



Wexford Joint Planning Commission

c/o Cherry Grove Township
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 Cadillac, Michigan 49601

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April 4, 2018

STAFF REPORT/SITE PLAN REVIEW/SPECIAL LAND USE

1. Application

Applicant's Agent: Nathan Piwowarski

Applicant: **Hoxeyville Productions, LLC**
 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

James E. Haught (Additional)
11518 W 48 ½ Road
Wellston, MI 49689

Joel L. Smith (Additional)
10050 Hollister Rd.
Laingsburg, MI 48848

Site Address,
 And Proposed Location

11330, 11400, and 11490 W. 48 ½ Road
 Parcel ID# 2112-30-1201, 2112-30-1203, 2112-30-1204, **2112-30-2301-02, and 2112-30-2301-01**
 South Branch Township

Zoned: 2112-30-1201 Rural Residential
2112-30-1203 Rural Residential
2112-30-1204 Rural Residential
2112-30-2301-02 Rural Residential (Haught)
2112-30-2301-01 Rural Residential (Smith)

Site Plan: Attached (Exhibit A)

2. Development Proposal

- 2.1 Property Description – Parcel ID# 2112-30-1201, 2112-30-1203, 2112-30-1204 **2112-30-2301-02, and 2112-30-2301-01** South Branch Township consisting of 55 acres (more or less)
- 2.2 Action Report – The Applicant(s) are requesting approval to conduct a **second** three-day event (Friday morning through Sunday evening) **May 31-June 2**, 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, **although Applicant states that they are arranging more parking on adjacent additional parcel, thereby removing the fencing on the west side of the event. They also noted that future plans are to move the entrance to this additional property.**
- 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 **five (5)** 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 contacted in March of 2018 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 March 1, 2018 for review, and via Postal Service Mail on March 14, 2018, at which time the check for processing the SUP was received.
 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 May 31, June 1, 2, and 3, 2018.
4. After a review of the initial application materials received on March 14, 2018, it was suggested by the Planning and Zoning Administrator that this new festival should be loosened to include the any weekend in either May or June, in order to give the festival organizers the option to adjust the festival to another weekend within that same Spring period. An email was sent March 21, 2018 to Attorney Piwowarski of this change.
5. The applicant was notified by email on March 14, 2018 of the additional materials that would be required. This notification included adding the new parcel to the site plan by hand drawing on the original site plan. This addition to the original site plan would help us to consider the application complete for review by the Wexford Joint Planning Commission.
6. On Wednesday, April 4, 2018, Applicant emailed additional site plan changes and an upgraded narrative to the WJPC Office.
7. Also on Wednesday, April 4, 2018, 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, April 23, 2018.

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. **The new parcels described above are adjacent to the previous three properties. And should they move the entrance to one of these parcels, it would alleviate even more of the backup on M-48 ½ Road.***

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: The Music Festival organizers have already taken these measures for their annual Music Festival in August. They have taken great measure to ensure the safety of any and all cables and lines.

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 taken great care to ensure this procedure was done for their annual music festival in August of 2017. 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. Staff **Recommends** Applicants continue to work to ensure barriers to the neighbors’ properties from campers on the site. Fences, warning signs, and other criteria would be good to place in certain areas to keep campers from roaming onto properties outside the music festival grounds.*

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. In the previous Staff Report, the Staff **recommended** a commitment from festival organizers to not allow any other non-approved festivals during other times of the year. **Now, the Applicants have notified the Planning Commission of a new festival in the Spring as compliance to our recommendation.***

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. **Staff Recommendation:** The Staff commends the music festival organizers for their tedious work in making sure the facilities are capable of increased loads caused by their music festival activities. **A future new entrance with multiple booths for checking vehicles replacing the current one entrance which is closer to 48 1/2 Road is a good addition to the organization.***

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 in their previous application their intent to comply with applicable provisions of Article 10, General Regulations. They have continued the same demonstration with this current application

Past 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 addition to the Site Plan of Applicant be approved.”

Past Recommendation #2 – Approval of Special Use

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

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

“The Zoning Administrators, with counsel recommendation of WJPC Attorney Richard Wilson, recommended last year (2017) 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.

***Recommended for previous Site Plan:** The WJPC issued an SUP for the festival that continues without expiration date, so long as the festival remained ‘temporary’ and met the other conditions imposed in the permit. Some of these items addressed included,*

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.”

Recommendation for Current Application of an Additional Spring Festival

Staff recommends granting this new application for a Spring Festival to be over a three-day (3 day) weekend in either May or June, which will be the HMF Organizer’s choice for future dates.

Very truly yours,

Robert A. Hall, Planning and Zoning Administrator