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MEMORANDUM

To: Tallmadge Charter Township Planning Commission
From: Gregory L. Ransford, MPA
Date: February 4, 2023
Re: Persenaire Map Amendment (Rezoning) Application

Attached is a Map Amendment (Rezoning) Application from Joshua and Adrian Persenaire to rezone approximately 5.5 acres of their existing property located at 11063 2nd Avenue, parcel number 70-10-25-200-021 from the Single-Family Residential (R-1) Zoning District to the General Commercial (C-2) Zoning District. The property currently contains a single-family dwelling, however, that portion proposed for rezoning is vacant. The remaining R-1 property would contain the single-family dwelling and meet the minimum size and width required for the district.

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 adoption 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 7.32 acres in area and contains approximately 400 feet of road frontage on 2nd Avenue. The request seeks to rezone the entirety of the parcel, resulting in two rezoned districts. The C-2 portion will contain the northern road frontage, about 640 feet south of Lake Michigan Drive.

While the applicant has indicated to us that they desire to establish an indoor venue for weddings and similar events, and may discuss the same with you, 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 cannot be use specific with a traditional rezoning.

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. As aforementioned, the subject property is located within about 640 feet of Lake Michigan Drive, which is within the commercially identified area on the Master Plan map. Consequently, it appears the C-2 request is consistent with this priority.

An additional priority identified by the respondents includes, “increasing the use of public water and sewer to decrease user cost.” Typically, commercial and residential users will demand greater use of public utilities, thereby reducing cost. If the subject property was rezoned to the C-2 District, it would be ripe for future public utility connection. Public water and sanitary sewer are both within Lake Michigan Drive to the north. As a result, it appears the request is consistent with this provision.

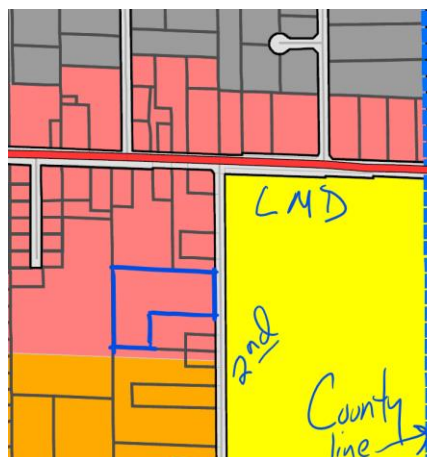
Chapter Five – Commercial Uses

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 abuts the subject property to the north and west. Given this, the proposed rezoning appears to be consistent with the additional commercial rezonings that have occurred in the area. Consequently, the C-2 request appears consistent with this provision.

In addition, a recommendation on page 17 of the TCTMP indicates that the township should, “avoid high density commercial development where public utilities are not available.” As aforementioned, public utilities are near to the site. Consequently, the request appears consistent with this provision.

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: Red = Commercial / Orange = Medium Density Residential / Yellow = Low Density Residential / Grey = Industrial / Blue Dashed Line = Urban Growth Boundary / Blue Outline = subject property).



The TCTMP map identifies the subject property within the commercial classification. As a result, it appears that this request is consistent with the Master Plan Map.

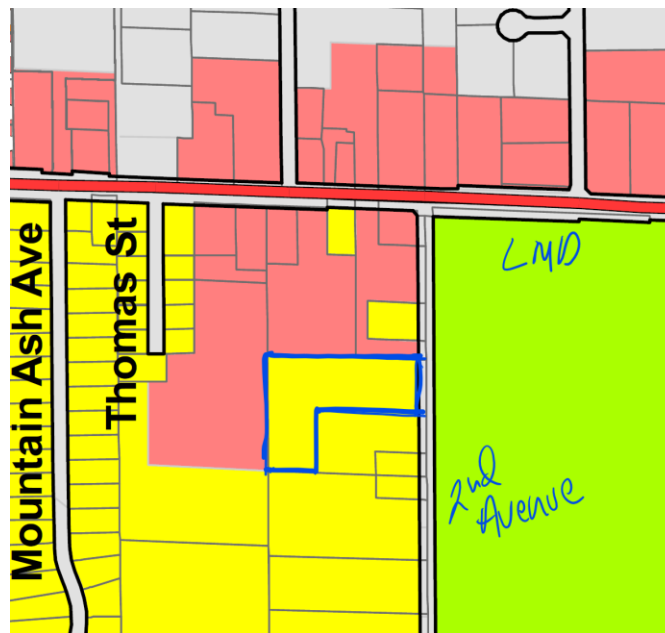
Zoning Ordinance Considerations

Compatibility

Currently, the surrounding uses of adjacent properties consist of vacant properties, single-family dwellings, and a cemetery. The subject property abuts lots located within the Agricultural Zoning District (cemetery), R-1 Zoning District, and the C-2 Zoning District.

As aforementioned, the subject property is located on 2nd Avenue and a portion of the adjacent property has previously been rezoned to the C-2 Zoning District as outlined in the TCTMP map.

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: Yellow = Single Family Residential / Grey = Industrial / Red = General Commercial / Green = Agricultural / Blue Outline = subject property).



While single-family dwellings may be a perceived conflict, given the adjacent C-2 Zoning Districts and Lake Michigan Drive, we believe the proposed rezoning is compatible with the surrounding uses and Zoning Districts.

Capability

As aforementioned, the remainder portion of the property proposed for rezoning currently contains a single-family dwelling. While the applicant has indicated their intentions with the property, regardless, the Planning Commission must determine if all of the C-2 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 C-2 District attached for your convenience. We believe all of the uses by right and special uses could be supported by the subject property.

Also relevant from the C-2 Zoning District is the minimum lot area and width required within the district when considering capability. The minimum lot area is determined by the use required and the related improvements. The minimum width required is at least 80 feet. As aforementioned, the area proposed for rezoning contains approximately 400 feet of road frontage and 5.5 acres in area.

As a result, we believe the subject property is capable of supporting all of the C-2 Zoning District uses.

To that end, it is important to note that the Planning Commission cannot require public utility connection as a condition of this application but can pursue public utility connection during a future site plan review application, which may be required to support certain uses, depending on their size and intensity.

Planning Commission Considerations & Recommendation

As the Planning Commission deliberates regarding this application, we believe the following warrant your review and consideration.

- The Three C's of Rezoning
 - Consistency
 - Compatibility
 - Capability

As a result of the aforementioned Master Plan and Zoning Ordinance considerations, we believe the request is consistent with the TCTMP, is compatible with surrounding districts and uses, and is capable of supporting all of the uses permitted by the requested zoning district. As a result, we believe a recommendation of adoption 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

Attachments

cc: Mark Bennett, Supervisor

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.
- (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.