

City of Battle Creek
Planning Department

**PLANNING COMMISSION
OFFICIAL FINDINGS AND RECOMMENDATION**

<u>PROJECT INFORMATION</u>	
CASE NUMBER:	S-02-17
LOCATION:	135 Hamblin Avenue Parcel 0390-00-121-0
PETITIONER:	Gospel Baptist Church of Battle Creek, Mr. Jimmy Hrangthawng
REQUEST:	A petition requesting a Special Use Permit for 135 Hamblin Avenue for use as a church as permitted under the Planning and Zoning Code, Chapter 1290, Section 1290.01(b)(23).

PLANNING COMMISSION ACTION

May 24, 2017

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 use of this property will redevelop a large vacant property in the downtown (pg. 4-6), and serve as a potential activity center for surrounding neighborhoods (pg. 4-7). The addition of a church at this location would add another service for the community at large, both regionally and locally, and would help maintain the viability of the downtown commercial corridor (pg. 4-9).

(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 a light intensity use due to the nature of the activities that will take place and will not be detrimental to surrounding properties, and additionally will complement the surrounding commercial / institutional 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 variable hours of operation that generally occur during the daytime and early evening. The hours of operation of the proposed use, and the use itself, complements surrounding commercial, institutional, and religious uses in the area.

(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 that will become occupied and improvements made to the structure.

(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 and will not be detrimental to the economic welfare of the community.

(g) Because of the nature of the 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 S02-17 that would allow a church at 135 Hamblin Avenue with the following conditions:

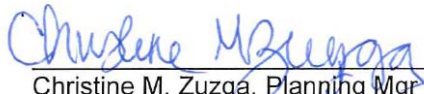
a. All necessary approvals and any required permits shall be obtained from the appropriate agencies, including but not limited to trade permits and inspections through the Inspections Department prior to Certificate of Occupancy. The special use permit shall expire within one year of final approval by the City Commission if approvals have not been granted or construction has not commenced.

- b. The approval of the special use permit is based upon the contents of the submitted application. 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.
- c. 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.
- d. 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: Andrews, Baldwin, Barker, Buscher, Godfrey, Gray, Sobieralski, 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, Planning Mgr
Exec. Secretary

May 24, 2017
Date