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MEMORANDUM

To: Tallmadge Charter Township Planning Commission
From: Gregory L. Ransford, MPA
Date: February 6, 2023
Re: Daniel Nyenhuis Zoning Map Amendment (Rezoning) Application

Attached is a Zoning Map Amendment (Rezoning) Application from Daniel Nyenhuis to rezone approximately 2.81 acres from the R-1 Single-Family Residential Zoning District (R-1) to the Rural Preserve (RP) Zoning District. The property is located at 10145 Kenowa Avenue, parcel number 70-10-36-200-042, and currently contains a single family dwelling and a detached garage.

The application has been reviewed and found to be 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.

Despite our recommendation, attached is the related Zoning Map Amendment Ordinance for your consideration.

Application and Property Details

The property subject to the rezoning abuts Fennessy Lake, which is generally surrounded by single-family dwellings on lots of various acreage with the majority of the lots being smaller in area than the subject property. All of the properties abutting the lake are located within the R-1 Zoning District.

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.

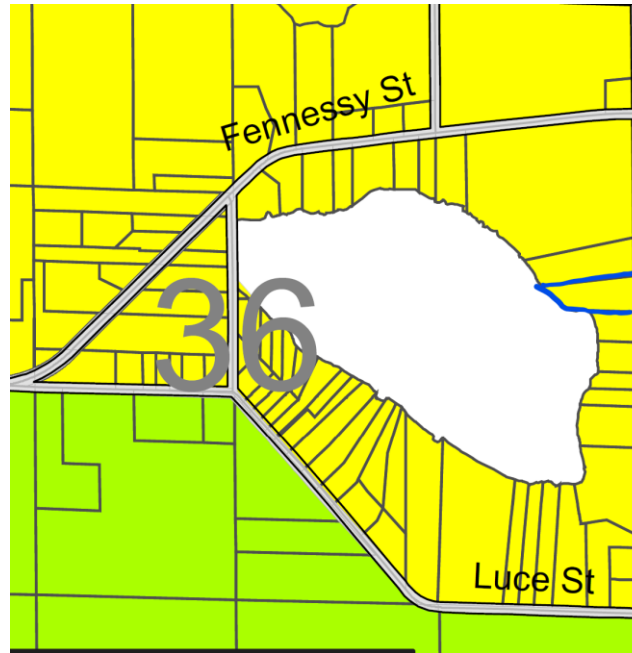
It is important to keep these in mind as you review the application and our TCTMP and TCTZO summaries below.

Master Plan Considerations

Consistency

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: Yellow = Low Density Residential / Green = Rural Agricultural / Blue Outline = subject property).



As you will note above, the TCTMP map identifies the subject property within the Low Density Residential Classification, which is the equivalent of the R-1 Zoning District. As a result, the requested rezoning is inconsistent with the TCTMP map.

Given that the applicant seeks a rezoning to the RP Zoning District, below we provide provisions from the TCTMP regarding both the Rural Agricultural Classification (RP Zoning District equivalent) and the Low Density Residential Classification (R-1 Zoning District equivalent).

Chapter Two – Rural Agricultural

Goals of the Rural Agricultural chapter include, “prevent the wide scale scattering of intensive and higher density non-farm land uses in the rural country-side.” As you will note within the Master Plan Map and Zoning Map excerpts within this memorandum, Fennessy Lake is completely surrounded by the Low Density Classification and R-1 Zoning District, respectively. Related, and as you know, the Township has planned to concentrate higher density residential uses generally east of 8th Avenue, which is where the property is located. Given this, the subject property as it exists today encourages that higher density to remain east of 8th Avenue and reduce the pressures of the same west of 8th Avenue.

Related, additional goals of Chapter Two indicate that the Township should “preserve the rural character of the Township” and “support agricultural operations,” both of which do not seem to be supported in the instance the property is rezoned to the RP Zoning District. While agricultural activity could occur on the property if the rezoning is adopted, its proximity to open water and its small acreage provides for limitations to such a use.

Given the aforementioned, the request appears to be inconsistent with the goals of Chapter Two of the TCTMP.

Chapter Three – Residential Uses – Low Density, Medium Density & High Density

Low Density Residential goals include, “provide for a low-density pattern of residential development consistent with the rural character found in most areas of the Township,” and “locate low density development close to schools, parks, places of worship, and recreational uses.” While the subject property could not generally be

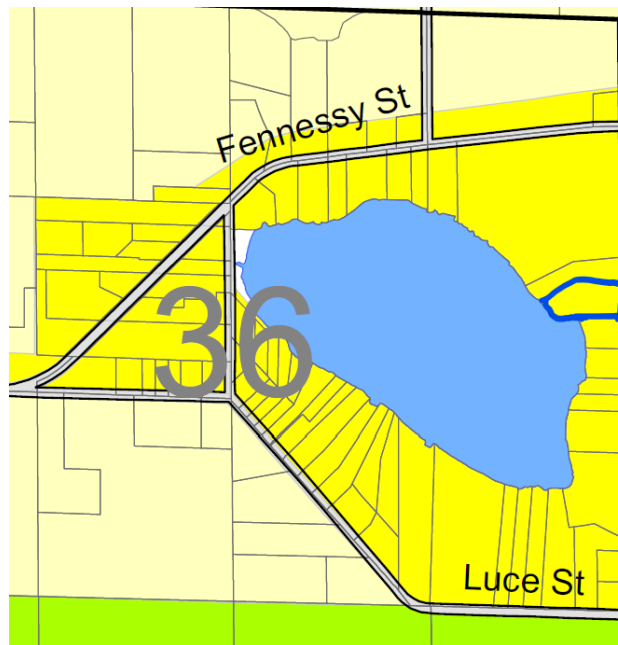
developed in the traditional sense, the entirety of the Fennessy Lake area already exists in a low-density residential pattern of development and is close to schools, parks, places of worship, and recreational uses. Given this, it appears that the request to rezone is inconsistent with these goals of the TCTMP.

Zoning Ordinance Considerations

Compatibility

Currently, the surrounding uses of adjacent properties consist of single-family dwellings within Tallmadge Charter Township and the City of Walker. As aforementioned, the subject property abuts lots located within the R-1 Zoning District.

For your convenience, below is a snapshot of the current Zoning Map showing the relationship of the subject property to the surrounding zoning districts. (Legend: Tan = Rural Preserve / Yellow = Single Family Residential / Green = Agricultural / Blue Outline = subject property).



Depending on the use conducted on the property, such as generalized farming, the proposed rezoning may or may not be compatible with the surrounding uses and Zoning Districts. As you will note further below within the Capability portion of this memorandum, we provide the uses permitted by right and by special use within the RP Zoning District.

Capability

As aforementioned, the property currently contains a single-family dwelling and detached garage. While the applicant seems to suggest that the rezoning is to accommodate a larger pole barn than the R-1 Zoning District allows, as you know, the Planning Commission must determine if all of the RP Zoning District Uses are capable of being supported by the subject property. As a result, the uses permitted by right and by special use within the RP Zoning District are attached for your convenience. It appears that most of the uses within the RP Zoning District could be supported by the subject property.

Lot Area and Width

Also relevant to capability is the minimum lot width and area for the requested zoning district and the current zoning district. The requested RP Zoning District requires 165 feet of lot width and 2.5 acres in area, where the

existing R-1 Zoning District requires 120 feet of lot width and one acre of lot area. The subject property is 235 feet in width and 2.8 acres in area.

Accessory Building Area

Related to the area of an accessory building, the applicant is currently limited to 1,200 square feet of area. In the instance the property is rezoned, an accessory building of approximately 2,574 square feet could be constructed.

Planning Commission Considerations & Recommendation

As a result of the aforementioned Master Plan and Zoning Ordinance considerations, we believe the request is inconsistent with the TCTMP. While the request may be compatible with surrounding districts and uses in some regards, certain uses within the RP District, such as generalized farming, may be incompatible with surrounding single-family uses. Furthermore, the property as currently zone is more compatible with the zoning district surrounding Fennessy Lake given the surrounding uses, permitted accessory building sizes, and historic character of the area. Nonetheless, we believe the property may be capable to support most of the uses available within the RP Zoning District.

As a result of our findings above, 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 February 28, 2023 meeting. If you have any questions, please let us know.

GLR
Planner

cc: Mark Bennett, Supervisor

RP Rural Preserve Zoning District

SECTION 6.02 - PERMITTED USES.

In the RP District, the following uses shall be permitted:

- (a) Generalized farming as defined in Section 2.03, provided the number of animals meet the provisions of Section 3.16.
- (b) Single-family dwelling unit.
- (c) Churches and public, parochial and other private elementary, intermediate or high schools, provided that the principle means of ingress to or egress from the site is via a road classified as a major or minor arterial road in the Township Master Plan, or Ottawa County.
- (d) Publicly-owned parks and recreation facilities.
- (e) Cemeteries.
- (f) Roadside stands not larger than thirty-two (32) square feet in 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 fruits, cut flowers and vegetables that have been grown on the premises are sold.
 - 2. No part of the roadside stand, sales area or parking area shall be located within a road right-of-way.
 - 3. Only one (1) stand per premises shall be permitted.
- (g) Private stables, as defined in Section 2.03 and which is accessory to a residential use, subject to the following conditions:
 - 1. All animals shall be owned by the occupants of the residence.
 - 2. The numbers of animals shall meet the provisions of Section 3.16.
 - 3. All buildings in which animals are kept shall meet the provisions of Section 3.16.
 - 4. The area on which the horses are kept shall be completely enclosed by a fence or similar barrier to prevent trespass on adjoining property or roadways.
 - 5. The premises shall be kept in a sanitary condition and the keeping of horses shall not result in objectionable odors, dust, noise, or other nuisances which would pose a nuisance to nearby residents.
 - 6. The storage of manure shall be a minimum of one-hundred (100) feet from any property line.
- (h) Accessory buildings and uses customarily incidental to any of the above permitted uses, subject to the provisions of Sections 3.02.

SECTION 6.03 - 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) Roadside stands with a sales area which exceeds thirty-two (32) square feet, but not more than two hundred (200) square feet, subject to the following:
 - 1. Only fruits, cut flowers and vegetables that have been grown on the premises are sold.
 - 2. No part of the roadside stand, sales area or parking area shall be located within a road right-of-way.

3. All structures are portable and are removed during off-season periods. There shall be only one roadside stand per premises.
- (b) (Reserved for future use.)
- (c) Public stables (boarding stables) as defined in Section 2.03, subject to the following:
1. Public stables shall be a minimum of twenty (20) acres in size.
 2. All buildings in which animals are kept shall meet the provisions of Section 3.16.
 3. Persons renting horses shall be adequately supervised so as to avoid conflict with nearby property owners.
 4. The area on which the horses are kept shall be completely enclosed by a fence or similar barrier to prevent trespass on adjoining property or roadways.
 5. The premises shall be kept in a sanitary condition and the keeping of horses shall not result in objectionable odors, dust, noise, or other nuisances which would pose a nuisance to nearby residents.
 6. The storage of manure shall be a minimum of one-hundred (100) feet from any property line.
- (d) Governmental or non-governmental public service buildings and facilities when in character with the surrounding area, provided that outside storage of vehicles or materials is visually and aesthetically obscured by a fence, greenbelt, or building on all sides.
- (e) Greenhouses and nurseries, subject to the following:
1. No retail sales of products grown on-site shall be permitted, unless on a roadside stand.
 2. All such uses shall be located on sites which are a minimum of twenty (20) acres in size.
 3. The principal access to such use shall be from a paved road.
 4. All storage areas for plants, fertilizers, and other materials shall comply with the minimum setback requirements for this district.
 5. Off-street parking shall be provided as per ordinance requirements.
 6. A clear sight distance of five hundred (500) feet shall be provided from the main entrance for traffic safety purposes.
 7. All associated buildings and structures shall be setback a minimum of twice the setback requirements of this district for the front and side yards.
- (f) Bed and Breakfast Establishments, subject to the provisions of Section 3.04.

R-1 Single-family Residential Zoning District

SECTION 7.02. PERMITTED USES.

- (a) In R-1 Districts, no uses shall be permitted except the following:
1. Single family detached dwelling units.
 2. Child and adult day care facilities and foster homes, which care for no more than six (6) persons.

SECTION 7.03. 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 public, parochial, or other private elementary, intermediate or high schools, subject to the following:
1. All primary ingress and egress from said site shall be directly onto a major thoroughfare, in accordance with Section 3.18.

2. All side yards shall be a minimum of twenty-five (25) feet in width.
 3. Buildings of greater than the maximum height allowed in the district may be allowed provided that the front, side, and rear yards are increased above the minimum required yards by ten (10) feet for each foot of building height that exceeds the maximum height allowed.
 4. Off-street parking shall be prohibited in the front yard setback area. Where any off-street parking area abuts a lot in a residential district, a wall, fence or obscuring greenbelt shall be provided in accordance with Section 3.17.
 5. In order to mitigate any negative off-site impacts (such as noise, glare, trespassing, or odors) on residential uses, the Township Board may require adequate fencing, screening, or landscaping on the site. Accessory uses, such as a social service center or banquet facilities for a church, shall be prohibited unless the Township Board shall find that adverse impacts will be mitigated.
- (b) (Reserved for future use.)
- (c) Parks, playgrounds, community centers, swimming pool clubs, and other recreational facilities, but excluding campgrounds or sportsmen clubs, subject to the following:
1. Principal and accessory buildings shall be setback at least seventy-five (75) feet from all property lines, unless otherwise specified herein. Off-street parking areas shall be prohibited in the front yard setback area.
 2. Such uses shall have direct access onto a major thoroughfare or collector road, as per Section 2.03.
 3. The location, layout, design, or operation of outdoor recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The Township Board may specify the hours of operation to assure compatibility with adjacent uses.
 4. An obscuring greenbelt in accordance with Section 3.17(e) shall be required wherever recreation facility abuts directly upon a residential district. The Township Board may require additional fencing, screening or landscaping to mitigate impacts such as noise, trespassing, or odors.
 5. The proposed site would attract, or is intended to serve, persons from the immediate neighborhood.
 6. Side yards shall be at least forty (40) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition.
 7. Off-street parking shall be provided so as to accommodate not less than one-half (1/2) of the member families and/or individual members. The Township Board may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas and will therefore be pedestrian.
- (d) Bed and Breakfast Establishments, subject to the provisions of Section 3.04 and located only in a single family dwelling