

**CITY OF BATTLE CREEK
PLANNING COMMISSION
10 North Division, Battle Creek, MI 49014
Minutes for Wednesday, February 23, 2022**

MEETING CALLED TO ORDER:

By Commissioner Gray at 4:01 p.m. This meeting was held in person.

ATTENDANCE: Commissioner Lynn Ward Gray asked for a roll call attendance.

Commission Members Present:

Comm. Newman , present, in Battle Creek	Comm. Gray , present, in Battle Creek
Comm. Spranger , present, in Battle Creek	Comm. Laws present, in Battle Creek
Comm. Sobieralski , present, in Battle Creek	Vice Mayor Faris , absent, in Battle Creek
Comm. Godfrey III present, in Battle Creek	Mayor Benhke , present, in Battle Creek

Commissioners Absent: Vice Mayor Faris.

Staff Present: Marcel Stoetzel, Deputy City Attorney, Susan Cronander, Planning Administrator and Travis Sullivan, Planner, Vanessa Hernandez, CSR II,

APPROVAL OF MINUTES: Previous meeting minutes submitted for approval for December 15, 2021 meeting.

MOTION MADE BY COMMISSIONER NEWMAN TO APPROVE THE DECEMBER 15, 2021 MEETING MINUTES AS SUBMITTED. SECONDED BY COMMISSIONER GODFREY.

**ROLL VOTE: Commissioner Gray asked everyone in favor to signify by saying “aye”:
ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.**

CORRESPONDENCE: On February 17, the Planning Department received correspondence from the owner of 500 Country Pine Ln. stating the property owner’s desire to contest #S-01-22 request based upon concerns regarding traffic and parking issues

ADDITIONS/DELETIONS: None

PUBLIC HEARINGS/DELIBERATIONS:

Commissioner Gray asked to open the public hearing for item 6A (#Z-01-22) on the agenda.

A.) ZONING MAP AMENDMENT #Z-01-22:

Request from the City of Battle Creek, requesting a rezoning for the following addresses 421 and 425 NE Capital Ave. as well as 427 and 429 NE Capital Ave. The request is for a rezoning of the addresses. Properties are zoned “R-1B Single Family Residential District,” pursuant to Sec. 1281.01 of the zoning code. With the request to rezone the properties to “T-3 Neighborhood Commercial District,” pursuant to Sec. 1240.13. Parcel # 3200-00-014-and Parcel # 3200-00-015-0.

Staff Presentation: Travis Sullivan, Planner, gave the staff report presentation. Stated staff recommends approval of the rezoning request. Stated that this item was brought to staff attention in November 2021, by a property owner of an affected parcel. Looking back historically has been zoned for commercial usage.

Staff views this as a cleanup item, instead of having the property owner apply, it was brought forward by the staff.

Commissioner Gray asked if there were any public comments.

Public Comments: None

MOTION MADE BY MAYOR BENKHE AND SECONDED BY COMMISSIONER LAWS TO APPROVE #Z-01-22 ZONING MAP AMENDMENT FOR REZONING OF PARCELS AT THE INTERSECTION OF MCKINLEY AVENUE AND CAPITAL AVENUE NE, INCLUDING 421 AND 425 CAPITAL AVENUE NE (PARCEL #3200-00-014-0) AND 427 AND 429 CAPITAL AVENUE NE (PARCEL #3200-00-015-0) FROM THE R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE T-3 NEIGHBORHOOD COMMERCIAL DISTRICT.

Planning Commission Discussion: None

ROLL VOTE: ALL IN FAVOR, NONE OPPOSED, MOTION APPROVED.

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B.) SPECIAL USE PERMIT #S-01-22: Petition from MI Mood, LLC, Doctor Marjuaneh Rouhani, requesting a Special Use Permit for property located at 300 Country Pine LN. The request is for an assisting living facility for seniors 55 years and older. Property is zoned “T-3 Neighborhood Commercial District” pursuant to Sec. 1251.02 & 1281.05 of the zoning code. Parcel # 0635-24-373-0.

Staff Presentation: Travis Sullivan, Planner, gave the staff report presentation. Stated that, Marjaneh Rouhani, owner of MI Mood, Inc. is requesting a Special Use Permit to allow for a new home for the aged within an existing building at 300 Country Pine Lane, located in a T-3 Neighborhood Commercial district. Staff would recommend as a further condition of any recommendation for approval that the applicant clearly represent on the site plan the location of a loading/unloading area, which should be of adequate dimension and turning radius to allow for emergency vehicle access.

Commissioner Gray asked if the petitioner or anyone on behalf of the petition #S-01-22 was present to speak.

Applicant: Ms. Marjuaneh Rouhani, 300 Country Pine LN, MI, was present and stated she is asking for a special use for an existing building located at 300 Country Pine LN, for an assisting living facility for seniors. She shared that psychiatry is her practice and passion of helping and caring for the elderly.

Public Comments: None, closed the public hearing.

MOTION MADE BY COMMISSIONER GODFREY AND SECONDED BY COMMISSIONER SPRANGER TO APPROVE #S-01-22 SPECIAL USE PERMIT FOR A SPECIAL USE FOR AN ASSISTED LIVING FACILITY FOR SENIORS IN A “T-3 NEIGHBORHOOD COMMERCIAL DISTRICT” WITH THE CONDITIONS OUTLINED IN THE STAFF REPORT.

Planning Commission Discussion:

COMMISSIONER SOBIERALSKI asked if there will be a dining room.

COMMISSIONER GODFREY asked if applicant was managing or hiring management.

COMMISSIONER GRAY asked applicant should this special request pass, if she understands the conditions.

COMMISSIONER GRAY asked for any other comments, with none she asked the roll to be taken.

ROLL VOTE: SEVEN IN FAVOR, NONE OPPOSED, MOTION APPROVED.



C.) SPECIAL USE PERMIT #S-02-22:

Petition from Green Buddha of Sturgis, LLC, Luke Samona, of 1100 West Maple Road, Troy Michigan 48084, requesting a special use approval for property located at 665 Capital Ave SW. The request is for an adult Marihuana Retail Establishment. Property is zoned “T-3 Neighborhood Commercial District,” pursuant to Sec. 1251.24 and 1281.05 of the zoning code. Parcel # 7320-14-506-0.

Staff Presentation: Susan Cronander, Planning Administrator, gave the staff report presentation. Stated that the request meets the general standards and the staff is recommends approval with conditions (1-4) outlined in the report. She stated that the Planning Commission can add additional conditions to those listed above in the staff recommendation

Commissioner Gray asked if the petitioner or anyone on behalf of the petition #S-02-22 was present to speak.

Applicant: Mr. Paul Weisberg, 1100 West Maple Road, Troy Michigan 48084, was present representing applicant, and a minority owner, and stated that they have various retails in the state of Michigan.

Public Comments: None, closed the public hearing.

MOTION MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER GODFREY TO APPROVE #S-02-22 SPECIAL USE PERMIT FOR A SPECIAL USE FOR AN ADULT MARIHUANA RETAIL ESTABLISHMENT IN A “T-3 NEIGHBORHOOD COMMERCIAL DISTRICT” WITH THE CONDITIONS OUTLINED IN THE STAFF REPORT.

Planning Commission Discussion:

COMMISSIONER GRAY asked applicant should this special request pass, if she understands the conditions.

COMMISSIONER GODFREY asked applicant how he envisions a successful business with a limited parking area.

COMMISSIONER NEWMAN stated that research shows that customers are in and out of medical marihuana retail stores in 5-8 minutes. Parking lot is becoming less of a concern.

COMMISSIONER GRAY asked for any other comments, with none she asked the roll to be taken.

ROLL VOTE: SEVEN IN FAVOR, NONE OPPOSED, MOTION APPROVED.



D.) SPECIAL USE PERMIT #S-03-22:

Petition from Bob Horn (JLL), requesting a Special Use Permit for property located at 211 Watkins Rd. The request is for a self-served storage facility of multi-sized storage buildings, as well as outdoor

storage for larger seasonal vehicles. Property is zoned “I-2 Heavy Industrial District,” pursuant to Sec. 1251.42 and 1281.05 of the zoning code. Parcel # 0630-18-694-0.

Staff Presentation: Susan Cronander, Planning Administrator, gave the staff report presentation. Stated that the request meets the general standards and staff recommends approval with conditions (1-9) outlined in the report. She stated that the Planning Commission can add additional conditions to those listed above in the staff recommendation.

Commissioner Gray asked if the petitioner or anyone on behalf of the petition #S-02-22 was present to speak.

Applicant: Mr. Bob Horn, 211 Watkins Rd., was present and stated that he did research in this area and community is underserved by self-storage.

Public Comments: None, closed the public hearing.

MOTION MADE BY COMMISSIONER GODFREY TO POSTPONE ACTION AND SECONDED BY MAYOR BENHKE TO POSTPONE #S-03-22 UNTIL JUNE PLANNING COMMISSION MEETING, FOR A SPECIAL USE FOR A SELF-STORAGE FACILITY OF MULTI-SIZED UNITS IN AN “I-2 HEAVY INDUSTRIAL DISTRICT.”

Planning Commission Discussion:

COMMISSIONER SOBIERALSKI stated that there is an active agreement. Land was sold at a discount, remainder of payment remains to be paid. On 4/19/2020 signed an agreement with Industrial Partners. Agreement includes no recreational vehicles.

MARCEL STOETZEL advised that the body will have to figure out how they want to move forward. Recommends that the body considers not taking action at this time, or take more info and adjourn to a specific date for deliberation.

COMMISSIONER GRAY asked Comm. Sobieralski if there was a specific date that he will be appropriate to review his concerns.

COMMISSIONER SOBIERALSKI stated can take a couple of months. This request is against what we have recorded. I can allow more time, but the Fort Cluster agreement and covenant is attached to the sale. We might be wasting time. Recommends 60 days, attorneys will be involved.

ROLL VOTE: SEVEN IN FAVOR, NONE OPPOSED, MOTION TO POSTPONE APPROVED.

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E.) SPECIAL USE PERMIT #S-04-22

Petition from the City of Battle Creek Department of Public Works, Hoffman Bros INC, requesting a Special Use Permit for two vacant properties located at S Helmer Rd. The request is for a Salt Barn-Transportation and Logistics Warehouse. Properties are zoned “B-1 Corridor Commercial District,” pursuant to Section 1250.02, 1251.16 and 1281.05 of the zoning code. Parcel# 0066-00-620-0 and Parcel# 0066-00-590-1.

Staff Presentation: Travis Sullivan, Planner, gave the staff report presentation. Stated that the request meets the requirements for submittal and that the staff recommends approval with conditions (1-2) outlined in the report. **Commissioner Newman** stated that he recuses himself from this request as he is the architect of this project.

Commissioner Gray asked if the petitioner or anyone on behalf of the petition #S-02-22 was present to speak.

Applicant: Commissioner Newman, 117 W Michigan Ave, was present representing the applicant, Department of Public Works, 150 South Kendall Street, and stated that the goal is to move salt storage to a more central area in town.

Public Comments: None, closed the public hearing.

MOTION MADE BY COMMISSIONER LAWS AND SECONDED BY COMMISSIONER SOBIERALSKI TO APPROVE #S-04-22 FOR SPECIAL USE PERMIT FOR A SPECIAL USE FOR SALT BARN-TRANSPORTATION AND LOGISTIC WAREHOUSE IN A “B-1 CORRIDOR COMMERCIAL DISTRICT” WITH THE CONDITIONS OUTLINED IN THE STAFF REPORT.

Planning Commission Discussion:

Commissioner Godfrey stated that he challenged the staff report, and questioned if this request was indeed harmonious and best use of this property.

Planner Sullivan advised that the Planning Commission will have to discuss among the board if it does fit the spirit and approve of the use in the zoning district.

ROLL VOTE: FIVE IN FAVOR, ONE OPPOSED, ONE RECUSED, AND MOTION APPROVED. (COMMISSIONER NEWMAN RECUSED FROM THIS VOTE, COMMISSIONER GODFREY VOTED NO)

OLD BUSINESS: None

NEW BUSINESS:

A) Election of officers for 2022

Mayor Benhke nominated **Commissioner John Godfrey** as **Chair** and **Commissioner Gray** as **Vice Chair**, asked and received with no objection, **Planning Commission** accepted with no objection.

ROLL VOTE: ALL IN FAVOR, NONE OPPOSE, MOTION APPROVED.

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION MEMBERS AND STAFF: None.

ADJOURNMENT:

Chairman Godfrey adjourned the meeting at 5:49 p.m.

Submitted by: Vanessa Hernandez, CSR II, Planning and Zoning
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