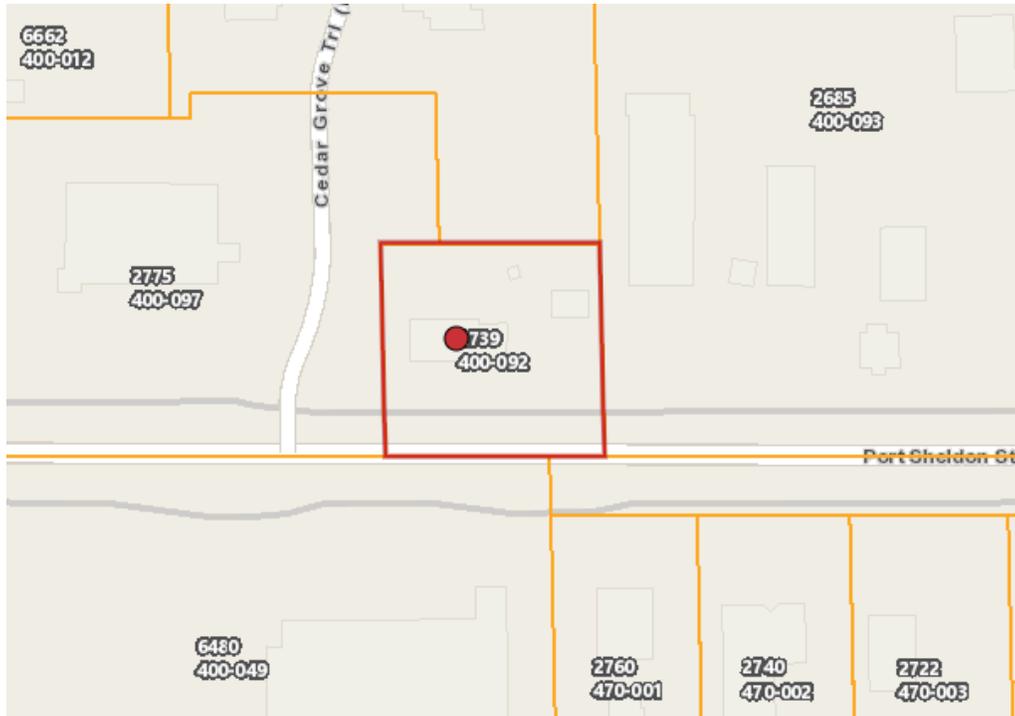
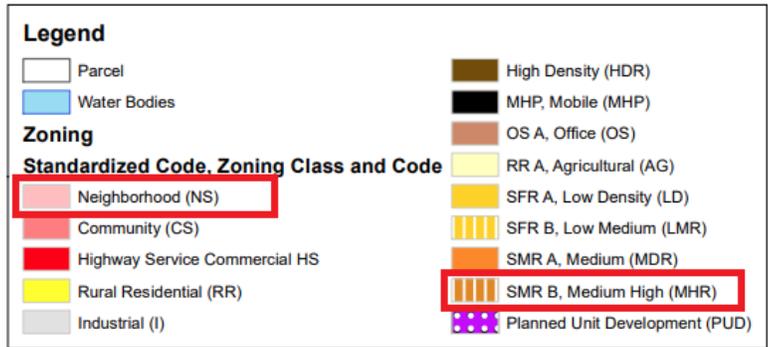
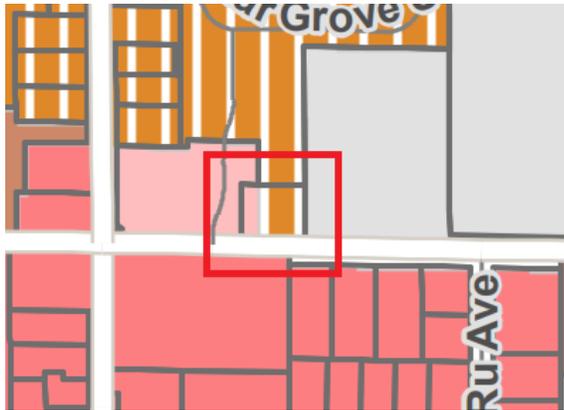


STAFF REPORT TO THE PLANNING COMMISSION FOR REZONING REQUEST (REZ2201)

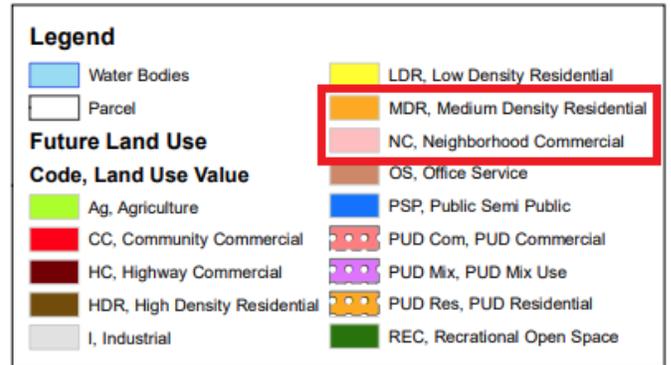
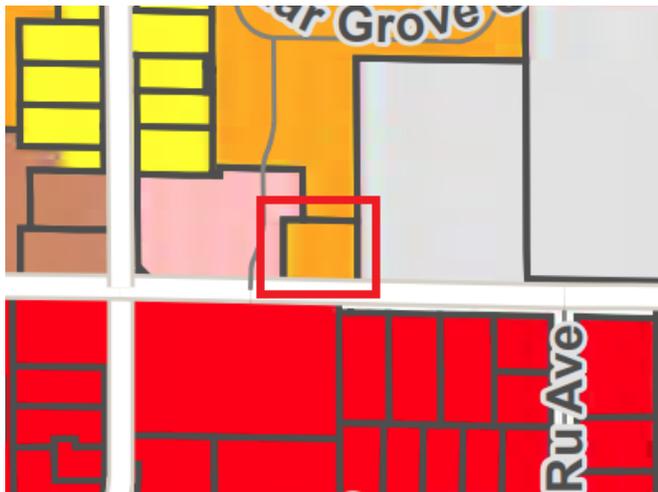
(REZ2201) (Ordinance 2022-01): To change from Medium/High Density Residential (MHR) to Neighborhood Service Commercial (NS) part of a parcel of land (resulting in the entire parcel becoming NS) described as P.P. # 70-14-21-400-092, located 2739 Port Sheldon St., Georgetown Township, Ottawa County, Michigan.



ZONING MAP



FUTURE LAND USE MAP



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 Neighborhood Commercial (NC), 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 west. The development to the north is zoned MHR with condos. The property is currently being used as residential and the applicant states the reason for rezoning the property is to sell it as a commercial property. If the property is developed as neighborhood commercial in the future, it can be determined that the use of the 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 that is master planned for NC, this property could be considered to be designated for Neighborhood Commercial since the lines are not supposed to be defined lines and are not supposed to be parcel-specific.

Page 36 of the Master Plan states:

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 neighborhood commercial uses include convenience retail stores, small sit-down or carry-out restaurants not having 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.

Considering the size of the property, it appears that the site 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 compete with existing commercial centers in the Township and the City of Hudsonville.

The Future Land Use Map designates this site as MDR with NC adjacent to the west, MDR to the north, and Industrial to the east (see the map above). Rezoning the remainder of the site to NS would be an extension of the neighborhood commercial service to the west that is conveniently serving the residential development in the immediate area.

Therefore, per the Master Plan, rezoning the remainder of this property from MHR 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 property to the west is zoned NS and is planned as such (NC) on the Future Land Use Map. The parcel to be rezoned is already partially zoned NS on the western portion.

Note: Although rezoning the property will create a nonconforming situation with the home, that does not appear to be an issue because the home was built in 1960.

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

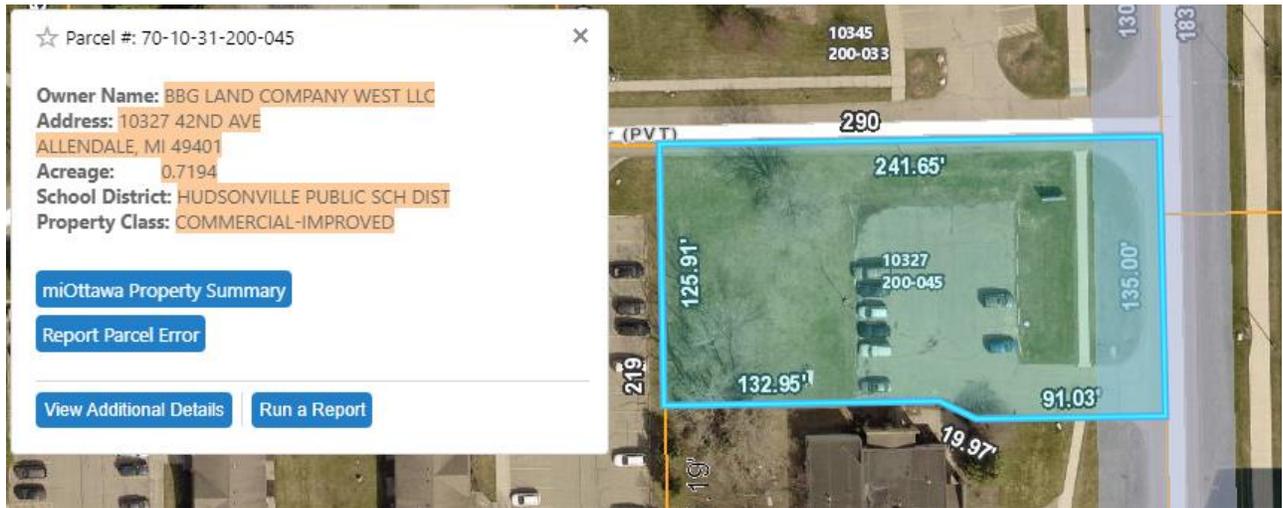
Not all. The property is served by public water and sewer. There are two uses permitted by “right” in the NS zoning district that aren’t capable of being used on this parcel from a zoning standpoint. The site is capable of being used for all the other uses permitted by “right”. The uses not capable of being used on this property are mortuaries/funeral homes and hospitals.

Sec. 14.2(H): **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. **The lot area is 0.592 acres, excluding the road right-of-way.**

Sec. 13.2(E): **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. **After taking into account the minimum setbacks of 100 feet, the site would not be capable of being used as a hospital.**

Although the proposed site is not capable of being used for these two uses, the NS zoned parcel adjacent to the west is also not capable of being used as a hospital. There are more NS zoned parcels in the Township, more 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 or hospital.

Furthermore, the following aerial shows 10327 42nd Avenue. This property was rezoned from HDR to NS (REZ2102) in 2021 and its size is .617 acres, excluding the road right-of-way.



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. Adjacent property to the west is zoned NS. It will not create a “leap frog” situation. This rezoning appears to be consistent with the Future Land Use Map because the master plan text states that lines separating land use categories are not to be considered to be defined lines and the lines are not necessarily parcel specific.

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

This does not apply because the parcel is split zoned NS and MHR. It's important to note that the western portion of the parcel that is zoned NS does not meet the lot area requirement of 11,050 square feet per Chapter 24. The aerial below shows the lot area of the NS portion is approximately 6,900 +/- square feet, excluding the road right-of-way. The definition of "lot" per Sec. 2.55 makes the NS portion nonconforming. Within the definition of "lot", it states "For purposes of determining area use requirements, including the special use standards in Chapter 20, for a parcel having more than one zoning classification, the term "lot" is that portion of the parcel consisting of only the zoning classification which encompasses the proposed development." Since the NS portion is to be treated as its own lot, Sec. 27.6(B) would require any construction to be approved by the Zoning Board of Appeals. Although the Zoning Board of Appeals can approve construction on the NS portion, it doesn't appear that establishing reasonable setbacks is realistic. Rezoning this parcel would eliminate the nonconforming situation regarding the NS portion and allow the entire parcel to be developed with a permitted use listed in the NS zoning district.



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 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. 2022-01)**

At a regular meeting of the Georgetown Charter Township Board held at the Township offices on _____, 2022, 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:

(REZ2201) (Ordinance 2022-01): To change from Medium/High Density Residential (MHR) to Neighborhood Service Commercial (NS) part of a parcel of land (resulting in the entire parcel becoming NS) described as P.P. # 70-14-21-400-092, located 2739 Port Sheldon St., 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: _____, 2022

By _____
Ryan Kidd
Georgetown Charter Township Clerk