



June 4, 2018

**Mtg Date:** June 14, 2018

**To:** Planning Commission

**From:** Julie Johnston, AICP  
Planning Director

**Owner:** Simon Ashbrook

**Property:** 7110 West Main Street, Parcel No. 3905-15-285-010

**Zoning:** R-2: Residence District

**Request:** Rezoning to C: Local Business District with Conditions

**Section(s):** Section 22.000 – R-2: Residence District, Section 30.000 – C: Local Business District, and Section 53.000 – Conditional Rezoning

**Project Name:** Red Barn Market

## **OVERVIEW**

The owner/applicant is requesting rezoning of approximately 4-acres of a 20-acre parcel addressed as 7110 West Main Street to the *C: Local Business District* with conditions. The rezoning request is to allow for the development of a specialty meat and produce market. The applicant has provided specific conditions related to the rezoning request, which are attached and outlined below. The parcel is currently located in the *R-2: Residence District* and has approximately 720 feet of frontage on West Main Street.

The unique element of the request is that the property owner has submitted conditions associated with the rezoning application. The conditional rezoning process follows the same procedures as a traditional rezoning request with the exception that the applicant may offer conditions that place additional restrictions on their property. Conditional rezoning is provided as a mechanism to allow an applicant the opportunity to address anticipated concerns that may be raised by the rezoning request. Per Section 53.300.A, the Planning Commission may recommend approval, approval with recommended changes, or denial of the conditional rezoning; provided, however that any recommended changes to the offer of conditions are acceptable to the owner.

## **PROPERTY OVERVIEW & CONDITIONS**

As stated, the applicant is requesting the property be rezoned from the *R-2: Residence District* to the *C: Local Business District* to allow for the possibility of retail development of a small grocery and meat market. The applicant purchased the property in 2016 with the hope of developing the store. At that time, the property was Future Land Use Planned as Transitional Mixed-Use, which stated the following:

*“There are several areas in the Township that contain a mix of uses and are located along busy corridors. Most are also located between areas of very high intensity development and areas of lower*

*intensity development. Because of the standards established and the mix of uses, these areas are envisioned as providing smooth transitions between the areas of development on either side. Some of the areas may accomplish this by acting as a type of buffer between the areas. In other instances, this may mean serving as a respite of lower intensity development along a corridor of high intensity uses.*

*Uses envisioned for the Transitional Mixed-Use areas include primarily office, local commercial (see Local Commercial designation for a description of applicable uses), and institutional uses. It may also include medium density residential uses, such as duplexes and senior-oriented complexes.*

*West Main Street just west of 8th Street: This area is located just to the west of the heavily developed commercial corners West Main Street and 9th Street. It currently consists of single family residential uses (both owner-occupied and rental), and vacant land. Transitional Mixed-Use development would help ease the transition from the intense development to the east to the rural countryside to the west and the five-lane West Main Street corridor and nearby residences especially along South 8th Street.*

While retail and commercial uses were indicated in the Transitional Mixed-Use District, there was no corresponding zoning ordinance to regulate these areas of the Township. The applicant reached out to staff in 2015 requesting options for development. At that time, staff hoped to work with the Planning Commission to develop a Transitional Mixed-Use Zoning District and suggested the applicant wait for the regulations to come to fruition.

Approximately a year later, it was decided that an update to the Township's Master Plan was warranted. The applicant approached staff again in 2016 requesting options to possibly move forward with their request. Staff again recommended holding off on any application while the Master Plan Update was underway.

With the update to the Master Plan complete, the new Future Land Use category for the first 300 feet of the subject property moving north from West Main Street is now Local Commercial. Staff has discussed with the Planning Commission the need to develop corresponding zoning districts to the three commercial districts outlined in the Future Land Use Plan; Neighborhood Commercial, Local Commercial, and General Commercial. However, at this time, the Township only has one commercial zoning district, the C: Local Business District. The Local Commercial Future Land Use District of the 2017 Master Plan indicates the following:

*"The purpose of the Local Commercial designation is to provide low volume commercial businesses that mix well with a variety of land uses including residential, industrial, and general commercial. These uses are not high-volume / high-traffic uses with a significant number of cars coming and going, drive-through service, and/or automobile service. (These elements or characteristics can detract from the rural character or pedestrian orientation of the surrounding area and are therefore not present in the Local Commercial designation). Examples of uses that could be found in a Local Commercial designation include professional offices, unique shops such as antique shops and specialty food shops, and generally low volume enterprises that do not operate 24 hours a day."*

In conversations with the applicant, staff indicated that the likelihood of a rezoning to the C: Local Business District, the only available zoning district for retail uses, was not high. The intensity and possible scale of allowable uses within this district would not meet the intent of the Local Commercial District outlined in

the Master Plan. With that said, the applicant suggested a conditional rezoning to limit the size of the development, more in keeping with the Local Commercial District as described in the Master Plan.

The applicants offer of conditions are as follows:

1. The conditional rezoning request is from the West Main right-of-way north 300 feet for a total of approximately 4.0 acres, which is the area planned for Local Commercial in the Township's Future Land Use Map.
2. The size of the commercial building will be limited to 5,000 square feet or less in keeping with the intent of the Local Commercial District outlined in the Master Plan.
3. The commercial building will house a specialty market for the sale of meat, dairy, and produce.
4. To assist the Township with access management, we will enter into cross-access agreements with adjacent properties, when they develop, to consolidate curb cuts in this area and limit additional driveway entrances off of West Main Street.
5. When the Local Commercial zoning district, as defined in the Master Plan, is created by the Township, we will work with the Township to remove the conditional rezoning and zone the property as outlined in the Future Land Use Map.

With these conditions in mind, the Planning Commission will need to determine if the requested *C: Local Business District* for a specialty market is supported by the considerations outlined below.

## **CONSIDERATIONS**

The Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that a Planning Commission must consider when reviewing a rezoning or conditional rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. These considerations are as follows:

1. Master Plan Designation

As stated, the Future Land Use Plan for this area indicates Local Commercial District for the first 300 feet moving north from West Main Street. The Master Plan indicates uses in this district should be professional offices, unique shops such as antique stores and specialty foods, and generally low volume enterprises. The requested Red Barn Market is intended to be a specialty food store.

The Future Land Use Plan also indicates shared access and parking, particularly along primary roads and highways. The added condition regarding cross-access to adjacent properties is in compliance with the Local Commercial designation, hopefully reducing the need for additional curb cuts on West Main Street.

2. Consistency of the Zoning Classification in the General Area

The properties on the north side of West Main between 7<sup>th</sup> and 9<sup>th</sup> Streets are zoned *R-2: Residence District* and *C: Local Business District*. The R-2 District is located from the northeast corner of 7<sup>th</sup> Street through the subject property, where it changes to *C: Local Business District* at the eastern property line.

On the south side of West Main Street, properties have the same zoning pattern with *RR: Rural Residential* at 7<sup>th</sup> Street moving east approximately 500 feet where the *R-2: Residence District* is located to *C: Local Business District* at the southeast corner of West Main and 8<sup>th</sup> Streets.

The limited size of the requested rezoning allows for a step-down in intensity from the properties to the east. The commercial zoning of those properties has a depth of over 1,200 linear feet from West Main Street and allow significant local and regional commercial uses. The limited scope of the rezoning request allows for a step-down transition of commercial uses moving west.

3. Consistency and Compatibility with General Land Use Patterns in the Area

The general land use pattern in this area transitions from large big-box stores like Menards at the corners of 9<sup>th</sup> and West Main Street to smaller scale commercial and service establishments like Golf Services, to single-family residential homes.

As stated in the Future Land Use Plan, the intent in this area is to transition from large, regional market commercial uses to more local establishments. This was true for both the previous Transitional Mixed-Use District and the current Local Commercial District. In addition, the Plan clearly demarcates this area as the western boundary of the commercial land use pattern. The establishment of the *C: Local Business District* with the conditions provided fits the current and planned general land use pattern of this area.

4. Utilities and Infrastructure

Water is available on the south side of West Main Street, with a public stub leading to the north side of the street at the far eastern property line of the subject site (extended from 8<sup>th</sup> Street). Sanitary sewer is currently unavailable in this area. However, sanitary sewer is planned along West Main from 8<sup>th</sup> to 7<sup>th</sup> Street in 2019 according to the Township's Capital Improvement Plan. As engineering design and funding is still pending, this date is not definitive.

5. Reasonable Use under Current Zoning Classification

The current zoning classification for this property is *R-2: Residence District*. A subdivision, site condominium or residential planned unit development could be established on this site. However, the prospect of a new residential development occurring immediately adjacent to West Main Street is not high. Any new residential construction would likely consider a setback from West Main to provide a buffer for new owners. The probable scenario for this property due to its location along a major thoroughfare in Kalamazoo County would be a planned unit development, which provides opportunities for nonresidential uses.

## 6. Effects on Surrounding Property

There would be effects to the surrounding properties and travel on West Main Street if the property is rezoned. This 20-acre property is largely vacant, with an unoccupied single-family home. The placement of a specialty market will intensify the use of the parcel, predominately impacting the existing single-family homes to the west. The limited depth of the rezoning, 300-feet, helps to lessen these impacts. But, the rezoning would share a boundary with one single-family home side yard and two rear yards.

Careful consideration to site development will be needed for this use to transition effectively and be compatible with adjacent properties. The Landscape Ordinance currently regulates a 35-foot landscape buffer between commercial and residentially zoned properties. This buffer requires canopy and understory trees, shrubs and evergreen trees, which will help to screen any new construction, assisting with compatibility concerns.

An additional curb cut on West Main Street will also have some impacts to traffic flow in this area. The Michigan Department of Transportation will ultimately determine the configuration of this access point.

## CONCLUSIONS

Based on the considerations noted above, staff would endorse the Planning Commission forward a recommendation of approval to the Township Board for conditional rezoning to the *C: Local Business District* to include the five conditions offered by the applicant. This recommendation is based on the following:

1. The request is in keeping with the current Future Land Use Plan for the Township, which indicates Local Commercial and specifically details specialty food markets.
2. The rezoning conditions provided by the applicant ensures a development that fits the scale and intensity for local commercial uses recommended in the Future Land Use Plan.
3. The conditional rezoning will serve as a transition between the more residential/rural areas and the general commercial areas of West Main Street.

Respectfully submitted,



Julie Johnston, AICP  
Planning Director

Attachments: Application  
Proposed Conditions  
Aerial Map  
Existing Zoning Map  
Future Land Use Map



7275 W. Main Street, Kalamazoo, Michigan 49009-9334  
Phone: 269-216-5223 Fax: 269-375-7180

**PLEASE PRINT**

PROJECT NAME & ADDRESS \_\_\_\_\_

**PLANNING & ZONING APPLICATION**

Applicant Name : Simon Ashbrook  
Company Red Barn Market  
Address 41297 County Road 380  
Bloomington MI 49026  
E-mail ashbrook.Simon@gmail.com  
Telephone 269-491-3512 Fax NIA  
Interest in Property \_\_\_\_\_

Oshtemo Charter Township  
7275 W MAIN ST  
KALAMAZOO, MI 49009  
Phone : 269-375-4260  
OSHEMOTOWNSHIP.ORG

Received From: SIMON ASHBROOK  
Date: 05/03/2018 Time: 1:12:02 PM  
Receipt: 141293  
Cashier: NancyC

**OWNER\*:**

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Email \_\_\_\_\_  
Phone & Fax \_\_\_\_\_

ITEM REFERENCE	AMOUNT
1091 APP - REZONING/ZONING	
APP - REZONING/ZONING	\$1,000.00
TOTAL	\$1,000.00
CASH	\$200.00
CHECK 1086	\$800.00
Total Tendered:	\$1,000.00
Change:	\$0.00

**NATURE OF THE REQUEST:** (Please check the appropriate item(s))

- Planning Escrow-1042
- Site Plan Review-1088
- Administrative Site Plan Review-1086
- Special Exception Use-1085
- Zoning Variance-1092
- Site Condominium-1084
- Accessory Building Review-1083
- Land Division-1090
- Subdivision Plat Review-1089
- Rezoning-1091
- Interpretation-1082
- Text Amendment-1081
- Sign Deviation-1080
- Other: \_\_\_\_\_

**BRIEFLY DESCRIBE YOUR REQUEST** (Use Attachments if Necessary):

See attached.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**LEGAL DESCRIPTION OF PROPERTY** (Use Attachments if Necessary):

PARCEL NUMBER: 3905- 15-285-010

ADDRESS OF PROPERTY: 7110 W. Main St, Kalamazoo, MI 49009

PRESENT USE OF THE PROPERTY: Residential

PRESENT ZONING Residential SIZE OF PROPERTY 22 total acres

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS  
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)	Address(es)
<u>Mark Ashbrook</u>	<u>22079 41st Street, Bloomingdale, MI 49026</u>
<u>Caleb Ashbrook</u>	<u>19030 41st Street, Bloomingdale, MI 49026</u>

**SIGNATURES**

*I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.*

**Owner's Signature** (\* If different from Applicant)

Simon Ashbrook

**Date**

5-1-18

**Applicant's Signature**

**Date**

Copies to:  
 Planning -1  
 Applicant -1  
 Clerk -1  
 Deputy Clerk -1  
 Attorney-1  
 Assessor -1  
 Planning Secretary - Original

\*\*\*\*

**PLEASE ATTACH ALL REQUIRED DOCUMENTS**

## Request

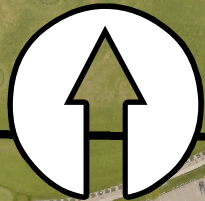
We are requesting Conditional Rezoning to C-1 Local Business District. This request only applies to the section of road frontage outlined in the Master Plan to become Local Commercial in the future.



Conditions offered for the Rezoning:

1. The conditional rezoning request is from the West Main right-of-way north 300 feet for a total of approximately 4.0 acres, which is the area planned for Local Commercial in the Township's Future Land Use Map.
2. The size of the commercial building will be limited to 5,000 square feet or less in keeping with the intent of the Local Commercial District outlined in the Master Plan.
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ASHBROOK REZONING  
Aerial Map

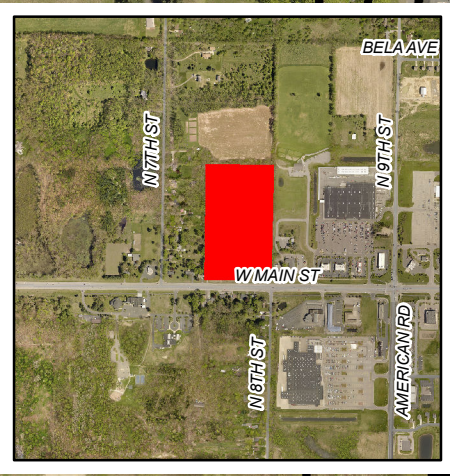


N 7TH ST

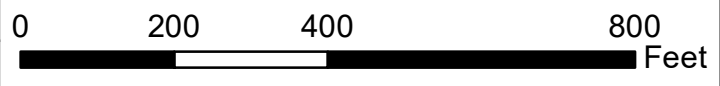


W MAIN ST

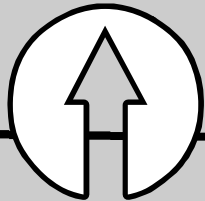
N 8TH ST



- Other Property Line
- Subject Property
- Area to be Rezoned



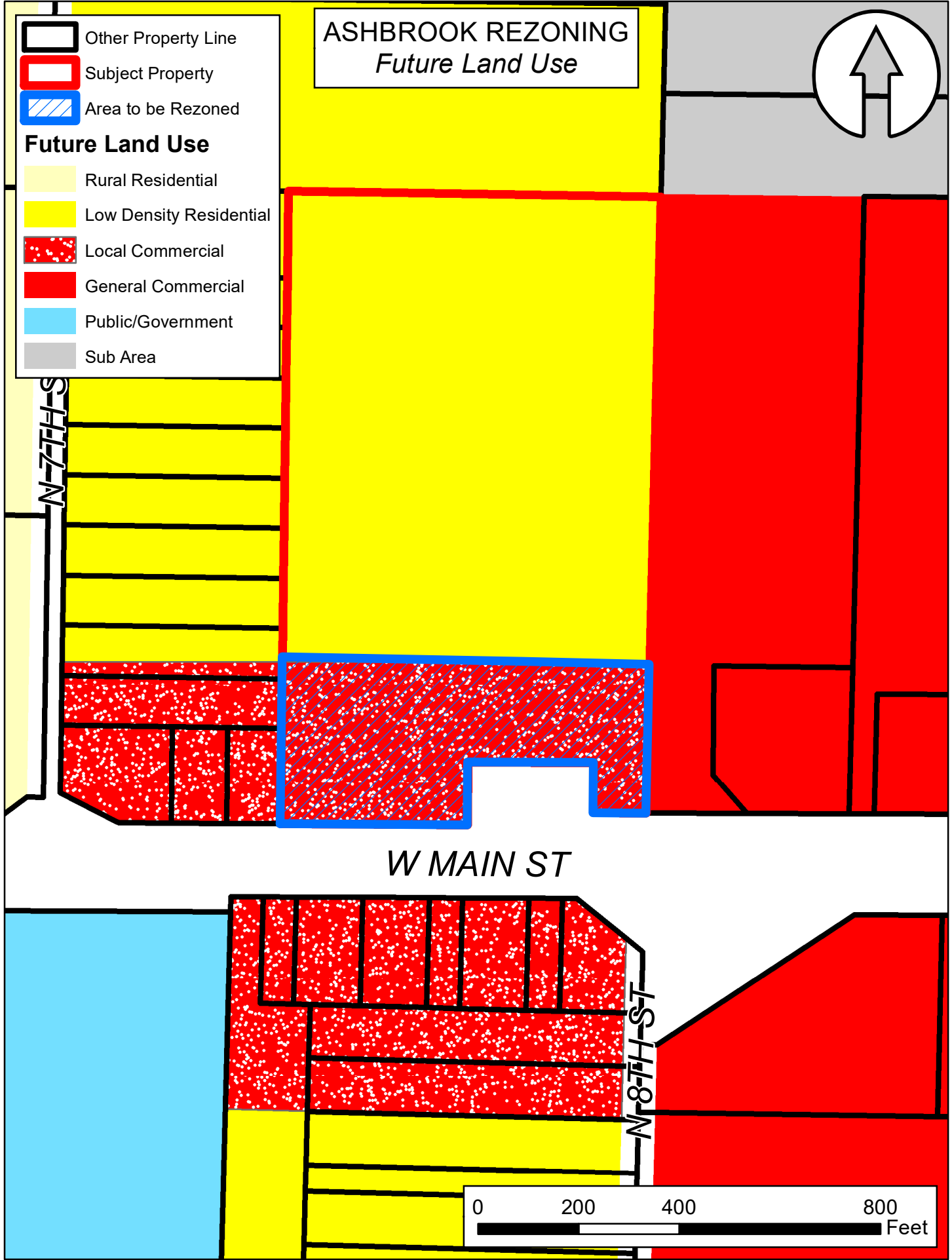
# ASHBROOK REZONING *Future Land Use*



Other Property Line  
 Subject Property  
 Area to be Rezoned

**Future Land Use**

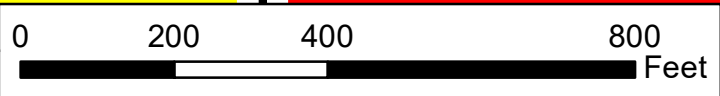
- Rural Residential
- Low Density Residential
- Local Commercial
- General Commercial
- Public/Government
- Sub Area



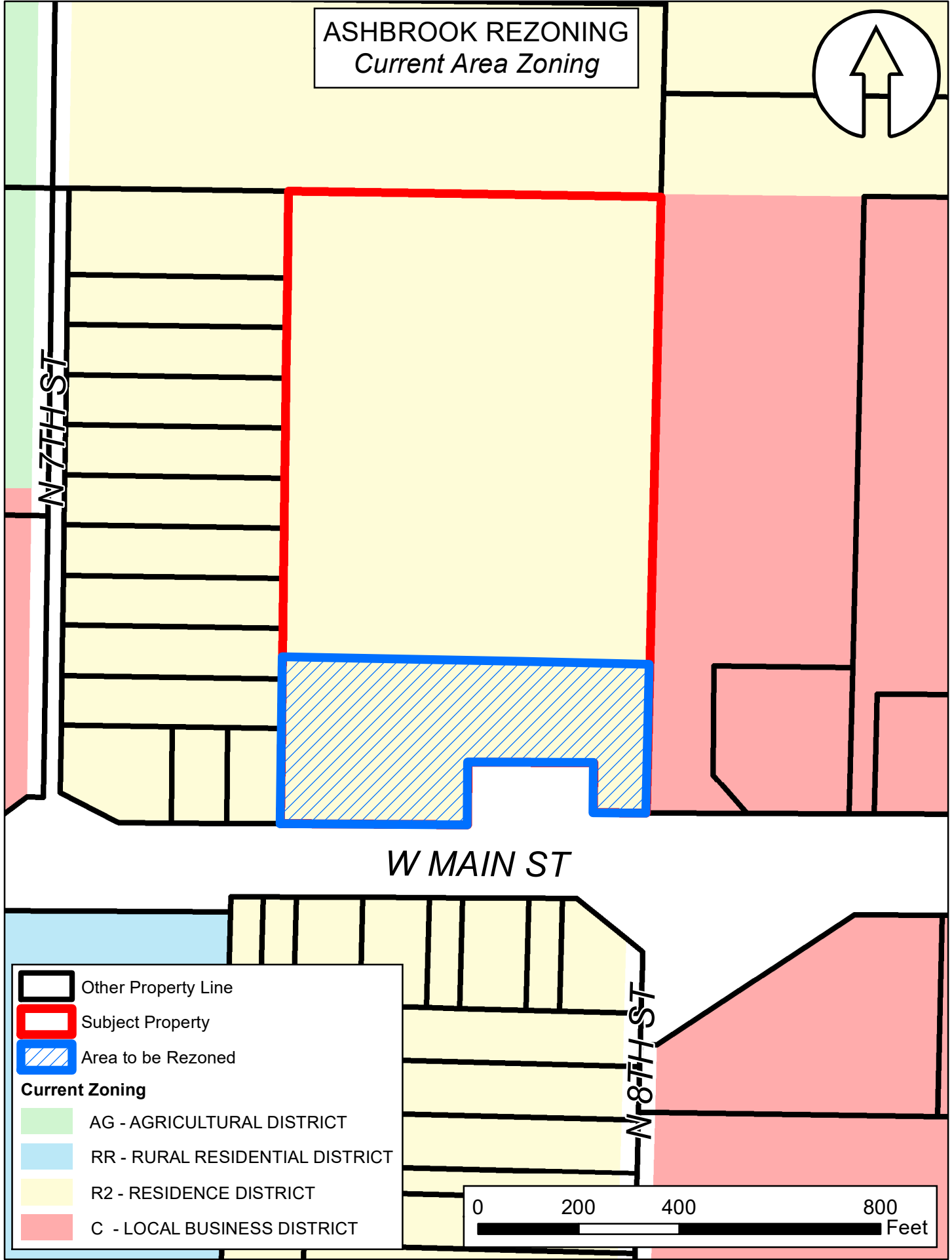
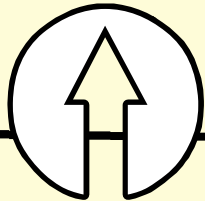
N 7TH ST

W MAIN ST

N 8TH ST



ASHBROOK REZONING  
Current Area Zoning



Other Property Line

Subject Property

Area to be Rezoned

**Current Zoning**

AG - AGRICULTURAL DISTRICT

RR - RURAL RESIDENTIAL DISTRICT

R2 - RESIDENCE DISTRICT

C - LOCAL BUSINESS DISTRICT

