

May 31, 2018



Meeting Date: June 14, 2018

To: Planning Commission

From: Julie Johnston, AICP
Planning Director

Applicant: Oshtemo Charter Township

Owner: Mr. Steven Evans

Property: Parcel No. 3905-16-355-071

Zoning: C: Local Business District

Request: RR: Rural Residential

Section(s): Section 20 – RR: Rural Residence District
Section 30 – C: Local Business District

OVERVIEW

This is a Planning Department initiated request to rezone the subject parcel from the C: Local Business District to the RR: Rural Residential District. Staff's ongoing concern with the current zoning of this property is its incompatibility with surrounding land uses and zoning. In addition, the request to rezone the subject property is a step towards implementation of the Township's Future Land Use Map.

The property in question is 11.71 acres, which is entirely zoned C: Local Business District. From aerial photography, most of the site is wooded and undeveloped. Only about the first 140 feet east from the 4th Street right-of-way line has been developed (approximately one acre) and contains both a commercial building and single-family home (with detached pole building), which is presently being used as a residential rental. It appears that access to the site, both for the commercial building and single-family home, is unpaved. There is a concrete pad in front of the commercial building, but parking and drive aisles around the building are unpaved.

PROPERTY HISTORY

Staff was unable to locate the exact date this property was rezoned, but we do know that it occurred prior to the current Zoning Ordinance, which was codified in 1984. Without those records, it is unclear as to why this property was granted commercial zoning, but it was likely to accommodate a gas/service station. Records were found from the following years:

1985 – A variance was approved for relief from the required 3:1 depth to width ratio for parcels. The applicant desired to re-describe the property lines of two parcels and requested the variances to allow for a

depth greater than three times the parcel width. The minutes of this meeting indicate one of the parcels is zoned C: Local Business District but no mention was made of the type of business onsite.

1986 – A site plan application was approved to allow the existing service station building be converted to an auto repair shop. Some site changes were approved to allow on-site parking of cars waiting for service or pick-up.

1999 – A site plan amendment was requested to allow parking of seasonal vehicles and to alter a previous condition on the property that limited the length of time a vehicle could wait for repair. The Zoning Board of Appeals approved a 15-day waiting period for vehicle repair but denied the storage of seasonal vehicles.

Staff understands that since that time, an auto repair shop has been operating sporadically at this location. We are unclear as to its current operation, but we believe it is either related to automotive repair or auto detailing. There have been approximately three Township interventions over the last three years, the most recent being February of 2018, when Ordinance Enforcement was called to the site due to litter and vehicles that were either inoperable or without proper licensing.

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 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

The Future Land Use Map designation for this property and all surrounding properties is Rural Residential. This designation plans for predominately low density single-family residential with some agricultural uses that engender rural character. The Future Land Use Plan does recognize some small long-standing commercial uses within the Rural Residential area, but references farm stands and other commercial uses serving the local and regional markets. For example, Husted's Market on West Main Street.

The overall intent of this District is to promote a rural lifestyle for residential and agricultural uses. Strategic locations for commercial development were carefully planned to provide opportunities for residents to meet convenience needs. The Neighborhood Commercial District, which is designed for this area of the Township, indicates commercial uses should maintain rural character and provide services, like small convenience stores, that will support and be compatible with nearby residential developments.

An 11.71-acre property zoned commercial is not compatible with the overall intent of the Rural Residential district or the rural character of this area.

2. Consistency of the Zoning Classification in the General Area

All of the properties surrounding the subject site are zoned RR: Rural Residential. The C: Local Business District is essentially “spot” zoning at this location. According to an article published by the Michigan State University Extension on June 17, 2016, there are four criteria to remember to avoid spot zoning, as follows:

“One illegal form of rezoning is spot zoning. This practice gets its name from the appearance of small spots of different zoning districts on a zoning map that otherwise has large contiguous areas in the same zoning district around the spots. To be considered a spot zone, the property, in most cases, must meet the following four criteria:

- *The area is small compared to districts surrounding the parcel in question.*
- *The new district allows land uses inconsistent with those allowed in the vicinity.*
- *The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.*
- *The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.*

Rezoning that have the four characteristics of spot zoning listed above run a high risk of invalidation if challenged in court and not consistent with the master plan. In some cases, master plans anticipate these relationships and provide for them (for example, a small commercial area may serve a residential neighborhood). In those cases where the master plan supports a relatively small zoning district that is dissimilar to the zoning that surrounds it, this is probably not a spot zone.”

The subject site meets all four of these criteria. While 11.71 acres, the commercially zoned area is still small in comparison to the acres of property surrounding the site which are zoned Rural Residential. The uses permitted within the C: Local Business District are generally incompatible with the Rural Residential uses, which is why the Master Plan outlines the need for a Neighborhood Commercial District. The commercial zoning confers a benefit on this individual property which is not enjoyed by adjacent properties, namely the right to develop large commercial uses. Finally, the commercial zoning is not supported by the Future Land Use Map, as previously stated.

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

Properties surrounding the subject site are residential in nature and are generally large parcels. The smallest parcel is located about 1,000 linear feet to the south of the subject site and is 0.75 acres. The largest parcel is directly across 4th Street from the subject site, which is 70 acres in size and is owned by the Fetzer Institute. Most of the parcels are heavily wooded with little to no development.

The residential component of the subject parcel is more in keeping with the surrounding land use pattern than the commercial use.

4. Utilities and Infrastructure

Utilities and infrastructure are often considered in a request for rezoning to ensure that public facilities can service any possible development that would occur on the site. Public utilities are

particularly important when considering a large commercial zoned parcel. At this time, the Township has no plans to provide sanitary sewer to this area of the community. However, public water is available down 4th Street.

5. Reasonable Use under Current Zoning Classification

The current zoning classification allows for more diversity of uses than experienced by adjacent properties, which is included in the criteria for spot zoning. However, it is important to note that this property has enjoyed this use district for over 30 years. Rezoning the property to the RR: Rural Residential District will instigate the “grandfathered” clause. This clause essentially states that if a use is already established before a zoning change, and the use is lawful under the old zoning, its status under the new zoning is legal nonconforming.

Therefore, if the auto shop is currently in operation, it would be allowed to continue under a legal nonconforming use status. The restrictions placed on the property, per Section 62.152 of the Nonconforming Uses ordinance, would be as follows:

62.152 Nonconforming uses of land or structure.

The use of any land or structure, existing and lawful at the time the use commenced, may be continued, even though such use does not conform to the provisions of this Ordinance, or amendment hereto, subject to the following provisions:

- 1. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land or structure.*
- 2. No nonconforming use shall be moved in whole or in part to any other portion of the land or structure occupied by such use.*
- 3. If any nonconforming use of land or structure ceases for any reason for a period of more than 12 months, any subsequent use of such land or structure shall conform to the requirements of this Ordinance.*
- 4. If a nonconforming use of land or structure is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a nonconforming less restrictive use.*

6. Effects on Surrounding Property

Depending on whether the auto shop business is in use, the effects on surrounding properties will either be negligible or positive. As the use has been in operation for some time, continuing as an automotive servicing center will be status quo for neighboring properties. However, the rezoning will curtail any expansion of the use or other new commercial operations, which could further effect compatibility. Removing the possibility of a large commercial operation in this area will support the rural and residential character of the area.

RECOMMENDATION

Staff recommends the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of the subject property from the C: Local Business District to the RR: Rural Residential District for the following reasons:

1. The proposed rezoning is consistent with the Township's Future Land Use Plan.
2. The requested RR: Rural Residential zoning is compatible with the surrounding land uses and zoning classifications.
3. Rezoning the property will eliminate an area of "spot" zoning in the Township.

Respectfully submitted,

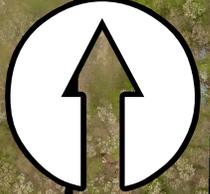


Julie Johnston, AICP
Planning Director

Attachments: Aerial map
Zoning Map
Future Land Use Map
Minutes from previous requests

ALMENA DR

25 SOUTH 4TH STREET REZONING
Aerial Map



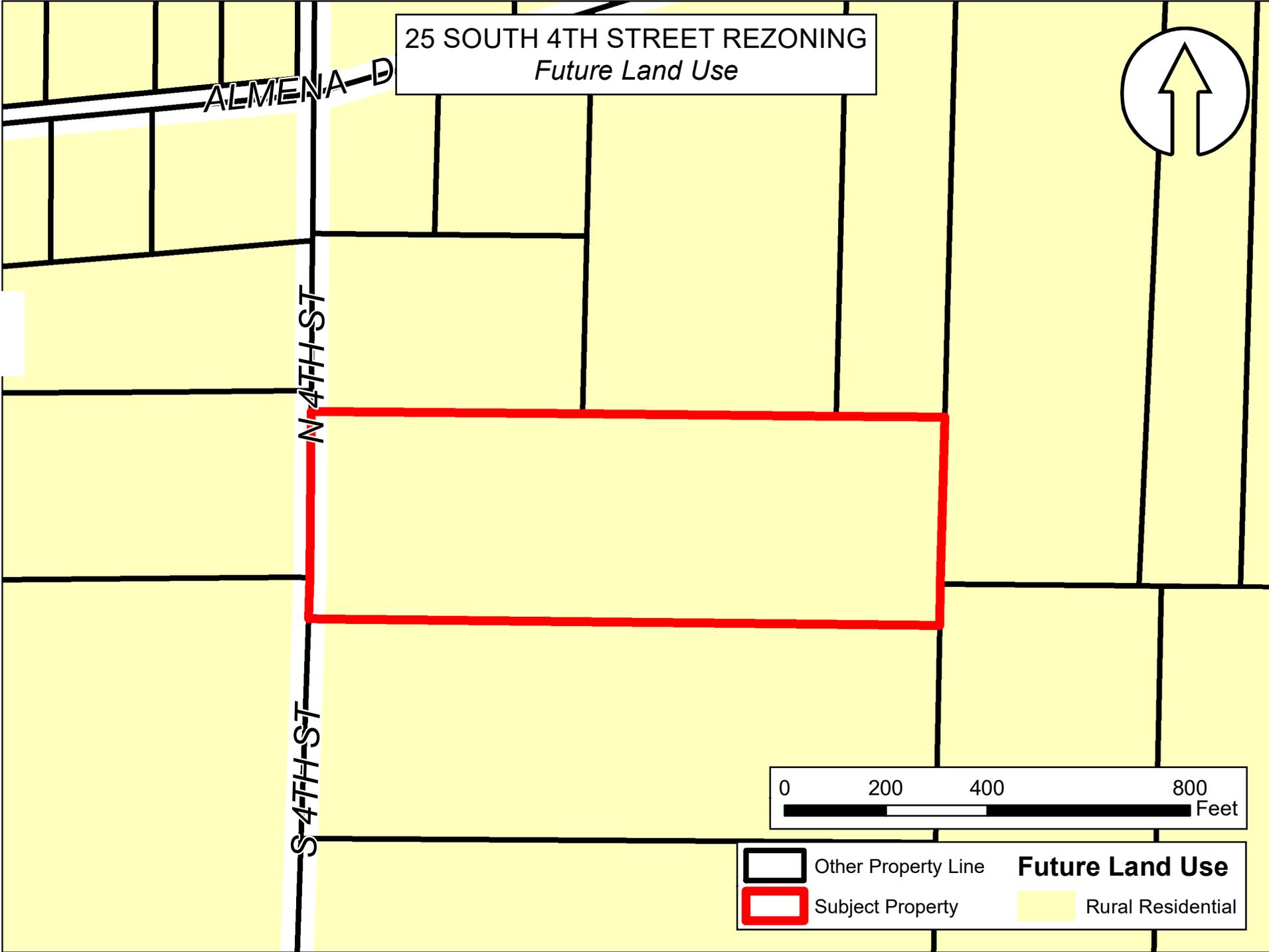
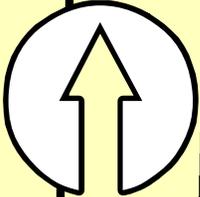
N 4TH ST



-  Other Property Line
-  Subject Property



25 SOUTH 4TH STREET REZONING
Future Land Use



ALMENA D

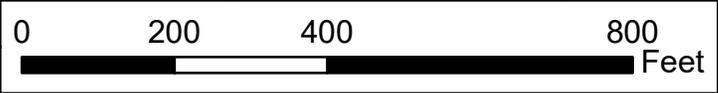
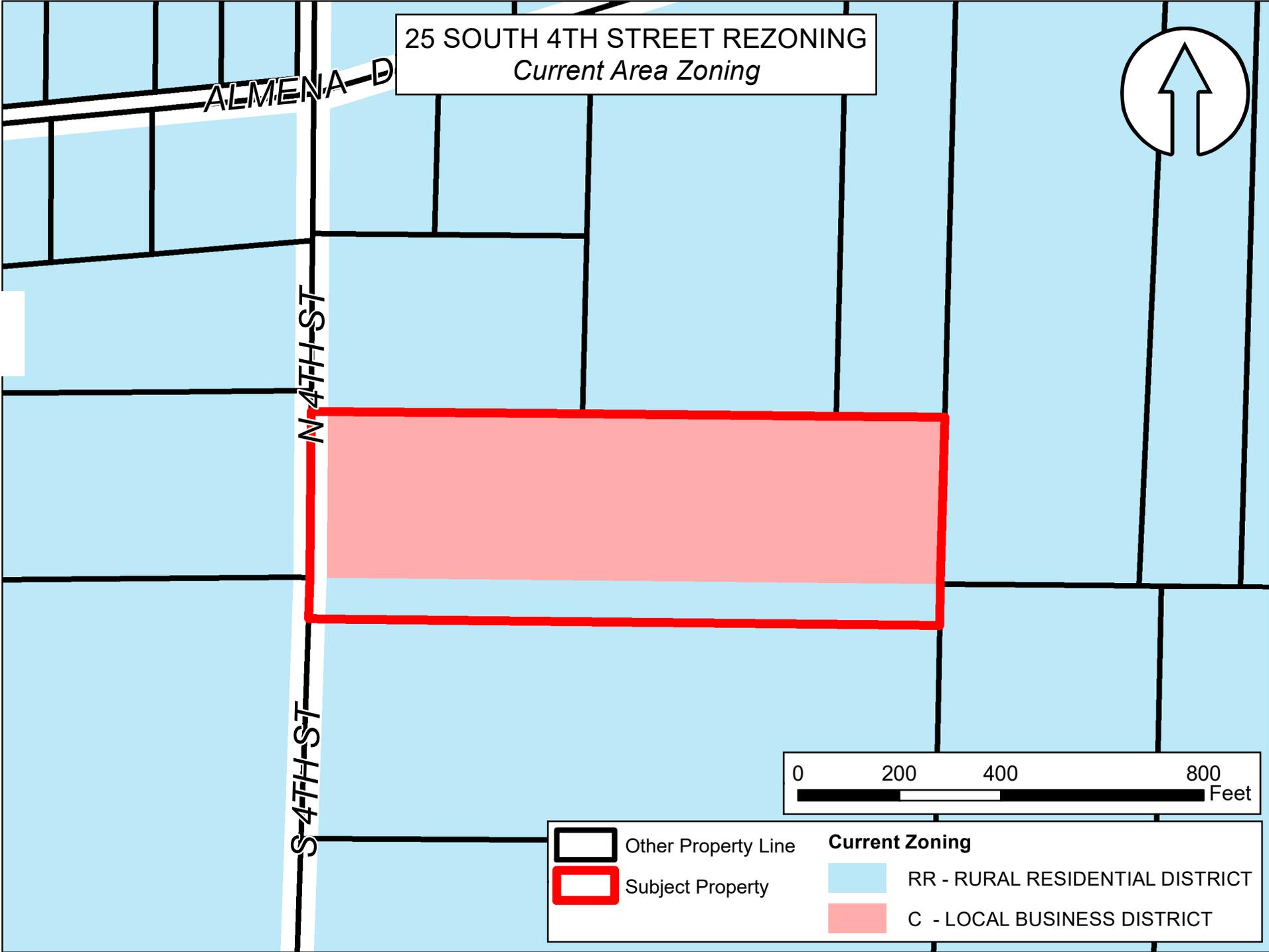
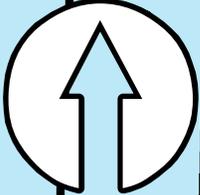
N 4TH ST

S 4TH ST

0 200 400 800 Feet

Other Property Line **Future Land Use**
Subject Property Rural Residential

25 SOUTH 4TH STREET REZONING
Current Area Zoning



	Other Property Line	Current Zoning	
	Subject Property		RR - RURAL RESIDENTIAL DISTRICT
			C - LOCAL BUSINESS DISTRICT

way to address this matter without the granting of a variance. Mr. Jameson stated that the problem from his perspective was that some people buy a ten-acre parcel expecting the 200-foot frontage requirement in the Ordinance to be a firm requirement. He stated that he felt uncomfortable with the Board's position, but that he could agree that the split would serve to facilitate orderly development of unplatted properties in the Township.

A vote was then held on the motion and the motion passed unanimously.

JOHN & BETTY BAYLESS - VARIANCE REQUEST

The next matter to come before the Board was consideration of the request of John & Betty Bayless for variance approval from the 3:1 width to depth ratio established in Section 66.201 of the Township Zoning Ordinance. It was noted that the parcels involved are located on the east side of South 4th Street, one ten-acre parcel being in the "C" Commercial zone and another 15-acre parcel being located in the "AG-Rural" zoning classification.

Ms. Harvey noted that the owner desires to redescribe the two existing parcels into two new parcels, each with 412.5 feet of road frontage and a depth of 1,320 feet. The existing parcels are 330 feet by 1,320 feet and 495 feet by 1,320 feet. Ms. Harvey noted that both parcels would exceed the 3:1 minimum width to depth ratio requirement in Section 62.201. Ms. Harvey noted that presently there is an existing building that straddles these two parcels. She stated that the proposed redesignation of the two parcels would result in the building resting entirely on one parcel.

Ms. Bayless stated that the proposed rearrangement of the property would result in two parcels, each consisting of 12-1/2 acres. She stated that she and her husband wish to sell the southerly, vacant parcel.

Mr. Jameson inquired as to whether the applicant would be willing to grant a public right-of-way easement for purposes of permitting development of the back lands at some future time. Ms. Bayless indicated that this was acceptable.

Mr. Jameson stated that he believed the applicants' request was reasonable. He stated that it would result in two marketable pieces of land and, by virtue of requiring the dedication of a 66-foot public right-of-way easement to the back portion of the property, serve to provide possible future access to the back property for development.

There were no audience comments with respect to this matter.

Ms. Bayless indicated that she would like to have such a right-of-way located so that 1/2 of its width (33 feet) would be located on each parcel. Mr. Tom Cook, the prospective buyer of the southern 12-1/2 acres indicated that he would be agreeable to such an arrangement.

After further discussion, Mr. Jameson moved that the Board grant variance so as to permit the subject properties to be established as two parcels, each with 412.5 feet of road frontage and a depth of 1,320 feet, subject to the condition that a 66-foot public right-of-way easement be dedicated to the Township, such easement extending the full length in an easterly and westerly direction of the property, with the easement being located such that 33 feet of the easement falls on each side of the two newly

created parcels. Mr. Jameson indicated as reasons for his motion that the requested variances would promote more orderly development of the interior lands in the property and provide a feasible means to divide the 25 acres in question. Ms. Brown seconded the motion and the motion passed unanimously.

MARK WOOLLEY - VARIANCE REQUEST

The Chairman stated that the next matter to come before the Board was a request by Mark Woolley for a variance from the 200-foot frontage requirement and the 3:1 minimum width to depth ratio requirement contained in Section 66.201 of the Township Zoning Ordinance. It was noted that the subject property is located on the north side of GH Avenue in an "AG-Rural" zoning classification.

It was noted that Mr. Woolley desires to divide the existing parcel into two parcels. Parcel A would have 185 feet of road frontage and a depth of 786 feet. It was noted that accordingly, a variance from the 200-foot frontage requirement and the 3:1 width to depth ratio would be necessary for the creation of such a parcel. Ms. Harvey noted that the back property line of the subject site abuts the US-131 business route and that, accordingly, access to the interior land would not be necessary. It was further noted by Ms. Harvey that the proposed frontage would provide adequate open space between buildings on adjacent parcels and facilitate water/sewer systems.

Mr. Woolley noted that the subject property also drops in back.

Ms. Brown noted that the requested variance would seem justified. She noted that the terrain of the property would support the granting of a variance. She also noted that the back portion of the property was not developable because of its location in relation to US-131. She stated that she did not believe the Board would accordingly need to require an easement to the back lands. She stated that the requested variance was not out of context with orderly development of unplatted lands in the Township in that area.

The Chairman agreed. He noted that the requested variance would result in a ratio of 4:1, which was not that extreme from the standard set forth in the Township Zoning Ordinance.

There were no audience comments.

Ms. Brown then moved that the Board grant the requested variance so as to permit the parcel to have a 185-foot public road frontage and that a variance from the 3:1 width to depth ratio requirement also be permitted. Ms. Brown noted that she was not including in her motion the requirement that a public right-of-way easement be dedicated to the Township because of the US-131 access and the terrain of the land. Mr. Jameson seconded the motion and the motion passed unanimously.

JOHN BARKER (BARRETT'S FURNITURE) - SITE PLAN REVIEW

The Chairman stated that the next item on the agenda was consideration of the application of John Barker of Hobbs & Black Associates for site plan review for a proposed furniture store to be located on Lots 129-133 of Country Club Village Plat No. 4 and part of Lots 1, 2, 5, and 6 of Country Club Village Plat, said property being at the corner of West Main and Lodge Lane.

(2) That on-site water drainage for the subject site be approved by the Township Engineer. If the applicant is not permitted to use the existing county drainage basin, then a water retention drainage basin sufficient to provide on-site water retention must be established on the subject site and **SUCH** retention area may be established on that portion of the subject property located in the "R-1" zoning classification.

(3) The Club View curb cut and access drive be established and paved at the time of beginning construction of Phase II of the development.

(4) That this site plan approval is subject to further review and approval by the Township Engineer and Township Fire Chief.

(5) That if that portion of the subject site located in the "R-1" zoning classification is subsequently sought to be developed for purposes other than water retention, then the applicant shall be required to return to the Board for further site plan review with respect to such desired development.

The motion was seconded by Mr. Greenberg and passed unanimously.

DAN MUELLER - SITE PLAN REVIEW

The Chairman stated that the next item on the agenda would be consideration of the request of Dan Mueller of Dan's Service Center for site plan review for a proposed auto repair and service shop to be located at 67 South 4th Street. It was noted that the subject property is located in the "C" zoning classification.

Mrs. Harvey then addressed the Board. She stated that the applicant was proposing to use a building that had previously been used as a service station for a proposed auto repair and service shop. She stated that a small portion of the subject building was located on land in the "AG" zoning classification. She stated that the entire garage constituted a lawful non-conforming use. She stated that the applicant was not proposing to make any changes to the building itself. She stated that any changes proposed by the applicant on the site were on that portion of the site located in the "C" zoning classification. She stated that the applicant was proposing to put in paved parking and drive and that this paved parking and drive would be on land located in the "C" zoning classification. She stated that there is a home to the north of the subject building.

Mr. Mueller stated that the proposed building would be used for car repair. He stated that there would be no body work on the site and that it would not be used as a junk yard.

In response to a question from Mr. Vuicich, Mrs. Harvey stated that site plan review was being required because the applicant was proposing a change in use from a gas station to an automobile repair garage.

In response to a question from Mrs. Brown, the applicant indicated that all oil from oil changes would be stored in barrels and trucked off. He stated that it would not be put in the ground. In response to a question from Mr. Greenberg as to how often automobiles would be parked outside the building, Mr. Mueller stated that they would be parked for a period of five to seven days maximum. He stated that his operation would be the same as that previously approved by the Board for the site across the street at the Board's meeting on October 7, 1985.

In response to a question from Mr. Jim Warbeck, Mr. Mueller stated that he did not expect that he would be working in his business later than 5:00 or 5:30, except for emergencies. The Township Attorney noted that the Township has no control over the hours of the subject business. Mr. Vuicich noted that the Township does have a noise control ordinance.

In response to a question from Mrs. Brown, Mr. Mueller stated that the gas tanks on the site would be removed before the drive and parking area were paved.

Mr. Tom Cook stated that he owns the adjacent property and he had been informed that the subject property is actually zoned in the "AG" zoning classification. Mrs. Harvey indicated that on May 6, 1985, the Zoning Board of Appeals had granted a depth to width ratio variance that had encompassed part of the subject property. She stated that there had been no zoning change at that time. She stated that the subject property was, with respect to all but the small portion of the building previously referred to by her, in the "C" zoning classification.

After general discussion, Mr. Greenberg moved that the Board grant site plan approval, subject to the following conditions:

(1) Subject to further review and approval of the Township Fire Chief and removal of the buried gas tanks before paving, such removal to occur within two months. Mr. Mueller stated that this deadline was acceptable to him.

(2) That site plan approval be further subject to further review and approval by the Township Engineer.

(3) That any outdoor lighting established on the site be directed on the property and comply with the provisions of Section 76.700 of the Township Zoning Ordinance.

(4) That the existing natural screening along the south side of the subject property be maintained.

(5) That, consistent with the interpretation made by the Board with respect to Mr. Mueller's business at its meeting on October 7, 1985, any outdoor parking of motor vehicles be limited to motor vehicles awaiting repairs, such parking normally occurring no more than one to two days with respect to a specific vehicle and, in no event, more than ten days. Mr. Greenberg noted that this was a slight extension from the 7 day limitation made by the Board in its previous interpretation. Mr. Mueller stated that a ten-day limitation was acceptable to him.

Mrs. Harvey noted that any long-term outdoor storage of motor vehicles on the subject site would not be permitted in the "C" zoning classification.

Mrs. Brown seconded the motion and the motion passed unanimously.

INTERPRETATION REGARDING SITE PLAN REVIEW AND TEMPORARY LAND USES.

The Board then returned to its discussion regarding interpretation of the site plan review provisions set forth in Section 82.000 of the Township Zoning Ordinance as it pertains to temporary land uses.

Mrs. Brown inquired as to whether the Township could adopt an ordinance requiring a permit for temporary vendors. The Township Attorney stated that the Township Board would have authority to adopt such a general ordinance.

Mrs. Harvey noted that the Zoning Board of Appeals might wish to request that the Zoning Board consider amendments to the Zoning Ordinance so as to more specifically address the matter of temporary land uses.

Mr. Greenberg stated that he believes the Zoning Ordinance, as presently written, requires site plan approval before such temporary land uses may lawfully be conducted. He stated that he believed the Board should make an interpretation to this effect.

After general discussion, Mr. Greenberg moved that the Board make the interpretation that, on the basis of Sections 82.200, 82.400, and 82.900 of the Township Zoning Ordinance previously referred to by the Township Attorney, the Board determine that site plan review is required for the establishment of temporary land uses under the present terms of the Township Zoning Ordinance. Mr. Greenberg further moved that the Board request the Township

In response to questioning by Mr. Loy, the applicant indicated that the container would be placed on a concrete base. Mr. Loy asked why the applicant was not constructing a building addition or accessory building for the storage. Ms. Ruimveld indicated the cost for the container was a factor and stressed that the applicant did not want a permanent building. It was possible that the container would be used only 4-6 months of the year. If the applicant found that this container was not needed, it would be moved to the Migala Portage location.

Mr. Bushouse expressed concern about setting a precedent for allowing a storage container in the alternative to a building for storage purposes. Mr. Loy concurred, noting that the storage container would not provide much storage space for the applicant and would be setting a dangerous precedent for allowing outdoor storage within a Commercial District. Mr. Bushouse was also concerned about setting a precedent of allowing uses within the parking lot area. Board members agreed that it was inappropriate to grant the application given that others in the Commercial District had been denied outdoor storage. With regard to Hardings, the market had not been approved for locating outdoor storage containers and, therefore, if there were a storage container at the site, it would be an enforcement matter.

The Chairperson asked for public comment, and none was offered. The public hearing was closed.

Mr. Bushouse moved to deny the application based on a finding that the container would constitute outdoor storage within the "C" Local Business District which was not allowed under the Zoning Ordinance. Mr. Loy seconded the motion, and the motion carried unanimously.

OSHTEMO AUTO SERVICE - SITE PLAN AMENDMENT TO ALLOW PARKING OF SEASONAL VEHICLES BEHIND EXISTING BUILDING - 67 S. 4TH STREET

The Board next considered the application of Oshtemo Auto Service for site plan amendment to allow the parking of seasonal vehicles behind the existing building and an extension to 15 days for the length of time that a vehicle awaiting repair may be parked at the site of 67 S. 4th Street. The property is located in the "C" Local Business District zoning classification.

The report of the Planning and Zoning Department is incorporated herein by reference.

The owner of the property, Eugene Morse, was present on behalf of the applicant, Jerry Parsons, of Oshtemo Auto Service.

Ms. Stefforia noted that the applicant was seeking an extension of the time allowed for the parking of vehicles awaiting repair from 10 days to 15 days. The applicant also sought permission to store snowplows behind the building on an existing concrete pad.

Mr. Morse stated that the applicant was seeking the extension due to the time it takes to obtain parts and complete repairs. Mr. Loy agreed that in the current climate a 10-day limitation was difficult, i.e., not enough time to get parts. Mr. Loy recalled that the Township had approved other similar time periods for Halli's and other applicants. However, Mr. Loy commented that he would not be in favor of allowing storage in back of the building. Mr. Bushouse felt that the application would not be a problem so long as the cars were not in a dismantled condition. Further, it was emphasized that all parking should be in a paved area.

Public comment was sought, and none was offered. The public hearing was closed.

There was discussion with Mr. Morse, who indicated that the applicant intended to build a pole barn in which to place the seasonal snow removal and other equipment.

Mr. Bushouse questioned Mr. Paddock regarding enforcement techniques for the time limitation for vehicles awaiting repair. Mr. Paddock responded that the site was reviewed from time to time. In the case of this particular site, some vehicles had been in the parking area for more than one year. Moreover, part of the difficulty at the site was that vehicles were being parked on the gravel area which is located in the "AG" rather than "C" District. It was noted that there were 12 striped parking spaces in the paved area at the site.

Mr. Morse questioned whether the applicant could stripe more parking spaces, and it was noted that, if a plan were submitted to Township staff showing additional striping in the paved area, it could be administratively reviewed and approved.

Mr. Loy moved to amend the site plan for the Oshtemo Auto Service property to allow vehicles awaiting repair to be parked within striped spaces in the paved parking area for up to 15 days. No outdoor storage was approved, and any snowplow vehicles would need to be parked within an approved and striped parking space on the paved area.

Mr. Bushouse seconded the motion, and the motion carried unanimously

CORNING, DAVID - VARIANCE RE: LAND DIVISION/DEPTH-TO-WIDTH RATIO - 7518 WEST KL AVENUE

The Board considered the application of David Corning for variance from Section 66.200 to allow a land division resulting in a parcel where the depth exceeds four times the width. The subject property is located at 7518 West KL Avenue within the "AG" Agricultural-Rural District zoning classification.

The report of the Planning and Zoning Department is incorporated herein by reference.

Ms. Bugge noted that the applicant is seeking a variance from the 4:1 depth-to-width ratio requirement of Section 66.201. The applicant was proposing the division of a parcel into two parcels; parcel A would meet all dimensional standards of the Ordinance, but parcel B would have a mean width of 617.4' and a depth of 2,640'. The proposed depth-to-width ratio



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
616-375-4260 FAX 375-7180 TDD 375-7198

To: Zoning Board of Appeals **Meeting Date:** June 7, 1999
From: Planning/Zoning Department **Agenda Item:** 4

Applicant: Jerry Parsons / Oshtemo Auto Service

Subject Property: 67 South 4th Street

Zoning: C, Local Business District

Request: Site plan amendment to allow a five day extension to length of time that vehicles may be parked on-site awaiting repair; and, approval allowing vehicles (including snow plows) to be parked behind building.

Ordinance Section: 82.800

Staff Report:

Background Information:

In 1986, the Zoning Board of Appeals (ZBA) granted site plan approval for the existing auto repair and service shop. A condition of that approval was that any outdoor parking of motor vehicles be limited to those awaiting repair and in no event be parked on-site for more than 10 days. This 10 day limit was an extension of the previous interpretation of the Board of seven (7) days being the appropriate length of time that could be expected for vehicles awaiting repair without being considered storage.

The applicant is currently seeking approval to extend the time limit to 15 days and to allow the parking of vehicles, including snow plows behind the building on an existing concrete pad.

Review:

Section 82.800 - Site Plan Review

a) Access -- The site is served by the existing drive off 4th Street to the business and a drive immediately north that serves the house. No additional access points are proposed.

Parking -- Parking requirements for the use will not change if site plan amendment approval is granted.

b) Outdoor storage -- approval is being sought for outdoor parking (storage) on the site behind the building. More specific details are needed from the applicant as to the anticipated number of vehicles to be parked behind the building and whether they will all be parked on the concrete pad. The ZBA must find that the outdoor parking (storage) is accessory to the principal use of the property as long-term outdoor storage is not permitted in this zoning district.

* The ZBA should question the applicant regarding the outdoor long-term parking -- number of vehicles, type of vehicles, etc.

Lighting -- no change to the outdoor lighting has been proposed or is being approved at this time.

c)
&d) The subject property is a 10 acre commercially zoned piece of property within an agriculturally zoned area of the Township.

No additional landscaping or screening is proposed. The area behind the building is buffered by existing woods.

e) No variances are being requested.

f) The Fire Department has not yet reviewed and commented on the proposed site plan amendment. However, Staff does not anticipate any problems.

* Site plan amendment approval is subject to Fire Department approval.

Attachments: Application
August 4, 1986 ZBA Minutes (excerpts)
October 7, 1985 ZBA Minutes (excerpts)
Site Plan sketch
Location Map