



## Battle Creek City Planning Commission

Staff report for the December 14, 2016 meeting

**To:** Planning Commissioners

**From:** Glenn Perian, Senior Planner

**Subject:** Petition Z-06-16, request for a zoning reclassification of 1700 W. Michigan Avenue from O-1 "Office District" to C-2 "General Business District".

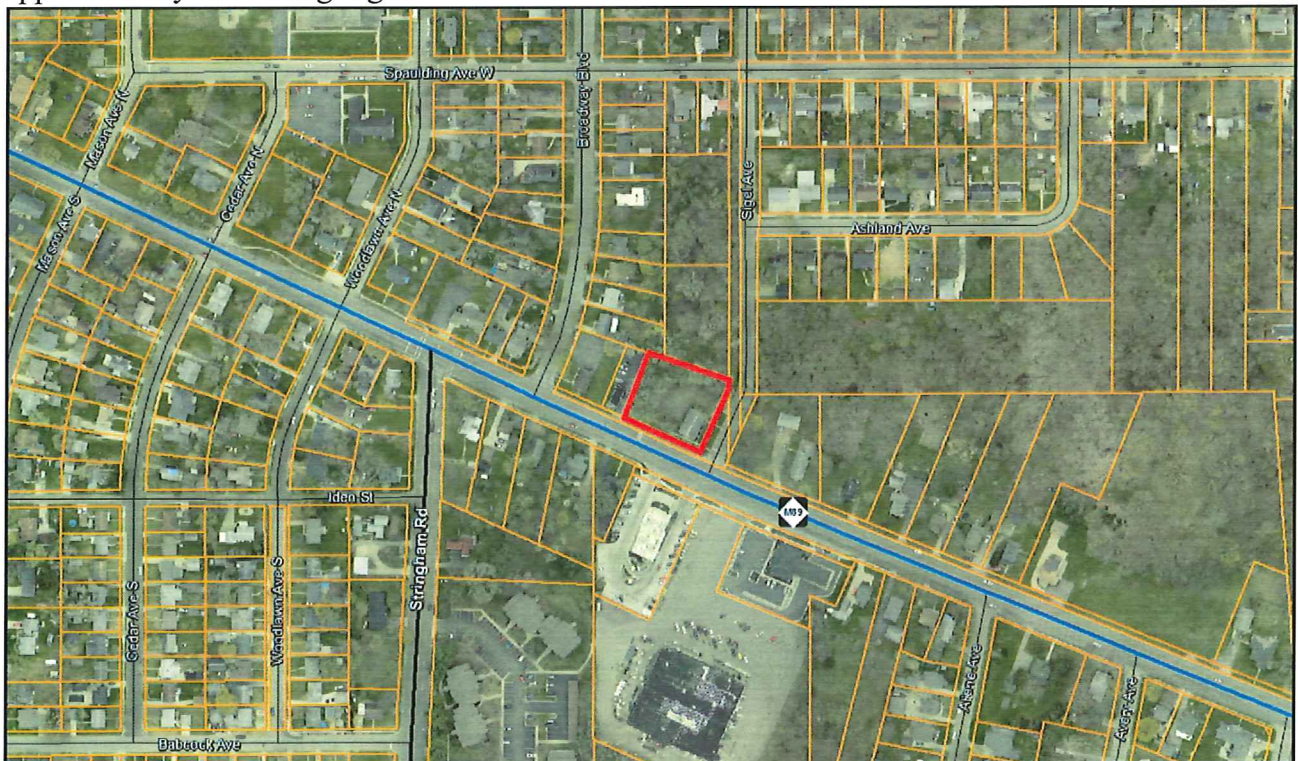
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### Summary

Mr. Brock Lee Howland, property owner, is requesting a Zoning Reclassification of 1700 W. Michigan from an O-1 "Office District" to a C-2 "General Business District".

### Background/Property Information

The subject property is located on the northwest corner of W. Michigan Ave. and Sigel Ave. in the Urbandale neighborhood. The property has approximately 163' of frontage on W. Michigan Ave. and approximately 139' along Sigel.



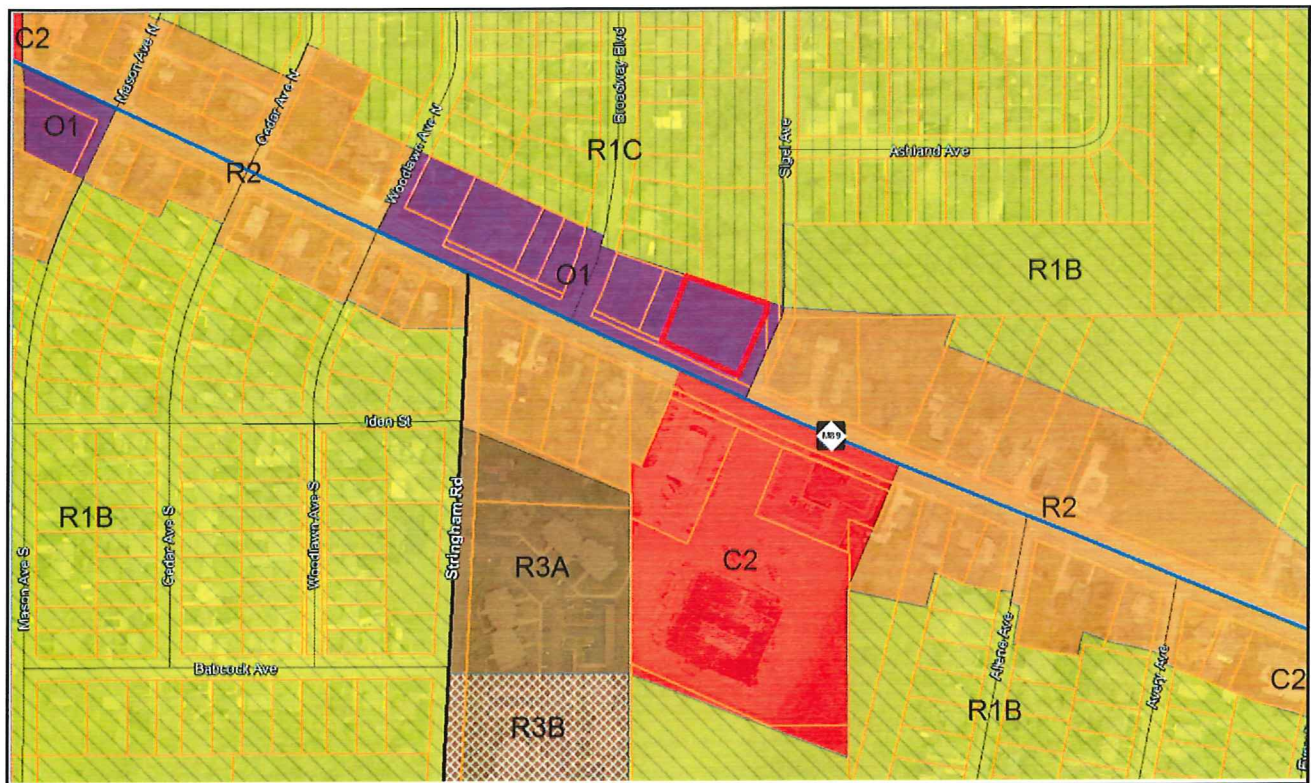
The current zoning of the property is O-1 "Office District". The total land area of this property is approximately .521 acres and there is currently a 1,792 square foot office building on the property. There



is work currently going on at the site including a parking lot expansion and improvements and interior remodeling work inside the building. A tax service business also is leasing space in the building.

Surrounding properties are generally consistent with the zoning district in which they are placed:

- To the west along W. Michigan Ave are office uses including a dental office and hair salon, each of which are zoned O-1 "Office District".
- To the north is residential units.
- To the immediate east of the property there are residential uses fronting W. Michigan Ave.
- To the south, properties are zoned C-2 General Commercial; uses include McDonalds, Family Farm and Home, and a Credit Union.



### **Applicable Zoning Ordinance Provision**

The City of Battle Creek zoning ordinance was crafted using a pyramidal structure, where specific uses permitted in a less intensive zoning district may also be permitted in a more intensive zoning district. For example, the C-2 General Business District lists permitted uses in that district, but also provides that any use within the C-1 Neighborhood Commercial, and O-1 Office District is permitted. Therefore, when considering the zoning reclassification petition, please be advised that any of the following permitted uses listed below would be allowed at this location.

#### **C-2 General Business - 1262.03 PERMITTED USES.**

- (a) Any use permitted in the C-1 Neighborhood Commercial District;
- (b) Restaurants and eating establishments, including drive-ins;
- (c) Dyeing and cleaning works, provided that the cleaning fluid used has a base which is of a nonexplosive material;
- (d) Hotels and motels;
- (e) Laundries;

- (f) Printing shops;
- (g) Recreation and amusement activities when enclosed within a building;
- (h) Theaters;
- (i) Radio broadcasting and telecasting stations, studios, offices and telecommunications exchange buildings;
- (j) Veterinary or animal hospitals, provided that no such building, kennel or exercise runway is closer than 100 feet to any residence or Residential District;
- (k) Accessory buildings and uses which are customarily incidental to the uses set forth in this section; and
- (l) Boarding houses for more than ten individuals.

**C-1 Neighborhood Business - 1260.03 PERMITTED USES.**

- (a) Any use permitted in the O-1 Office District;
- (b) Bakeries, provided that the production of baked goods is limited in quantity to that sold at retail on the premises;
- (c) Banks, including drive-ins;
- (d) Catering businesses, including the serving of meals for private clients and the teaching of cooking classes on the premises;
- (e) Filling stations;
- (f) Hospitals and clinics for animals, but not kennels;
- (g) Laundromats;
- (h) Offices;
- (i) Painting and decorating shops;
- (j) Restaurants, except drive-in or fast food restaurants;
- (k) Stores or shops for the conduct of retail business;
- (l) Stores for the collection and distribution of laundry and dry cleaning, but not for the treatment, cleaning or processing of such articles;
- (m) Service establishments, such as radio or shoe repair shops; and
- (n) Accessory buildings and uses customarily incidental to the set forth in this section.

**O-1 Office - 1258.04 PERMITTED USES.**

- (a) General and professional offices, including medical offices, attorneys' offices, engineers' offices, insurance agencies, architects' offices and similar office uses;
- (b) Medical and dental clinics or laboratories;
- (c) Art studios and galleries, music studios operated in conformance with the noise control ordinance, being Section 652.07, photographic studios and galleries, and interior design or decorating studios;
- (d) Libraries, museums and similar institutions of a noncommercial nature;
- (e) Business offices, including show or display rooms for products or merchandise, but excluding the sale of such merchandise from the premises;
- (f) Funeral homes;
- (g) Business schools and colleges;
- (h) Nonprofit, noncommercial, quasipublic and public uses;
- (i) Retail florist or flower shops;
- (j) Stores for the collection and distribution of laundry and dry cleaning, but not for the treatment, cleaning or processing of such articles on-site;
- (k) Tourist homes or bed and breakfast houses, but only when off-street parking is provided upon the lot or adjoining property, which space is adequate to accommodate one car for each room available for tourists; and
- (l) Accessory buildings and uses customarily incidental to the uses set forth in this section.

**Proposed Scope of Project**

The applicant for the rezoning request, Brock Howland, has indicated that he is interested in rezoning this property in order to expand his opportunities to rent space in the existing building. He also has indicated that he has a tenant ready to occupy space in the building if he can get the proper zoning for retail sales. Mr. Howland has pursued this rezoning request knowing that the residents in Urbandale consistently are in favor of more commercial businesses locating in the neighborhood.

The planning enabling legislation does not allow for conditions to be placed on an approval, and therefore, any discussions relative to the proposed uses as well as site plans, floor plans, building appearances, etc. are not relevant and should not be considered as a basis for a decision. These and other



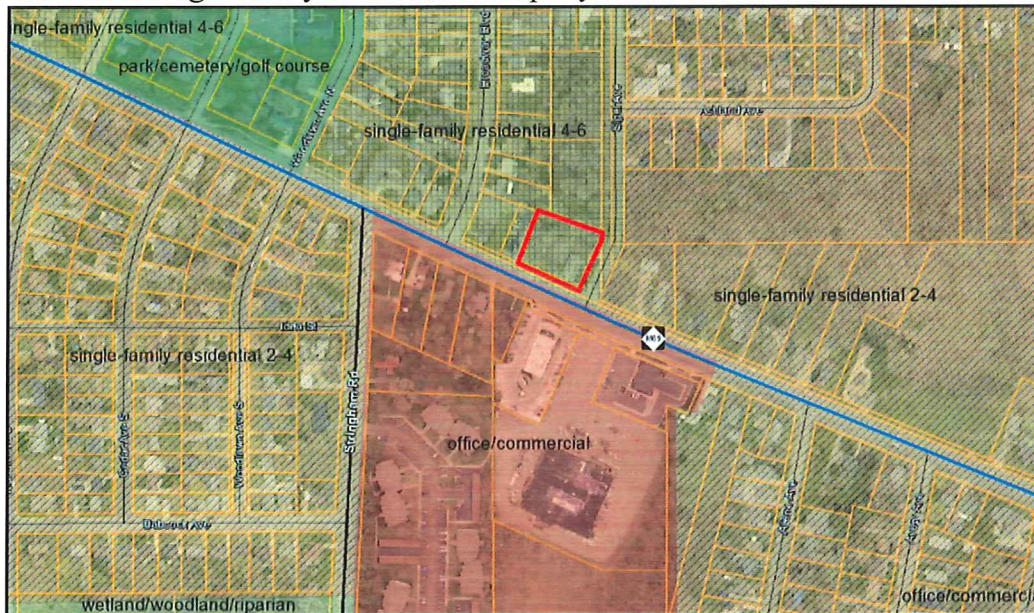
topics will be addressed by staff during any required site plan review process. When considering a zoning reclassification request, best practice should be to plan for the most intensive land use allowed within the proposed zoning district because, if approved, any permitted use in the zoning district would be allowed at this location.

If the rezoning were approved, the property owner could legally maintain the office use occurring on site, or have the ability to develop the property on its own or as part of a larger commercial development based on zoning and site approval requirements/limitations. However, based upon an analysis of zoning ordinance regulations concerning permitted uses as well as land development standards including lot size, building coverage, parking, and building code requirements if converted to commercial, and taking into consideration the shape of the parcel, the uses possible at that location would be limited if it were to be developed on its own as opposed to a larger project.

### **Master Plan**

The Planning Enabling Act of 2008 requires a master plan be prepared and adopted that will “guide and accomplish development that is coordinated, adjusted, harmonious, efficient, and economical; that considers the character of the planning jurisdiction and its suitability for particular uses, judged in terms of such factors as trends in land and population development; and will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare.” The master plan focuses on desired land use patterns for typically a twenty-year time frame.

Relative to the current rezoning request, the City of Battle Creek, in its Comprehensive Plan that was adopted in 1997, indicates on the Future Land Use map this property, and those to the immediate west and east as single family residential. Property to the immediate south is Office/Commercial.



As this particular rezoning request does not specifically conform to the proposed use designated in the future land use map, staff is acutely aware of the desires of the NPC to have as much commercially diverse development occur in the Urbandale area, and specifically along W. Michigan Ave. Staff is currently reviewing the Master Plan updates and are listening to the wishes of the Urbandale NPC #5. Additionally, the rezoning request will in all cases meet the following goals/objectives of the Urbandale NPC #5 listed in the master plan, including:

A goal of the master plan (Pg. 4-1) is to create new jobs through the retention and expansion of existing employers and attraction of new companies, and to encourage highest densities around key activity centers and along major transportation routes (4-3), promote new development at urban densities, to encourage reinvestment in older areas of the City, and to have clearly defined nodes of commercial activity, scaled to appropriately serve needs of the area (pg. 4-9), and finally, to encourage revitalization of certain commercial nodes as neighborhood-serving commercial centers in older parts of the city (4-10).

#### **Public Hearing and Notice Requirements**

As required by the Zoning Enabling Act of 2006, as amended, a public hearing notice was published in the Battle Creek Shoppers Guide on November 15, 2016 and notices of the public hearing were also sent by regular mail on November 16, 2016 to 40 owners and occupants of properties located within 300 feet of the subject parcel. To date, the Planning Department has not received any comments related to this request.

#### **Neighborhood Outreach**

The applicant presented their request at the November 14, 2016 meeting of the Neighborhood Planning Council #5 and the NPC has recommended approval of the rezoning request. We have requested the approval in writing for our files. It is our understanding that Mr. Whitfield, NPC #5 Chairman, will be in attendance at the planning commission meeting supporting this request.

#### **Analysis and Recommendation**

As outlined above, the request for a rezoning solely deals with the zoning and subsequently the uses that would be allowable on a property, and not any actual development proposal. Consideration should be given to the surrounding zoning and land uses, existing infrastructure, and most importantly consistency with the Comprehensive Plan.

**Therefore, as detailed herein, planning staff recommends that the Planning Commission recommend approval to the City Commission the Zoning Reclassification Petition Z-06-16, a zoning reclassification from O-1 Office to C-2 General Business District, based on the following findings:**

- **The rezoning request meets a number of goals/objectives in the master plan, in that a goal of the master plan (Pg. 4-1) is to create new jobs through the retention and expansion of existing employers and attraction of new companies, and to encourage highest densities around key activity centers and along major transportation routes (4-3), promote new development at urban densities, to encourage reinvestment in older areas of the City, and to have clearly defined nodes of commercial activity, scaled to appropriately serve needs of the area (pg. 4-9), and finally, to encourage revitalization of certain commercial nodes as neighborhood-serving commercial centers in older parts of the city (4-10).**
- **The parcel is contiguous to the C-2 General Business District to the south, and therefore, the rezoning of this property to C-2 General Business District will not create an instance of spot zoning and will be harmonious and consistent with existing surrounding land uses.**
- **As a State highway, W. Michigan Ave. (M-89) is able to accommodate moderate to high levels of traffic and would not be negatively impacted by the rezoning of the property. Additionally, the existing infrastructure, including the size and availability of public water and sanitary sewer support a higher intensity land use than is allowed by the current**



**zoning. Therefore, the existing infrastructure supports, and is consistent with, the rezoning request.**

### **Attachments**

The following information is attached and made part of this Staff report.

1. Zoning Reclassification Application Form and Supplemental Information (Petition #Z-06-16)



1700 Looking south



1700 looking west

Dec 14



# City of Battle Creek

Community Services - Planning and Zoning Division

City Hall • 10 N. Division Street, Ste. 117 • Battle Creek, Michigan 49014

Ph (269) 966-3320 • Fax (269) 966-3555 • [www.battlecreekmi.gov](http://www.battlecreekmi.gov)



## REZONING Application

☒ **Straight Rezoning**  
(to new zoning district)

☐ **Conditional Rezoning**  
(to allow specific use/development)

Petition No. #2-06-16

Date Received: 11-15-16

### APPLICANT

NAME: Brock Lee Howland  
ADDRESS: 2350 Luce Rd Augusta, MI 49012  
PHONE: 269.671.5891 FAX: \_\_\_\_\_  
EMAIL: brockleehowland@gmail.com

### OWNER (if different from applicant)

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ CITY/STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_  
EMAIL: \_\_\_\_\_

**\*\*If the applicant is not the property owner, a letter signed by the owner agreeing to the Rezoning must be included with the application.**

### EXISTING CONDITIONS

Address(es) of property for which the request is being sought: 1700 W. Michigan  
Battle Creek MI 49017

Current use of the property: OFFICE "O-1 ZONE"

List existing structures on the property, size, and the approximate age of each. \_\_\_\_\_  
3,500 Square FT. Age Approx 40 yrs  
Currently being updated & Remodeled.

Has property involved ever been the subject of a previous application? If yes, please list each one and the date the request came before the Planning Commission. ?? DO NOT KNOW  
NO KNOWN RECORD

**FOR STRAIGHT REZONING REQUESTS ONLY:**

Current Zoning of Property: OFFICE "O-1"

Requested Zoning District: COMMERCIAL "C2" General Business District

Describe land uses surrounding the subject property and those in the vicinity: McDonald's Across STREET. Home & FARM, BANK, barber, HAIR STYLIST "C-2 ZONE"

Would the rezoning place excess demands on public resources including roads, utilities, public safety, etc.?

Explain: NO

**FOR CONDITIONAL REZONING REQUESTS ONLY (please attach extra pages if necessary):**

What is the proposed use of the property that warrants the request? Provide specific details as to the use including square footage of each uses proposed for the property: \_\_\_\_\_

N/A

Please list all activities that will take place on the property if the request were approved? \_\_\_\_\_

How many employees currently work on the property? How many will be added if the request is approved, and what days/times will they be onsite? \_\_\_\_\_

Will the approval of the proposed use necessitate changes to the property, i.e. building construction, additional parking, landscaping, driveways, fencing? If yes, please provide a list of property improvements that will be associated with the development and attach a site plan/building elevations showing existing and proposed improvements. What is the cost of investment proposed if the development were approved? \_\_\_\_\_

What are the proposed hours of operation? Please indicate if the proposed use will be temporary, seasonal, or long term in nature, providing dates and timeframes if applicable: \_\_\_\_\_

Explain the basis for which you feel this application should be approved. \_\_\_\_\_



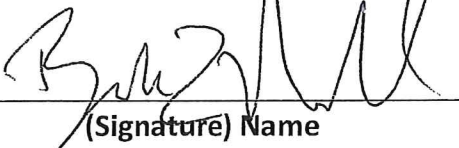
## SUBMITTAL REQUIREMENTS

Each request requires the following items to be submitted along with the completed application; incomplete applications will not be forwarded to the Planning Commission.

1. Payment of a non-refundable **\$600.00** filing fee, made payable to the City of Battle Creek.
2. An affidavit authorizing an applicant to act on behalf of the owner if the petitioner is not the owner.
3. Legal description of subject property and a list of all deed restrictions.
4. Property Site Plan, if site changes are proposed.
5. Building Elevations, if building elevation improvements are proposed.

## APPLICANT SIGNATURE

By signing this application, the applicant hereby declares that all answers given herein are true to the best of their knowledge, and confirms that all information required for submission of a rezoning application have been submitted. Furthermore, the applicant understands that all any approval is based upon the contents of the submitted application and any future proposed change must be reviewed with the Planning Department and may be subject to approval of a revision of the rezoning by the Planning Commission and City Commission.

 Brock C. Howland 11/14/16  
(Signature) Name (Print Name) Date

**LEGAL DESCRIPTION FOR: 1700 W. MICHIGAN AVENUE / PARCEL #6080-00-058-0**

NORTH WOODLAWN PART OF LOT 57, POB AT PT 16.59 FT S OF NE COR OF LOT 57 - SWLY 151.48 FT - WLY ALG NLY LI OF MICHIGAN AVE, AS SHOWN IN SD PLAT, DIST OF 19.20 FT - NELY ALG WLY LI OF SD LOT DIST OF 164.5 FT - ELY ALG NLY LI OF LOT 57 DIST OF 20 FT - S ALG W LI OF SD LOT DIST OF 16.59 FT TO POB, ALSO ALL OF LOTS 58, 59 & 60, EXC S 12 FT