

REQUEST

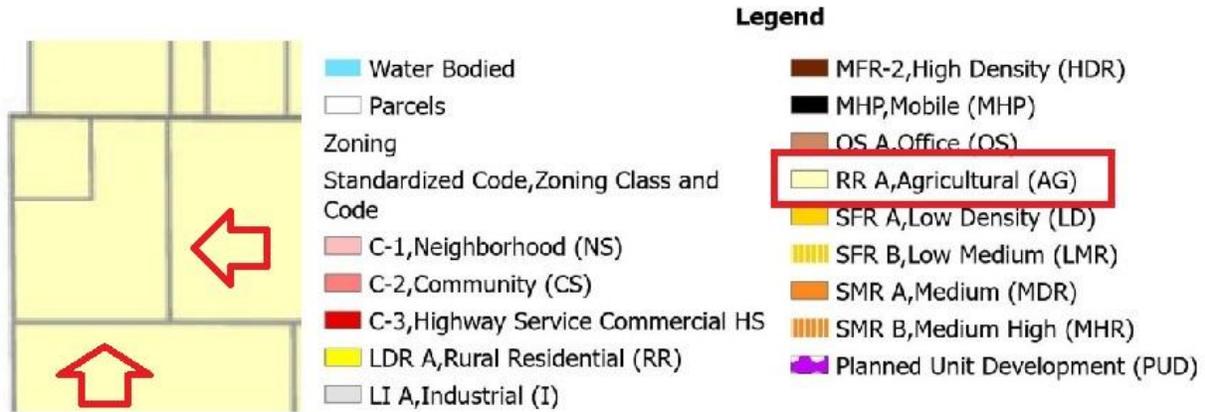
(REZ2503) (Ordinance 2025-04) To change from Agricultural (AG) to Community Service (CS) Commercial a parcel of land described as P.P. # 70-14-06-100-018 located 4754 Fillmore St., Georgetown Township, Ottawa County, Michigan.

Although the applicant states his intention is to construct a vehicle service station (gas station) on the 3.88 acre parcel, which is a consistent use with the permitted uses of the requested zoning district (CS), the Planning Commission should consider whether every use allowed in the CS district is compatible with the surrounding area because once a property is rezoned to a specific district, any use allowed in the district could be located there.



The applicant has a purchase agreement with the property owner to purchase it if the applicant succeeds in rezoning the property. The purchase agreement between the property owner and applicant has been submitted with the application materials.

ZONING MAP



FUTURE LAND USE MAP



RELEVANT ZONING ORDINANCE SECTIONS

Sec. 4.2 THE ZONING MAP.

The locations and boundaries of these descriptions are hereby established on a map entitled "Georgetown Charter Township Zoning Map" which is hereby adopted and declared to be a part of this Ordinance.

- (D) The following standards will be considered by the Planning Commission and Township Board in the review of a rezoning request (revised 3/28/16)
- (1) **Consistency** – is the proposed zoning district and all of its allowed uses consistent with the Master Plan.
 - (2) **Compatibility** – is the proposed zoning district and all of its allowed uses 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,

All of the following uses would be allowed:

Chapter 15 – CS – COMMUNITY SERVICE COMMERCIAL.

Sec. 15.2 PERMITTED USES. (section updated 3/28/16)

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

- (A) Any permitted use in the NS District.
- (B) Service establishments including printing, publishing, photo reproduction, blue-printing, and related trades or arts.
- (C) Vehicle service stations and wash establishments.
- (D) Commercial recreation facilities such as indoor theaters, bowling alleys, indoor skating rinks, billiard parlors or similar uses.
- (E) Building supply and equipment establishments.
- (F) Commercial Enterprises producing merchandise on the premises to be sold at retail and/or wholesale with no outdoor activities or storage.
- (G) Warehouses selling wholesale or retail on the premises, PROVIDED, there is no outside storage or stockpiling and the property does not lie within one hundred (100) feet of any Residential District.
- (H) Drive-through restaurant.

Sec. 15.3 USES REQUIRING SPECIAL LAND USE APPROVAL. (section updated 3/28/16)

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

- (A) Open air businesses.
- (B) Veterinary/animal hospitals, clinics, and kennels.
- (C) Amusement Parks.
- (D) Commercial soil removal.
- (E) Deleted 6/11/18.
- (F) Commercial radio and television and wireless communication towers. (Revised November 1997)
- (G) Vehicle repair establishments when all activities are conducted within a wholly enclosed building.
- (H) Adult Foster Care Congregate Facility.

- (I) Greenhouses and plant nurseries selling retail. (added from 16.3 with SUP)
- (J) Par 3 golf course, miniature golf, driving ranges and similar outdoor recreation uses.
- (K) Restaurants having a distillery, brewery or winery on the same site (revised 6/25/18)

Chapter 14 – NS – NEIGHBORHOOD SERVICE COMMERCIAL.

Sec. 14.2 PERMITTED USES. (section revised 3/28/16)

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

- (A) Any permitted use in the OS District.
- (B) Any Retail or Wholesale Business whose principal activity is the sale of merchandise within an enclosed building.
- (C) Assembly buildings including dance pavilions, auditoriums, churches, and private clubs.
- (D) Public or private business schools or colleges.
- (E) Health and physical fitness salons.
- (F) Restaurants, clubs and other drinking establishments which provide food and drink for consumption on the premises, excluding drive-through restaurants. (revised 6/25/18)
- (G) Drive-through businesses including banks, dry cleaning pick-up stations and other similar uses.
- (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.

Chapter 13 – OS – OFFICE-SERVICE COMMERCIAL.

Sec. 13.2 PERMITTED USES.

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

- (A) Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and office equipment and supplies sales.
- (B) Medical offices including clinics.
- (C) Banks, credit unions, savings and loan institutions not including drive-through facilities.
- (D) 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)
- (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. (revised 3/28/16)
- (F) Commercial schools including art, business, music, dance, professional, and trade.
- (G) Municipal buildings, public utility buildings, service installations, exchanges, and public utility offices. (revised 3/28/16)
- (H) Churches. (revised 3/28/16)
- (I) Accessory buildings and uses as defined in Chapter II.
- (J) Day care centers. (revised 6/11/18)

REVIEW STANDARDS

Rezoning's go 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 Future Land Use Plan?

NO. Based on the designation on the Future Land Use Map and based on the text of the Master Plan the proposed district of CS **is not consistent with the Master Plan** for the following reasons.

- a. The Future Land Use Map designates this property and all the surrounding areas as RR/AG. **This proposed designation of CS is NOT consistent with the RR/AG district.**
- b. Page 34 of the Master Plan discusses the uses allowed in the CC district and **these uses would not be compatible with the uses allowed in the AG district**, which surrounds this parcel.

Page 34 of the Master Plan states:

CC-Community Commercial

This land use category includes a full range of retail and service commercial uses, including department, discount or membership retail stores, restaurants, gasoline and service stations, vehicle sales and repair, and other commercial uses which typically serve the entire community, generate high traffic volumes or are dependent upon high volumes of traffic on adjacent roads.

- c. Page 42 of the Master Plan discusses the northwest corner of the township. Because the property is adjacent to Agricultural (AG) and Public Semi Public (PSP), **the request is determined to not be consistent with this text of the Master Plan.**

Page 42 of the Master Plan states:

Northwest Corner of the Township

Although Allendale Township has provided a minimal amount of public services to some developments near GVSU, the lack of public sewer service currently constrains development in the area. If public utilities become available, an opportunity may exist for development that would be compatible with the surrounding area. In such instances where appropriate, the entity would have to provide the sewer to the property through a utility agreement.

- d. The intended development on this parcel **would not be able to be serviced by public utilities**. The Master Plan states that development is constrained in this location of the Township by the lack of utilities. **This area of the Township does not transition different zoning districts, it is all AG land and therefore does not appear to be suitable for commercial use.**

Page 30 of the Master Plan states:

Commercial Land Use Policies:

Office/service uses and higher density residential uses should be used as transitional zones. Residential character with appropriate setbacks and buffers should be maintained along major arterial streets, such as Baldwin, 44th St., Port Sheldon Rd., and 48th Ave. where nonresidential uses have not already been established or planned.

- e. Page 27 of the Master Plan discusses land use conflicts and states that potential conflicts are created where dissimilar types of land uses exist in close proximity and these types of conflicts should be avoided. **Note that the intense use of a gas station, or other intense uses allowed in the CS district, would have major impacts with lighting, traffic and noise for possibly twenty-four hours a day in a low intense area.**

Page 27 of the Master Plan states:

Land use conflicts

Potential conflicts are created in several locations where dissimilar types of land uses exist in close proximity. These types of conflicts should be avoided in the future.

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

NO. The property is surrounded by AG land which does not share compatible uses with the CS district being requested. It would be the only commercial parcel located in the vicinity.

- a. The Future Land Use Map does note that the parcel directly on the southeast corner of 48th Ave. and Fillmore St. could be used for public land, but that does not imply that having CS in that location would make it compatible.
- b. When noting the purposes stated in the Zoning Ordinance for the AG district and the CS district, **the purposes are not similar. The AG district is intended to preserve areas in the community being used for AG purposes and to preserve the essential character and open lands. The CS district is intended to provide for community wide commercial and service uses to satisfy the needs of the overall community.**

Chapter 6 – AG - AGRICULTURE.

Sec. 6.1 PURPOSE.

This District is intended to preserve, enhance and stabilize areas within the community which are presently being used for food and fiber production or are primarily rural. It is the purpose of the regulations for this district to promote the orderly, harmonious development of the community by preserving predominantly rural lands from inappropriate development and to preserve the essential characteristics and economic value of these areas as agricultural and open lands.

Chapter 15 – CS – COMMUNITY SERVICE COMMERCIAL.

Sec 15.1 PURPOSE.

This District is intended to provide for the construction or continued use of land for general community-wide commercial and service uses and to provide for orderly development and concentration of such uses to satisfy the needs of the overall community. This District is meant to discourage strip or linear commercial development.

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

QUESTIONABLE. The site is not serviced by public water and sanitary sewer and would require a well and septic system. While this is not necessarily required for Commercial uses, the Master Plan does mention that development in this area is constrained by the lack of water and sewer in the area. The site is large enough to fit a CS use at approximately 3.88 acres.

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

No. Public water and sanitary sewer service is not available in this location and it would not be economically feasible to move it to this location, so it would not require public funds to extend the service.

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?

Yes. All property surrounding this location is zoned AG and with no utilities available in this location, it does not appear to be a location ready for this type of development.

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

Not necessarily, because land in the commercial and industrial districts is limited within the Township, however the text of the Master Plan on page 42 provides an opportunity for commercial uses at 48th Ave. and Port Sheldon and at 48th Ave. and Bauer Rd.

Page 42 of the Master Plan states:

48th Ave. Corridor

This has been identified as the major north/south corridor for the Township, as well as for other municipalities bordering the road and GVSU. The future plan is to widen the street to a five lane road from the southern border of the Township to Bauer Rd., then to a four lane Boulevard north. Special consideration should be given to good access management policies along 48th Ave. and increased setback requirements. The North-South Corridor Study, prepared by URS Corporation-Great Lakes, prepared for Grand Valley Metro Council and the Ottawa County Planning Commission, dated May 2004, is hereby adopted by reference.

A small amount of land at the corner of 48th Ave. and Port Sheldon has been identified for future neighborhood commercial uses as long as there is no direct access to 48th Ave.

The property with the ice arena at the corner of Bauer Rd. and 48th Ave. is designated as commercial and this area could be developed with neighborhood commercial uses near 48th Ave. and attached and detached single family residential uses to the east. A residential PUD is currently being developed in this area. Special consideration should be given to good access management along this corridor, as well as to larger setbacks. Commercial uses are located west of 48th Ave. in this area in Blendon Township. No neighborhood commercial uses should expand to the south of the intersection of Bauer Rd. and 48th Ave.

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

No.

SUMMARY

The determination is that the proposed zoning designation is **not consistent** with the Master plan. It is **questionable** whether the parcel is **capable** of supporting the uses within the CS because public utilities are not available to service the site. The uses allowed within the CS district **are not compatible** with the neighboring uses of AG.

OPTION FOR MOTION

If the Planning Commission determines that the property should be rezoned to CS 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. 2025-04)**

At a regular meeting of the Georgetown Charter Township Board held at the Township offices on May 12th, 2025, 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 CS district without additional public funds; the uses allowed within the CS 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:

(REZ2503) (Ordinance 2025-04) To change from Agricultural (AG) to Community Service (CS) Commercial a parcel of land described as P.P. # 70-14-06-100-018 located 4754 Fillmore 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: _____, 2025

By _____
Kelly Kuiper
Georgetown Charter Township Clerk