



CITY OF BATTLE CREEK

COMMUNITY SERVICES DEPARTMENT – PLANNING AND ZONING

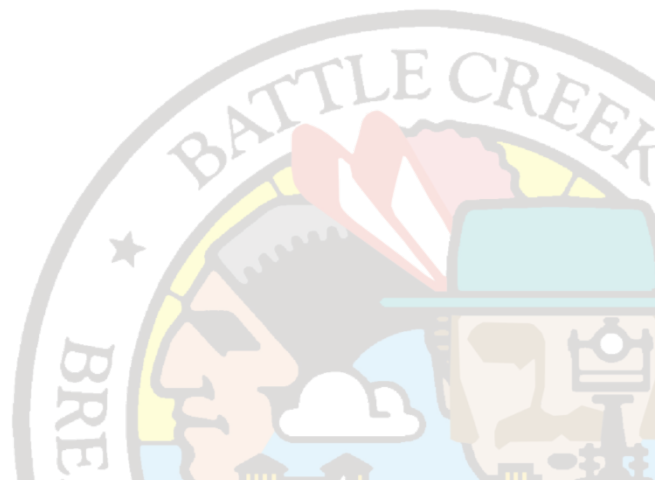
AGENDA PLANNING COMMISSION MEETING

Date: Wednesday, January 28, 2026

Time: 4:00 P.M.

Where: Room 301, City Hall

1. **Call to Order**
2. **Attendance**
3. **Approval of Minutes:** December 10, 2025
4. **Correspondence**
5. **Additions or Deletions to the Agenda**
6. **Public Hearings/Deliberations:**
 - A. **REZONING REQUEST #PRZ25-0007:** Petition from Jeffery Scott Architects to rezone the property located at 18 Emerald Ave. (Parcel #1840-00-004-0) from the current classification of R-1B Single Family Residential District to B-1 Corridor Commercial District.
 - B. **ZONING ORDINANCE TEXT AMENDMENT #A26-01:** Proposed amendments to Section 124.12 (B-2 Regional Commercial District) and Section 1251.20 (Hotel) to amend the height limitations within the B-2 zoning district and the density formula related to hotel development within the City of Battle Creek.
7. **Old Business:**
8. **New Business:**
 - ELECTION OF OFFICERS**
9. **Comments by the Public**
10. **Comments by the Staff and Commission Members**
11. **Adjournment**



**CITY OF BATTLE CREEK
PLANNING COMMISSION
10 North Division, Battle Creek, MI 49014
Minutes for December 17, 2025**

MEETING CALLED TO ORDER: By Chairman Hughes at 4:01 p.m.

ATTENDANCE: Roll call was taken.

Chairperson Hughes, present
Commissioner Godfrey III, present
Vice Chairperson O'Donnell, present
Commissioner Ward Gray, present
Commissioner Morris, present

Commissioner Denison, present
Commissioner Moton, absent
Commissioner White, present
Mayor Behnke present

Staff Present: Melody Carlsen, Administrative Assistant, Travis Sullivan, Planning Administrator, Adam Jenks, Planner, Marcel Stoetzel, Deputy City Attorney, Ted Dearing, Assistant City Manager.

APPROVAL OF MINUTES: September 24, 2025.

MOTION MADE BY COMMISSIONER GODFREY TO APPROVE THE SEPTEMBER 24, 2025 MEETING MINUTES. SECONDED BY COMMISSIONER MORRIS.

ROLL VOTE: Chairperson Hughes asked everyone in favor to signify by saying "aye".

ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.

CORRESPONDENCE: None.

ADDITIONS/DELETIONS: None

PUBLIC HEARINGS/DELIBERATIONS:

- A. **REZONING REQUEST #PRZ25-0006:** Petition from the City of Battle Creek to rezone the following properties located to the South of Beckley Rd. along M-66 from their current classification of B-2 Regional Commercial District to MFR High-Density Multiple-Family Residential District:

12671 6 Mile Rd. (Parcel #0086-00-400-0)
12601 6 Mile Rd. (Parcel #0086-00-420-0)
12535 6 Mile Rd. (Parcel #0086-00-440-0)
12401 6 Mile Rd. (Parcel #0086-01-650-0)
5500 Dahlia Dr. (Parcel #0086-00-300-0)

Public Hearing opened by Chairperson Hughes

Staff Presentation: Travis Sullivan

Public Comment:

John Ballard of 12401 6 Mile Rd had questions regarding his land being rezoned in the past and why they were not notified. Travis Sullivan responded that notices would have been published in the newspaper and not sent out to individual property owners.

Chairperson Hughes asked that with the new recommended zoning classification being MFR if there are any conflicts with the existing use that was mentioned. Mr. Sullivan responded that this would have to be looked into further and that this would be an exiting use and could continue as such.

Mr. Ballard asked if his taxes would change with the recommended rezoning. Mr. Sullivan explained that taxes are not based on the assigned zoning, the use determines the taxable value. Commissioner White inquired to one of the parcels that was previously zoned agricultural, and asked if/when it is rezoned MFR, would the land owner be able to add livestock or make other agricultural changes. Mr. Sullivan explained the current land use could exist as a legal non-conformity. Expansions of non-conformities would need to be researched further.

Chairperson Hughes asked for clarification of the land use plan. Mr. Sullivan responded. Mr. Ballard would like to keep his parcel to the south agricultural for future possible agricultural changes or expansions. Mr. Sullivan explained the use is not illegal, the parcel is legal non-conforming, meaning new uses outside of the zoning ordinance may not be able to be approved but existing uses can stay in place. The current use is considered legal.

Chairperson Hughes ask the attorney to weigh in on the uses of the land and Mr. Stoetzel responded.

Commissioner White asked if the city could provide something in writing to the land owners that explains all this. Mr. Sullivan said the Planning and Zoning Division could work on a letter with explanations regarding the zoning and land uses. Mr. Stoetzel explained this information is provided online as well.

Mr. Ballard asked how the recommended rezoning benefits him and why would we want to change the zoning of the 24 acres parcel he owns. Mr. Sullivan responded that the goal is to have continues zoning districts in areas, have conformance and eliminate gaps that could cause spot zoning.

Jason Pierce of 1267 SW Capital Ave appreciates the rezoning so that they can build a house on their vacant parcel that is located within this recommended rezoning area.

Chairperson Hughes asked if the City's infrastructure runs up and down 6 Mile Road. Mr. Pierce responded that City water, sewer, and storm sewer all stop at 6 Mile Road.

Commission Discussion/Questions:

MOTION MADE BY COMMISSIONER WARD GRAY FOR THE APPROVAL OF REZONING REQUEST #PRZ25-0006 FOR THE FINDINGS OF THE STAFF RECOMMENDATIONS. SECONDED BY COMMISSIONER GODFREY.

Commissioner White asked if the motion should include the city reaching out with information for the landowners. Chairperson Hughes responded that this should not be included in the motion and that they would ensure the city follows up with provided information to the land owners.

ROLL VOTE: A roll vote was taken.

ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.

- B. CAPITAL IMPROVEMENT PROGRAM for Fiscal Years 2027-2032:** The Battle Creek Planning Commission will be holding a public hearing to consider a recommendation to the City Commission regarding the Capital Improvement Program (CIP) for Fiscal Years 2027-2032, which illustrates the requirements of the community for all types of public improvements, in a general order of priority, for a six-year period.

Staff Presentation: Travis Sullivan introduced the Capital Improvement Program and Revenue Services Director, Aaron Kuhn.

Mr. Kuhn introduced the Capital Improvement Plan and highlighted key components.

Commissioner Questions:

Commissioner White asked Mr. Kuhn to repeat what he said about things that say funded that are not necessarily funded. Mr. Kuhn responded to the question.

Commissioner Godfrey wanted to direct attention to page 29, line titled, "Housing" of the report. Mr. Godfrey expressed the need for housing in the city. Feels the recommendation to City Commission to approve the CIP report should go though. Housing is a necessity in the city and should get underway.

Commissioner White added to what Mr. Godfrey said and why she asked for clarification regarding line items that say funded or not.

Chairperson Hughes felt the CIP was good, liked how it framed the City's focus. Is encouraged by the plan prioritizing the right areas and enabling tools the City offers.

Chairperson Hughes feels the plan lines planning, infrastructure, economic development all together.

MOTION MADE BY COMMISSIONER GODFREY THAT THE PLANNING COMMISSION RECOMMEND TO THE CITY COMMISSION THE CAPITAL IMPROVEMENT PLAN FOR THE NEXT SIX YEARS FOR THE CITY OF BATTLE CREEK SECONDED BY COMMISSIONER MORRIS.

Commissioner White asked for clarification on what they are voting on; accepting the CIP or recommending to City Commission. A response was given that the commission is holding the public hearing, providing a motion of approval to send the CIP report to City Commission for review and approval.

ROLL VOTE: A roll vote was taken.

ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.

OLD BUSINESS: None

NEW BUSINESS:**A. 2026 MEETING DATES & DEADLINES**

Staff Report: Travis Sullivan gave a quick overview of the meeting dates and deadlines. He highlighted the date changes due to holidays and the change in the application deadline dates due to publication date changes.

MOTION MADE BY COMMISSIONER WARD GRAY TO APPROVE THE 2026 MEETING DATES & DEADLINE. SECONDED BY COMMISSIONER GODFREY.

ROLL VOTE: A roll vote was taken.

ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.

COMMENTS BY THE PUBLIC: None.

COMMENTS FROM COMMISSION MEMBERS AND STAFF:

Mayor Behnke thanked the commission for their work this past year.

Commissioner O'Donnell commented on the great work of the public coming out and showing what government can do. Wished everyone a Merry Christmas and a Happy New Year.

Commissioner Ward Gray wished everyone happy holidays and stated it was a pleasure to work with everyone.

Commissioner Hughes thanked Commissioner Godfrey for his 23 years of service to the commission and city.

ADJOURNMENT: Chairperson Hughes adjourned the meeting at 4:48.

Submitted by: Melody Carlsen, Administrative Assistant, Planning & Zoning Division.



Battle Creek City Planning Commission

Staff report for the January 28, 2026 regular meeting

To: Planning Commissioners

From: Travis Sullivan, Planning and Zoning Administrator

Subject: Petition PRZ25-0007 from Jeffrey Scott Architects of 32316 Grand River Ave., Suite 200, Farmington, MI 48336 to rezone the property located at 18 Emerald Ave. (Parcel #1840-00-004-0), located on the west side of Emerald Ave. between W Michigan Ave. to the north and Urbandale Blvd. to the south, from its current zoning classification of R-1B Single-Family Residential District to B-1 Corridor Commercial District due to the existing character and uses in the area. Pursuant to Section 1281.01 of the zoning code.

Summary

Petition from Jeffrey Scott Architects on behalf of OM Group (property owner, Rita Askler Trust) requesting a rezoning of the property located 18 Emerald Ave., (Parcel #1840-00-004-0) from R-1B Single-Family Residential District to B-1 Corridor Commercial District for the purpose of constructing a new Dunkin' Donuts restaurant with a drive-thru near the corner of W Michigan Ave. and Emerald Ave.

Background/Property Information

The City of Battle Creek has been approached by the applicant, Jeffrey Scott Architects, regarding the applicant's interest in establishing a new Dunkin' Donuts restaurant with a drive-thru at the southeast corner of W Michigan Ave. and Emerald Ave. The owner of the property (Rita Askler Trust, represented by OM Group), has accumulated a total of five contiguous parcels at said intersection, with four of the parcels currently zoned B-1 Corridor Commercial District, and the remaining parcel which is the subject of this request (18 Emerald Ave.) zoned R-1B Single-Family Residential District. Figure 1 below illustrates the five parcels under the ownership of the Rita Askler Trust. The four parcels currently zoned B-1 Corridor Commercial District are outlined in blue, with the subject parcel currently zoned R-1B Single-Family Residential outlined in red.

In order to consolidate all of the property held by the Rita Askler Trust into a single parcel, the subject parcel at 18 Emerald Ave. requires a zoning change from its current R-1B Single-Family Residential status to B-1 Corridor Commercial status. To reiterate, the only property that is the subject of this request is Parcel #1840-00-004-0 located at 18 Emerald Ave. Should the rezoning application be approved, the applicant would then combine the five parcels prior to their application for site plan review for the construction of the new Dunkin' Donuts restaurant.

The subject parcel at 18 Emerald Ave. currently contains an abandoned single-family residence. Should the rezoning be approved, the applicant intends to demolish the residence at the site and utilize the property as part of the Dunkin' Donuts restaurant development (likely for landscaping and buffering purposes from the adjacent residential zoning district to the south). Additionally, it should also be noted that the applicant holds ownership over the property at 1479 W Michigan Ave., which contains a single-family residence immediately at the corner of W Michigan Ave. and Emerald Ave. This building and the associated garage are also proposed for demolition to make way for the restaurant. Finally, the applicant noted when speaking with Neighborhood Planning Council (NPC) #5 on January 12, 2026 that both homes are currently vacant, and that no tenants would be displaced as a result of the proposed rezoning and subsequent development.

For informational purposes, Figure 2 below displays the current zoning of the subject parcel, the additional parcels owned by the Rita Askler Trust, and the other parcels in the immediate vicinity.



Figure 1: Aerial view of the subject parcel and those within the immediate vicinity. The subject parcel at 18 Emerald Ave. is outlined in red, while the additional parcels under common ownership and proposed for future development as a Dunkin' Donuts restaurant and drive-thru location are outlined in blue.

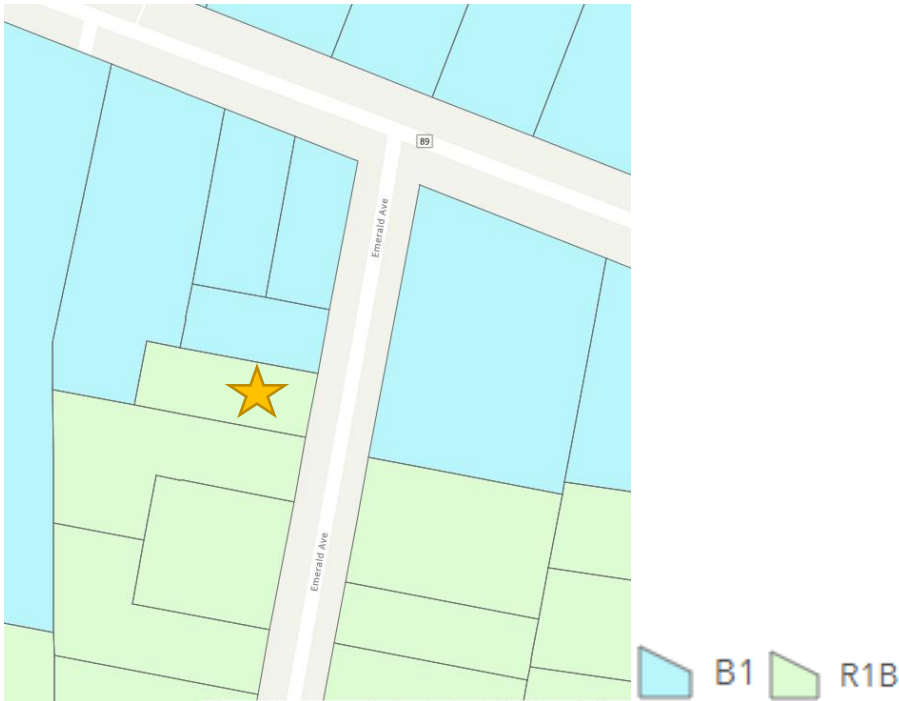


Figure 2: Current zoning of the subject parcel and the surrounding area. Yellow star indicates the location of the subject parcel. Blue parcels indicate property currently zoned B-1, green parcels indicate property currently zoned R-1B.

Applicable Zoning Ordinance Provisions

If approved, the proposed rezoning would change the subject parcel to the B-1 Corridor Commercial District classification, availing the parcel to the permitted uses and dimensional requirements as proscribed by Section 1240.11 (B-1 Corridor Commercial District).

The purpose of the B-1 Corridor Commercial District is as follows:

“It is the purpose of this district to accommodate those retail and business service activities that serve the whole community and the metropolitan region. Such activities require land and structure uses that are typically compact and densely grouped, generating a large volume of pedestrian and vehicular traffic. It is the purpose of these regulations to permit the establishment of a wide variety of business enterprises and to provide flexibility for adaptation to new merchandising techniques.”

Section 1281.01 details the regulations and process related to zoning ordinance and map amendments, and is attached as a supporting document to this staff report. In brief summary, Section 1281.01 requires that a public hearing as required under the Michigan Zoning Enabling Act be sufficiently noticed and held by the Planning Commission, at which time a recommendation is made to the City Commission regarding the amendment. Following the public hearing, the recommendation of the Planning Commission and all pertinent documents are forwarded to the City Commission for consideration, which includes a process requiring two meetings (introduction of the proposed amendment, followed by Commission action on the proposed amendment at the following meeting).

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, and the enabling legislation and case law require that zoning be based upon this master plan. The City of Battle Creek Master Plan was adopted in 2018, and includes a Future Land Use Plan, which is intended to guide decision making with regard to planning and future land use patterns. Additional guidance should come from the goals and vision articulated in the Master Plan.

Figure 3 below is a portion of the Future Land Use Plan depicting the subject property, the surrounding area, and the corresponding legend:



Figure 1: Section of the 2018 Future Land Use Plan depicting the subject properties and surrounding area. The yellow oval on the map indicates the approximate location of the subject and surrounding parcels.

As can be seen, the graphics overlayed onto the map create some legibility issues. However, given the visibility of surrounding lot lines and their location on the map, it appears that the future land use category for the subject parcel is Corridor Commercial, which corresponds with the proposed rezoning to the B-1 Corridor Commercial zoning district.

The Corridor Commercial Place Type is defined as follows:

“The Corridor Commercial Place Type is located along high traffic, arterial roadways which act as primary routes through the community, such as Columbia Avenue. The Place Type acts as a primary shopping district for Battle Creek that offers a mix of day-to-day necessities as well as specialized goods and services. The position and orientation of these areas allow them to conveniently serve multiple residential neighborhoods and area also easily accessible for the entire Battle Creek community. Corridor Commercial allows the greatest flexibility with regards to intensity and scale of development, supporting both smaller, local businesses as well as major national retailers and chain restaurants.”

Additionally, it should be noted that the subject parcel falls within a “Challenged Neighborhood” on the Future Land Use Map, indicating an area that contains or demonstrates early indicators of blight and disinvestment. According to the Master Plan, “Challenged Neighborhoods should be the focus of dedicated efforts to improve conditions and mitigate issues.” The proposed rezoning presents the opportunity to mitigate the impacts of vacant residential structures, while also encouraging needed investment within a Challenged Neighborhood.

Based upon staff’s reading and interpretation of the map, the proposed rezoning of the subject property is consistent with the Future Land Use Plan’s designation as Corridor Commercial. While the Future Land Use Plan is not analogous to the zoning map, consistency between the two provides important context in evaluating a request for rezoning, and can also provide strength for the decision from a legal standpoint should the rezoning be challenged.

Request for Rezoning

After review of the applicant’s proposed use for the property at 18 Emerald Ave., staff believes that the request presents an opportunity to eliminate vacant residential structures that would likely otherwise require monitoring and potential future action at the expense of the city, while also allowing for the consolidation of five parcels at the southwest corner of W Michigan Ave. and Emerald Ave. for the purpose of constructing a new Dunkin’ Donuts restaurant with a drive-thru.

The proposed rezoning would also maintain a contiguous zoning district with the B-1 zoning to the north of the subject parcel (parcels also owned by the applicant), as well maintain consistency with the commercial zoning and development immediately to the east across Emerald Ave.

Public Hearing and Notice Requirements

This request has been scheduled for the January 28, 2026 Planning Commission meeting, with notice of the hearing published in the January 8, 2026 edition of the Battle Creek Shopper. Appropriate notices were also mailed to all property owners within a 300-foot radius of the subject parcel no fewer than 15 days prior to the hearing. Both requirements pursuant to the Zoning Enabling Act of 2006, as amended, have been met.

Neighborhood Outreach

The applicant attended the January 12, 2026 meeting of NPC #5 (Urbandale) to discuss and receive feedback regarding this proposal. Based upon reports from the meeting, the feedback appears to have been generally positive, with the board approving a motion to support the proposal.

Analysis and Recommendation

As this is a rezoning request, consideration should be given to the existing zoning district and the potential effect on the neighborhood, the proposed uses allowed by the new zoning classification as it relates to the surrounding zoning and land uses, existing infrastructure, and consistency with the Master Plan. Staff findings include the following:

- The proposed rezoning of the parcel located at 18 Emerald Ave. from its current classification of R-1B Single-Family Residential District to B-1 Corridor Commercial District aligns with the Future Land Use Plan, as articulated in the adopted 2018 Master Plan.
- The future use of the property as a portion of the proposed Dunkin' Donuts restaurant with a drive-thru would be subject to the typical screening and buffering requirements that are applied during the site plan review process whenever a commercial zoning district or use abuts a residential zoning district or use.
- The existing infrastructure is unlikely to be impacted by the proposed rezoning, as the property immediately to the north along W Michigan Ave. is currently zoned B-1 Corridor Commercial. W Michigan Ave. serves as a major commercial thoroughfare through the Urbandale area, with infrastructure and utilities currently designed to support a variety of both commercial and residential uses in this area.

Based on the above findings, planning staff recommends that the Planning Commission recommend to the City Commission approval of Petition PRZ25-0007, request for rezoning of the property located at 18 Emerald Ave. currently zoned R-1B Single-Family Residential District to the B-1 Corridor Commercial District.

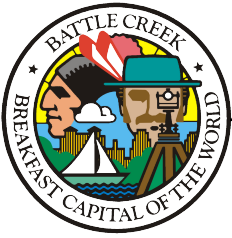
Support Material

Rezoning Application

[Current Zoning Map](#)

Section 1240.11 (B-1 Corridor Commercial District)

Section 1281.01 (Zoning Ordinance/Map Amendments)



CITY OF BATTLE CREEK

COMMUNITY SERVICES DEPARTMENT - PLANNING AND ZONING

Rezoning Application

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

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

Petition No. _____

Date Received: _____

APPLICANT

Name: Jeffery Scott Architects

Address: 32316 Grand River Ave. Suite 200 Farmington, MI 48336

Phone: 248-476-8800 Fax: _____

Email: abader@jscottarchitects.com

OWNER (if different from Applicant)

Name: OM Group

Address: 200 South Frontage Rd. Ste. 310 Burr Ridge, IL 60527

Phone: 630-674-5912 Fax: _____

Email: amit60540@gmail.com

**** 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: 18 Emerald Ave.

It will eventually be combined with 1491 W. Michigan Ave, 1483 W. Michigan Ave., 1479 W. Michigan Ave., and 0 Emerald Ave. to form one lot

Current use of the property: Residential

List existing structures on the property, size, and the approximate age of each: _____

Existing 2 Story House 28'X28' to be removed

Has the 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: _____ Unknown

FOR STRAIGHT REZONING REQUESTS ONLY:

Current zoning of the property: _____ R1B Single Family Residential

Requested zoning district: _____ B1-Corridor Commercial

Describe land uses surrounding the subject property and those in the vicinity: _____

B1-Corridor Commercial & R1B Single Family Residential

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

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: _____

As stated above the subject property will be combined with the other 4 properties (shown on survey) to form one property. Once complete the owner would like to put a Dunkin restaurant with Drive-thru on the site. Hopefully construction could begin in spring 2026.

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

See above

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? _____

None, With the Dunkin approximately 5-7 employees per shift 7 days a week.

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?

If approved the sites will be cleared and the new Dunkin will be constructed including building and site work. Proposed work will be approximately 1.6 Million.

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: _____

Hours TBD. Long-Term Use

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 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.

Andrea Bader

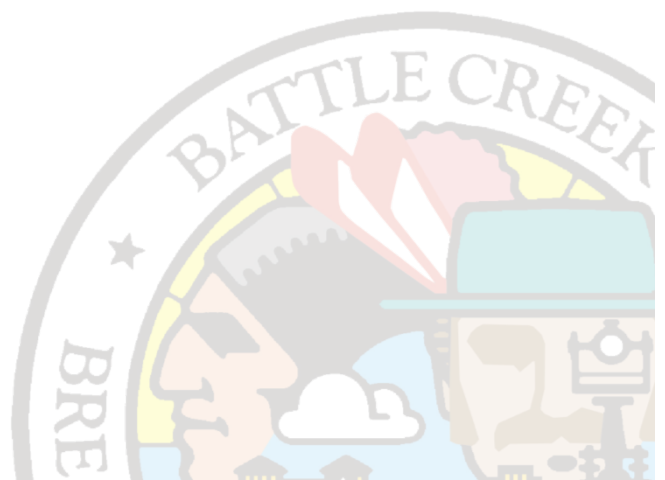
(Signature of the Applicant)

Andrea Bader

(Printed Name of the Applicant)

12/09/2025

(Date)





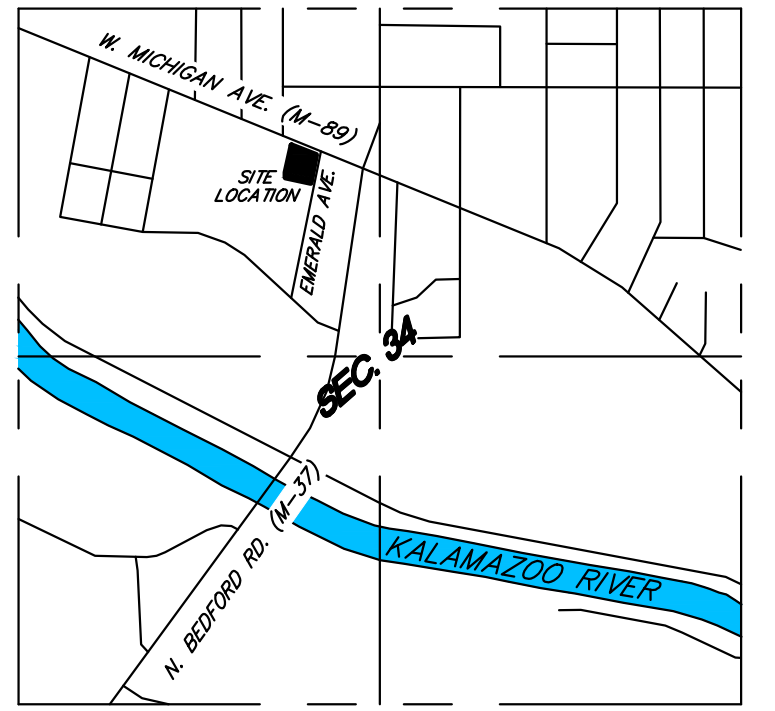
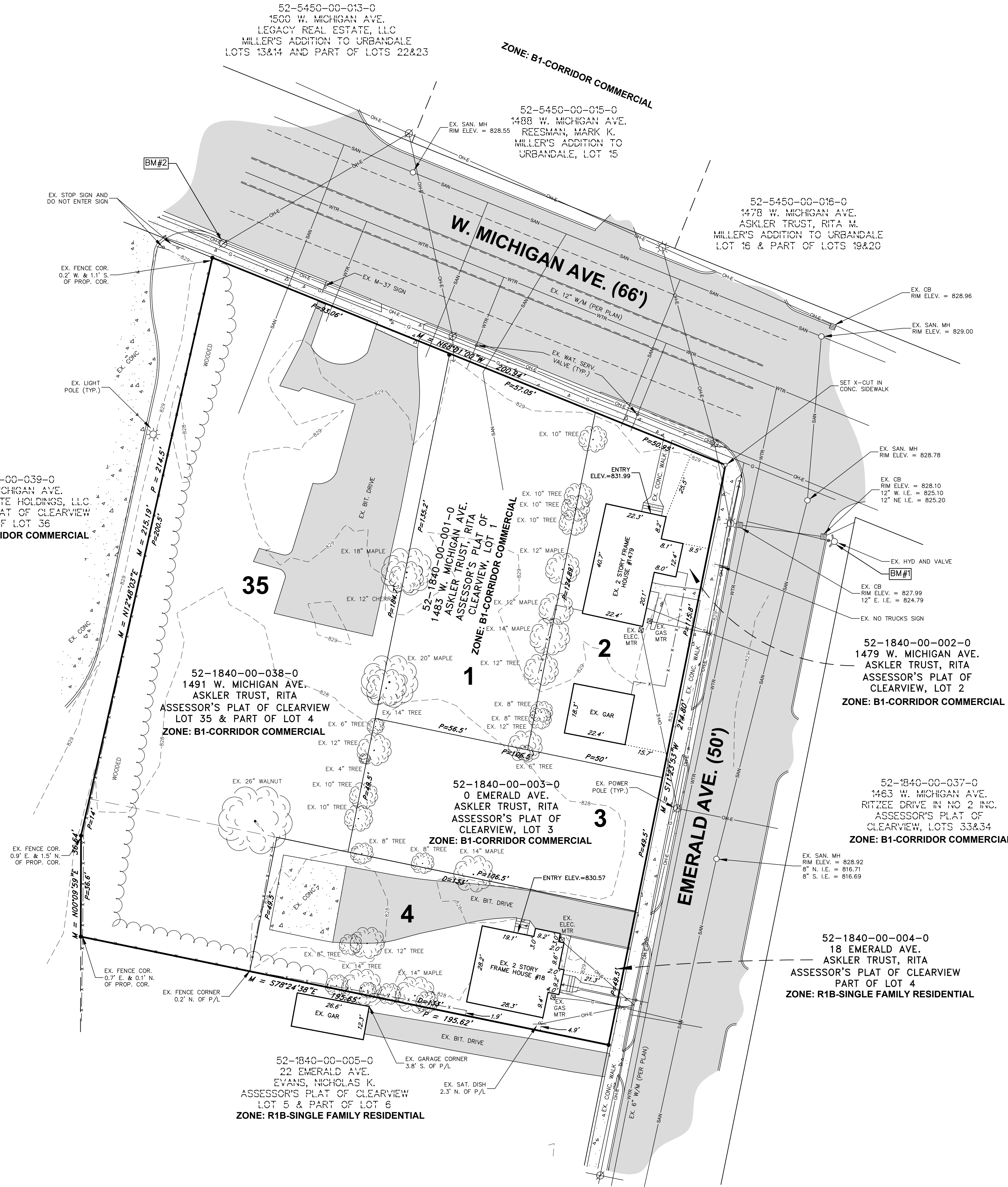
Know what's below.
Call before you dig.

UTILITIES SHOWN ARE FROM FIELD MEASUREMENTS OF VISIBLE EVIDENCE OR AVAILABLE RECORDS. THIS INFORMATION SHOULD NOT BE CONSTRUED TO BE A GUARANTEE OF COMPLETENESS OR ACCURACY. ROOSSEN AND ASSOCIATES TAKE NO RESPONSIBILITY FOR INACCURACIES IN UTILITY MARKINGS OR IN THE INTERPRETATION OF PLANS PROVIDED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF EXISTING UTILITY LINES WHERE THE GRADE IS TO BE LOWERED OR THE EXISTING UTILITIES CROSS PROPOSED UTILITY LINES. NOTIFY THE DESIGN PROFESSIONAL OF ANY CONFLICTS PRIOR TO CONSTRUCTION.

BENCHMARK NO. 1 ELEV. = 830.32'
THE TOP OF THE SE FLANGE BOLT UNDER "E" ON THE HYDRANT LOCATED 19'± E. OF THE C/L OF EMERALD AVE. & 44'± S. OF THE C/L OF W. MICHIGAN AVE. (N.A.V.D. 88)

BENCHMARK NO. 2 ELEV. = 829.62'
THE TOP OF THE RAILROAD SPIKE IN THE E. SIDE OF POWER POLE LOCATED 27'± S. OF THE C/L OF MICHIGAN AVE. & 225'± W. OF THE C/L OF EMERALD AVE. (N.A.V.D. 88)

52-1840-00-039-0
1501 W. MICHIGAN AVE.
BFI REAL ESTATE HOLDINGS, LLC
ASSESSOR'S PLAT OF CLEARVIEW
PART OF LOT 36
ZONE: B1-CORRIDOR COMMERCIAL



LOCATION MAP
NOT TO SCALE

TAX DESCRIPTION OF 1491 W. MICHIGAN AVE.
Assessor's Plat of Clearview, Lot 35, ALSO Lot 4,
EXCLUDING the Easterly 133 feet of Lot 4

TAX DESCRIPTION OF 1483 W. MICHIGAN AVE.
Assessor's Plat of Clearview, Lot 1

TAX DESCRIPTION OF 1479 W. MICHIGAN AVE.
Assessor's Plat of Clearview, Lot 2

TAX DESCRIPTION OF 0 EMERALD AVE.
Assessor's Plat of Clearview, Lot 3

TAX DESCRIPTION OF 18 EMERALD AVE.
Assessor's Plat of Clearview, East 133 feet of Lot 4

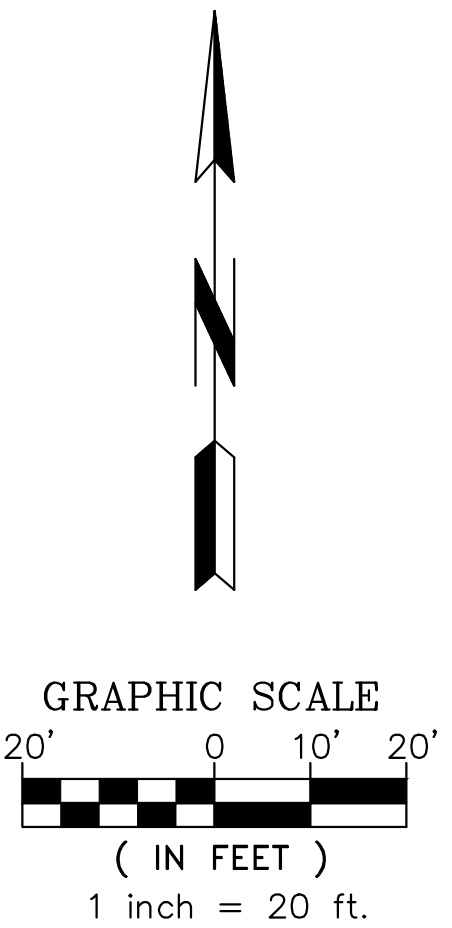
Notes:

1. A title insurance policy was not provided to this office at the time of the survey. One should be obtained to compare for accuracy of legal description and easements of record.

2. I hereby certify that the buildings and improvements are located entirely thereon and that said buildings and improvements are within the property lines and that there are no existing encroachments upon the lands and property described unless otherwise shown hereon.



EXISTING LEGEND	
SURVEY ● SECTION CORNER ● PROPERTY IRON FOUND ○ PROPERTY IRON SET ○ WOOD STAKE SET BM# BENCHMARK M MEASURED DIMENSION R RECORDED DIMENSION D DEEDED DIMENSION P PLATTED DIMENSION	TREES ● CONIFEROUS TREE ○ DECIDUOUS TREE ELECTRICAL ○ UTILITY POLE ○ GUY WIRE ○ LIGHT POLE ○ UTILITY RISER/METER
WATER ○ MANHOLE ● VALVE ○ HYDRANT	STORM SEWER ○ CURB CATCH BASIN ○ ROUND CATCH BASIN ○ FLARED END SECTION
SANITARY SEWER ○ MANHOLE ○ CLEANOUT	MISC ○ MAILBOX ○ UTILITY FLAG ○ SIGN
GRAVEL CONCRETE BITUMINOUS CURB & GUTTER BITUMINOUS VALLEY GUTTER LANDSCAPE CURB CENTER LINE PROPERTY LINE CONTOUR LINE (MAJOR) CONTOUR LINE (MINOR) FENCE TREE LINE WATER MAIN SANITARY SEWER STORM SEWER NATURAL GAS FIBER OPTIC OVERHEAD ELECTRIC UNDERGROUND TELEPHONE UNDERGROUND CABLE UNDERGROUND ELECTRIC	



Letter of Authorization – Jeffery Scott Architects

Rita Askler Trust

Date: December 5, 2025

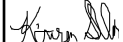
To Whom It May Concern,

As a representative of the Rita Askler Trust, the owner of 18 Emerald Ave Battle Creek, MI 49307 Parcel Number: 52-1840-00-004-0, I hereby authorize Jeffery Scott Architects to act on our behalf in all matters related to the rezoning process for the above-mentioned location. This authorization includes, but is not limited to, submitting plans, responding to comments, coordinating with city officials, and providing any necessary documentation required by the city. Please accept this letter as formal consent for Jeffery Scott Architects to represent Rita Askler Trust throughout the duration of the rezoning process.

Sincerely,


dotloop verified
12/17/25 2:33 PM EST
6PZP-VIBS-MZYT-0VDO

Name: Julie Quinn, Trustee
Address: 1643 Wenonah Lane
Saginaw, MI


dotloop verified
12/17/25 2:35 PM EST
MKIA-0ANS-VEAM-G0NF

Karen Seller, Trustee
196 Feld Avenue
Battle Creek, MI 49017

1240.11 B-1 CORRIDOR COMMERCIAL DISTRICT.**(a) Purpose**

It is the purpose of this district to accommodate those retail and business service activities that serve the whole community and the metropolitan region. Such activities require land and structure uses that are typically compact and densely grouped, generating a large volume of pedestrian and vehicular traffic. It is the purpose of these regulations to permit the establishment of a wide variety of business enterprises and to provide flexibility for adaptation to new merchandising techniques.

(b) Permitted Uses

- Arena/Theater
- Artisan/Maker Space
- Assisted Senior Living (Section 1251.03)
- Automobile Car Wash Establishment (Section 1251.04)
- Automobile or Vehicle Dealership (Section 1251.07)
- Automobile Repair (Section 1251.05)
- Banquet and Meeting Hall (Section 1251.08)
- Bookstore
- Brewpub
- Catering Businesses
- Child Care Centers
- Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13)
- Distillery, Winery - w/ or w/o food
- Drive-Thru Business (Section 1251.14)
- Essential Services
- Event Center
- Financial Institutions
- Funeral Homes, Mortuaries
- Government/Public Uses (Section 1251.16)
- Indoor Recreation
- Institutions of Higher Education
- Pawn Broker
- Private Club
- Private K-12 Schools
- Public K-12 Schools
- Kennels/Veterinarian (Section 1251.23)
- Marihuana: Adult-Use Marihuana Microbusiness (Section 1251.23) (Section 1251.25)
- Marihuana: Adult-Use Marihuana Retailers (Section 1251.24) (Section 1251.25)
- Marihuana: Medical Marihuana Provisioning Center (Section 1251.24) (Section 1251.30)
- Marihuana: Medical and Adult Use Marihuana Safety Compliance Facility (Section 1251.24) (Section 1251.31)
- Marihuana: Medical and Adult Use Marihuana Secure Transporter (Section 1251.24) (Section 1251.32)
- Medical or Dental Clinic =, < 20,000 sq. ft.
- Microbrewery (Section 1251.35)

(c) Special Land Uses

- Adaptive Reuse (Section 1251.01)
- Adult Business (Section 1251.01)
- Automobile Service Station (Section 1251.04)
- Bar, Tavern, or Saloon
- Cemetery (Section 1251.11)
- Hospital > 20,000 sq.ft. (Section 1251.19)
- Nightclub
- Research and Development
- Transportation and Logistics
- Vehicle Repair, Major (Section 1251.54)
- Warehouse
- Wholesale

- Office
- Outdoor Recreation/ Private (Section 1251.36)
- Outdoor Recreation/ Public (Section 1251.36)
- Outdoor Storage (Section 1251.37)
- Personal Service Establishment (Section 1251.40)
- Religious Institutions (Section 1251.42)
- Restaurant
 - o Carry-Out
 - o Drive-In
 - o Drive Thru (Section 1251.14)
 - o Full Service
 - o Limited Service
- Retail Sales
- Self-Storage Facilities (Section 1251.44)
- Vehicle Repair, Minor

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Existing Uses

- Single Family Dwelling Unit Detached

(e) Accessory Uses

- Accessory Buildings (Section 1260.01)
- Food Truck
- Outdoor Storage (Section 1251.37)
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home, 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home, 8-14 Children (Section 1251.46)
- Utility-Scale Solar Energy Facility (Section 1251.52)

(f) Prohibited Uses

- Sale, rental or display of motor vehicles, trailers or boats; and
- Manufacturing and processing establishments not selling their entire output at retail on the premises.

(g) Dimension Regulations

Lot Standards	B-1
Minimum Lot Area (sq. ft.)	Not Required
Maximum Residential Units Per Acre	NA
Minimum Lot Width (ft.)	60
Minimum Lot Depth (ft.)	100 (Section 1240.21(a)(7))
Maximum Percent of Building Coverage	Not Required

Front Yard Setback (ft.)	20	20 of 40
Rear Yard Setback (ft.)	15(h)	
Side Yard Setback (ft.)	15(g)	
Maximum Building Height	45 feet, 3 stories	
Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations. Refer to Chapter 1251 for additional dimensional regulations for specific uses.		

(Ord. 10-2020. Passed 11-24-20; Ord. 04-2021. Passed 4-13-21; Ord. 03-2023. Passed 5-2-23; Ord. 12-2023. Passed 10-17-23; Ord. 02-2024. Passed 4-2-24; Ord. 11-2024. Passed 7-16-24.)

1281.01 ZONING ORDINANCE/ MAP AMENDMENTS.

(a) Initiation. The City Commission may amend, supplement or change the regulations or the district boundaries of this Zoning Code pursuant to the authority and according to the procedure set forth in The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3101 et seq. Changes in the text of this Zoning Code may be proposed by:

- (1) The City Commission;
- (2) The Planning Commission; or
- (3) Any interested person or organization through a petition, which shall not be initiated for the same property more often than once every twelve months.

Changes in zoning district boundaries may be proposed by:

- (1) The City Commission;
- (2) The Planning Commission;
- (3) The owner(s) of the premises concerned; or
- (4) The designated agent of a person having an ownership interest in the property.

(b) Definition. An amendment to this Zoning Code shall be deemed to be any change to the text or to the official map, including:

- (1) Petitions for zoning ordinance amendments; or
- (2) Conditional rezonings.

(c) Amendment Review Procedures. The amendment, be it a text or a map amendment, and application materials shall be prepared in accordance with the provisions of this section, and shall be reviewed in accordance with the following procedure. Amendments or application materials that do not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission.

(1) Technical review. Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate City departments and divisions and staff for review and comment. The proposed amendment and application materials may also be distributed to applicable outside agencies and designated City consultants for review.

(2) Public hearing. A public hearing shall be held for all proposed amendments in accordance with the procedures set forth in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3101 et seq., as summarized below:

A. On any amendment to this Zoning Code, the Planning Commission shall hold a public hearing prior to the amendment being referred to the City Commission for action. A record of the comments received at the public hearing shall become a part of the Planning Commission report and recommendation to the City Commission. The following requirements shall pertain to public hearings held before the Planning Commission:

1. Not less than fifteen-day notice of the date, time and place of the hearing shall be published in a newspaper of general circulation in the City.
2. Not less than fifteen-day notice of the date, time and place of the hearing shall be given, by regular mail, to each public utility company and to each railroad company owning or operating any public utility or railroad within the City that registers its name and mailing address with the City Clerk for the purpose of receiving such notices.
3. Not less than fifteen-day notice shall be given, by regular mail, to the owners of property that is the subject of the request. Notice shall also be given to all persons to whom real property is assessed within 300 feet

of the subject property affected by the amendment, as listed in the most current assessment roll and to the occupants of all structures with 300 feet of the subject property regardless whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, then notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

4. The notice under subsection 3. above is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than fifteen days before the date the request will be considered. If the name of the occupant is not known, then the term "occupant" may be used for the intended recipient of the notice. However, failure of property owners to receive such notice, shall not invalidate the amendment.

5. A notice under this section shall do all of the following:

- a. Describe the nature of the request.
- b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, then other means of identification may be used.
- c. State when and where the request will be considered.
- d. Indicate when and where written comments will be received concerning the request.

6. For any group of adjacent properties numbering eleven or more that is proposed for rezoning, the requirements of above subsection iii), and the requirement of above subsection 5.b., that street addresses be listed do not apply to that group of adjacent properties.

(3) Planning Commission consideration of proposed amendment. The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this section, and shall report its findings and recommendation to the City Commission.

(4) City Commission action on proposed amendment. Upon receipt of the report and recommendation from the Planning Commission, the City Commission may approve or deny the proposed amendment. If determined to be necessary, the City Commission may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the official zoning map, the City Commission shall approve or deny the amendment, based upon its consideration of the criteria contained in this Zoning Code.

A. The City Commission, upon receipt of the Planning Commission study and report, shall publish a notice indicating the proposed amendment, proposed use and affected property in a newspaper of general circulation in the City. Such notice shall be published at least five days before the City Commission meeting, and shall indicate the time, date and place of such meeting.

(d) Standards of Review for Amendments. In considering any petition for an amendment to the text of this Zoning Code or to the zoning map, the Planning Commission and City Commission shall consider the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and City Commission may also take into account other factors or considerations that are applicable to the application but are not listed below.

(1) Consistency with the goals, policies and objectives of the master plan and any sub-area plans. If conditions have changed since the master plan was adopted, consistency with recent development trends in the

area shall be considered.

(2) Consistency with the basic intent and purpose of this Zoning Code.

(3) The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

(4) The capacity of the City's utilities and services are sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.

(5) That conditions have changed since the Zoning Code was adopted or there was an error in the Zoning Code that justifies the amendment.

(6) That the amendment will not be expected to result in exclusionary zoning or spot zoning.

(7) If a rezoning is requested, compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

(8) If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

(9) If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.

(10) If a rezoning is requested, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.

(11) If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

(12) If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.

(e) Notice of Adoption of Amendment. Following adoption of an amendment by the City Commission, one notice of adoption shall be filed with the City Clerk and one notice shall be published in a newspaper of general circulation in the City within fifteen days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3101 et seq. A record of all amendments shall be maintained by the City Clerk. A Zoning Map shall be maintained by the City Clerk, which shall identify all map amendments. The required notice of adoption shall be maintained by the Planning and Zoning Administrator and include all of the following information:

(1) In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the City of Battle Creek."

(2) In the case of an amendment(s) to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).

(f) Referendum.

(1) Within seven days after publication of the Zoning Ordinance, a registered elector residing in the zoning jurisdiction of the City may file with the City Clerk a notice of intent to file a petition under this section, in accordance with Section 401 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3401.

(2) If a notice of intent is filed under subsection (1) above, the petitioner shall have thirty days following the publication of the zoning ordinance to file a petition signed by a number of registered electors residing in the zoning jurisdiction of the City not less than 15% of the total vote cast within the zoning jurisdiction for all candidates for governor at the last preceding general election at which a governor was elected, with the City

Clerk requesting the submission of the zoning ordinance or part of the zoning ordinance to the electors residing in the zoning jurisdiction of the City for their approval, in accordance with Section 402 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3402. ^{24 of 40}

(3) Whenever there is a conflict between this section of the Zoning Ordinance or the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3101 et seq., shall govern.

(g) Conditional Rezoning.

(1) Intent. The Planning Commission and City Commission recognize that, in certain instances, it would be an advantage to both the City and to a property owner seeking rezoning if the property owner proposes certain conditions and limitations as part of a petition for rezoning. Therefore, it is the intent of this section to provide a process consistent with the provision of Section 405 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3405, to permit property owners to offer conditions regarding the use and/or development of land as part of the rezoning request. It is the further intent of this Zoning Code to accomplish, among other things, the objectives of the zoning ordinance and the master plan to achieve integration of the proposed land development project with the characteristics of the surrounding area.

(2) Definitions. The following definitions shall apply in the interpretation of this Section:

A. “Rezoning Conditions” shall mean conditions regarding the development and use of property proposed by the applicant and approved by the City as part of an approval under this section, including review and recommendation by the Planning Commission.

B. “Rezoning with Conditions Agreement” shall mean a written agreement approved and executed by the City and property owner setting forth the conditions attached to the rezoning pursuant to MCL 125.3405 (as amended) and any other terms mutually agreed upon by the parties relative to land for which the City has approved a rezoning with conditions.

C. “Rezoning with Conditions Plan” shall mean a plan of the property which is the subject of a rezoning with conditions, prepared by a Michigan licensed civil engineer or architect, that may show the location, size, height, design, architecture or other measure or feature for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property. The details to be offered for inclusion within the rezoning with conditions plan shall be determined by the applicant, subject to approval of the City Commission after recommendation by the Planning Commission.

D. “Rezoning” shall mean the amendment of this Zoning Code to change the zoning map classification on property from its existing district to a new district classification.

(3) Authorization and eligibility.

A. The standards of this Section shall grant a property owner the option of voluntarily proposing conditions for the development and use of property in connection with a submission of a petition seeking a rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

B. In order to be eligible for consideration of a rezoning with conditions, a property owner must propose a rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific conditions (to be set forth in a rezoning with conditions agreement) that are more strict or limiting than the regulations that would apply to the land under the proposed new zoning district. Such conditions may include, but are not limited to, the following:

1. The location, size, height or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other physical features of the proposed development.

2. Specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular development and/or use. For example: units per acre, maximum usable floor area, or hours of operation.

3. Preservation of open space, natural resources and/or natural features.

4. Improvements to address traffic issues, including paving, substantial improvements to or funding of improvements to major roads to the benefit of the entire City.

5. Site improvements such as signage, lighting, landscaping, building materials for the exterior of some or all structures above and beyond what would otherwise be required by City ordinance.

6. Limitations on permissible uses of the property.

7. Any other conditions that may be voluntarily proposed by the property owner.

(4) Application and review procedures.

A. Application.

1. At the time of making application for amendment of this Zoning Code seeking a rezoning of property, or at a later time during the process of City consideration of such rezoning a property owner may submit a complete application for approval of a rezoning with conditions to apply in conjunction with the rezoning.

2. The application, which may be amended by the applicant during the process of consideration, shall specify the rezoning conditions proposed by the applicant, recognizing that rezoning conditions shall not authorize uses or development not permitted in the district proposed by the rezoning.

3. An application for a rezoning with conditions shall include a rezoning with conditions agreement ("the agreement"). The agreement shall set forth the rezoning conditions and may incorporate a rezoning with conditions plan.

4. The application shall include a notarized signature of the property owner indicating that the conditions attached to the rezoning are voluntarily offered.

B. Planning Commission review.

1. The proposed rezoning with conditions shall be noticed for public hearing before the Planning Commission as a proposed legislative amendment of the zoning ordinance.

2. Following the public hearing, and further deliberations as deemed appropriate by the Planning Commission, the Planning Commission shall make a recommendation to the City Commission on the proposed rezoning with conditions.

C. City Commission review. Upon recommendation by the Planning Commission, the City Commission shall make a final determination to approve or deny the rezoning with conditions as offered by the applicant. The City Commission may only consider the conditions offered by the applicant, and may not attach any other conditions to the rezoning other than those offered by the applicant. The City Commission's deliberations shall include, but not be limited to, a consideration of the review criteria for a rezoning with conditions.

(5) Review criteria. A rezoning with conditions shall only be approved if it meets the following requirements and standards:

A. The proposed rezoning with conditions will further the goals and objectives of the city master plan.

B. Rezoning conditions shall not authorize uses or development not permitted in the district proposed by the rezoning (and shall not permit uses or development expressly or implicitly prohibited in the rezoning with conditions agreement).

C. The use of the property in question shall be in complete conformity with all regulations governing development and use within the zoning district to which the property is proposed to be rezoned, including, without limitation, permitted uses, lot area and width, setbacks, height limits, required facilities, buffers, open space areas, and land use density; provided, however, the following shall apply:

1. Development and use of the property shall be subject to the more restrictive requirements shown or specified in the rezoning with conditions agreement, and/or in other conditions and provisions set forth in the rezoning with conditions agreement required as part of the rezoning with conditions approval. Such rezoning with conditions agreement shall supersede all inconsistent regulations otherwise applicable under the zoning ordinance. 26 of 40

2. As part of the grant of final approval of a rezoning with conditions, the City Commission shall be authorized to grant modifications to the strict terms of the zoning ordinance governing dimensional requirements on the property; provided, such authorization to grant modifications shall be conditioned upon the City Commission finding that each zoning ordinance provision sought to be modified will result in an enhancement of the development that would be in the public interest, and that approving the modification would be consistent with the city master plan and compatible with the surrounding area.

D. The proposed rezoning with conditions will result in integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence Of the use of a rezoning with conditions.

E. As compared to the existing zoning and considering the site-specific conditions and/or land use proposed by the applicant, it would be in the public interest to grant the rezoning with conditions. In determining whether approval of a proposed application would be in the public interest, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against and be found to clearly outweigh the reasonably foreseeable detriments, taking into consideration reasonably accepted planning, engineering, environmental and other principles, and also taking into consideration the special knowledge and understanding of the City by the City Commission and Planning Commission.

F. The proposed conditions will not preclude future zoning and planning actions by or on behalf of the municipality.

G. Existing and available public services will be capable of serving proposed or potential development that will occur as a result of the rezoning with conditions without negatively impacting the delivery of public services to other properties in the City, or the conditions will ensure that public services will be sufficient to serve both the site and other properties in the City.

H. The offered condition(s) are beneficial to the public good and likely to be enforceable.

I. The condition does not have the same effect as a use variance.

J. The proposed conditions do not relieve the applicant of the responsibility of securing any applicable site plan, plat, condominium, or special land use approvals.

(6) Effect of approval. Approval of the rezoning with conditions and rezoning with conditions agreement confirms only the rezoning of the property, subject to any conditions reflected in the rezoning with conditions agreement and after recordation as set forth in subsection (8) below. Any applicable site plan, plat, condominium, special land use, or variance approvals shall be required before any improvements to the property may be undertaken.

If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to "CR Rezoning with Conditions". The zoning map shall specify the new zoning district plus a reference to "CR" e.g., the district classification for the property might be "B-1, Corridor Commercial District (CR, Rezoning with Conditions)", with a zoning map designation of "B-1/CR." Use of the property so classified and approved shall comply with the conditions set Forth in the rezoning with conditions agreement. No development or use of the land inconsistent with the conditions of the rezoning with conditions agreement shall be permitted.

(7) Compliance with conditions.

A. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the rezoning with conditions agreement. Any failure to comply with a condition contained within the rezoning with conditions agreement shall constitute a violation of this Zoning Code and shall be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

B. No permit or approval shall be granted under this Zoning Code for any use or development that is contrary to an applicable rezoning with conditions agreement.

(8) Period of approval.

A. The rezoning with conditions and agreement shall expire after a period of one year from the effective date of the rezoning unless substantial progress towards obtaining site plan and other required approvals has been made, and shall expire after a period of two years unless development of the property is substantially begun within such two year period and proceeds diligently and in good faith as required by ordinance to completion.

B. In the event substantial progress towards obtaining site plan and other required approvals has not commenced within one year and bona fide development has not commenced within two years from the effective date of the rezoning, the rezoning with conditions and the rezoning with conditions agreement shall be void and of no effect.

C. The property owner may apply for a one year extension two times. The request must be submitted to the Planning Division before the approval time limit expires. The property owner must demonstrate why the extension should be granted, and must also demonstrate that there is a strong likelihood that the development or use will commence within the period of extension and proceed diligently thereafter to completion, and if the City Commission finds that there has not been a change in circumstances that would render the rezoning with conditions incompatible with adjacent or nearby use and zoning of land or is otherwise inconsistent with sound zoning policy.

An extension request shall be considered by the City Commission following a recommendation by the Planning Commission.

D. If the rezoning with conditions becomes void in the manner provided in this section, the following procedures shall apply:

1. The property owner may seek a new rezoning of the property within thirty days of the expiration of the period of approval.

2. If no application is made for a new rezoning of the property, the land shall revert to its former zoning classification as set forth in MCL 124.3405(2) (as amended). The City Commission shall direct the Planning Commission to proceed with consideration of rezoning the land to its former zoning designation following the standard rezoning procedures set forth in this Zoning Code.

3. Until such time as a new zoning district classification of the property has become effective, no development shall be undertaken or permits for development issued.

(9) Rezoning with conditions agreement requirements. A rezoning with conditions agreement shall be executed between the applicant and the City at the time of City Commission approval of a rezoning with conditions.

A. Rezoning with conditions agreements shall, at a minimum, contain all of the following items:

1. Identification of the requested zoning district and a listing of the conditions offered by the applicant.

2. A statement acknowledging that the rezoning with conditions was proposed by the applicant, and, further agreement and acknowledgment that the conditions and rezoning with conditions agreement are authorized by all applicable state and federal law and constitution, and that the agreement is valid and was entered into on a voluntary basis and represents a permissible exercise of authority by the City.

3. Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the rezoning with conditions agreement. 28 of 40

4. Agreement and understanding that the approval and rezoning with conditions agreement shall be binding upon and inure to the benefit of the property owner and City, and their respective heirs, successors, assigns, and transferees.

5. The date upon which the rezoning with conditions becomes void, as specified in Section 1281.01(g)(8). If the City Council grants an extension of approval, a new rezoning with conditions agreement with the new expiration date shall be recorded.

6. Agreement and understanding that, if a rezoning with conditions becomes void in the manner provided in Section 1281.01(g)(8), no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.

7. Agreement and understanding that each of the requirements and conditions in the rezoning with conditions agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.

8. A legal description of the property affected by the rezoning with conditions.

9. Development regulations affected by the conditions of rezoning, including but not limited to density, setbacks, height, site coverage, signs, parking, architecture, etc.

10. Revocation of approval provisions returning the property to its original zoning designation if the developer violates the terms of the agreement.

B. A rezoning with conditions plan may be included as an exhibit to the agreement. The rezoning with conditions plan may show the conceptual layout of the proposed development or use, along with any other information deemed relevant by the applicant. Inclusion of a rezoning with conditions plan as an exhibit to a rezoning with conditions agreement shall not replace the requirement for preliminary and final site plan, subdivision, condominium, special land use or variance review and approval.

(10) Amendment of rezoning with conditions agreement. Amendment of a rezoning with conditions agreement shall be proposed, reviewed and approved in the same manner as a new rezoning with conditions.

(11) Recordation of rezoning with conditions agreement. A rezoning with conditions shall become effective following publication in the manner provided by law, and, after recordation of the rezoning with conditions agreement, whichever is later. All rezoning with conditions agreements shall be recorded with the Calhoun County Register of Deeds.

(12) Termination. The City Commission shall be the only body with the authority to terminate a rezoning with conditions agreement. The consideration to terminate the agreement shall be for reasons of expiration of the agreement, discovery of false information upon which the initial approval was based, or the existence or discovery of new information that alters the viability of the approved rezoning. The termination shall comply with any applicable provisions of this Zoning Code or the rezoning with conditions agreement. If the agreement is terminated, the City shall follow the procedures in Section 1281.01 (g)(8)D.

(13) City right to rezone. Nothing in the rezoning with conditions agreement or in the provisions of this section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a rezoning with conditions to another zoning classification. Any such rezoning shall be conducted in compliance with this Zoning Code and the Michigan Zoning Enabling Act.

(14) If land that is subject to a rezoning with conditions agreement is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no rezoning with conditions agreement, the rezoning with conditions agreement attached to the former zoning classification shall cease to be

in effect. In such a case, the Planning and Zoning Administrator or their designee shall record with the Calhoun County Register of Deeds a notice that the rezoning with conditions is no longer in effect upon the property owner's written request.

(h) Fees. Petitions for an amendment to this Zoning Code shall be accompanied by a fee as prescribed in the schedule provided for in Section 802.24 . Such fee is applicable when filing a petition for zoning reclassification or special use permits and is nonrefundable.

(i) Protest Petition. An amendment to a zoning ordinance is subject to a protest petition under Section 1281.08 .

(j) An amendment to conform a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the City Commission and the notice of the adopted amendment published without referring the amendment to any other board provided for under this chapter.

(Ord. 10-2020. Passed 11-24-20; Ord. 12-2023. Passed 10-17-23.)



Battle Creek City Planning Commission

Staff report for the January 28, 2026 meeting

To: Planning Commissioners

From: Travis Sullivan, Planning and Zoning Administrator

Subject: Text Amendment A26-01, Zoning Ordinance Text Amendments

Summary

Planning and Zoning staff recommends that the Planning Commission consider two text amendments to the City of Battle Creek Zoning Ordinance in response to a recent inquiry regarding the proposed redevelopment of the of the former Lone Star Steakhouse Site at 50 Knapp Dr. Proposed amendments to the zoning ordinance include the following:

- **Section 1240.12 (B-2 Regional Commercial District)** – Text amendment to the dimensional regulations within the B-2 district to increase the building height limit from 50 feet to 60 feet, and to eliminate the limit on the number of stories (currently limited to 3 stories).
- **Section 1251.20 (Hotel)** – Text amendment to Section 1251.20 to eliminate the density limit on hotels within the city (800 square feet of lot area for each guest unit).

Taken together, the two proposed amendments would meet the needs of the interested developer, while serving as a springboard toward a more comprehensive review of the both the B-2 zoning district as well as the entire Beckley Rd. / SW Capital Ave. corridor in order to better align the city's zoning regulations with the vision articulated in the approved 2025 Lakeview District Subarea Plan.

Background Information

Staff was approached during the month of December 2025 by a developer with interest in redeveloping the site of the former Lone Star Steakhouse at 50 Knapp Dr. for the purpose of constructing a new 103-unit LivSmart Studios by Hilton extended stay hotel location.

In order to attain the minimum necessary specifications to which LivSmart locations are constructed, the two text amendments described within the Summary section of this report are needed. To be clear, while the proposed redevelopment of the site at 50 Knapp Dr. serves as the impetus for these proposed amendments, the amendments are not specific to the property in question, and would apply generally to all properties within the city currently zoned B-2 Regional Commercial District as well as all hotels within the city.

Proposed Changes

Should the proposed amendments be approved by the City Commission, the changes would allow for the construction of a new 5-story, 60-foot tall LivSmart Studios hotel, which would feature 103 guest units.

Under the current regulations, Section 1240.12 limits the height of buildings within the B-2 zoning district to 50 feet and not more than 3 stories. Additionally, Section 1251.20 limits the number of units within a hotel in the city to not more than one unit per every 800 square feet of lot area. The regulations, as currently written, would restrict the proposed LivSmart Studios to not more than 50 feet in building height and not more than 3 stories, while also limiting the number of units at the site to approximately 77 guest units. Elimination of these regulations could help to position the city (and particularly the Lakeview area along the Beckley Rd. and SW Capital Ave. corridor) more competitively for possible future hotel developers with interest in the Battle Creek area.

It will be important for the Planning Commission to consider the proposed amendments within the context of the proposed redevelopment. The proposed project would provide the benefit capturing needed new inventory of modern hotel rooms within the city that, in the past, have generally chosen to congregate outside of the city limits within the surrounding townships. Additionally, redevelopment of the site at 50 Knapp Dr. would relieve of the city of a building which has now been vacant for a number of years and presents the prospect of increased monitoring and potential blight. Finally, the potential developer of the property is offering the existing building to the city's fire department to be used for training exercises prior to the structure's final demolition.

With regard to the proposed elimination of the hotel density limits established in Section 1251.20, staff feels it will be important for commissioners to keep in mind that minimum parking standards will still apply to the all newly proposed hotels within the city, as well as the current requirement that a property measure at least 1-acre in area and not less than 150 feet in width in order to allow for new hotel development. These standards on their own serve to limit the density and location of hotels to sites which are large to enough to accommodate the necessary parking for the use (1 parking space for each guest unit), without the need for the somewhat more "artificial" cap of 800 square feet of lot area per unit.

Each of the proposed amendments described within this report also represent the beginning of the process of creating increased flexibility for new development and redevelopment within the Beckley Rd. and SW Capital Ave. corridors as identified in the adopted in 2025 Lakeview District Subarea Plan.

A complete redlined copy of the proposed amendments has been included as an attachment to this staff report, along with a clean copy with the proposed amendments.

Recommendation

Staff recommends that the Planning Commission host a public hearing for the purpose of entertaining discussion regarding the proposed zoning ordinance text amendments. Following the hearing, the Planning Commission will be asked to provide a recommendation to the City Commission regarding the proposed text amendments.

Support Material

Section 1240.02 (redline copy)

Section 1240.02 (clean copy, with proposed amendments)

Section 1251.20 (redline copy)

Section 1251.02 (clean copy, with proposed amendments)

1240.12 B-2 REGIONAL COMMERCIAL DISTRICT.**(a) Purpose**

It is the purpose of this district to accommodate those specialized retail and business service activities herein specified that serve the whole community, as well as persons traveling on interstate highways, and typically may be grouped around a major interstate highway interchange (I-94) generating a considerable volume of vehicular traffic. It is the purpose of these regulations to permit the establishment of a limited variety of business enterprises and to provide flexibility for adaptation to new merchandising techniques as may develop, particularly where the use of motor vehicles is involved. In order to utilize the full potential effectiveness of this District, certain functions that would operate more effectively in other districts and that would interfere with the general business effectiveness of this District have been intentionally excluded.

(b) Permitted Uses

- Arena/Theater
- Artisan/Maker Space
- Assisted Senior Living
- Automobile Car Wash Establishment (Section 1251.04)
- Automobile or Vehicle Dealership (Section 1251.07)
- Automobile Repair (Section 1251.05)
- Automobile Service Station (Section 1251.06)
- Banquet and Meeting Hall (Section 1251.08)
- Bar, Tavern, or Saloon
- Bookstore
- Brewpub
- Catering Businesses
- Child Care Centers
- Convalescent Home, Nursing Home, or Home for the Aged (Section 1251.13)
- Distillery, Winery - w/ or w/o food
- Drive-Thru Business (Section 1251.14)
- Essential Services
- Event Center
- Financial Institutions
- Funeral Homes, Mortuaries, and Crematoriums
- Government/Public Uses (Section 1251.16)
- Greenhouse / Nursery (Principal Use)
- Hospital > 20,000 sq.ft. (Section 1251.19)
- Hotel (Section 1251.20)
- Indoor Recreation
- Institutions of Higher Education
- Kennels/Veterinarian (Section 1251.23)
- Marihuana: Adult-Use Marihuana Microbusiness (Section 1251.24) (Section 1251.26)
- Marihuana: Adult-Use Marihuana Retailers (Section 1251.24) (Section 1251.25)
- Marihuana: Medical Marihuana Provisioning Center (Section 1251.24) (Section 1251.30)
- Marihuana: Medical and Adult Use Marihuana Safety Compliance Facility (Section 1251.24) (Section 1251.31)

(c) Special Land Uses

- Adaptive Reuse (Section 1251.01)
- Cemetery (Section 1251.11)
- Parking as a Principal Use
- Transportation and Logistics
- Vehicle Repair, Major (Section 1251.54)
- Warehouse
- Wholesale

- Marihuana: Medical and Adult Use Marihuana Secure Transporter (Section 1251.24) (Section 1251.32)
- Medical or Dental Clinic < = 20,000 sq .ft.
- Microbrewery (Section 1251.35)
- Motel (Section 1251.34)
- Nightclub
- Office
- Outdoor Recreation/ Private (Section 1251.36)
- Outdoor Recreation/ Public (Section 1251.36)
- Pawn Broker
- Personal Service Establishment (Section 1251.39)
- Private Club
- Private K-12 Schools
- Public K-12 Schools
- Religious Institutions (Section 1251.42)
- Research and Development
- Restaurant
 - o Carry-Out
 - o Drive-In
 - o Drive Thru (Section 1251.14)
 - o Full Service
 - o Limited Service
- Retail Sales > 17,000 sq.ft.
- Self Storage Facilities (Section 1251.44)
- Vehicle Repair, Minor

Refer to Section 1230.06 for definitions of uses and refer to Chapter 1251 for development standards for specific uses.

(d) Existing Uses

- Single Family Dwelling Unit Detached

(e) Accessory Uses

- Accessory Buildings (Section 1260.01)
- Food Truck
- Outdoor Storage (Section 1251.37)
- Private Gardens (Section 1251.41)
- State Licensed Child Care Family Home 1-7 Children (Section 1251.45)
- State Licensed Child Care Group Home 8-14 Children (Section 1251.46)
- Utility-Scale Solar Energy Facility (Section 1251.52)

(f) Dimension Regulations

Lot Standards	B-2
Minimum Lot Area (sq. ft.)	25,000
Maximum Residential Units Per Acre	NA
Minimum Lot Width (ft.)	150

Minimum Lot Depth (ft.)	100 (Section 1240.21(a)(7)) ^{35 of 40}
Maximum Percent of Building Coverage	Not Required
Front Yard Setback (ft.)	35
Rear Yard Setback (ft.)	20
Side Yard Setback (ft.)	20
Maximum Building Height	60 50 feet, 3-stories
Footnotes: Refer to Section 1241.03 Footnotes to Schedule of Regulations wherever a footnote is referenced in lowercase letters in parentheses after one of the dimension regulations. Some uses have specific standards that overrule the dimensional regulations above under Section 1241.07. Refer to Chapter 1251 for dimensional regulations for specific uses.	

(Ord. 10-2020. Passed 11-24-20; Ord. 04-2021. Passed 4-13-2021; Ord. 03-2023. Passed 5-2-23; Ord. 12-2023. Passed 10-17-23; Ord. 02-2024. Passed 4-2-24; Ord. 11-2024. Passed 7-16-24.)

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1251.20 HOTEL.

(a) Minimum Lot Area and Lot Width. The minimum lot area shall be one acre with a minimum width of 150 feet, ~~provided that there shall be not less than 800 square feet of lot area for each guest unit.~~

(b) Lighting. No lighting shall have a source of illumination visible outside of the boundaries of the lot. Such lighting shall, in no way, impair safe movement of traffic on any street or highway. No lighting shall shine directly on adjacent properties.

(Ord. 10-2020. Passed 11-24-20.)

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