



CITY OF BATTLE CREEK
COMMUNITY SERVICES DEPARTMENT – PLANNING and ZONING

NOTICE
PLANNING COMMISSION MEETING

Date: Wednesday, October 10, 2018 SPECIAL MEETING
Time: 4:00 P.M.
Place: City Commission Chambers
Room 301, City Hall

- 1. Call to Order**
- 2. Attendance**
- 3. Additions or Deletions to the Agenda**
- 4. Approval of Minutes – September 26, 2018 meeting**
- 5. Correspondence**
- 6. Public Hearings/Deliberations**
 - A. REQUEST FOR ZONING ORDINANCE AMENDMENT A-03-18:**

A public hearing to receive comments relative to a request for zoning ordinance amendments that would define and allow craft distilling and small wineries in the C-7 Street Level Retail zoning district. Both uses subject to definitions and requirements of the State of Michigan.
- 7. Old Business**
- 8. New Business**
- 9. Comments by the Public**
- 10. Comments by the Staff and Commission Members**
- 11. Adjournment**

Respectfully Submitted,
Christine M. Zuzga, AICP
Executive Secretary, Planning Commission

**BATTLE CREEK CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, September 26, 2018**

1. Call to Order:

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

2. Attendance:

Members Present:

Susan Baldwin	Jim Hopkins	Robert Whitfield
Daniel Buscher	Cody Newman	
John Godfrey	Joe Sobieralski	
Lynn Gray	John Stetler	

Members Excused: None

Staff Present:

Glenn Perian, Senior Planner, Planning Dept.
Eric Feldt, Planner, Planning Dept.
Marcel Stoetzel, Deputy City Attorney
Laura Rounds, Customer Service, Planning Dept.

3. Additions or Deletions to the Agenda: None

4. Approval of Minutes: (Meeting Minutes August 22, 2018)

MOTION WAS MADE BY COMMISSIONER GODFREY, SUPPORTED BY COMMISSIONER GRAY, TO APPROVE THE PLANNING COMMISSION REGULAR MEETING MINUTES FOR AUGUST 22, 2018. ALL IN FAVOR, NONE OPPOSED.

5. Correspondence: Letter from NPC #1 chair James Moreno presented to Commissioners.

6. Public Hearings and Deliberation/Recommendations:

A. REQUEST FOR SPECIAL USE PERMIT S-04-18:

Petition from Fay Washington-Arterbridge 48 Hannah St Battle Creek, MI 49014. Requesting Special Use Permit to allow a Daycare Facility in a "R1B Single Family Residential" property is located at 48 Hannah St Parcel# 3780-00-022-0. Permit application is pursuant to Planning and Zoning Code 1292.03 (b).

Senior Planner Glenn Perian provided an overview of the request with the updated information.

Chairperson Commissioner Buscher opened the public hearing and asked if anyone from the public wished to speak.

Fay Washington-Arterbridge gave brief overview of her visit to NPC #1.

Yvonne Powell of NPC #1 stated support of Fay Washington-Arterbrige.

Chairperson Commissioner Buscher asked if anyone else from the public wished to speak; seeing none, he closed the public hearing and would entertain a motion.

MOTION MADE BY COMMISSIONER GRAY TO APPROVE THE SPECIAL USE PERMIT #S-04-18 TO ALLOW A DAYCARE FACILITY IN A R1B “SINGLE FAMILY RESIDENTIAL” FINDING THAT THE REQUEST WITH CONDITIONS IS CONSISTENT WITH THE GENERAL STANDARDS AS OUTLINED IN THE STAFF REPORT; SUPPORTED BY COMMISSIONER GODFREY.

VOTE ON MOTION: NINE (BALDWIN, BUSCHER, GODFREY, GRAY, HOPKINS, NEWMAN, SOBIERALSKI, STETLER, WHITFIELD) IN FAVOR; MOTION CARRIED.

Comments by the Staff and Commission Members:

Glenn Perian reminded the Commissioners of the upcoming Special Meeting on October 10, 2018 at 4:00 P.M. in Commission Chambers.

Adjournment: Chairperson Commissioner Buscher adjourned today’s meeting. All in favor meeting adjourned at 4:14 P.M.

Respectfully Submitted: Laura Rounds, Acting Executive Secretary, Planning Commission



Battle Creek City Planning Commission

Staff report for the October 10, 2018 Special Meeting

To: Planning Commissioners

From: Christine M. Zuzga, AICP, Planning Manager

Subject: Proposed amendment to Ch. 1271 C-7 Street Level Retail to permit craft distilleries and small wineries as a permitted use.

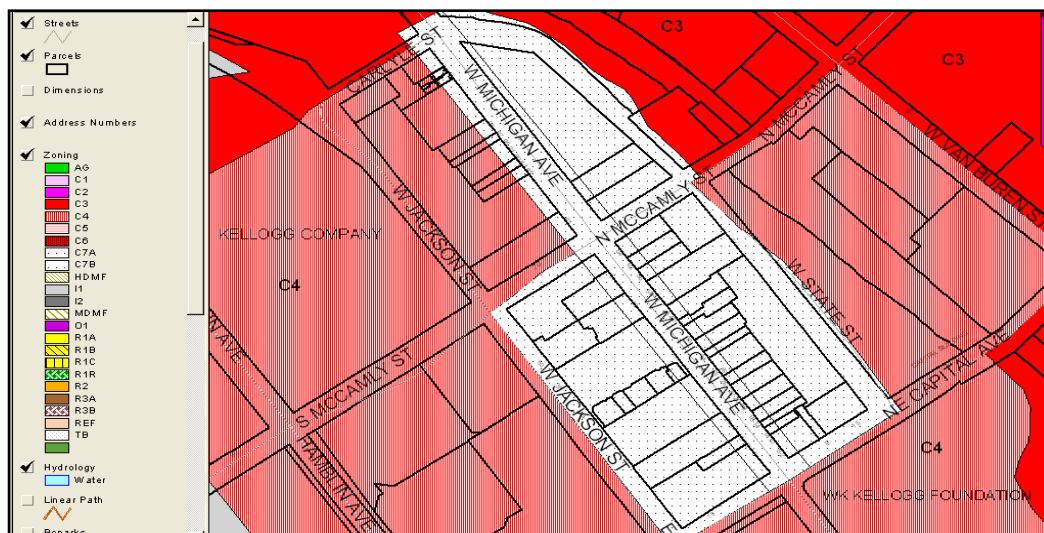
A request to amend Ch. 1271 C-7 Street Level Retail zoning district to allow craft distillers and small wineries as a permitted use.

History/Background

Subsequent to a Request for Proposals issued by Battle Creek Unlimited for the acquisition and development of 64 W. Michigan Avenue, the developer is requesting amendments to the underlying zoning district to permit craft distillers and small wineries as a permitted use. Both uses are regulated by the State of Michigan Liquor Control Commission.

Location of district

There is only one C-7 Street Level Retail zoning district in the City; it is located in the downtown area, generally located along W. Michigan Avenue between Capital Avenue and Carlyle Street as further highlighted below in white. There are approximately thirty-five private properties in this zoning district, many containing multiple tenant spaces. The ordinance amendment, if adopted, would allow these uses on any property in the C-7 Street Level Retail district.



Public Hearing Requirements

As required by the Zoning Enabling Act of 2006, as amended, a public hearing is required for an ordinance amendment, and a notice listing the date, time, and subject of a public hearing is required to be advertised no less than fifteen days prior to the hearing. As such, the public hearing notice was published in the Tuesday, September 25, 2018 Battle Creek Enquirer. To date, no public comments have been received in the Planning Department.

Staff Recommendation

The request for amendment is consistent with what other downtown areas have actively sought for their areas, and is supported by planning and economic development staff. Additionally, the request is consistent with the master plan that encourages the amendment of ordinances to permit uses that promote diverse shopping, cultural, and entertainment business in the downtown to encourage and promote the viability of the area.

City of Battle Creek

Ch. 1271 Amendment for Craft Distillery and Small Winery

Draft to Planning Commission 10/10/2018

Background

Battle Dog, LLC and the City of Battle Creek are entering a Development Agreement and related agreements for the purchase and sale of certain property located in the C-7 zoning district. Upon closing, Battle Dog, LLC plans to develop and operate the property pursuant and subject to the Development Agreement. In order to close the transaction, and develop the property, Battle Dog, LLC requires certain amendments to Chapter 1271 of the Battle Creek Zoning Code.

Amendments

Chapter 1271 of the Battle Creek Code is to be amended as follows:

- (1) Add the following definition to Section 1271.03:

“Craft distillery” means a licensed facility that manufactures and sells at that licensed premises spirits pursuant and subject to the requirements for a Michigan Small Distiller License.

- (2) Add the following definition to Section 1271.03:

“Small winery” means a licensed facility that manufactures and sells at that licensed premises wine pursuant and subject to the requirements established by the State of Michigan for a small wine maker.

- (3) Add the following definition to Section 1271.03:

“Spirit” means any beverage which contains alcohol obtained by distillation, mixed with potable water or other substances, or both, in solution, and includes wine containing an alcoholic content of more than 21% by volume, except for sacramental wine and mixed spirit drink.

- (4) Amend Section 1271.04(a) as follows:

- (22) Microbreweries, brewpubs, **craft distilleries, and small wineries.**

CHAPTER 1271
C-7 Street-Level Retail District

Amendments to add craft distilleries and small wineries as a permitted use.

October 10, 2018 Planning Commission Special Meeting

- 1271.01 Applicable regulations.
- 1271.02 Purposes.
- 1271.03 Definitions.
- 1271.04 Permitted uses.
- 1271.05 Erection of poles and wires.
- 1271.06 Height, width, lot area, building coverage, sign and site plan review requirements.
- 1271.07 Mixed commercial and residential uses.
- 1271.08 Off-street parking and loading.
- 1271.09 Conflicts with State of local business licensing requirements or regulations.
- 1271.10 (Repealed).
- 1271.11 Prohibited uses.

CROSS REFERENCES

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Authority to zone; Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.3201

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.3208

Commercial businesses - see B.R. & T. Ch. 822

Rental housing - see B.R. & T. Ch. 842

1271.01 APPLICABLE REGULATIONS.

(a) The regulations set forth in this chapter, or set forth elsewhere in this Zoning Code, when referred to in this chapter, are the district regulations of the C-7 Street-Level Retail District.

(b) The restrictions and regulations of Chapter 814 shall be applicable to this chapter.

(Ord. 25-92. Passed 11-24-92; Ord. 08-2010. Passed 7-6-10.)

1271.02 PURPOSES.

The C-7 Street-Level Retail District is established to revitalize commercial areas which, through business relocation, substantial change in surrounding uses, changes in the market, or a combination thereof, require the orderly placement of business establishments to provide the maximum use of buildings to accommodate and respond to changes in vehicular and pedestrian traffic flow. To permit the full potential of this District, certain uses which would interfere with the general effectiveness of this District have been intentionally excluded, and uses permitted herein are intended to be strictly limited in their definition.

(Ord. 25-92. Passed 11-24-92; Ord. 08-2010. Passed 7-6-10.)

1271.03 DEFINITIONS.

As used in this chapter:

(a) "Apartment" means a living unit of at least 500 square feet which is intended or designed for use as a residence by a single family and which includes its own kitchen and bath facilities.

(b) "Art gallery" means a premises used for the display and sale of original works of art.

(c) "Art studio" means a building used for the production, display and sale of works of art.

(d) "Banquet and meeting hall" means a premises available to the public for rental for the purpose of holding meetings, banquets and receptions.

(e) "Box office" means a premises, not necessarily attached to a theater, museum, exhibition hall or athletic facility, used for the sale of tickets for admission to entertainment, including, but not limited to, athletic events, theatrical performances, museum admissions or concerts.

(Ord. 25-92. Passed 11-24-92.)

(e)(1) "Brewpub" means a licensed facility that manufactures and sells at that licensed premises not more than 2,000 barrels of beer/ale per year for consumption on that premises only.

(Ord. 4-96. Passed 6-4-96.)

(f) "Church" means a building that people regularly attend to participate in or hold religious services, meetings or other religious activities of any denomination. The term "church" also includes synagogues, temples and mosques.

(g) "Collectibles shop" means a business limited to the sale or trade of first-edition hardcover books, board or electronic games, including card games, computer games, role-playing or miniature games, CD's, DVD's, sports trading cards, comic books, stamps, coins, antique jewelry or a combination thereof. The term "collectibles shop" does not include secondhand goods dealers or pawn shops.

(Ord. 09-06. Passed 4-18-06.)

(h) "Craft distillery" means a licensed facility that manufactures and sells at that licensed premises spirits pursuant and subject to the requirements for a Michigan Small Distiller License.

(i) "Exhibition hall" means a premises open to the public for the viewing of temporary exhibits of collections or displays of items relating to, or artifacts of, natural, local, State or

national history; the presentation of theatrical performances or musical concerts; or the holding of flea markets, swap meets or other shows involving the sale or trade of publicly displayed items and merchandise.

(~~ji~~) "Financial institutions" means banks, savings and loans, credit unions, mortgage or loan companies and stock brokers. The term "financial institutions" does not include pawnbrokers, bail bondsmen or cash advance establishments.

(~~kj~~) "Florist shop" means a business whose principal purpose is the display and sale of natural and silk flowers, arrangements of flowers and decorative accessories used in the display of flowers.

(~~lk~~) "Interior decorating and design studio" means a business which displays interior decorating and design merchandise, such as furniture, wallpaper, fabric, floor coverings and accessories as samples shown on the premises which individuals may order from catalogues. The term "interior decorating and design studio" does not include the warehousing of interior decorating and design merchandise for on-site retail sale.

(Ord. 25-92. Passed 11-24-92; Ord. 08-2010. Passed 7-6-10.)

(~~m+~~) "Microbrewery" means a brewery that produces less than 20,000 barrels of ale/beer per year for on-site consumption, take-out and distribution to wholesalers and/or restaurants, taverns and retail stores, and is open to the general public for sales and tours.

(Ord. 4-96. Passed 6-4-96.)

(~~nm~~) "Mission" means a facility providing temporary lodging and ancillary services, such as the provision of food, clothing or other services, to alleviate the suffering of indigent, needy, homeless or transient persons.

(~~on~~) "Museum" means a premises used for the storage and display of artifacts, memorabilia and works of art which are open to public viewing.

(~~pe~~) "Photocopy service" means a business that reproduces drawings, plans, maps or other documents by means of blueprinting or photocopying.

(~~qp~~) "Print shop" means a retail establishment which provides duplicating services using photocopy, blueprint or off-set printing equipment, which may also include the collating of booklets and reports.

(~~rq~~) "Private club" means a premises not open to the public and used for the meeting of a nonprofit organization of persons operated for the promotion and promulgation of common interests. The term "private club" does not include churches and missions.

(~~sf~~) "Professional offices" means, by way of example, but is not limited to, an attorney's offices, an architect's offices, an engineer's offices, insurance offices, an accountant's offices and real estate offices, but not medical, dental or veterinary offices, clinics or laboratories.

(~~ts~~) "Retail sales" means the sale of new, unused goods.

(u) "Small winery" means a licensed facility that manufactures and sells at that licensed premises wine pursuant and subject to the requirements established by the State of Michigan for a small wine maker.

(v) "Spirit" means any beverage which contains alcohol obtained by distillation, mixed with potable water or other substances, or both, in solution, and includes wine containing an alcoholic content of more than 21% by volume, except for sacramental wine and mixed spirit drink.

~~(w)~~ "Tailor, dressmaking or millinery shops" means premises used for the custom manufacture of clothing and hats as well as the alteration and repair of clothing and hats.

~~(u)~~ "Visitor information center" means a premises used for the dissemination of cultural, historic or tourist information.

~~(y)~~ "Work of art" means an original creation, such as, but not limited to, oil, acrylic or water color paintings, clay, pottery or papermache sculptures or screened or photographic prints, of such a nature as to be suitable for a juried art exhibition or auction. The term "work of art" does not include objects which are knitted or crocheted, items created by a kit, wooden toys or other similar craft or hobby items made from a pattern.

(Ord. 25-92. Passed 11-24-92; Ord. 08-2010. Passed 7-6-10.)

1271.04 PERMITTED USES.

(a) In a C-7 Street-Level Retail Subdistrict, a building or premises shall be used only for the following purposes:

- (1) Retail sales;
- (2) Art gallery;
- (3) Museums;
- (4) Visitor information centers;
- (5) Beauty and barber shops;
- (6) Tailor, dressmaking and millinery shops;
- (7) Financial institutions;
- (8) Photography studios;
- (9) Restaurants, including fast food restaurants, but not including drive-in restaurants;
- (10) Pet shops, but not kennels or veterinary offices;
- (11) Printing and photocopying shops;
- (12) Theaters having a minimum of fifty seats;
- (13) Travel bureaus;
- (14) Collectible shops;

(15) Florist shop;

(16) Exhibit hall;

(17) Stores for the collection and distribution of laundry and dry cleaning, but not for the actual treatment, cleaning or processing of such articles;

(18) Photographic film sales and development shops;

(19) Shoe repair/shoe shine shops;

(20) News and magazine stands;

(21) Box offices;

(Ord. 25-92. Passed 11-24-92.)

(22) Microbreweries and brewpubs, ~~and~~ craft distilleries, and small wineries.

(Ord. 4-96. Passed 6-4-96.)

(23) United States Military forces, including the U.S. Army, U.S. Navy, U.S. Air Force, U.S. Marines, U.S. Coast Guard, and National Guard recruiting offices.

(Ord. 17-07. Passed 11-20-07.)

(24) Professional offices;

(25) Artist studios;

(26) Banquet and meeting halls;

(27) Private clubs;

(28) Employment agencies;

(29) In-door health and fitness facilities;

(30) Medical or dental, but not veterinary, offices, clinics and laboratories;

(31) Private trade, vocational, art, business, dance or music schools;

(32) Recording studios;

(33) Reading rooms;

(34) Interior decorating studios;

(35) Child day-care centers;

(36) Apartments on the second floor, or higher;

(37) Small appliance repair shop;

(38) Video rental stores;

(39) Dance studios;

(40) State Licensed Medical Marihuana Provisioning Centers with an approved Medical Marihuana Facilities permit pursuant to Ch. 833 and consistent with Ch. 1299 Medical Marihuana when located at least 1,000 feet away from a property containing a Medical Marihuana Provisioning Center, regardless of ownership of property or license; and at least 1,000 feet away from K-12 schools and libraries open to the public. These setback measurements are between nearest property lines, regardless of ownership of property or licensee.

(Ord. 25-92. Passed 11-24-92; Ord. 08-2010. Passed 7-6-10; Ord. 17-07. Passed 11-20-07; Ord. 08-2010. Passed 7-6-10; Ord. 01-2018. Passed 2-6-18.)

1271.05 ERECTION OF POLES AND WIRES.

No person shall erect poles or wires for telephone, telegraph, cable television or power distribution purposes within the boundaries of a C-7 Street-Level Retail District.

(Ord. 25-92. Passed 11-24-92; Ord. 08-2010. Passed 7-6-10.)

1271.06 HEIGHT, WIDTH, LOT AREA, BUILDING COVERAGE, SIGN AND SITE PLAN REVIEW REQUIREMENTS.

Uses provided for in this chapter are subject to the maximum height, width, lot area, building coverage, sign and site plan review requirements of a C-4 Central Business District.

(Ord. 25-92. Passed 11-24-92; Ord. 08-2010. Passed 7-6-10.)

1271.07 MIXED COMMERCIAL AND RESIDENTIAL USES.

Commercial and residential uses may occupy the same building, provided that the residential use is limited in its entirety to the second level or higher of the building and meets the requirements of the Building and Housing Code and all State building and fire codes.

(Ord. 25-92. Passed 11-24-92; Ord. 08-2010. Passed 7-6-10.)

1271.08 OFF-STREET PARKING AND LOADING.

Off-street parking and loading requirements shall be in accordance with Chapter 1284, provided that in the case of mixed uses, the number of parking spaces shall equal the sum of the requirements for each use computed separately.

(Ord. 25-92. Passed 11-24-92; Ord. 08-2010. Passed 7-6-10.)

1271.09 CONFLICTS WITH STATE OR LOCAL BUSINESS LICENSING REQUIREMENTS OR REGULATIONS.

Nothing in this chapter is intended or should be construed as a waiver of any State or local business licensing requirement or regulation.

(Ord. 25-92. Passed 11-24-92; Ord. 08-2010. Passed 7-6-10.)

1271.10 (REPEALED)

Editor's Note: Section 1271.10, as adopted by Ord. 25-92, passed 11-24-92 was repealed by Ord. 08-2010, passed 7-6-10.

1271.11 PROHIBITED USES.

The following uses are prohibited in a C-7 Street-Level Retail District:

- (a) Adult businesses regulated by Chapter 1295;
- (b) Any form of transient dwelling, including, but not limited to, rooming houses, boarding houses, tourist homes, motels or hotels.
- (c) Retail sales of motor vehicles, motorcycles, recreational vehicles or motor homes, or the retail sale of motor vehicle or motorcycle parts.
- (d) Retail sales of large household appliances, such as washing machines, dryers, stoves, refrigerators, freezers or hot-water heaters.

(Ord. 25-92. Passed 11-24-92; Ord. 08-2010. Passed 7-6-10.)