



City of Battle Creek  
Planning Department

## PLANNING COMMISSION OFFICIAL FINDINGS AND RECOMMENDATION

### PROJECT INFORMATION

CASE NUMBER: S-02-15

LOCATION: Parcel 6460-11-489-0, 537 W. Columbia Avenue

PETITIONER: Ms. Tracy M. Smith

REQUEST: A request for a Special Use Permit to allow a Tattoo Parlor for 537 W. Columbia Avenue, property zoned C-3 Intensive Business District, as provided in Chapter 1290, Sec. 1290.01(a)(28).

### PLANNING COMMISSION ACTION

October 28, 2015 Determination Date

  X   Recommendation to the City Commission to approve the request as it complies with the following standards outlined in Chapter 1290.04 Basis for Determination (for Special Land Uses) and subject to the conditions below.

       Recommendation to the City Commission to deny the request, finding it does NOT comply with the following standards outlined in Chapter 1290.04 Basis for Determination (for Special Land Uses).

       Other.

The Planning Commission has reviewed the application and finds that it meets the requirements for submittal and is considered complete, and further finds the request consistent with the general standards listed in 1290.04, as outlined herein:

(a) The use will be harmonious with and in accordance with the general objectives of the Master Plan in that the approval of this special use permit will allow the expansion of a business in the community (pg. 4-1) while utilizing a vacant building (pg. 4-12). The master plan encourages the amendment of ordinances to permit uses that promote diverse shopping, cultural, and entertainment business in the existing commercial districts to encourage and promote the viability of the area (4-6, 4-7, 4-9). Furthermore, planning staff finds that tattoo parlors complement and support the current excitement and energy surrounding redevelopment initiatives in the city, including business recruitment and relocation.

(b) The proposed use will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood as the proposed use is similar in nature to the previous use of the property, a light intensity use that will take place within a wholly contained building. Additionally, there will be no extensive changes to the property or the exterior of the building which would be a detriment to surrounding properties.

(c) The use will not be hazardous or disturbing to existing or future neighboring uses as the proposed use is generally passive in nature, with hours of operation that generally occur during the daytime and early evening. Additionally the proposed use is less intrusive to uses permitted by right in the C-3 district including used car sales and motor vehicle repair facilities.

(d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole as an existing vacant structure will become occupied and improvements made to stabilize the property and those in the vicinity.

(e) The use will be adequately served by essential public facilities and services in that public utilities already exist and no additional needs are required for this use.

(f) There will be no City expenses associated with the maintenance and improvements to the building, and therefore, the use will not create excessive additional requirements at public cost for public facilities and services.

(g) Because of the nature of the use, and relevant State regulations concerning such a use, there will be no activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors.

(h) The use will be consistent with the intent and purpose of this Zoning Code in that the facility will be subject to compliance with all relevant sections of the zoning ordinance and codified ordinances, including noise, noxious vegetation, and property maintenance.

**Therefore, as the request meets the general standards listed in Chapter 1290.04 as outlined above, planning staff recommends that the Planning Commission recommend to the City Commission approval of Special Use Permit Petition S02-15 that would allow a tattoo parlor as discussed herein, on Parcel #6460-11-489-0 with the following conditions:**

- a. The on-site parking lot must be striped prior to its use. A parking lot striping plan for the on-site parking lot shall be submitted to the Planning Department for review and approval.
- b. All necessary approvals and any required permits shall be obtained from the appropriate agencies, including but not limited to the State of Michigan, Department of Public Works, and Inspections Department prior to Certificate of Occupancy.

- c. The approval of the special use permit is based upon the contents of the submitted application and this staff report. Any future proposed change must be reviewed with the Planning Department to ensure consistency with the approved special use permit, and may be subject to approval of a revision of the special use permit by the Planning Commission and City Commission.
- d. Pursuant to Chapter 1232.01 (a), no change in the use or occupancy of land or in the use or occupancy of an existing building shall be made, nor shall any new building be occupied for any purpose, until a certificate of occupancy has been issued by the Zoning Administrator or his or her agent. Such a certificate shall state that the new occupancy complies with Building and Zoning Codes.
- e. Pursuant to Chapter 1290.02 (e), certificates of occupancy for special uses shall be valid for a period established by the City Commission or as long as the use is established and maintained in conformity with the plans submitted and approved. Occupancy permits shall expire after one year if the use is not under construction or maintained. For good cause shown and upon written application, the Planning Commission may extend a special use permit for six months.

VOTE

Ayes: Barker, Burton, Briganti, Buscher, Gray, Hopkins, and Stetler  
Nays: None  
Abstain: None  
Absent: None

I hereby certify that this Official Action Summary accurately reflects the final determination of the Planning Commission of the City of Battle Creek.

  
Christine M. Zuzga, Exec. Secretary

October 28, 2015  
Date