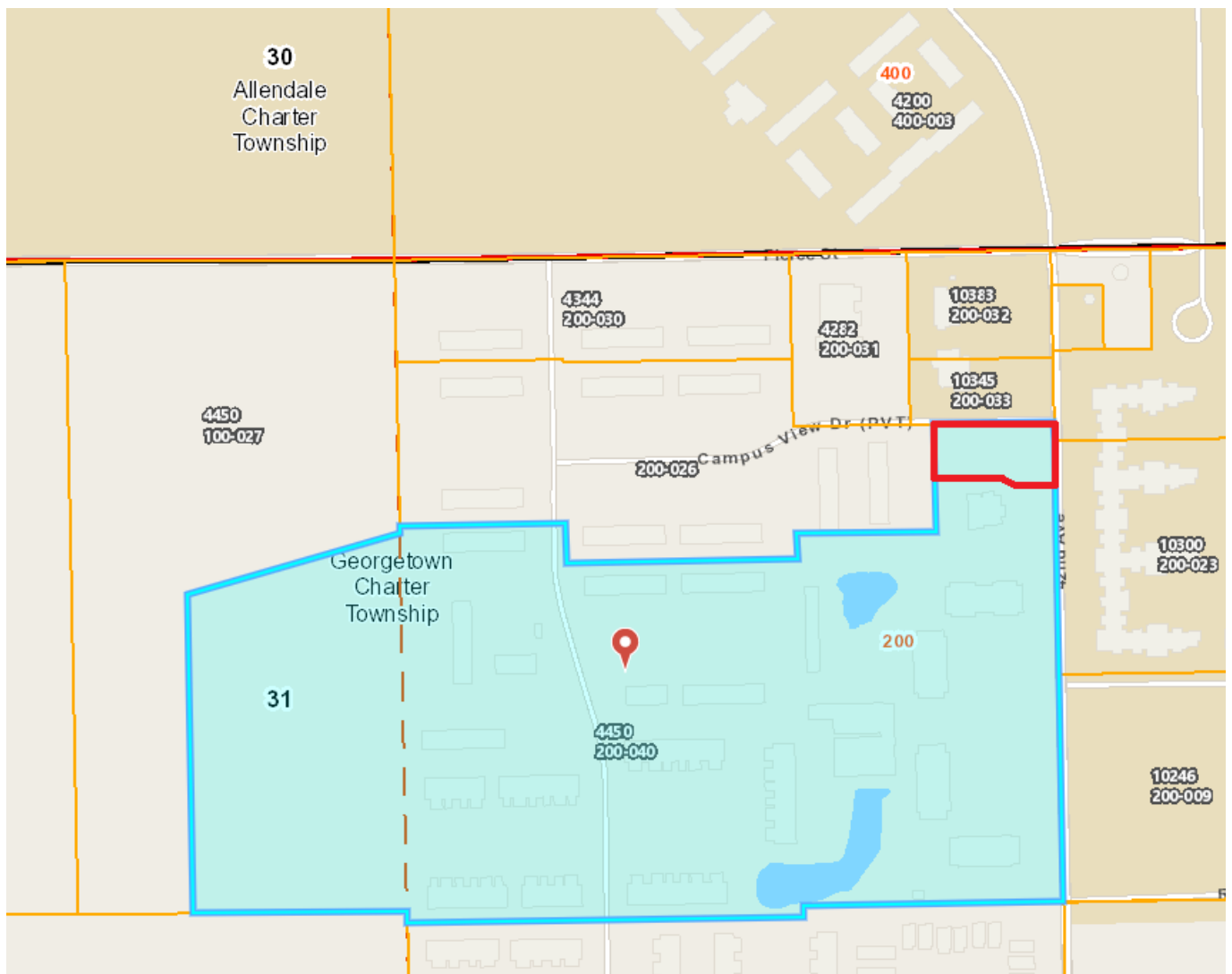


STAFF REPORT TO THE PLANNING COMMISSION FOR REZONING REQUEST (REZ2102)

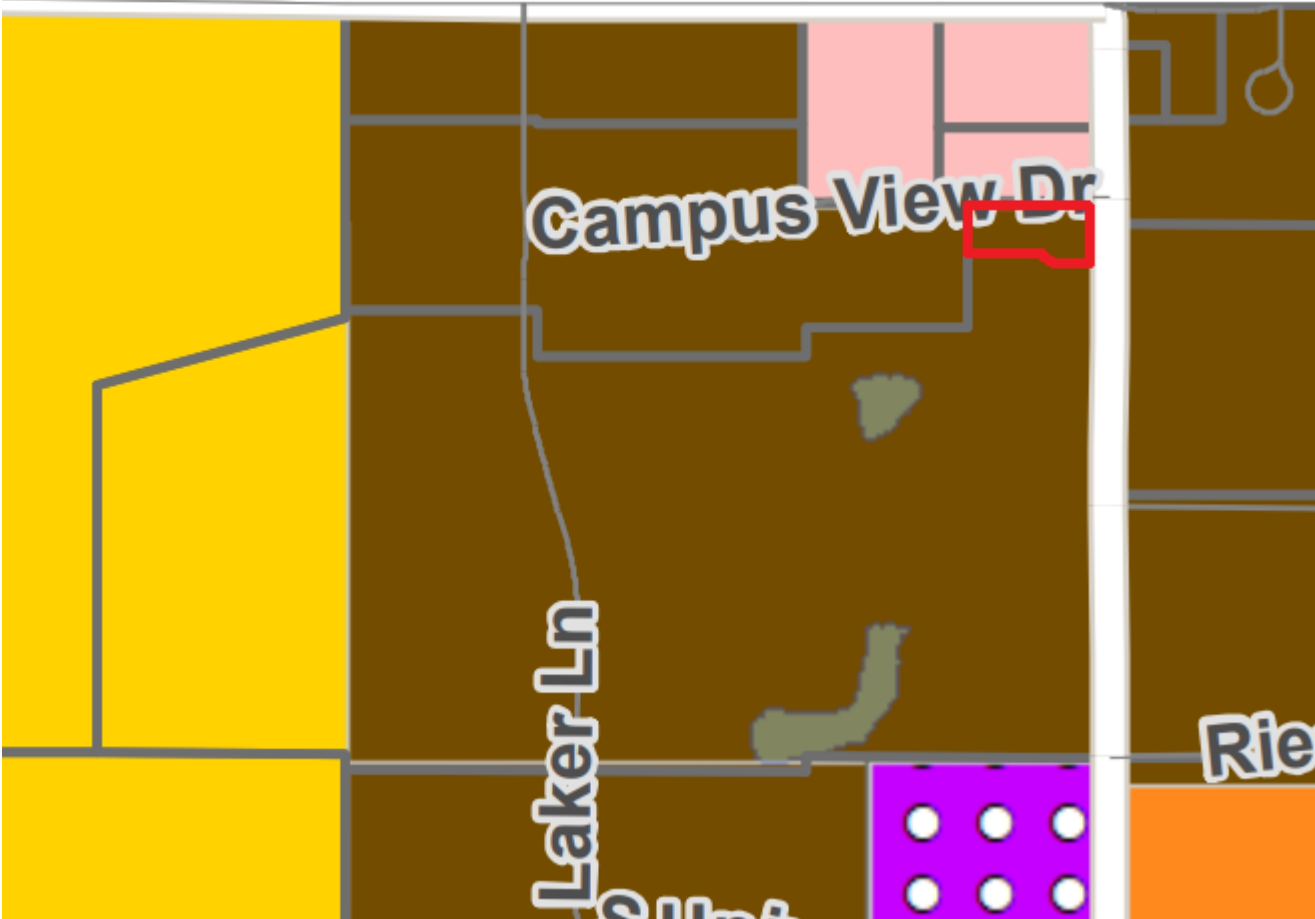
(REZ2102) Ordinance 2021-02 To change from (HDR) High Density Residential to (NS) Neighborhood Service Commercial part of a parcel of land described as P.P. # 70-10-31-200-040, located at 10255 42nd Ave, Georgetown Township, Ottawa County, Michigan.

The applicant indicated that the reason for the request to rezone part of the parcel from HDR to NS is because the intention is to use it for coffee sales by locating a coffee cart within an enclosed 12' x 26' building with no indoor seating or drive thru.





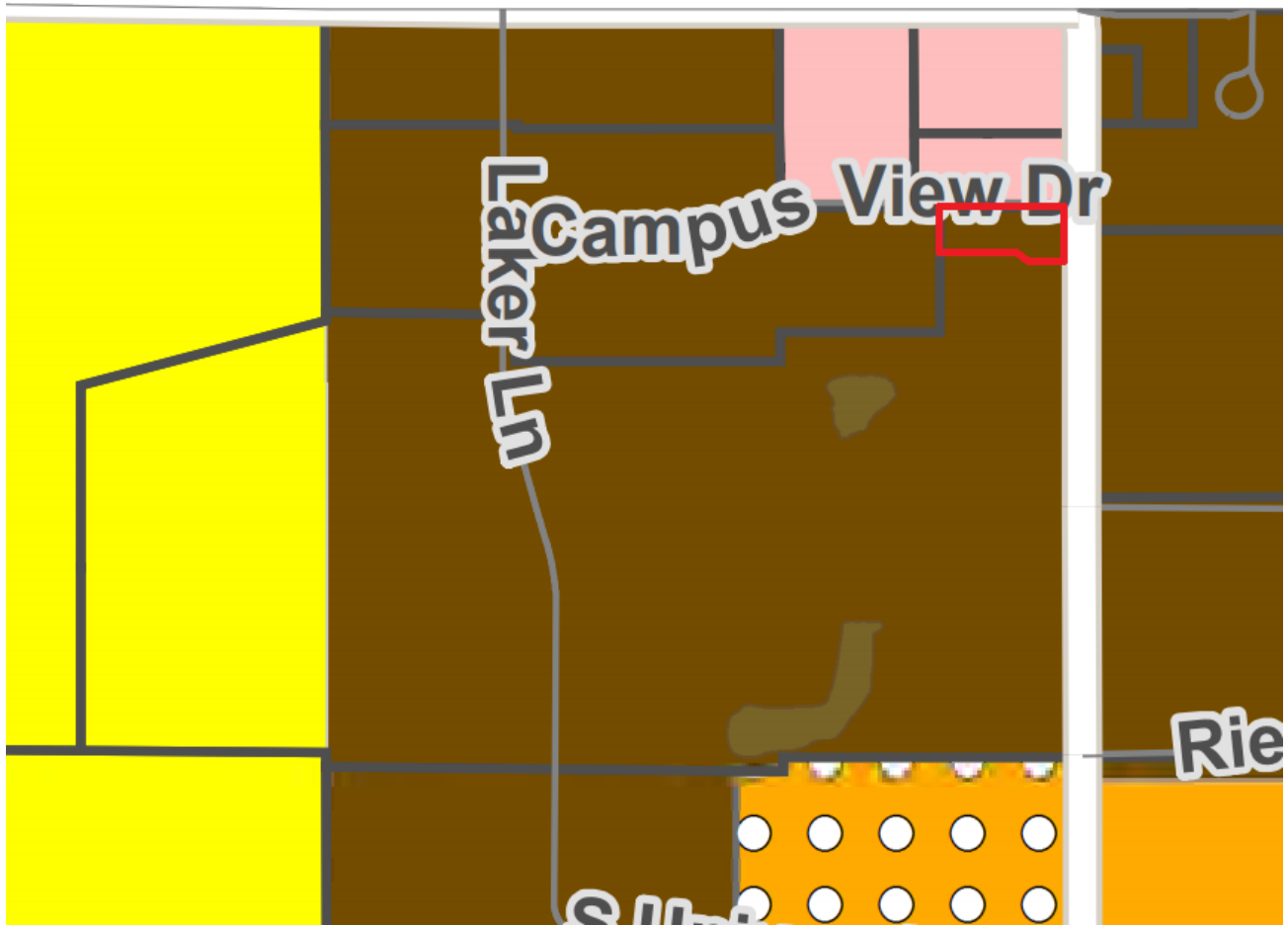
ZONING MAP

















Legend

Parcel	High Density (HDR)
Water Bodies	MHP, Mobile (MHP)
Zoning	OS A, Office (OS)
Standardized Code, Zoning Class and Code	RR A, Agricultural (AG)
Neighborhood (NS)	SFR A, Low Density (LD)
Community (CS)	SFR B, Low Medium (LMR)
Highway Service Commercial HS	SMR A, Medium (MDR)
Rural Residential (RR)	SMR B, Medium High (MHR)
Industrial (I)	Planned Unit Development (PUD)

FUTURE LAND USE MAP



Legend	
	Water Bodies
	Parcel
Future Land Use Code, Land Use Value	
	LDR, Low Density Residential
	MDR, Medium Density Residential
	NC, Neighborhood Commercial
	OS, Office Service
	CC, Community Commercial
	PSP, Public Semi Public
	HC, Highway Commercial
	PUD Com, PUD Commercial
	PUD Mix, PUD Mix Use
	I, Industrial
	PUD Res, PUD Residential
	REC, Recreational Open Space

REVIEW STANDARDS

Rezoning goes with the land, not the property owner or use. Therefore, once a parcel is zoned to a particular classification, the zoning is permanent unless changed by a subsequent rezoning action. Zoning cannot be conditional and a parcel cannot be rezoned for one specific use. Any use permitted within the zoning district is permitted on the property, provided the other applicable regulations of the Zoning Ordinance (lot sizes, setbacks, etc.) are met.

The following standards are used for consideration by the Planning Commission and Township Board in their review of the rezoning request.

1. **Consistency:** Is the proposed zoning and all of its permitted uses consistent with the recommendations of the Township Land Use Plan?

Based on the text of the Master Plan and based on the property being directly adjacent to NC (Neighborhood Commercial) and HDR, the request is determined to be consistent with the Master Plan since it is noted that lines separating land use categories are NOT to be considered to be defined lines and the lines are not necessarily parcel specific.

Page 33 of the Master Plan states:

Commercial Land Use Policies:

Confined neighborhood commercial centers could be provided in select locations to place needed services conveniently accessible to residential neighborhoods as long as they are restricted to 5,000 square feet or less of building size.

The location of this rezoning request is adjacent with NS zoning to the north and HDR zoning to the south and the east. The applicant states that the intended use of the site for coffee sales will result in a thriving business due to the large student population of Grand Valley Student University. The apartments in the HDR districts to the south and the east are used by Grand Valley students. It can be determined that the rezoning and intended use of this site would “locate a needed service conveniently accessible to residential neighborhoods”.

Page 35 of the Master Plan states:

Based on the issues, goals and policies presented, and on consideration of potential future population growth in the Township, a map titled “Georgetown Township Future Land Use Map” dated November 23, 2015, depicting the desired future development pattern in the Township was prepared and may be viewed at the Georgetown Township Office or online. **It is noted that lines separating land use categories are NOT to be considered to be defined lines and the lines are not necessarily parcel specific.**

Being adjacent to NS zoning, this property then could be considered to be designated as NS since the lines are not supposed to be defined lines and are not supposed to be parcel-specific.

NC-Neighborhood Commercial

Neighborhood Commercial uses are **intended to serve the convenience commercial needs of the immediate area**. As such, there are a very limited number of areas where land is provided for these uses. Neighborhood commercial centers are typically small in size, in the range of two to six acres. A neighborhood commercial center should be small in size and scale, typically being no greater than 20,000 square feet in total floor area. **This category is not intended to provide for uses which serve the community-at-large, or which compete with existing commercial centers in the Township and the City of Hudsonville.** Examples of neighbor commercial uses include convenience retail stores, small sit-down or **carry-out restaurants not having a drive-through service windows**, bank branch offices, dry cleaners and other personal services. A full-service supermarket or other big box uses such as hardware stores or department stores, which typically would include a minimum of 40,000 square feet of floor area, would not be considered consistent with the purpose of this land use category.

The intended use will serve the convenience commercial needs of the immediate area, it will not serve the community-at-large nor does it appear that it will be competing with existing commercial centers in the Township and the City of Hudsonville, and it will operate similar to carry-out restaurants that do not have drive-through service windows.

The Future Land Use Map designates the site to be HDR with NC adjacent to the north and HDR adjacent to the south and the east (see the map above). Rezoning the site to NS would be an extension of the NS services that are conveniently serving the HDR developments in the immediate area.

Therefore, as per the language in the Master Plan, rezoning this property from HDR to NS appears to be consistent with the Master Plan.

2. **Compatibility:** Is the proposed zoning district and all of its allowed uses compatible with the surrounding area?

Yes. Adjacent properties to the north are zoned NS and are planned as NC on the Future Land Use Map. Property to the south and the east are HDR apartment developments. The proposed zoning district is compatible with the surrounding area.

3. **Capability:** Is the property capable, including utilities and infrastructure, of being used for all the uses that would be allowed?

Not all. There are a couple of uses permitted by “right” in the NS zoning district that aren’t capable of being used on this parcel. The uses not capable of being used on this parcel are mortuaries/funeral homes and hospitals.

Section 20.4 Site Design Standards state, “Those uses specified in Section 20.1 as permitted by “**right**” or special land uses shall be subject to the requirements of the District in which the use is located **in addition to all applicable conditions, standards and regulations regarding site design and development and other standards and conditions as are cited in the following:**

Sec 20.4 (Y): **Mortuaries and funeral homes.**

1. Minimum lot area shall be **one acre** with a minimum width of **one hundred and fifty (150) feet**. **The proposed site is 31,340 sf (0.72 acres) with a width of 135 feet.**
2. A well designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or its related maneuvering space.
3. A caretaker's residence may be provided within the principal building.
4. The proposed site shall front upon an arterial or collector street. All ingress and egress shall be from said thoroughfare.

Sec 20.4 (O): **Hospitals.**

1. Minimum lot area shall be **ten (10) acres** and the minimum width shall be **two hundred (200) feet**.
2. The lot location shall be such that at least one (1) property line abuts a major or minor arterial street. The ingress and egress for off-street parking facilities for guests, patients, employees and staff shall be directly from said major thoroughfare.
3. Minimum main and accessory building setback shall be one hundred (100) feet.
4. Ambulance and emergency entrance areas shall be visually screened from view of adjacent residential uses by a structure or by a sight-obscuring wall or fence of six (6) feet or more in height. Access to and from the ambulance and delivery area shall be directly from a major or minor arterial street.
5. No power plant, laundry, or loading area shall be located nearer than **three hundred (300) feet** to any adjacent residential use.
6. No more than twenty-five (25) percent of the gross site area shall be occupied by buildings excluding parking structures. **The proposed site is 31,340 sf. This means the hospital can be a maximum of 7,835 sf (0.18 acres).**

Although the proposed site will not be capable of being used for these two uses, the NS zoned parcel adjacent to the north is also not capable of either one of the uses and the other two NS zoned parcels in the immediate area to the north also can't be used as a hospital. There are more NS zoned parcels in the Township, most specifically at the northeast corner of the intersection of Baldwin St. and 20th Ave that are of similar size that aren't capable of being used as a mortuary/funeral home and neither of them (32 parcels) can be used as a hospital.

Additionally, there are a few uses listed in Chapter 14 that could be permitted by obtaining Special Land Use approval that aren't capable of being used on this site. The said uses are adult foster care congregate facility, veterinary hospitals, clinics, and kennels, and drive-through restaurants.

Below are uses permitted in NS zoning per Chapter 14.

Sec 14.1 PURPOSE

This District is intended to permit local retail business and service uses which are desirable to serve the residential areas of the Township. In order to promote good business development so far as is possible at an appropriate scale to adjoining residential areas, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy truck traffic, or late hours of operation. The intent of this District is also to encourage the concentration of business uses, to the mutual advantage of both the consumers and merchants, consistent with the intent of the Township Land Use Plan, and thereby avoid the encouragement of marginal business throughout the community.

Sec 14.2 PERMITTED USES

Land and/or buildings in this District may be used for the following purposes by right:

1. Any permitted use in the OS District.
2. Any Retail or Wholesale Business whose principal activity is the sale of merchandise within an enclosed building.
3. Assembly buildings including dance pavilions, auditoriums, churches, and private clubs.
4. Public or private business schools or colleges.
5. Health and physical fitness salons.
6. Restaurants, clubs and other drinking establishments which provide food and drink for consumption on the premises, excluding drive-through restaurants. (revised 6/25/18)
7. Drive-through businesses including banks, dry cleaning pick-up stations and other similar uses.
8. **Mortuaries and funeral homes** provided the minimum lot area shall be one acre with a minimum width of one hundred and fifty (150) feet and the site shall front upon an arterial or collector street.

(section revised 3/28/16)

Sec 13.2 PERMITTED USES

Land and/or buildings in this District may be used for the following purposes by right:

1. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and office equipment and supplies sales.
2. Medical offices including clinics.
3. Banks, credit unions, savings and loan institutions not including drive-through facilities.
4. Personal service establishments which perform personal services on the premises, including barber and beauty shops, interior decorating shops, photographic studios, laundromats or similar uses. (revised 7/25/95)
5. **Hospitals**, provided, at least one (1) property line abuts a major or minor arterial street; minimum main and accessory building setback shall be one hundred (100) feet; and ambulance and emergency entrance areas shall be visually screened from view of adjacent residential uses by a structure or by a sight-obscuring wall or fence of six (6) feet or more in height. Access to and from the ambulance and delivery area shall be directly from a major or minor arterial street. (revised 3/28/16)
6. Commercial schools including art, business, music, dance, professional, and trade.
7. Municipal buildings, public utility buildings, service installations, exchanges, and public utility offices. (revised 3/28/16)
8. Churches. (revised 3/28/16)
9. Accessory buildings and uses as defined in Chapter II.
10. Day care centers. (revised 6/11/18)

Sec 14.3 USES REQUIRING SPECIAL LAND USE APPROVAL

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter 20 are met.

1. Vehicle service stations.
2. Deleted 6/11/18.
3. Commercial soil removal.
4. Vehicle Wash Establishment
5. Commercial radio and television and wireless communication towers.

- 6. **Adult Foster Care Congregate Facility.**
- 7. **Veterinary hospitals, clinics, and kennels.**
- 8. **Drive-through restaurants.**
- 9. Restaurants having a distillery, brewery or winery on the same site. (revised 6/25/18)

(section revised 3/28/16)

4. **Other considerations:** Will the rezoning require an inordinate expenditure of public funds (road improvements, utility extension, etc.) to make the development feasible?

No.

5. **Will the rezoning cause development to “leap frog”** other undeveloped areas in the same zoning district and necessitate premature extensions of services to rural areas of the Township?

No.

6. **Is there sufficient vacant land already zoned in a specific category** (e.g., industrial, multi-family, commercial)?

This would not apply because the owner’s intention is to capitalize on the location of the intended use.

7. Is the rezoning more likely to be granted if conditions could be attached (rezonings cannot be conditional)?

No.

SUMMARY

The proposed zoning designation is **determined to be consistent** with the Master plan (specifically the text). The area is **determined to be capable** of sustaining the vast majority of the uses within the NS district except for two. The uses allowed within the NS district are **compatible** with the neighboring uses.

OPTION FOR MOTION

If the Planning Commission determines that the property should be rezoned to NS the following motion is provided.

Motion: To adopt the staff report as finding of facts and to recommend to the Township Board to approve the following resolution:

**Georgetown Charter Township
Ottawa County, Michigan
(Ordinance No. 2021-02)**

At a regular meeting of the Georgetown Charter Township Board held at the Township offices on _____, 2021, beginning at 7:00 p.m., Township Board Member _____ made a motion to adopt this Ordinance because the proposed zoning designation is **consistent** with the Master plan and the Future Land Use Map for the area; the area is **capable** of sustaining the uses within the NS district without additional public funds; the uses allowed within the NS district are **compatible** with the neighboring uses and to adopt the staff report as finding of fact, which motion was seconded by Township Board Member _____:

AN AMENDMENT TO THE GEORGETOWN CHARTER TOWNSHIP ZONING ORDINANCE, AS AMENDED, AND MAP

THE CHARTER TOWNSHIP OF GEORGETOWN (the “Township”) ORDAINS:

ARTICLE 1. The map of the Georgetown Charter Township Zoning Ordinance, as amended, is hereby amended to read as follows:

(REZ2102) Ordinance 2021-02 To change from (HDR) High Density Residential to (NS) Neighborhood Service Commercial part of a parcel of land described as P.P. # 70-10-31-200-040, located at 10255 42nd Ave, Georgetown Township, Ottawa County, Michigan.

Except as expressly modified by the above, the balance of the Zoning Map of the Georgetown Charter Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

ARTICLE 2. Severability. In the event that any one or more sections, provisions, phrases, or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance.

ARTICLE 3. Except as specified above, the balance of the Georgetown Charter Township Zoning Ordinance, as amended, and map shall remain unchanged and in full force and effect.

ARTICLE 4. Effective Date. The provisions of this Ordinance shall take effect upon the expiration of seven (7) days from the date of publication after the adoption of this Ordinance or a summary of its provisions in accordance with the law.

The vote in favor of adopting this Ordinance was as follows:

Yeas:

Nays:

Absent:

MOTION CARRIED UNANIMOUSLY AND ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by Georgetown Charter Township Board at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

Dated: _____, 2021

By _____
Ryan Kidd
Georgetown Charter Township Clerk