

## Almena Township Planning Commission

<b>Memo Date:</b>	March 1, 2023	<b>Meeting Date:</b>	March 6, 2023
<b>Request:</b>	Special Land Use/Site Plan	<b>Applicant:</b>	John and Carla Heldt
<b>Address:</b>	26151 CR 375	<b>Project Name:</b>	H&H Contract Haulers, LLC
<b>Parcel:</b>	80-01-027-018-80	<b>Plan Date:</b>	N/A
<b>Acreage:</b>	5 acres	<b>Zoning District:</b>	AGLD
<b>Complete:</b>	TBD by Plan. Comm.	<b>Recommendation:</b>	Denial
<b>Agenda #:</b>	TBD	<b>Prepared By:</b>	David M. Jirousek, AICP

### Overview

An application requesting a special land use and site plan approval for a proposed major home occupation was submitted for review by the Planning Commission. The proposed use is a trucking company, and the property is currently being used by H&H Contract Haulers, LLC (H&H).

H&H established commercial operations at the subject location without applicable Township permits. While the pole building on the east side of the site was issued a building permit, the building was not approved for commercial use at that time. After violation noticing in 2022, the code enforcement process allowed the applicants to submit an application for special land use prior to further enforcement action.

*Proposal:* The applicants propose to continue to use the property for outdoor commercial truck and trailer parking and staging, in addition to service and repairs within the existing accessory pole building.

*Zoning Commentary:* It is important to understand the intent and definition of a “major home occupation” before reviewing this proposal. The intent of a major home occupation is for the commercial activity to be clearly “incidental and secondary” to the residential use of the property. Further, independent trucking is allowable, but the scale of the operation would need to be limited to comply with the applicable requirements.

*Home Occupation, Major.* A business operated on a residential parcel that, because of its nature, intensity, and characteristics, is not customary for residential property and does not qualify as a minor home occupation. A major home occupation is an **incidental and secondary use** of the



*property. Business operations include financial advisors, accountants, business services, personal services, making of handcrafted products, accessory retail sales, **independent trucking**, and instruction of a fine art or craft (emphasis added in **bold**).*

Please note that we typically waive site plan requirements for major home occupations based on the nature of the use allowance (indoor and limited scale). In many cases, an aerial photo or property survey is adequate. However, the aerial the applicants provided is insufficient as it does not show the new building, and it only shows a single truck with a trailer. Newer 2022 aerials on the County's GIS system show the new building, at least eight trailers, six trucks, and one flatbed truck. Google aerials show similar conditions.

Further, there is no indication of an employee parking area, and the description of the use does not provide sufficient detail regarding the number of trucks parked, hours of operation, and the number of employees.

Overall, the "use" may be an allowable major home occupation, but the size and scale of current outdoor staging and parking operations are far beyond what would be considered compliant with the Zoning Ordinance. For what is proposed, a formal site plan would be required to show truck parking, employee parking, drive aisles, and other outdoor elements. However, I am unaware of how the applicants would demonstrate compliance with the proposed outdoor elements and activities that would trigger the requirement of a site plan prepared by an engineer, architect, or surveyor. If the operation were indoors, a simple sketch showing the location of an employee parking area as it relates to the building would be sufficient.

*Existing Conditions:* The site includes a single-family dwelling, detached garage, and pole building (Exhibit 1). Adjacent lands are zoned AGLD, and the area is residential in nature. (Exhibit 2).

*Review:* This report addresses all zoning requirements for major home occupations and standards for site plan and special land use review.

### **Section 6.180 Home Occupation, Major**

The following are specific use requirements for major home occupations.

#### *A. General Requirements.*

- 1. One (1) major home occupation is permitted as an accessory use to the principal residential use of a property.*

**Comment.** Only one major home occupation is proposed.

- 2. Major home occupation operations must be conducted entirely within a principal dwelling, attached accessory building, detached accessory building, or combination of these buildings.*

**Comment.** The operation involves a significant outdoor parking and staging area for commercial trucks and trailers. It has previously been determined that the outdoor parking of numerous

commercial trucks and trailers is a commercial function of the business operation of H&H Contract Haulers. The applicants have not demonstrated a strategy or proposal for compliance.

3. *A maximum of 50 percent of the gross floor area of a dwelling and accessory buildings may be devoted to major home occupation business operations. Up to 25 percent of the floor area of the principal dwelling may be devoted to a major home occupation. However, this square footage may be increased by the Township Board through special land use review if no additional impacts will occur with the increase in area.*

**Comment.** The applicants have not provided sufficient background information to demonstrate compliance. A breakdown of principal and accessory building square footage must be provided.

4. *There shall be no physical evidence of the major home occupation from other properties or the public right-of-way.*

**Comment.** A significant commercial truck parking and staging area is visible from nearby properties and the public right-of-way. It is unknown how an operation of this scale and nature will comply with this requirement as the applicants have not demonstrated a strategy or proposal for compliance.

5. *All equipment and vehicles shall be stored indoors, except for one (1) commercial vehicle and trailer may be parked outdoors.*

**Comment.** There are multiple commercial trucks and trailers parked outdoors. The applicants have not demonstrated a strategy or proposal for compliance.

- B. *Retail Sales. Accessory retail sales shall only be allowed if incidental to authorized uses and shall be subject to the parking and visitation requirements of this section.*

**Comment.** Not applicable.

- C. *Operation and Employees.*

1. *Major home occupations shall only be owned and operated by a full-time resident of the dwelling.*
2. *Any occupant of the principal dwelling may be employed by the major home occupation.*
3. *A maximum of four (4) persons who are not residents of the dwelling may work on-site or may pick up and return work vehicles during any one (1) day.*

**Comment.** The applicants have not provided sufficient background information to demonstrate compliance. The number of employees that visit the site on any given day is unknown.

- D. *Minimum Lot Area. The minimum lot area for a major home occupation is three (3) acres.*

**Comment.** This requirement is satisfied, as the lot is five acres in size.

- E. *Structure Requirements. Buildings that must meet special building code requirements, such as automatic fire suppression systems, explosion-proof construction, paint booths, hazardous waste containment systems (except for the containment of small quantities of fuel, motor oil, lubricants, and anti-freeze), and other similar requirements are prohibited.*

**Comment.** The applicants have not provided sufficient background information to demonstrate compliance.

- F. *Access. If applicable, an applicant proposing a major home occupation that is accessed from a private street shall prove that access to the street by heavy equipment or trucks has been approved by the entity or owners who are responsible for ownership and maintenance of the private street.*

**Comment.** Not applicable.

- G. *Parking and Visitation.*

1. *Visitation of the site by clients, customers, or students shall be by appointment only.*
2. *No more than two (2) individual appointments shall be scheduled at any one (1) time, unless group activities or classes are approved.*
3. *If open to the public for appointments or other approved activities, see Section 7.30 for parking space and drive aisle dimensional requirements and Section 7.40 for the minimum number of parking spaces.*

**Comment.** The applicants have not provided sufficient background information to demonstrate compliance. While customer parking is unnecessary, a site plan, survey, or aerial should clearly indicate employee parking areas.

- H. *Conditions of Approval. The Township may approve additional conditions, such as limiting the days and hours of operation, screening, buffering, and any other conditions that are within the spirit of major home occupation regulation and the intent of the Zoning Ordinance.*

**No Comment.**

### **Section 12.40 Site Plan Approval Standards**

- A. *Zoning Compliance and Compatibility. Site plan proposals shall conform to all dimensional and building requirements (Article 2), general requirements (Article 3), and any applicable specific use requirements (Article 6). If necessary, variances shall be secured prior to the Planning Commission's recommendation (Section 18.60). Site planning shall consider both zoning compliance and compatibility with adjacent properties and land uses.*

**Comment.** The proposal does not comply with several requirements for major home occupations noted in the review comments related to Section 6.180. Use of the site does not consider zoning compliance nor strategies to comply with adjacent properties and land uses.

- B. *Access Management, Circulation, and Emergency Access. Driveway placement, connectivity, and shared access shall be designed to promote safe and efficient access to and from the site and*

*circulation within the site. Compliance with access management requirements of Section 3.30 shall be demonstrated if applicable. All sites and buildings shall be accessible to emergency services vehicles and personnel to respond to emergencies and calls for service.*

**Comment:** An increased amount of employee or delivery traffic is expected over a residential use or a more limited major home occupation. A site plan must show how employees, commercial vehicles, and delivery vehicles can navigate the site. Further, it is recommended that this circulation and access plan be reviewed and approved by the Fire Department. The applicants have not demonstrated a strategy or proposal to satisfy this standard.

- C. *Parking, Stacking, and Loading. Parking lot design shall demonstrate compliance with all dimensional and circulation requirements and shall be arranged to provide safe and convenient access to buildings and land uses (Article 7). If applicable, stacking and loading spaces shall be designed to minimize the impact on internal circulation routes and off-site traffic patterns.*

**Comment.** The provisions for major home occupations allow for up to four non-resident employees. A parking area site plan should be provided for these employees. The applicants have not demonstrated a strategy or proposal to satisfy this standard.

- D. *Lighting. Lighting plans shall demonstrate compliance with all requirements and shall be designed to ensure safe conditions and minimal impact on neighboring properties and the night sky (Article 8).*

**Comment.** Site lighting is unknown. All lighting must meet the requirements of Article 8.

- E. *Landscaping and Screening. All applicable landscaping, buffering, and screening requirements shall be satisfied (Article 9), and sites shall not be significantly disturbed in ways beyond what is appropriate for the reasonable development of a site. Site plans shall demonstrate that the impact of exterior uses and activities is minimized by required landscaping and screening.*

**Comment.** Landscaping and screening requirements do not apply to major home occupations.

- F. *Stormwater and Water Quality. Stormwater detention, retention, and drainage systems shall be designed to protect neighboring properties from negative impacts of increased stormwater run-off and flooding (Section 9.100). Systems shall be designed to function with public stormwater drainage systems under the authority of the Van Buren County Drain Commission, Van Buren County Road Commission, or the Michigan Department of Transportation (MDOT). Site development shall comply with Surface Water and Wetland Buffer requirements (9.110).*

**Comment.** The parking and staging area does not appear to be improved with gravel or pavement. Without an increase in impervious surface, permitting is not required by the Van Buren County Drain Commission. Further, surface water and wetland buffer requirements will not apply as they are not evident in the project area. However, with all of this stated, a major home occupation is not permitted to have an exterior impact, as all activities and operations must be indoors.

- G. *Signs. Proposed signs shall meet dimensional and location requirements and shall be placed in locations that limit driver distraction and prevent visual clutter (Article 10).*

**Comment.** A freestanding sign is not permitted for a major home occupation. However, the applicants can place an eight-square-foot wall sign on the subject building if a major home occupation is approved.

- H. *Outside Agencies. Applicants shall secure all applicable outside agency approvals, including but not limited to the Van Buren/Cass Health Department, Van Buren County Road Commission, Van Buren County Drain Commission, Fire Department, and State of Michigan regulatory agencies.*

**Comment.** A driveway permit is required from the Van Buren County Road Commission for any change of use or expansion of use. No other outside agency permits are required for the existing or proposed operation.

### **Section 13.40 Special Land Use Approval Standards**

In addition to site plan approval standards of Section 12.40, the following special land use approval standards shall be considered by the Planning Commission and Township Board.

- A. *Zoning Ordinance and Master Plan. The special land use will be consistent with the goals, intent, and purposes of the Zoning Ordinance and the Almena Township Master Plan.*

**Comment.** An operation of the proposed size and scale is not consistent with the intent and purpose of the major home occupation provision in the Zoning Ordinance. Further, a major home occupation is intended to be an “accessory” to the principal residential use of a property. The existing and proposed operation is far beyond what is contemplated by the Zoning Ordinance.

The Master Plan and Zoning Ordinance intend to prevent non-residential uses from proliferating in planned and zoned residential areas. The plan and ordinance clearly intend to separate land uses, and the AGLD zoning district is not intended for more intensive commercial uses.

- B. *Use Compatibility and Character. It will be designed, constructed, operated, and maintained to ensure compatibility with adjacent and nearby land uses, and it will not change the essential character of the area in which it is proposed. Further, it will not impede the normal and orderly development and improvement of surrounding property.*

**Comment.** The existing commercial truck parking and staging area is not compatible with nearby residential land uses, and a commercial operation of this size and scale changes the essential character of the area. The outdoor commercial usage of the property and the significant commercial truck parking area is extraordinarily incompatible with the intent of the AGLD zoning district and the residential area.

- C. *Public Services and Infrastructure. It will be adequately served by essential infrastructure and services, such as roads, stormwater drainage infrastructure, schools, law enforcement, and fire protection; will not create excessive additional requirements at public cost for infrastructure; and will not be detrimental to the economic welfare of the community.*

**Comment.** Unless the truck parking and staging area were paved, there are no concerns with stormwater impacts. Increased commercial activity may have a higher need for law enforcement and fire protection, but that effect may be negligible.

One of the purposes of the ordinance is to “[e]nsure that uses of land are situated in appropriate locations.” As such, heavier commercial use in a residential area may negatively impact adjacent property values more than in a predominantly residential area.

Lastly, a commercial business of this nature would typically require a formal driveway intersection improvement for the number of heavy trucks and trailers entering and exiting the site. Without approval by the Van Buren County Road Commission and the construction of a formal driveway, the operation may have a greater physical impact on the public roadway. It could potentially impact driver safety if not compliant with Road Commission standards.

- D. Impact and Nuisances. The use and its site design will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole, and it will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to persons, property or general welfare by reason of excessive activity, noise, vibration, smoke, fumes, glare, odor, or visual impact.*

**Comment.** The existing and proposed operation has a significant visual and traffic impact beyond a residential use or residential use with a compliant major home occupation. Further, the informal dirt driveway and parking area may result in greater dust generation and mud tracking onto the public roadway. An operation of this size and scale causes a disturbance to neighboring property owners far beyond the compliant use of land in the AGLD zoning district.

- E. Environmental Impact. The use will not cause environmental degradation or significant change to landscapes, topography, and sensitive natural resources.*

**Comment.** There is no significant environmental impact of the use of the property for truck parking and staging. If the site were to be paved or improved, there could be the possibility of stormwater runoff impacts. However, the intent of the Zoning Ordinance is not to allow commercial parking lots within agricultural and residential zoning districts.

- F. Traffic. The use will not result in unsafe traffic conditions or negative impacts on bicycle and pedestrian travel.*

**Comment.** The use generates heavy commercial truck traffic from the site. The driveway access point is not designed to commercial specifications. As such, noncompliance may lead to health, safety, and welfare issues for the traveling public.

### **Recommendation**

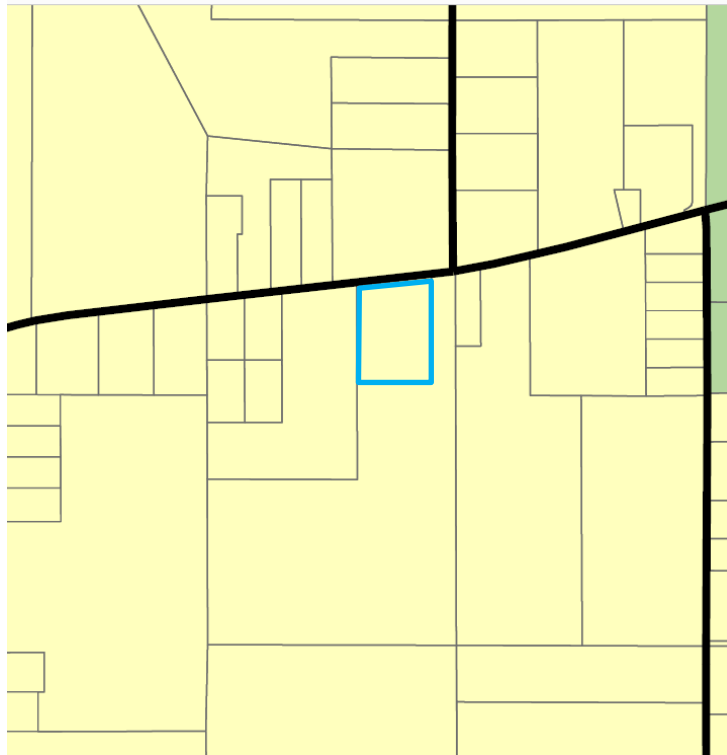
Based on the compliance issues noted in the review of Section 6.180 and the negative findings against the site plan standards of Section 12.40 and the special land use standards of Section 13.40, I recommend that the Planning Commission forward a negative recommendation to the Township Board regarding the proposed major home occupation special land use and associated site plan.



**Exhibit 1: 2022 Aerial**



**Exhibit 2: Zoning Inset**



- AG - Agricultural District
- AGLD - Agricultural Low Density District
- AGMD - Agricultural Medium Density District
- WR - Waterfront Residential District
- AS - Almena Settlement District
- C-1 Commercial District
- C-2 Commercial District
- C-3 Commercial District
- PUD Overlay District

ALMENA TOWNSHIP PLANNING COMMISSION

RESOLUTION 2023-01

RESOLUTION RECOMMENDING DENIAL OF A SPECIAL LAND USE APPLICATION FOR A MAJOR HOME OCCUPATION AND SITE PLAN FOR JOHN AND CARLA HELDT OF H&H CONTRACT HAULERS LLC

26151 CR 375, MATTAWAN, MI 49071  
PARCEL # 80-01-027-018-80

WHEREAS, John and Carla Heldt (“Applicants”), have applied for special land use approval of a major home occupation and site plan approval; and

WHEREAS, the Applicants request use of the existing accessory building for commercial vehicle repair and service and for commercial truck and trailer outdoor parking and staging; and

WHEREAS, the Almema Township Planning Commission held an official public hearing on March 6, 2023, in accordance with the Open Meetings Act, Zoning Enabling Act, Section 11.40 of the Almema Township Zoning Ordinance, and Township notification policies; and

WHEREAS, at its meeting on March 6, 2023, the Planning Commission recommends denial of the application for the special land use permit and site plan.

IT IS, THEREFORE, RESOLVED AS FOLLOWS:

1. **Section 6.180 – Specific Use Requirements for Major Home Occupations.** The Planning Commission finds that the application for a major home occupation does not comply with all of the requirements of Section 6.180.

A. *General Requirements.*

1. *One (1) major home occupation is permitted as an accessory use to the principal residential use of a property.*

**Finding.** Only one major home occupation is proposed.

2. *Major home occupation operations must be conducted entirely within a principal dwelling, attached accessory building, detached accessory building, or combination of these buildings.*

**Finding.** The operation involves a significant outdoor parking and staging area for commercial trucks and trailers. It has previously been determined that the outdoor parking of numerous commercial trucks and trailers is a commercial function of the business operation of H&H Contract Haulers. The Applicants have not demonstrated a strategy or proposal for compliance.

3. *A maximum of 50 percent of the gross floor area of a dwelling and accessory buildings may be devoted to major home occupation business operations. Up to 25 percent of the floor area of the principal dwelling may be devoted to a major home occupation. However, this square*

*footage may be increased by the Township Board through special land use review if no additional impacts will occur with the increase in area.*

**Finding.** The Applicants have not provided sufficient background information to demonstrate compliance. A breakdown of principal and accessory building square footage must be provided.

4. *There shall be no physical evidence of the major home occupation from other properties or the public right-of-way.*

**Finding.** A significant commercial truck parking and staging area is visible from nearby properties and the public right-of-way. It is unknown how an operation of this scale and nature will comply with this requirement as the applicant has not demonstrated a strategy or proposal for compliance.

5. *All equipment and vehicles shall be stored indoors, except for one (1) commercial vehicle and trailer may be parked outdoors.*

**Finding.** There are multiple commercial trucks and trailers parked outdoors. The Applicants have not demonstrated a strategy or proposal for compliance.

- B. *Retail Sales. Accessory retail sales shall only be allowed if incidental to authorized uses and shall be subject to the parking and visitation requirements of this section.*

**Finding.** Not applicable.

- C. *Operation and Employees.*

1. *Major home occupations shall only be owned and operated by a full-time resident of the dwelling.*
2. *Any occupant of the principal dwelling may be employed by the major home occupation.*
3. *A maximum of four (4) persons who are not residents of the dwelling may work on-site or may pick up and return work vehicles during any one (1) day.*

**Finding.** The Applicants have not provided sufficient background information to demonstrate compliance. The number of employees that visit the site on any given day is unknown.

- D. *Minimum Lot Area. The minimum lot area for a major home occupation is three (3) acres.*

**Finding.** This requirement is satisfied, as the lot is five acres in size.

- E. *Structure Requirements. Buildings that must meet special building code requirements, such as automatic fire suppression systems, explosion-proof construction, paint booths, hazardous waste containment systems (except for the containment of small quantities of fuel, motor oil, lubricants, and anti-freeze), and other similar requirements are prohibited.*

**Finding.** The Applicants have not provided sufficient background information to demonstrate compliance.

- F. *Access. If applicable, an applicant proposing a major home occupation that is accessed from a private street shall prove that access to the street by heavy equipment or trucks has been approved by the entity or owners who are responsible for ownership and maintenance of the private street.*

**Finding.** Not applicable.

- G. *Parking and Visitation.*

1. *Visitation of the site by clients, customers, or students shall be by appointment only.*
2. *No more than two (2) individual appointments shall be scheduled at any one (1) time, unless group activities or classes are approved.*
3. *If open to the public for appointments or other approved activities, see Section 7.30 for parking space and drive aisle dimensional requirements and Section 7.40 for the minimum number of parking spaces.*

**Finding.** The Applicants have not provided sufficient background information to demonstrate compliance. While customer parking is unnecessary, a site plan, survey, or aerial should clearly indicate employee parking areas.

- H. *Conditions of Approval. The Township may approve additional conditions, such as limiting the days and hours of operation, screening, buffering, and any other conditions that are within the spirit of major home occupation regulation and the intent of the Zoning Ordinance.*

**Finding.** Not applicable.

2. **Section 12.40 – Site Plan Approval Standards.** Upon considering the site plan information submitted by the Applicants covering the proposed land use, the Planning Commission concludes that all of the standards have not been satisfied.

- A. *Zoning Compliance and Compatibility. Site plan proposals shall conform to all dimensional and building requirements (Article 2), general requirements (Article 3), and any applicable specific use requirements (Article 6). If necessary, variances shall be secured prior to the Planning Commission’s recommendation (Section 18.60). Site planning shall consider both zoning compliance and compatibility with adjacent properties and land uses.*

**Finding.** The proposal does not comply with several requirements for major home occupations noted in the review comments related to Section 6.180. Use of the site does not consider zoning compliance nor strategies to comply with adjacent properties and land uses.

- B. *Access Management, Circulation, and Emergency Access. Driveway placement, connectivity, and shared access shall be designed to promote safe and efficient access to and from the site and circulation within the site. Compliance with access management requirements of Section 3.30 shall be demonstrated if applicable. All sites and buildings shall be accessible to emergency services vehicles and personnel to respond to emergencies and calls for service.*

**Finding.** An increased amount of employee or delivery traffic is expected over a residential use or a more limited major home occupation. A site plan must show how employees, commercial vehicles, and delivery vehicles can navigate the site. Further, it is recommended that this circulation and access plan be reviewed and approved by the Fire Department. The Applicants have not demonstrated a strategy or proposal to satisfy this standard.

- C. *Parking, Stacking, and Loading. Parking lot design shall demonstrate compliance with all dimensional and circulation requirements and shall be arranged to provide safe and convenient access to buildings and land uses (Article 7). If applicable, stacking and loading spaces shall be designed to minimize the impact on internal circulation routes and off-site traffic patterns.*

**Finding.** The provisions for major home occupations allow for up to four non-resident employees. A parking area site plan should be provided for these employees. The Applicants have not demonstrated a strategy or proposal to satisfy this standard.

- D. *Lighting. Lighting plans shall demonstrate compliance with all requirements and shall be designed to ensure safe conditions and minimal impact on neighboring properties and the night sky (Article 8).*

**Finding.** Site lighting is unknown. All lighting must meet the requirements of Article 8.

- E. *Landscaping and Screening. All applicable landscaping, buffering, and screening requirements shall be satisfied (Article 9), and sites shall not be significantly disturbed in ways beyond what is appropriate for the reasonable development of a site. Site plans shall demonstrate that the impact of exterior uses and activities is minimized by required landscaping and screening.*

**Finding.** Landscaping and screening requirements do not apply to major home occupations.

- F. *Stormwater and Water Quality. Stormwater detention, retention, and drainage systems shall be designed to protect neighboring properties from negative impacts of increased stormwater run-off and flooding (Section 9.100). Systems shall be designed to function with public stormwater drainage systems under the authority of the Van Buren County Drain Commission, Van Buren County Road Commission, or the Michigan Department of Transportation (MDOT). Site development shall comply with Surface Water and Wetland Buffer requirements (9.110).*

**Finding.** The parking and staging area does not appear to be improved with gravel or pavement. Without an increase in impervious surface, permitting is not required by the Van Buren County Drain Commission. Further, surface water and wetland buffer requirements will not apply as they are not evident in the project area. However, with all of this stated, a major home occupation is not permitted to have an exterior impact, as all activities and operations must be indoors.

- G. *Signs. Proposed signs shall meet dimensional and location requirements and shall be placed in locations that limit driver distraction and prevent visual clutter (Article 10).*

**Finding.** A freestanding sign is not permitted for a major home occupation. However, the Applicants can place an eight-square-foot wall sign on the subject building if a major home occupation is approved.

- H. *Outside Agencies. Applicants shall secure all applicable outside agency approvals, including but not limited to the Van Buren/Cass Health Department, Van Buren County Road Commission, Van Buren County Drain Commission, Fire Department, and State of Michigan regulatory agencies.*

**Finding.** A driveway permit is required from the Van Buren County Road Commission for any change of use or expansion of use. No other outside agency permits are required for the existing or proposed operation.

3. **Section 13.40 – Special Land Use Approval Standards.** Upon considering the special land use application submitted by the Applicants covering the proposed land use, the Planning Commission concludes that all of the standards have not been satisfied.

A. *Zoning Ordinance and Master Plan. The special land use will be consistent with the goals, intent, and purposes of the Zoning Ordinance and the Alma Township Master Plan.*

**Finding.** An operation of the proposed size and scale is not consistent with the intent and purpose of the major home occupation provision in the Zoning Ordinance. Further, a major home occupation is intended to be an “accessory” to the principal residential use of a property. The existing and proposed operation is far beyond what is contemplated by the Zoning Ordinance.

The Master Plan and Zoning Ordinance intend to prevent non-residential uses from proliferating in planned and zoned residential areas. The plan and ordinance clearly intend to separate land uses, and the AGLD zoning district is not intended for more intensive commercial uses.

B. *Use Compatibility and Character. It will be designed, constructed, operated, and maintained to ensure compatibility with adjacent and nearby land uses, and it will not change the essential character of the area in which it is proposed. Further, it will not impede the normal and orderly development and improvement of surrounding property.*

**Finding.** The existing commercial truck parking and staging area is not compatible with nearby residential land uses, and a commercial operation of this size and scale changes the essential character of the area. The outdoor commercial usage of the property and the significant commercial truck parking area is extraordinarily incompatible with the intent of the AGLD zoning district and the residential area.

C. *Public Services and Infrastructure. It will be adequately served by essential infrastructure and services, such as roads, stormwater drainage infrastructure, schools, law enforcement, and fire protection; will not create excessive additional requirements at public cost for infrastructure; and will not be detrimental to the economic welfare of the community.*

**Finding.** Unless the truck parking and staging area were paved, there are no concerns with stormwater impacts. Increased commercial activity may have a higher need for law enforcement and fire protection, but that effect may be negligible.

One of the purposes of the ordinance is to “[e]nsure that uses of land are situated in appropriate locations.” As such, heavier commercial use in a residential area may negatively impact adjacent property values more than in a predominantly residential area.

Lastly, a commercial business of this nature would typically require a formal driveway intersection improvement for the number of heavy trucks and trailers entering and exiting the site. Without approval by the Van Buren County Road Commission and the construction of a

formal driveway, the operation may have a greater physical impact on the public roadway. It could potentially impact driver safety if not compliant with Road Commission standards.

- D. *Impact and Nuisances. The use and its site design will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole, and it will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to persons, property or general welfare by reason of excessive activity, noise, vibration, smoke, fumes, glare, odor, or visual impact.*

**Finding.** The existing and proposed operation has a significant visual and traffic impact beyond a residential use or residential use with a compliant major home occupation. Further, the informal dirt driveway and parking area may result in greater dust generation and mud tracking onto the public roadway. An operation of this size and scale causes a disturbance to neighboring property owners far beyond the compliant use of land in the AGLD zoning district.

- E. *Environmental Impact. The use will not cause environmental degradation or significant change to landscapes, topography, and sensitive natural resources.*

**Finding.** There is no significant environmental impact of the use of the property for truck parking and staging. If the site were to be paved or improved, there could be the possibility of stormwater runoff impacts. However, the intent of the Zoning Ordinance is not to allow commercial parking lots within agricultural and residential zoning districts.

- F. *Traffic. The use will not result in unsafe traffic conditions or negative impacts on bicycle and pedestrian travel.*

**Finding.** The use generates heavy commercial truck traffic from the site. The driveway access point is not designed to commercial specifications. As such, noncompliance may lead to health, safety, and welfare issues for the traveling public.

CERTIFICATION OF A RECOMMENDATION OF DENIAL TO THE ALMENA TOWNSHIP BOARD

Date: \_\_\_\_\_

Offered by: \_\_\_\_\_

Supported by: \_\_\_\_\_

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_



The above resolution is a conditional recommendation of approval regarding the application for special land use and final site development plan for the subject location from the Planning Commission to the Township Board.

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Printed name)

\_\_\_\_\_ (Date)

Planning Commission Chairman