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MEMORANDUM

To: Tallmadge Charter Township Planning Commission
From: Gregory L. Ransford, MPA
Date: April 19, 2021
Re: Eric Boluyt Zoning Map Amendment (Rezoning Application)

Attached is a Map Amendment (Rezoning) Application from Eric Boluyt to rezone the northeastern 1.75 acres of 11365 8th Avenue, parcel number 70-10-23-400-046 from the rural Preserve Zoning District (RP) Zoning District to the General Commercial Zoning District (C-2). The property currently contains a single-family dwelling and is located on the west side of 8th Avenue, north of Lake Michigan Drive.

The application has been reviewed and found complete. Below we provide our summary of the application as well as an overview of its relationship to the Tallmadge Charter Township Master Plan (TCTMP) and the Tallmadge Charter Township Zoning Ordinance (TCTZO) to assist with your review. Based on the aforementioned, we believe a recommendation of denial is appropriate.

Additionally, attached is the related Zoning Map Amendment Ordinance for your consideration.

Application and Property Details

The subject parcel in its entirety is approximately 10 acres in area and contains 393 feet of road frontage on 8th Avenue. The request seeks to rezone that northeastern area of 228 feet in width on 8th Avenue, by a depth of 368 feet for a total of approximately 1.75 acres in area.

The applicant does not indicate the purpose of their request other than to rezone to C-2 as a result of the property being master planned for commercial, and based on its proximity to Lake Michigan Drive. Nonetheless, and as you know and we outline below within the Zoning Ordinance Considerations portion of this memorandum, the Planning Commission must consider all the possible uses available within the C-2 Zoning District when considering the request, since the request is not use specific.

Three Cs of Rezoning

As you know, we utilize “the three Cs” of rezoning when reviewing a rezoning request. They include:

1. Consistency – whether the request is consistent with the provisions of the Master Plan
2. Compatibility – whether the request will be compatible with existing zoning districts as well as existing and future uses in those zoning districts
3. Capability – whether the property subject to the request is capable of supporting the uses permitted by the requested zoning district and whether it is capable of being adequately served by the related transportation network and other governmental agencies.

It is important to keep these in mind as you review the application and our TCTMP and TCTZO summaries below.

Master Plan Considerations

Consistency

Chapter One – Community Preferences

As you are aware, as a part of the Master Plan process, the Township conducted a community survey of its residents and property owners to gauge their opinion on several land use matters. The survey respondents identified “limiting commercial and industrial growth to Lake Michigan Drive and Ironwood” as a priority for the Township. The subject property is approximately 1,000 feet north of Lake Michigan Drive and as noted by the applicant, is separated from Lake Michigan Drive by two uses (a single family dwelling and church) consisting of three properties. Consequently, it appears the request is inconsistent with this priority.

However, an additional priority identified by the respondents includes “increasing the use of public water and sewer to decrease user cost.” Typically, a commercial user will demand greater use of public utilities, thereby reducing cost. While neither public water or sanitary sewer are present at or near the property, if the subject property was rezoned to the C-2 District, it would be ripe for future public utility connection. Nonetheless, in the short term, both public utilities are located approximately one half mile from the subject property.

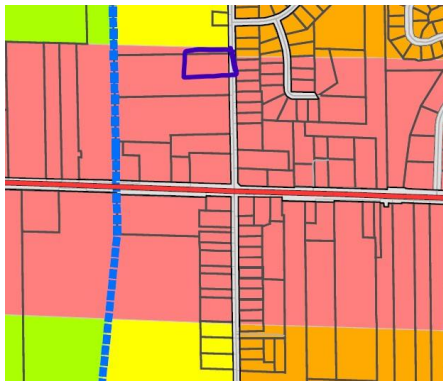
Chapter Five – Commercial Uses

On page 16 of the TCTMP, the Plan recognizes that most demand for commercial growth will be along Lake Michigan Drive between 8th Avenue and the County line to the east. While the language does not necessarily indicate that growth can only be in this area, a Goal of the TCTMP indicates that the Township should, “promote the physical clustering of commercial establishments to encourage more convenient shopping.” As you will note within the application materials, the closest commercially zoned property is across 8th Avenue at the Lake Michigan Drive intersection, approximately 825 feet south of the subject rezoning proposal. Given this, the proposed rezoning appears to be secluded from other commercially zoned properties. Consequently, the request appears inconsistent with this provision.

Further, on page 17 of the TCTMP, the Plan recommends “avoiding high density commercial development where public utilities are not available” and to “direct commercial development to occur in areas with suitable infrastructure.” While no use is conditioned on the rezoning request to determine if the density of use(s) would be low density, as aforementioned, public utilities are not available at the property. In addition, 8th Avenue is a two lane roadway that may not be appropriate for some commercial uses. Given this, it appears the request is inconsistent with these provisions.

Master Plan Map

For your convenience, below is a snapshot of the Master Plan Map showing the classification of the subject property and adjacent properties. (Legend: Green = Rural Agricultural Classification / Red = Commercial / Orange = Medium Density Residential / Yellow = Low Density Residential / Purple Outline = subject property).



While the TCTMP map identifies the subject property within the commercial classification, we do not believe the timing is appropriate, based on the provisions of the TCTMP text.

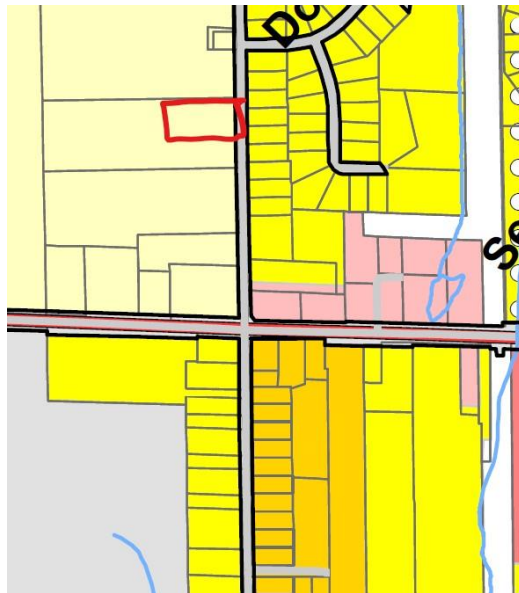
Zoning Ordinance Considerations

Compatibility

Currently, the surrounding uses of adjacent properties consist of single-family dwellings and active farmland. The subject property abuts lots located within the Rural Preserve Zoning District on the west side of 8th Avenue and abuts property within the R-1 Single Family Residential Zoning District on the east side of 8th Avenue.

As aforementioned, the subject property is approximately 1,000 feet north of Lake Michigan Drive and as noted by the applicant, is separated from Lake Michigan Drive by two uses (a single family dwelling and church). As a result, the closest commercially zoned property is across 8th Avenue at the Lake Michigan Drive intersection, approximately 825 feet south of the subject rezoning proposal.

For your convenience, below is a snapshot of the Zoning Map showing the relationship of the subject property to the surrounding zoning districts. (Legend: Tan = Rural Preserve / Yellow = Single Family Residential / Orange = Medium Density Residential / Grey = Industrial (conditional rezoning for Consumers Power) / Pink = Commercial Service / Red Outline = subject property).



As a result, the proposed area appears incompatible with the surrounding uses and the RP Zoning District.

Capability

The property proposed for rezoning is currently vacant, except for a single-family dwelling on the remainder portion of the 10 acres. In addition, the applicant has not indicated their intentions with the property, but regardless, the Planning Commission must determine if all of the C-2 Zoning District Uses are capable of being supported by a future C-2 Zoning District. As a result, the uses permitted by right and by special use within the C-2 Zoning District are attached for your convenience. While we believe the majority of uses by right and special uses could be supported by the subject property, we contemplate whether enough land exists for indoor recreation uses, nurseries, lumber yards, or outdoor amusement/recreation activities. As a result, the subject property may not be capable of supporting all of the C-2 Zoning District uses.

Planning Commission Considerations & Recommendation

Considerations

- Whether the request is a spot zoning given the gap to commercial property along Lake Michigan Drive and prior to such rezoning, commercial properties should be concentrated along Lake Michigan Drive prior to expansion north
- Whether the timing is appropriate without public utilities
- Whether the property can support all of the potential uses of the C-2 Zoning District

As a result of the aforementioned Master Plan and Zoning Ordinance considerations, we believe the request is inconsistent with the TCTMP, is incompatible with surrounding districts and uses, and is incapable of supporting all of the uses permitted by the requested zoning district. As a result, we believe a recommendation of denial is appropriate, pending comments received during the public hearing. The applicant has been scheduled for a public hearing at your April 27, 2021 meeting. If you have any questions, please let us know.

GLR
Planner

Attachments

cc: Dave Datema, Supervisor

CHAPTER 11

C-2 GENERAL COMMERCIAL DISTRICT

SECTION 11.02. PERMITTED USES. In C-2 Districts, no uses shall be permitted except the following:

- (a) All permitted uses in the C-1 District, subject to the same condition, as permitted under Section 10.02. [NOTE TO PLANNING COMMISSION – SEE FURTHER BELOW FOR C-1]
- (b) Offices and showrooms of a plumber, electrician, building contractor, upholsterer, caterer, decorator, taxidermist, exterminator, or similar trade subject to the following conditions:
 - All services performed on the premises, including fabrication, repair, cleaning or other processing of goods, shall be sold at retail on the premises where produced.
 - The ground floor premises facing upon and visible from any abutting streets shall be used only for entrances, offices, sales, or display.
 - There shall be no outside storage and/or display of materials or goods of any kind.
- (c) Schools for occupations, professional, or technical training, such as dance schools, music and voice schools, art studios, secretarial training, and similar schools.
- (d) Hotels and motels.
- (e) Funeral homes, provided there is adequate assembly area for vehicles to be used in funeral processions and such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of the funeral home.
- (f) Private service clubs, fraternal organizations, banquet and dance halls, meeting halls, and similar places of assembly.
- (g) Indoor theaters.
- (h) Private indoor recreation uses, such as bowling alleys, billiard halls, gymnasium or court sports facilities, tennis clubs, roller or ice skating rinks, personal fitness centers, and similar recreation uses, subject to the following:
 - 1. Indoor recreation uses shall be set back a minimum of one hundred (100) feet from any AG, RP, or any residentially zoned property.

2. Indoor recreation uses shall have direct access to a major thoroughfare in accordance with Section 3.18.
- (i) Banks with drive-thru windows, provided adequate stacking spaces are provided in accordance with Section 15.08.
- (j) Office supplies and office machine service stores.
- (k) Professional studios.
- (l) Kennels
- (m) Other uses similar to the above and consistent with the intent and general character of the district.

SECTION 11.03. USES PERMITTED AFTER SPECIAL APPROVAL. The following uses may be permitted by the Township Board, following the review and recommendation by the Planning Commission, subject to the conditions specified for each use below, and further subject to the provisions of Chapter 19.

- (a) All uses permitted after special approval in the C-1 District, subject to the same conditions, as permitted under Section 10.03.
- (b) Automobile filling and service stations, including oil changes and minor repairs (see definitions under Section 2.03), subject to the following:
 1. The minimum lot area shall be fifteen thousand (15,000) square feet for automobile filling stations and twelve thousand (12,000) square feet for automobile service stations. All such facilities shall not be located within five hundred (500) feet of any place of public assembly.
 2. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured along the road right-of-way or from any residentially zoned districts). Drives shall be no less than twenty (20) feet wide nor wider than thirty (30) feet at the right-of-way line. No more than one (1) such drive or curb opening shall be permitted for every fifty (50) feet of frontage along any street.
 3. Quick oil change facilities shall provide off-street waiting spaces equal to five (5) times the number of oil change stalls for automobiles awaiting entrance. Each off-street waiting space shall be ten (10) feet wide by twenty (20) feet long.
 4. The entire lot, excluding areas occupied by landscaping and buildings, shall be hard-surfaced with concrete or bituminous material. Curbs of at least six (6) inches in height shall be installed around the perimeter of all surfaced areas.

5. All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line.
 6. The storage, sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is prohibited. Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding four (4) days.
- (c) New and used automobile, truck and tractor, boat, mobile home, recreation vehicle and trailer sales, subject to the following:
1. Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to dispose of all surface water accumulated within the area. The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least sixty (60) feet from any street or road intersection (as measured along the road right-of-way line).
 2. Any servicing of vehicles shall be subject to the following requirements:
 - All vehicle service activities, partially dismantled vehicles, and new and discarded parts shall be completely enclosed within a building.
 - The building containing service operations shall be located a minimum of fifty (50) feet from any property line.
 3. Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.
- (d) Automobile or car wash establishments, subject to the following:
1. All washing activities shall be carried out within a building. Vacuuming activities shall be permitted in the rear yard only, provided such activities are located at least fifty (50) feet from adjacent residentially zoned or used property.
 2. Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. Off-street waiting spaces shall be provided as per Section 15.08. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.
 3. Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto adjacent thoroughfares unless screened by an adjoining lot or building.
- (e) Drive-in or drive-through restaurants, as defined in Section 2.03, subject to the following:
1. Drive-through windows, drive-in spaces, and waiting lanes shall not be located closer than one hundred (100) feet to any AG, RP, R-1, R-2, R-3 or R-4 District.

2. Ingress and egress to the site shall be located at least sixty (60) feet from the intersection of any two (2) streets (measured along the road right-of-way line).
 3. Off-street waiting spaces shall be provided as per Section 15.08.
 4. Devices for the transmission of voices shall not be audible beyond the boundaries of the site.
- (f) Open-air businesses such as sales of plant materials not grown on the site, nurseries, lumber yards, outdoor display areas, playground equipment, and home garden supplies subject to the following:
1. The minimum lot width for these uses shall be one hundred (100) feet, except for temporary roadside stands. All display and loading areas shall meet the setback requirements of this district.
 2. The nearest edge of any entrance or exit drive shall be located no closer than sixty (60) feet from any street or road intersection as measured along the road intersection right-of-way line.
 3. All loading and parking areas for these uses shall be confined within the boundaries of the site and shall not be permitted to spill over onto adjacent roads.
 4. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained or covered to prevent it from blowing onto adjacent properties.
 5. Unless Christmas tree sales are accessory to the principal use of the site, a permit shall be obtained from the Building Official to allow temporary use of the site for such sales.
 6. All fenced in areas are subject to the provisions of Section 3.12.
- (g) Outdoor amusement or recreation activities, subject to the following:
1. Such activities shall not be located within five hundred 500 feet of any AG, RP, or residentially zoned land.
 2. All access to such site shall be from a major thoroughfare, as per Section 3.18.
 3. All sides of the development not abutting a major thoroughfare shall be provided with a six (6) foot high wall or fence and a twenty (20) foot wide obscuring greenbelt, in accordance with Section 3.17.
 4. Such use shall not cause or create unreasonable site pollution, noise, nuisance, traffic or disturbance on adjacent or surrounding properties.

- (h) Drive-in theaters, subject to the following:
1. Drive-in theaters shall be designed and constructed in accordance with an internal site plan which shall be subject to the site plan approval by the Planning Commission. Particular consideration shall be given to drainage, lighting, and internal vehicular circulation.
 2. The face of the theater screen shall not be closer than five hundred (500) feet to any public road or highway right-of-way, and shall be constructed so it is not visible from any road, highway, or residentially-zoned district.
 3. Driveways serving drive-in establishments shall be off of a major street as per Section 3.18. The nearest edge of any entrance or exit drive shall be located no closer than two hundred and fifty (250) feet from any street or road intersection (as measured along the road right-of-way line).
 4. A minimum of thirty (30) stacking spaces shall be provided on the premises for vehicles waiting to enter the theater. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
 5. An eight (8) foot high obscuring wall or fence shall be provided along all property lines.
- (i) Educational or health related institutions such as schools, colleges, hospitals, and treatment facilities, but not including prisons, subject to the following:
1. All ingress and egress from said site shall be directly onto a major thoroughfare, as per Section 3.18.
 2. Buildings which exceed height limitations for this district may be allowed, provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
 3. Ambulance and emergency entrance areas shall be screened from view from adjacent residences by the building design or by a six (6) foot high masonry wall.
- (j) Veterinary clinics, provided all treatment and housing of animals are within a wholly enclosed building. Veterinary clinics shall not be located within five hundred (500) feet of any residentially zoned property. The boarding of animals without need of medical treatment shall be prohibited.
- (k) Roadside stands not larger than thirty-two (32) square feet in an area which are operated on a seasonal basis and are otherwise removed during the majority of the year, subject to the following provisions:

1. Only fruit, cut flowers and vegetables that have been grown on the premises are sold.
 2. No part of the roadside stand, sales or parking area shall be located within a road right-of-way.
 3. Only one (1) stand premises shall be permitted.
- (l) Other uses similar to the above and consistent with the intent and general character of the district.

CHAPTER 10

C-1 COMMERCIAL/SERVICE DISTRICT

SECTION 10.02. PERMITTED USES. In C-1 Districts, no uses shall be permitted except the following:

- (a) Retail businesses which supply commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, alcoholic beverages, baked goods or other foods, ice cream, drugs, dry goods, notions, hardware, paint and wallpaper, books, stationery and school supplies, records and video cassette sales, flowers, periodicals, shoes, sporting goods, small household articles, and tobacco products.
- (b) Retail or service establishments which offer comparison goods for residents such as: bicycle sales, jewelry stores, hobby shops, music stores, clothing and shoe stores, notions, bookstores, sporting goods stores, office supply stores, carpet stores, furniture stores, building material sales (including hardware, glass and paint), household appliance stores, paint and wallpaper stores, auto equipment sales stores, and similar specialty retail stores.
- (c) Specialty shops, "five and ten" stores, and other variety stores including notions.
- (e) Establishments which perform services within a completely enclosed building such as: beauty and barber shops; watch, radio, television, clothing and shoe repair; locksmiths; photo processing outlets; and similar establishments.
- (f) Office buildings and uses, including offices for administrative services, accounting, clerical, drafting, education, executive, insurance, professional, real estate, research, sales agent, stock broker, technical training, stenographic, writing, and medical and dental practices.
- (g) Restaurants and cafes, including carry-out restaurants, but excluding drive-in or drive-through restaurants.
- (h) Financial institutions, including banks, credit unions, and savings and loan associations, provided that no drive-through facilities are permitted.

- (i) Municipal, county, or state service buildings without storage yards; and community buildings such as libraries, museums, post offices, and recreational, educational, and human service centers.
- (j) Newspaper offices and printing shops.
- (k) Photographers.
- (l) Video rental establishments.
- (m) Laundromats and dry cleaning outlets, provided that all services performed on the premises shall be sold at retail on the premises where performed.

SECTION 10.03. USES PERMITTED AFTER SPECIAL APPROVAL. The following uses may be permitted by the Township Board, following the review and recommendation by the Planning Commission, subject to the conditions specified for each use below, and further subject to the provisions of Chapter 19.

- (a) Churches and other religious buildings and facilities customarily incidental thereto, provided all primary ingress and egress from said sites shall be directly onto a major thoroughfare, as per Section 3.18.
- (b) Outdoor cafe's or eating areas where patrons are served while seated in the open air, subject to the following conditions:
 - 1. The outdoor eating area shall not exceed fifteen (15) percent of the gross floor area of the principal building; and shall not be located in any required front, side or rear setback area.
 - 2. The outdoor eating area shall be located no closer than fifteen (15) feet from any vehicular parking or maneuvering areas. Such eating areas shall be separated from all vehicular parking and maneuvering areas by means of a greenbelt, wall, or architectural feature.
 - 3. The outdoor eating area shall not be located within fifty (50) feet of any properties used or zoned for residential purposes. The area shall be completely screened from view from all residential properties by an obscuring fence or greenbelt, in compliance with Section 3.17.
 - 4. The outdoor eating area shall be kept clean and void of litter at all times.
 - 5. All vending machines shall be located within a completely enclosed.
- (c) Small "pocket" parks for outdoor sitting and strolling, subject to the following:
 - 1. Such parks shall not exceed six thousand five hundred (6,500) square feet in area.

2. Such parks shall be used for passive recreation only, such as walking, sitting, and picnicking. Facilities for active sports such as softball, basketball, or tennis shall not be permitted.
3. A landscape plan shall be provided for review by the Planning Commission. The character of the park shall be in keeping with and enhance commercial uses within the district. Park facilities and activities shall not hinder business traffic.

