**Recommend Annual Renewal Fee if everything stays basically the same of \$200.**

***Note: Recommend amending fee schedule to reflect the above by adding “Renewal of Yearly Temporary Use Issued at \$200.”***

Very truly yours,

Robert A. Hall, Planning and Zoning Administrator