

East Bay Charter Township

3

Zoning Ordinance Amendment

Section 415,2,m

Motion by: _____ Second by: _____

To

Approve Table Deny

Zoning Ordinance Text Amendment Pertaining to Office in Planned
Industrial Parks-removing the current restriction on office uses in planned
industrial parks

AYE: _____

NAY: _____

ABSTAIN: _____

ABSENT: _____

Motion

Passed

Failed

Sue Courtade

From: Leslie Couturier [ebtpz@chartermi.net]
Sent: Tuesday, August 19, 2008 9:48 AM
To: Sue Courtade
Subject: FW: Industrial Park memo
Attachments: TB memo on amendment.pdf

From: Kilpatrick, Jay [mailto:Kilpatrick@williams-works.com]
Sent: Friday, August 15, 2008 5:08 PM
To: Leslie Couturier
Subject: Industrial Park memo

Leslie,

Here's the memo regarding the amendment to Section 4152, m, which should satisfy Jim Young's concern about the rationale for the change.


Jay Kilpatrick, AICP
Williams & Works, Inc.
549 Ottawa NW
Grand Rapids, MI 49503

616-224-1500
kilpatrick@williams-works.com

Williams & Works

MEMORANDUM

TO: Township Board
East Bay Charter Township

FROM: Jay Kilpatrick, AICP 

DATE: August 15, 2008

RE: Zoning Ordinance Text Amendment Pertaining to Office in Planned Industrial Parks

R.G. Reffitt Inc., requested consideration of an amendment to the Township's Zoning Ordinance to remove the restriction on office uses in planned industrial parks. The particular request related to Peninsula Business Park, but would apply to any planned park in the Industrial Zoning District. At its June meeting, the Planning Commission held a public hearing on the request and recommended adoption to the Township Board.

Specifically, the language in question is found at Section 415, 2, m, USES PERMITTED BY RIGHT, which provides:

"m. Professional and business offices, including medical and dental offices limited to the following:

- 1) No more than 15% of the lots within the industrial park may be devoted to these uses.
- 2) The maximum gross building size that can be constructed on each lot is limited to 10,000 square feet.
- 3) Medical or dental offices shall not accommodate patients overnight."

When the Peninsula Business Park - East, was developed, there was some concern about a decline in manufacturing in the area and the hope was that the Park would help stem the tide by providing a modern and attractive location for new industrial uses. It was recognized that some professional office space would likely be desired, so the provisions limiting office uses to no more than 15% of the lots, and limiting building footprint to 10,000 square feet, were added. At the same time, the western portion of the Business Park was and is zoned Professional Office where these restrictions do not apply. Representatives of the Reffitt organization indicate that while portions of the Park remain available for development, the 15% ceiling has been met and further investment in the park is being stunted as a result. It should also be understood that the limitation on professional office uses only applies in "industrial parks" while other lots zoned Industrial, but not in a "park" do not have such a limitation.

The applicant suggests that the economy of the region has shifted sufficiently such that manufacturing, warehousing and distribution facilities comprise a lesser share of the demand for new commercial spaces than do office uses. They request that the office restrictions pertaining to planned industrial parks be removed.

Commentary. It probably is true that the local economy has changed and will likely continue to do so and that office uses will expand more rapidly than industrial and traditional manufacturing uses. For example, I am aware of a large, 24-hour call center operation that located in a large pre-engineered industrial building in a Kent County community. The building was easily renovated to accommodate the office use. The call center provided good employment at wages not unlike a manufacturing facility, but without the off-site impacts normally associated with a factory. In some cases, additional parking may be required as office facilities can house more employees than a typical manufacturing operation. While potentially problematic, such impacts can be addressed in site plan review.

Consistency with the Master Plan. When considering a zoning change (either to the map or the text) it is important to consult the policies set forth by the Township in its Master Plan. In this case, the plan's narrative is most instructive. In discussing the Industrial future land use designation, the plan states, in part:

"This land use designation is intended to provide employment for area residents and manufactured goods and services to meet the needs of the larger Grand Traverse Region. Facilities will be developed with appropriate utility and transportation connections and in harmony with the area's natural features. Industrial uses to be promoted will be those with minimal impact on the environment or on (the) surrounding community and may include warehousing, mini-storage as well as contractor offices and yards." Emphasis added.

The clear intent of this language is to offer employment with the least possible impact on the environment. As employment continues to transition to an information economy, jobs in manufacturing may become more scarce while opportunities in office environments will grow. Thus the current restriction on the extent of office use in an industrial park may be seen as counter to the first goal of the future land use: To provide employment.

Secondly, the Plan clearly emphasizes "clean" industry and jobs. Certainly, an office use would have a lesser impact on air and water quality in the vicinity. It may generate more auto trips, but likely would not require as many larger service vehicles (trucks and yard equipment), so it may be argued that removing the office restriction would be more in keeping with the Plan's policies related to environmental protection.

East Bay Charter Township Board
August 15, 2008
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Recommendation. For these reasons and with the understanding that the current restriction applies only in a planned industrial park, not in all industrial zoning, the Planning Commission recommended adoption of the text amendment attached. As the Township's planning consultant, I recommend that the Township Board accept that suggestion and adopt the requested amendment.

c: Leslie Couturier,
Zoning Administrator

East Bay Charter Township
Grand Traverse County

Ordinance # _____

AN ORDINANCE TO AMEND SECTION 415, 2, m, - INDUSTRIAL DISTRICT, OF THE EAST BAY CHARTER TOWNSHIP ZONING ORDINANCE.

EAST BAY CHARTER TOWNSHIP HEREBY ORDAINS:

1. SECTION 415, 2, m, IS HEREBY AMENDED TO READ AS FOLLOWS:

m. Professional and business offices, including medical and dental offices, provided that medical or dental offices shall not accommodate patients overnight.

2. **SEVERABILITY:** If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

3. **EFFECTIVE DATE:** This ordinance shall be effective eight (8) days after its publication in a newspaper of general circulation within East Bay Township.

CHARTER TOWNSHIP OF EAST BAY

Date: _____

By: _____
Glen Lile, Supervisor

Date: _____

By: _____
Susanne Courtade, Clerk

Published Date: _____, 2008

Effective Date: _____, 2008

Williams & Works

MEMORANDUM

TO: Planning Commission
East Bay Charter Township

FROM: Michael Clark
Jay Kilpatrick, AICP

DATE: May 20, 2008

RE: **Zoning Ordinance Text Amendment Pertaining to Office in Planned Industrial Parks**

R.G. Reffitt Inc., has requested consideration of an amendment to the Township's Zoning Ordinance to remove the restriction on office uses in planned industrial parks. The particular request is related to Peninsula Business Park, but would apply to any planned park in the Industrial Zoning District. At its April meeting, the Planning Commission asked that we develop a draft amendment that would lift the ban on office uses in industrial parks so that lots in planned parks would be treated as other industrial-zoned lots.

Please find the attached proposed amended language for Section 415, removing the current restriction on office uses in planned industrial parks.

As directed, this matter is scheduled for public hearing at the June meeting.

c: Leslie Couturier,
Zoning Administrator

East Bay Charter Township
Grand Traverse County

Ordinance # ZA 2-08

AN ORDINANCE TO AMEND SECTION 415, 2, m, – INDUSTRIAL DISTRICT, OF THE EAST BAY CHARTER TOWNSHIP ZONING ORDINANCE.

EAST BAY CHARTER TOWNSHIP HEREBY ORDAINS:

1. SECTION 415, 2, m, IS HEREBY AMENDED TO READ AS FOLLOWS:

m. Professional and business offices, including medical and dental offices, provided that medical or dental offices shall not accommodate patients overnight.

2. SEVERABILITY: If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

3. EFFECTIVE DATE: This ordinance shall be effective eight (8) days after its publication in a newspaper of general circulation within East Bay Township.

CHARTER TOWNSHIP OF EAST BAY

Date: _____

By: _____
Glen Lile, Supervisor

Date: _____

By: _____
Susanne Courtade, Clerk

Published Date: _____, 2008

Effective Date: _____, 2008

**GRAND TRAVERSE COUNTY PLANNING COMMISSION
MASTER PLAN/ZONING REVIEW**

TOWNSHIP: East Bay Charter Township
AMENDMENT #: ZA2-08
DATE RECEIVED: 6-24-08
PUBLIC HEARING: 6-17-08
PRELIMINARY REVIEW:

MASTER PLAN:
ZONING ORDINANCE
TEXT **MAP**
MAP ATTACHED
PUBLIC HEARING MINUTES:

CHANGE: Section 415, 2, m, is hereby amended to read as follows:

- m. Professional and business offices, including medical and dental offices, provided that medical or dental offices shall not accommodate patients overnight.

TOWNSHIP PLANNING COMMISSION RECOMMENDED TO TOWNSHIP BOARD:

Approval

COUNTY PLANNING STAFF COMMENTS:

The proposed text amendment to the East Bay Township Zoning Ordinance permits office uses in planned industrial parks. This type of provision is not uncommon based on a comparison of local zoning ordinances. Blair Township has a Commercial/Manufacturing District which allows offices. Garfield Township does not allow office uses in its M-1 Manufacturing District, but does allow limited offices (excluding medical and dental clinics) in its M-2 Manufacturing District. Office uses are further permitted in other Commercial districts. Acme Township allows limited offices (excluding medical and dental clinics) in its B-4 Material Processing and Warehousing District within 500' of the M-72 right-of-way. Unlike Garfield and Acme Townships, the proposed East Bay amendment does allow medical and dental offices.

Development of an industrial park is determined at the onset of its construction and where there will be a concentration of industrial uses or offices uses. Providing for a combination of complimentary industrial and offices uses more effectively utilizes available land and utilities.

Staff recommends concurrence with the East Bay Township Planning Commission for Amendment ZA2-08

COUNTY PLANNING COMMISSION ACTION:

The County Planning Commission, at their July 15, 2008 meeting, concurred with the township planning commission recommendation of approval.

COMMENTS FROM CPC ACTION:

RETURNED TO TOWNSHIP (DATE/RECOMMENDATION): 7-18-08

CLERK **PLANNING COMMISSION CHAIRPERSON** **LOCAL PLANNER**

TOWNSHIP BOARD (DATE/ACTION): _____

EFFECTIVE DATE: _____ **PUBLISHED:** _____