

**BATTLE CREEK CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, July 27, 2016**

1. Call to Order:

Chairperson Daniel Buscher called the meeting to order at 4:00 p.m.

2. Attendance:

Members Present:

Susan Baldwin	John Godfrey	John Stetler
Steve Barker	Lynn Gray	
Dan Buscher	Jim Hopkins	

Members Excused: Jeremy Andrews and Joe Sobieralski

Staff Present: Christine Zuzga, Planning Manager
Glenn Perian, Senior Planner, Planning Dept.
Marcel Stoetzel, Deputy City Attorney, Admin. Services
Leona Parrish, Administrative Assistant, Planning Dept.

3. Additions or Deletions to the Agenda: None

4. Approval of Minutes: Meeting Minutes of June 22, 2016.

**MOTION WAS MADE BY COMMISSIONER GODFREY, SUPPORTED BY
COMMISSIONER BARKER, TO APPROVE THE PLANNING COMMISSION
REGULAR MEETING MINUTES FOR JUNE 22, 2016.**

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.

5. Correspondence: None

6. Public Hearings and Deliberation/Recommendations:

- A. Conditional Rezoning #Z-03-16:** Petition from Mr. Nelson Karre, Vandervoort, Christ & Fisher, P.C., on behalf of owner Mr. George E. Bratcher, Jr., Trustee. Requesting a Conditional Rezoning to allow the entire vacant parcel to be used as "C-3 Intensive Business District"; subject to the condition that only certain uses within the C-3 district be allowed for a split zoned parcel: "C-3 Intensive Business District and R-1B Single Family Residential District", for property located on Arbor St., Parcel #6950-13-722-1.

Mr. Nelson Karre, Vandervoort, Christ & Fisher, P.C., was present representing owner Mr. George Bratcher, Jr., also present; stated he would like to defer the hearing today as they want to look at possible different recommendations and is asking to hold the public hearing today for their request and to postpone the decision vote until the next Planning Commission meeting in August.

Mr. Karre stated this property has been split zoned since the merger with the Battle Creek Township and was told prior to Mr. Bratcher purchasing it was all commercial and now trying to market it and found out it is a split zoned parcel; that each half is not large enough to use for both zones and is

asking for a conditional rezoning. Said they can put conditions on approval for the conditional rezoning and remove some of the more intensive uses and think it is a means to work with a complicated zoned property and help to resolve a problem that was not the cause of the owner Mr. Bratcher or planning. Mr. Karre asked to proceed with the public hearing and postpone until the next meeting.

Discussion:

Vice Mayor Baldwin asked regarding the red area shown on the zoning map was C-3 zone and if all the uses listed were for the C-3 and C-2 zones. Ms. Zuzga stated yes the red area is C-3 zone and the C-2 zone is inclusive for uses allowed.

Vice Mayor Baldwin noted the other properties on the zoning map that show as split zoned. Ms. Zuzga stated yes they are also split zoned parcels.

Vice Mayor Baldwin asked if Mr. Bratcher was now wanting to market this property for sale and if the fence was on his property. Mr. Karre stated, yes he is wanting to sell and noted the photo showing his property with the for-sale sign and fence.

Commissioner Stetler asked regarding the uses noted #5 & #18 being in conflict with each other. Mr. Karre acknowledged that point.

Chairman Buscher asked regarding the time frame if approved; would Mr. Bratcher have enough time to sell his property. Mr. Karre stated if granted without a time restraint, it would be better than with one and would asked for a longer calendar date if he could.

Commissioner Gray asked how long has this property been on the market for sale. Mr. Karre stated Mr. Bratcher has owned for 10 years and had it on the market for the past 2 years and at that time he discovered it was a split zoned parcel.

MOTION BY COMMISSIONER JOHN GODFREY TO POSTPONE #Z-03-16 FOR A CONDITIONAL REZONING UNTIL THE AUGUST 24, 2016 MEETING IN ORDER TO ALLOW APPLICANT TIME TO DEFINE THE CONDITIONS FOR THE PARCEL TO BE USED AS A “C-3 INTENSIVE BUSINESS UNIT”; SUPPORTED BY COMMISSIONER BARKER.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED

- B. Conditional Rezoning #Z-04-16:** Petition from Summit Investment Group Inc., dba. Summit Building Services LLC. Requesting a Conditional Rezoning to allow up to 110 market rate rental units at the former S.W. Jr. High School, located at 390 W. Washington Avenue, Parcel #5270-00-235-0; #5270-00-204-0 & #1750-02-001-0.

Mr. Daniel Kiefer, Summit Building Services, LLC, was present to speak; stated they wanted to develop the former Jr. High School property into apartments. Stated they had attended the Neighborhood Planning Council meeting and had received their endorsement for approval to convert this building into market rate apartments.

Ms. Livingston, owner of five lots nearby on Webber St. stated she would like to see the old football field be homes and not businesses and does not want spot-zoned.

Mr. James Livingston, owner at 160 Battle Creek Avenue, asked where the 110 apartments would be parking and if persons would want to live there in that particular neighborhood.

Unidentified citizen asked if they would be demolishing the building or use the existing structure.

Chairman Buscher stated that those were good questions and would be answered shortly.

Ms. Christine Zuzga presented the staff report noting they will be rehabbing the existing building for 110 units and that the football field will not be used for parking, but will be using the other two lots for parking. Stated Planning Dept. recommends approval as the city does have a demand for apartments near the downtown area.

Chairperson Commissioner Buscher asked if anyone wished to come forward to speak; seeing none he would entertain a motion.

MOTION BY COMMISSIONER GODFREY TO APPROVE THE CONDITIONAL REZONING #Z-04-16 FOR A CONDITIONAL REZONING TO ALLOW UP TO 110 MARKET RATE RENTAL UNITS; TO INCLUDE THE CONDITIONS ESTABLISHED BY THE PLANNING STAFF REPORT, SUPPORTED BY COMMISSIONER HOPKINS.

Discussion:

Commissioner Hopkins asked the number of units, what was the foot print size and how is the parking to be addressed. Mr. Kiefer stated 110 maximum number of units having 650 to 850 sq. ft. with some maybe having 3 units; will be using the existing building and will removing the chimney and use as an outdoor area. Mr. Kiefer stated for parking they plan to use the existing area on Washington Avenue, Battle Creek Avenue and also the rear area of the building. Said the building is in good shape and has not been vandalized.

Commissioner Godfrey noted the meeting packet shows the foot print area and asked how many stories would be developed. Mr. Kiefer stated three stories would be developed and would be turning the pool into apartments.

Commissioner Gray referenced page 2 & 3 and asked if there were any future plans for the football field. Mr. Kiefer stated they may build more apartments or outdoor recreation area, but not decided at this time. Said they plan to invest three or four million into this project.

Commissioner Gray asked if the parking was within the cities regulations. Ms. Zuzga stated yes.

Commissioner Baldwin referenced pages 4 & 5 and asked to explain how that area would be used. Mr. Kiefer stated they will use the storage units and gym area and the back would become a walk-out area with a raised area and pool outdoors. Commissioner Baldwin asked if there would be an elevator. Mr. Kiefer stated, yes as it would make it easier to move furniture and use for tenants.

Commissioner Baldwin asked if their business was associated with Summit Pointe. Mr. Kiefer stated, no they are a local contractor and an apartment builder and have built many.

Commissioner Godfrey commended their use of this building. Mr. Kiefer stated their architects are cutting edge and have a good design. Stated they will work with the Neighborhood Planning Council to get a name for the building to tie in with the old S.W. Jr. High School.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED

- C. Ordinance Amendment #Z-01-16:** Amendment to Chapter 1284 “Off-Street Parking and Loading Requirements” that clarifies construction and design requirements, identifies projects requiring site plan review, provides flexibility as to the number of spaces required, and outlines violation and penalties. Furthermore, the amendments will ensure conformance with and/or corrections in accordance with other ordinances.

Ms. Zuzga noted the city currently has no landscaping standards for parking areas and need changes to allow flexibility for off-street parking.

Mr. Glenn Perian stated they have wanted for some time to make changes as it would make it easier for developers and also staff as this ordinance has not been revised for some time and can be difficult to read. Stated they updated the uses to better explain the type of uses; example: gas stations instead of filling stations. Glen Perian spoke regarding the ordinance revisions and stated the Zoning Board of Appeals need to meet the standards with these changes and would be easier for them by eliminating extra steps.

Commissioner Buscher asked where were these changes investigated. Mr. Perian stated he reviewed other community’s ordinances.

Chairperson Commissioner Buscher asked if anyone wished to come forward to speak; seeing none he would entertain a motion.

MOTION BY COMMISSIONER GRAY TO APPROVE THE ORDINANCE AMENDMENT CHAPTER 1284 “OFF-STREET PARKING AND LOADING REQUIREMENTS” AS PRESENTED; SUPPORTED BY COMMISSIONER GODFREY.

Discussion:

Commissioner Stetler asked if the City’s Engineering Department had reviewed the ordinance changes. Mr. Glenn Perian stated, yes the comment noted was a direct comment from the Engineering Department for Parking and Drainage requirements.

Commissioner Stetler asked if there were any architect groups available for designs. Ms. Christine Zuzga stated they did refer to American Planning Association manuals and information.

Commissioner Stetler stated he has seen a lot of asphalt in the target areas and would like to see more green space and not so much asphalt. Ms. Zuzga stated it is noted in the ordinance they can set aside green space for future development if needed and not asphalt such large areas.

Commissioner Buscher stated concerns need to be brought up to the Zoning Board of Appeals or can work with the developer. Mr. Perian stated they can work with the developer to meet their needs and that the intent of the code is to provide flexibility, so they do not need to go to the Zoning Board.

Vice-Mayor Baldwin stated she is concerned about families with multiple cars and parking; also restaurants like in downtown using neighborhood parking. Mr. Perian stated the Downtown zones of C-4 are exempt.

Vice-Mayor Baldwin asked regarding other areas like Urbandale and Verona. Ms. Zuzga said they would be looked at case by case basis and when a change of use occurs they need to abide by the parking standards.

Vice-Mayor Baldwin if persons can use two lots down for parking. Ms. Zuzga stated parking off site is not allowed and if an adjacent property owner agrees to share their parking lot it would be allowed.

Vice-Mayor Baldwin asked if they looked at the issue of porous parking spaces. Mr. Perian stated yes the ordinance allows more flexibility and had spoken to Department of Public Works and used their language for the changes in the ordinance.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED

- D. Ordinance Adoption #A-02-16:** An ordinance to adopt Chapter 1285 “Landscaping” to require minimal green space and landscape standards to new commercial development and substantial redevelopment projects.

Mr. Perian stated currently they do not have an ordinance to address landscaping issues and would like to have Right-of-ways; parking areas; etc. to be required to have landscaping. Said the intent is to require some landscaping and feel it is not over burdensome to require; this is a low attempt to introduce.

Chairperson Buscher asked if it goes with the Master Plan and would it be more restrictive in the future and if so, why not do it now. Mr. Perian stated they feel what they are proposing is more than what they have currently and does see it being included in the Master Plan.

Chairperson Commissioner Buscher asked if anyone wished to come forward to speak; seeing none he would entertain a motion.

MOTION BY COMMISSIONER GODFREY TO APPROVE THE ORDINANCE ADOPTION OF CHAPTER 1285 “LANDSCAPING” AS PRESENTED; SUPPORTED BY COMMISSIONER BARKER.

Discussion:

Vice-Mayor Baldwin said she wants to see an impact on properties and sees that it does not apply to one or two family residential; asked if it needed to be plants or stone. Mr. Perian stated it needs to be with living material.

Ms. Zuzga stated her opinion is that stone is a natural material that would be allowed and would specify the material in the ordinance.

Commissioner Stetler asked if they envisioned how the plants would be watered. Mr. Perian stated they choose what type of plants they might require and would ask they be kept in good condition.

Commissioner Stetler asked if this ordinance had been reviewed by a Landscape Architect. Mr. Perian stated no.

Commissioner Hopkins said he would think a Landscape Architect could be of assistance in helping with this ordinance.

Chairman Buscher asked if definitions were to be noted as he would like to see them.

Commissioner Hopkins asked if the Master Plan consultant that we are working with have experience in landscaping. Mr. Perian stated he was not sure.

MOTION WITHDRAWN BY COMMISSIONER GODFREY TO APPROVE THE ORDINANCE ADOPTION OF CHAPTER 1285 “LANDSCAPING” AS PRESENTED; SUPPORTED BY COMMISSIONER BARKER.

MOTION BY COMMISSIONER GODFREY TO POSTPONE UNTIL THE NEXT MEETING THE ORDINANCE ADOPTION OF CHAPTER 1285 “LANDSCAPING” AS PRESENTED IN ORDER TO OBTAIN ADDITIONAL INFORMATION; SUPPORTED BY COMMISSIONER STETLER.

Discussion:

Commissioner Baldwin stated she would like to see it broken down by zones.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED

- E. Ordinance Amendment #A-03-16:** Amendment to Chapter 1298 “Fences” to clarify construction requirements, address site obstruction concerns, and outlines violation and penalties. Furthermore, the amendments will ensure conformance with and/or corrections in accordance with other ordinance.

Mr. Perian stated there are four different heights for fences and they are suggesting to simplify the required heights and better identify screening between commercial and residential properties. Said they would like to remove pool regulations as it is covered under the building code. Said the construction code depth for fences; they would like to simplify and make it easier to follow, which would basically be the same with different language.

Chairman Buscher asked Marcel Stoetzel, City Deputy Attorney regarding the definitions and if he was satisfied with the language. Mr. Stoetzel stated, yes.

Commissioner Godfrey is concerned it does not specify the depth of the hole for the posts, as it can be dangerous. Ms. Zuzga stated that would refer to the building code.

Chairperson Commissioner Buscher asked if anyone wished to come forward to speak; seeing none he would entertain a motion.

MOTION BY COMMISSIONER STETLER TO APPROVE THE ORDINANCE AMENDMENT OF CHAPTER 1298 “FENCES” AS PRESENTED; SUPPORTED BY COMMISSIONER HOPKINS.

Discussion:

Vice-Mayor Baldwin asked regarding the regulation of heights for childcare and state guidelines being in conflict with this ordinance. Ms. Zuzga stated there are none she is aware of the state regulations.

Commissioner Stetler asked if the fence companies are required to be licensed. Ms. Zuzga if they came in to pull a permit as a contractor; yes.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED

7. Old Business: None

8. New Business:

A. Capital Improvement Plan

Ms. Zuzga stated the City Manager was present at a past meeting to talk about new process for the Capital Improvement Plan and she has provided in today’s meeting packet a tentative calendar of projects.

i. Tentative timeline for new CIP process:

Stated departments are preparing to submit and she would like to nominate a Planning Commission Peer Review Team.

ii. Nomination of Planning Commissioner to peer review team:

Nomination made by Chairman Buscher seconded by Commissioner Godfrey to nominate Commissioner Barker. Commissioner Barker accepted nomination.

VOTE ON NOMINATION: ALL IN FAVOR; NONE OPPOSED; CARRIED

B. Project Update – Master Plan and RRC

Ms. Zuzga reviewed the project updates and handed out an updated document listing the projects and timeline.

Commissioner Godfrey asked for an update regarding the new CVS business. Ms. Zuzga stated they had asked for an extension in order for them to work with tenants.

Commissioner Hopkins asked the status of looking at split zoned parcels. Ms. Zuzga stated they had looked at them with our city’s GIS (Geographic Information Systems) department and will require adopting a new zoning map.

9. Comments by the Public:

Ms. Katherine LaValley, Board Member of BCPS, stated she had worked for the Battle Creek Public Schools and that this was the first Planning Commission she had attended and is excited to see the outcome and the Battle Creek Public School Board members were excited to hear the information provided and thankful this body acted.

Ms. Zuzga stated the Conditional Rezoning for the old S.W. Jr. High School will be presented at the August 16, 2016 City Commission meeting and then be on the agenda for the September 6, 2016 City Commission meeting for adoption.

Mr. Bruce Kintigh, Pepperidge Ln., asked regarding church signage providing public information and that signs are in a digital age and encourage to change the ordinance to allow. Said church signage throughout the city are determined by their zone area and also regulated by them. Chairman Buscher stated he may get the contact information at the end of this meeting regarding the revision to the sign ordinance.

10. Comments by the Staff and Commission Members:

Commissioner Jim Hopkins commended and thanked staff for work on today's reports.

Commissioner Gray stated she will not be in attendance for the August 24, 2016 Planning Commission meeting.

11. Adjournment: Chairperson Commissioner Buscher adjourned today's meeting. All in favor meeting was adjourned at 5:50 P.M.

Respectfully Submitted:

Christine M. Zuzga, AICP
Executive Secretary, Planning Commission