



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

SPECIAL USE PERMIT **Information and Procedures**

A special land use is one that may be appropriate in certain locations but requires additional review and oversight to ensure that there would be no adverse effects to the property or the surrounding neighborhood. These uses are regulated by Section 1281.05 “Special Land Uses” of the Zoning Code, and only those uses listed in the ordinance are subject to a permit.

BASIS FOR DETERMINATION

Special use permits are subject to review and approval by both the Planning Commission and the City Commission. Each body will review the request to determine if it complies with standards for approval outlined in Section 1281.05(c) “Basis for Determination”:

- a) The use will be harmonious with and in accordance with the general objectives of the Master Plan.
- b) The use will be designed, constructed, operated and maintained so as to 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.
- c) The use will not be hazardous or disturbing to existing or future neighboring uses.
- d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- e) The use will be adequately served by essential public facilities and services, such as streets, highways, police and fire protection, drainage, refuse disposal and schools, or the persons or agencies responsible for the development shall be able to adequately provide such services.
- f) 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) The use will not create 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.

PRE-APPLICATION RECOMMENDATIONS

Prior to submitting the special use permit application, it is recommended that an applicant consult with the Planning Department staff to discuss the proposed use and application requirements. It is further recommended that the applicant contact the Inspections Department at (269) 966-3382 to discuss any possible requirements of the building, plumbing, mechanical, electrical, and/or fire code. Additionally, it is recommended that you contact your local Neighborhood Planning Council as well as adjacent property owners to discuss your request prior to submitting this application as you may be able to minimize concerns that would otherwise be addressed during the public hearing.

SUBMITTAL REQUIREMENTS

In general, the completed application must be submitted to the Planning Department at least four weeks prior to a scheduled Planning Commission meeting. ***Please call in advance for application deadline dates.*** In order for the application to be accepted, the following items must be submitted with this completed application:

1. Contact the Planning and Zoning Department for fee information. This non-refundable filing fee can be made to the City of Battle Creek's Planning and Zoning Department.
2. An affidavit authorizing an applicant to act on behalf of the owner if the petitioner is not the property owner.
3. Legal description of subject property and a list of all deed restrictions.
4. Property Site Plan:
 - a. For residential occupied properties, applicants shall submit a drawing of the property indicating existing and proposed property features, including but not limited to any structures, drives, fences, decks/patios, etc. The drawing shall indicate where the proposed special land use is to be located. The dimensions of all existing and proposed features shall be labeled, as well as property dimensions. Distances between existing and/or proposed buildings and property lines shall also be included on the drawing.
 - b. Non-residential properties that propose any revisions from an approved site plan will require a new site plan submittal, per Section 1281.04 of the Zoning Ordinance. If the requested special use will NOT result in changes to the property including buildings, parking, landscaping, etc. the applicant shall submit a drawing as specified in 1281.05(a)(2)(B).
5. Preliminary plans and specifications of the proposed development and for all intended construction.
6. A statement with supporting evidence regarding the required findings in Section 1281.05(c).

Please be advised that incomplete applications will not be submitted to the Planning Commission for their review or consideration.

REVIEW PROCESS

At the time the application is submitted, you will be given the dates of the Planning Commission meeting at which your request will be discussed, and once prepared, an applicant will be mailed a meeting agenda and staff report specific to the application. Regular meetings of the Planning Commission are scheduled for the fourth Wednesday of each month at 4:00 pm, and are conducted in the City Commission Chamber (Rm 301) of City Hall. ***Please call or email to verify the date of the meetings. It is possible that some months may require a different meeting date to accommodate holidays or other events.***

A request for a special use permit is first submitted to the Planning Commission for their review. A public hearing will be scheduled for this meeting, and as required by state law and local ordinances, notices of this public hearing will be published in the local paper and mailed out to property owners and occupants within 300' feet of the subject parcel. At the meeting, the public hearing is opened and the applicant is asked to present their request. Opportunity is given to any members of the public wishing to comment on the request.

After the public hearing is closed, the Planning Commission will discuss the request, possibly asking additional questions of the applicant and/or staff. The Planning Commission may postpone a decision

pending additional information that is needed in order to make a decision. They may also make a recommendation to the City Commission to approve, approve with conditions, or deny the request based on the standards listed above. The request will then be placed on the next available City Commission meeting agenda, and the applicant is notified as to the date/time of that meeting.

Similar to the process at the Planning Commission meeting, the request is placed on the City Commission agenda as a "Resolution", and opportunity is given for public comment on the request. The City Commission has the ability to postpone a decision or take action on the request by way of approval, approval with conditions, or denial of the request based on the standards listed above in Basis for Determination.

The applicant or a representative is highly encouraged to attend both meetings to present your request and answer any questions.

ADDITIONAL CONSIDERATIONS

Please ensure that the application fully details the proposed use that warrants the special use permit. The approval of the special use permit is based upon the contents of the submitted application, including but not limited to the nature of the use as outlined in the 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.

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 issuance of a certificate of occupancy.

Pursuant to Section 1281.05(a)(5), Special use permits 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. Special use permits shall expire after one-year if the use is not under construction or maintained. For good cause shown and upon written application, the City Commission may extend a special use permit for six-months.

QUESTIONS

Please contact the Planning Department at (269) 966-3320 if you have any questions regarding special land uses, the application, or other requirements.



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SPECIAL USE PERMIT Application

Petition No. _____

Date Received: _____

APPLICANT

NAME: _____

ADDRESS: _____

PHONE: _____ FAX: _____

EMAIL: _____

OWNER (if different from applicant)

NAME: _____

ADDRESS: _____

PHONE: _____ FAX: _____

EMAIL: _____

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

EXISTING CONDITIONS

Address(es) of property for which the request is being sought: _____

Current use of the property: _____

List existing structures on the property and the approximate age of each. _____

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.

PROJECT DESCRIPTION

What is the proposed use of the property that warrants the special use permit? _____

Please list all activities that will take place on the property if the special use permit were approved?

How many employees currently work on the property? How many will be added if the special use permit is approved, and what days/times will they be onsite? _____

Will the approval of the special land use necessitate changes to the property, i.e. building construction, additional parking, driveways, fencing? If yes, please provide a list of property improvements that will be associated with the special use permit. _____

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

STANDARDS FOR APPROVAL

Section 1281.(c) Special Uses and Land Development lists standards that will be reviewed by the Planning Commission and City Commission and the request for special use permit will only be approved if these standards are met. Provide factual and supportive evidence that your application meets each of these standards. Additional sheets may be attached if necessary.

Will the special land use be designed, constructed, maintained, and/or operated in a manner harmonious with the character of adjacent properties and the surrounding area? Yes No

Will the special land use change the character of adjacent properties and the surrounding area?

Yes No

Will the special land use be hazardous to adjacent properties or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or properties?

Yes No

Will the special land use be a substantial improvement to property in the immediate vicinity and to the community as a whole? Yes No

Will the special land use place demands on public facilities or services in excess of current capacity?

Yes No

Will the special land use produce excessive traffic, noise, smoke, fumes, or glare? Yes No

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. A non-refundable filing fee, made payable to the City of Battle Creek must be paid.
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 as outlined in "Special Use Permit, Information and Procedures".

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 special use permit have been submitted. Furthermore, the applicant confirms that they have thoroughly read "Special Use Permit, Information and Procedures" and agrees to comply with all requirements and procedures for special use permit.

Name

Date