

City of Battle Creek Planning / Zoning Div. ANNUAL REPORT

2024

An annual report of the activities and business of the City of Battle Creek Planning Commission, Zoning Board of Appeals, and the Historic District Commission, including departmental responsibilities relative to planning and zoning.



To: Ted Dearing, Interim City Manager
William Kim, City Attorney
Members of the City Commission
Members of the City Planning Commission
Members of the Zoning Board of Appeals
Members of the Historic District Commission

2024 Annual Report of the Planning Department

The Michigan Planning Enabling Act, PA 33 of 2008, as amended, requires that an annual report of Planning Commission activities be prepared for the legislative body that reflects the administration and enforcement of the master plan and zoning ordinance, including recommendations for amendments or supplements to the ordinance.

The Planning Department administers the activities and business for three boards/commissions, all of which are related to goals and objectives in the Master Plan. As such, this report was prepared to highlight the activities of all three boards/commissions, as well as departmental responsibilities and activities relative to planning and zoning. The report includes the following information as follows:

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The statute does not require approval of this report but simply that it is filed with the City Commission.

With this report, we would like to express our sincere appreciation to the citizen volunteers who are an integral part of the City Government and dedicate their time without compensation to make Battle Creek's government reflective of the attitudes and beliefs of all of its residents.

Marcie Gillette
Community Services Director

INTRODUCTION

In 2024, the Planning and Zoning Division staff included a Planning Supervisor, Planning and Zoning Administrator, Planner, Cannabis Coordinator and Administrative Assistant.

The Planning and Zoning Division's primary focus is on long-range planning pertaining to growth and development in the city, particularly around land use, neighborhoods, commerce, industry, infrastructure, natural resources, transportation, and recreation. The Planning and Zoning Division is also now responsible for conducting medical and adult use marihuana reviews for appropriate location and fulfillment of site plan requirements.

The information for 2024 outlined herein is summarized in order of the appropriate board/commission and five-year historical data is included for each type of request. Additional activities and responsibilities that support the implementation of the goals and objectives of the 2018 Master Plan are included at the end of the report.

BOARDS/COMMISSIONS

The Planning and Zoning Division staff are liaisons to the Planning Commission, Zoning Board of Appeals, and the Historic District Commission. This report provides a description of each board and commission and presents five-year historical data on the number and type of petitions each board and commission review.

Planning Commission

The Planning Commission is a nine-member volunteer board appointed by the Mayor and approved by the City Commission. They are responsible for planning the future growth of the community and review of specific development projects including special use permits, zoning ordinance amendments, and property rezoning requests. The Planning Commission also prepares and adopts plans for the city including the Master Plan and Capital Improvement Plan.

The Planning Commission serves in an advisory capacity to the City Commission by holding a public hearing on each request, deliberating on each around a set of standards, and providing a recommendation to the City Commission.

Planning enabling legislation outlines that the Planning Commission should represent a broad spectrum of interests, including industry, transportation, commerce, education, agriculture, etc.; this same statute outlines that the Commission should represent various geographic areas of the city. As provided for by statute, there are two City Commission members appointed to the Planning Commission, each with voting rights, and one member of the Planning Commission that also serves on the Zoning Board of Appeals, though currently this is not the case. A Planning Division staff member serves as the Recording Secretary to the Planning Commission and has no voting rights.

Name	Term Expires
Bill Morris	1/1/2028
John Godfrey	1/1/2026
Patrick O'Donnell (Vice Chair)	1/1/2026
John Hughes (Chair & Secretary)	1/1/2026
Mayor Behnke	1/1/2026
Kristyn Denison	1/1/2027
Tommy Moton	1/1/2027

Alana White	1/1/2027
Lynn Ward Gray	1/1/2027

Table 1. Lists the members of the Planning Commission at the beginning of 2025.

Chart 1 and Table 2 summarize the number and type of petitions received in 2024 and compares them with data from the past four years.

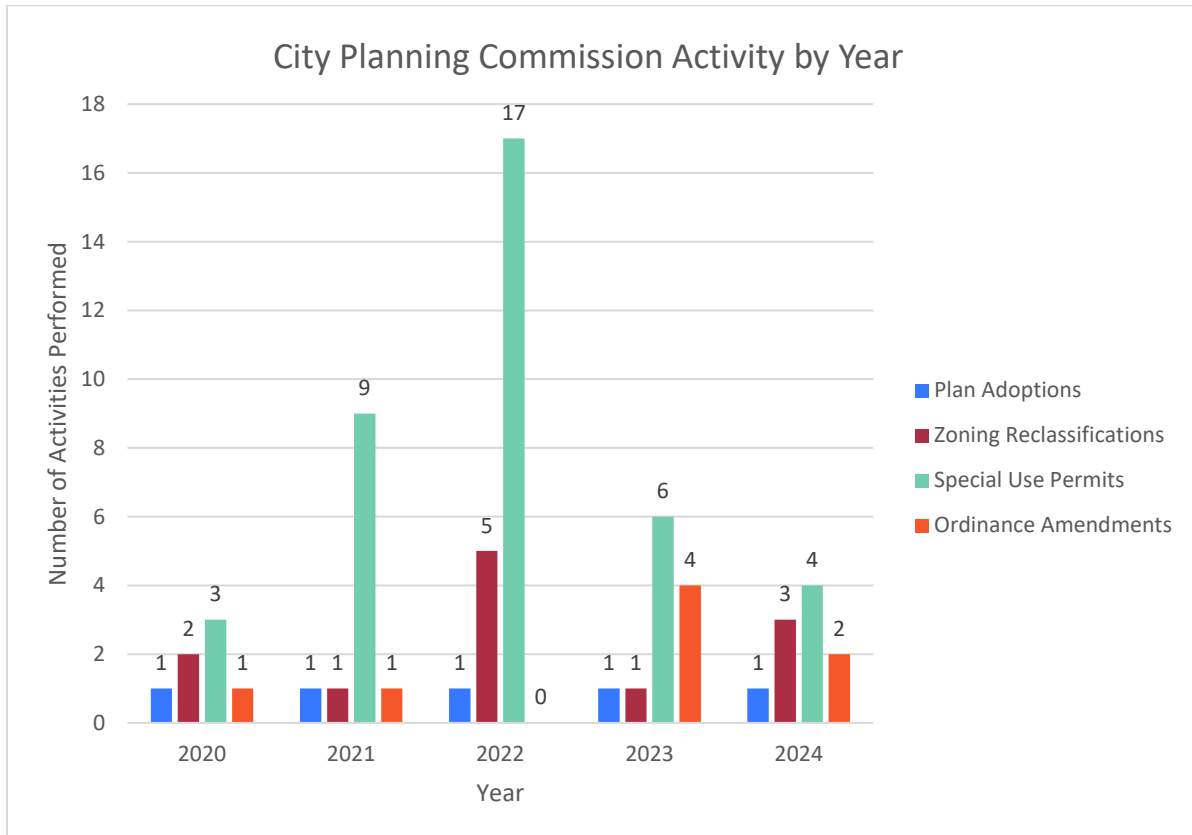


Chart 1. Number and type of petitions received by the Planning Commission from 2020 to 2024.

	2020	2021	2022	2023	2024
Plan Adoptions	1	1	1	1	1
Zoning Reclassifications	2	1	5	1	3
Special Use Permits	3	9	17	6	4
Ordinance Amendments	1	1	0	4	2
Total	7	12	23	12	10

Table 2. Number and type of petitions received by the Planning Commission from 2020 to 2024.

The overall number of petitions reviewed by the Planning Commission has decreased, returning to a level similar to 2020. The continued decrease in special use permits is a result of the ordinance amendments proposed and adopted in 2023 and 2024 that made more uses by right given their frequency, as well as the reduced amount of marihuana applications since 2022.

Pages 5-6 of this document provides details for the petitions shown in the above charts and tables. The types of petition are discussed in detail below.

Special Use Permits

Each zoning district in the zoning ordinance outlines the land uses permitted by right in each district, needing no additional zoning approval. The zoning ordinance also lists special land uses that require special use permits in each district. Special land uses are those uses of land that may be incompatible with the uses permitted in each zoning district, so require review to ensure they would be compatible with surrounding land uses and additional oversight as to how they are implemented.

Special uses permits are subject to a public hearing at the Planning Commission. The zoning ordinance authorizes the City Commission to make final determinations as to the approval, approval with conditions, or denial of special use permits. Special use permits are reviewed for compliance with the eight standards outlined in the ordinance to ensure compliance.

There were four requests for special use permits in 2024 (see pages 5-9 for details).

Rezoning Requests

A property owner typically submits rezoning requests, though the city could initiate such a request. The city evaluates a rezoning petition by looking at the highest and most intensive use of land allowed under the proposed zoning district, zoning districts and land uses of the surrounding properties, and compliance with the Master Plan and future land use map.

A traditional rezoning approval cannot be made with conditions; the zoning district simply changes, and if the request is approved any land uses allowed in the new zoning classification would be allowed on the property. In 2006, the State amended the Michigan Zoning Enabling Act 110 to allow for conditional rezoning in Michigan communities under specified circumstances. A conditional rezoning allows for placing conditions on a rezoning request but with strict limitations and if tied to a specific development and operations plan submitted as part of the application.

There were two requests for rezoning initiated by the city and no requests by property owners in 2024 (see pages 5-6 for details). It should be noted that rezoning request R1-24 represents a singular request that was brought before the Planning Commission for consideration at both the February 2024 meeting and the May 2024 meeting.

Ordinance Amendments

Either the public, staff, or the City Commission can propose an ordinance amendment. The city vets the proposals through the proper channels to determine if the will direct staff to draft the language of the ordinance amendment and take it through the review process. Vetting can take different forms depending on the type of change proposed including significant public outreach typically done at the Master Plan level.

Each ordinance amendment includes research of best practices, review of concerns in current ordinances, and analysis of local conditions to determine what revisions would be appropriate. The city often undertakes community efforts to determine community support or opposition, which will help ensure proposed ordinances are in alignment with both professional recommendations and community perspective.

Staff maintains a list of potential ordinances amendments as they see conflicts recognized during their day-to-day tasks working with the community, developers and business owners. The bulk of these amendments are for clarification and consistency purposes. Based on the upcoming Master Plan update, staff expects a significant number of amendments in the future.

In 2024, there were two proposals to amend the text of the zoning ordinance or other planning related sections of the city code (see pages 5-6 for details).

Capital Improvement Program

Planning enabling legislation requires the preparation and use of a Capital Improvement Plan (CIP) to determine and prioritize the anticipated needs of the city for a six-year minimum time period. Planning Commission review ensures projects are consistent with the goals and objectives of the Master Plan and to reflect the city's most pressing needs, which will best accomplish the vision of the city.

The approval of the CIP does not place any particular project into the budget but only serves as a guideline to determine future budgeting needs. Each year, the intent is to revise the plan to accommodate current or projected future needs.

The preparation of the CIP begins with the engagement of city staff from various departments in a series of meetings intended to evaluate proposed project's compliance and relevance with the goals and objectives of the adopted Master Plan. Each project is evaluated using a scoring matrix intended to accurately prioritize the most needed and relevant projects proposed.

The Planning Commission reviewed the 2025 to 2030 CIP in September of 2024, and the Planning Commission found that the proposed projects included in the plans were consistent with the City of Battle Creek Master Plan, and recommended to City Commission the approval of plan.

At the end of 2024, the Planning Commission and City Commission received a presentation on the proposed 2026-2031 CIP. At the December 2024 regular meeting of the Planning Commission, there was unanimous approval from the Planning Commission to recommend approval of the 2026-2031 CIP to the City Commission.

**Planning Commission
Summary of Year 2024**

Monthly Meeting	Appeal #	Request	Applicant	PC Action	CC Action
February 28, 2024	R1-24	Requesting to rezone properties along E. Michigan Ave., between Caine St. and Stiles St. from R-3 and R1-B to T-3.	Planning & Zoning Division	Denied, will be on future agenda due to community concerns	N/A
	R2-24	Requesting to rezone properties along W. Vanburen St., W Michigan Ave., and W Jackson St. between Cass St. and Wood St from T-3 and R-3 to T-4. In addition, properties along W Michigan Ave. and W Jackson St. between Angell St. and the western boundary of the City to be rezoned from R-3 to T-4.	Planning & Zoning Division	Approved	Approved at 4/2/24 meeting
	A1-24	Request to amend the text of Chapters 1240, 1241, 1251, 1260, and 1281 of the zoning code.	City of Battle Creek	Approved	Approved at 4/2/24 meeting
April 24, 2024	SUP24-0001	Requesting a special use permit for 5470 Glen Cross Rd for a transitional and supportive home for more than 6 persons with both inpatient and outpatient care	A & B Health Interprises Inc.	Approved	Approved at 5/14/24 meeting
May 22, 2024	R1-24	Requesting to rezone properties along E. Michigan Ave., between Caine St. and Stiles St. from R-3 and R1-B to T-3.	Planning & Zoning Division	Denied	Denied at 6/4/24 meeting
June 26, 2024	A2-24 ¹	Request to amend the text of Chapters 1240 and 1263 of the zoning code.	Planning & Zoning Division	Approved	Approved at the 7/16/24 meeting
July 24, 2024	PSUP24-0001 ²	Requesting a special use permit for 13985 S. Helmer Road for a Farmers Market.	Ethan VanderWeele	Approved	Approved at the 8/13/24 meeting

¹ This item is listed on the June 26, 2024 minutes incorrectly as “R1-24”.

² The numbering for special use permit requests restarts here due to a change of how the Planning and Zoning Division records permits in BS&A.

August 28, 2024	PSUP24-0002	Requesting a special use permit for 1439 W Michigan Ave for modifications to an existing Automobile Service Station.	Walters Dimmick Petroleum	Approved	Approved on 9/3/24 meeting
December 18, 2024	PSUP24-0003 ³	Requesting a special use permit for parcel #7260-00-006-0, 492 Capital Ave. SW, for an Adult Use Marihuana Retail Facility	MCIJB Investment, LLC	Denied	Action to be taken in calendar year 2025
	2026-2031 Capital Improvement Program	Public hearing and consideration of a recommendation for approval to the City Commission of the 2026-2031 Capital Improvement Program.	City of Battle Creek	Approved	Action to be taken in calendar year 2025

³ This item is listed in the December 18, 2024 minutes incorrectly as PSUP24-0004.

Zoning Board of Appeals

The Zoning Board of Appeals (ZBA) consists of seven members appointed by the Mayor and approved by the City Commission for three-year, staggered terms. They review and consider all petitions for appeals or variances to the requirements of the zoning ordinance. Variance requests include dimensional variances, such as requests for signage in excess of that which is permitted, reductions in parking or setback requirements, and buildings in excess of the size permitted by the ordinance. The other type of variance request is for a use variance, when one is asking for approval to use the property for something not otherwise permitted by right.

A dimensional variance can be approved by a simple majority of the members of the ZBA, but a use variance requires a two-thirds approval vote from its members. Based on State statute and subsequent case law, persons applying for variances must be able to prove to the ZBA that a “*practical difficulty*” exists if they are compelled to follow the ordinance as it relates to dimensional variances and that an “*unnecessary hardship*” exists in order to qualify for a use variance. The ZBA is also authorized to review appeals from an aggrieved party regarding a decision of the Planning and Zoning Administrator to determine if an interpretation or ruling was sufficient. Under State law, an individual’s appeal of a decision of the Zoning Board of Appeals must be filed in Circuit Court.

The Michigan Zoning Enabling Act of 2006, as amended, allows for one regular member of the Zoning Board of Appeals to act as a member of the Planning Commission. State zoning legislation also provides for the opportunity to appoint two additional “alternate” members.

Name	Term Expires
Noris Lindsey	1/1/2027
James Moreno (Chair)	1/1/2026
Janine Reed	1/1/2026
Reagan Smith	1/1/2026
Jack McCulley	1/1/2026
Todd Artis (Alternate)	1/1/2026
Michael Delaware	1/1/2027
Chris Rogers	1/1/2027

Table 3. Lists the members of the Zoning Board of Appeals at the beginning of 2025.

Chart 2 and Table 4 summarize the number and type of petitions received in 2024 and compares them with data from the past four years.

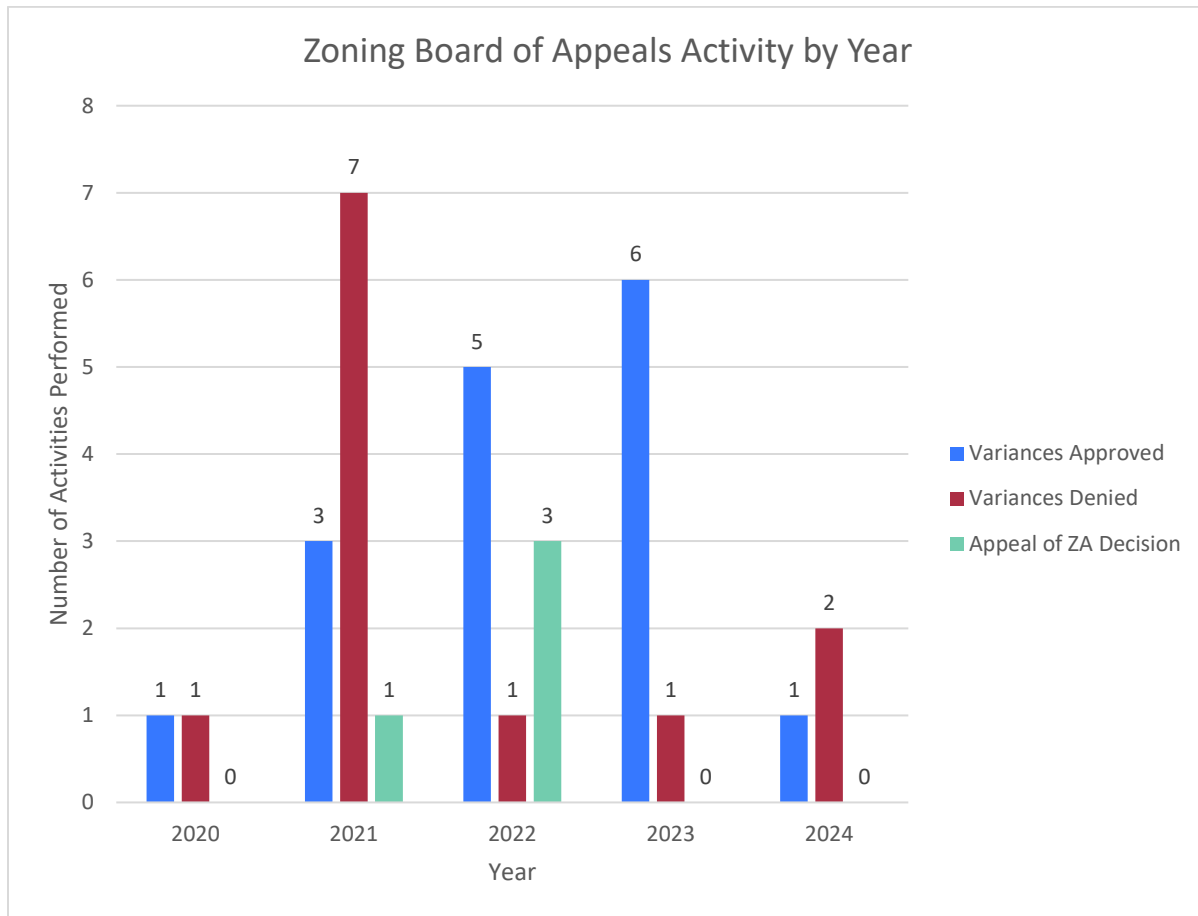


Chart 2. Number and type of petitions received by the Zoning Board of Appeals from 2020 to 2024.

	2020	2021	2022	2023	2024
Variances Approved	1	3	5	6	1
Variances Denied	1	7	1	1	2
Appeal of ZA Decision	0	1	3	0	0

Table 4. Number and type of petitions received by the Zoning Board of Appeals from 2020 to 2024.

**Please note that in 2024, there were only three petitions sent to the Zoning Board of Appeals for consideration. Z02-24 was initially denied at the May 2024 meeting, and was sent back to the board for further consideration due to a noticing issue with regard to the applicant. The petition was again denied in at the June 2024 meeting.*

The spreadsheet on page 9 documents the activities of the Zoning Board of Appeals in 2024.

**Zoning Board of Appeals
Summary of Year 2024**

Monthly Meeting	Permit #	Request	Applicant	ZBA Action
April 9, 2024	Z01-24	Requesting a dimensional (non-use) variance for the construction of a new detached garage within the front yard of the property (83 Hickory Ln., parcel #0073-00-450-0).	Michael Oursler	Approved
May 14, 2024	Z02-24	Requesting a use variance to convert and utilize a legal non-conforming six-unit multiple family dwelling building as an eight-unit multiple family dwelling (60 Sherman Rd., parcel #1640-00-008-0).	Jeff Halverson on behalf of Next Level Real Estate Investments LLC	Denied
	Z03-24	Requesting a dimensional (non-use) variance seeking relief from the 35' R-1A rear-yard setback requirement for the property (270 Bradley St., parcel #3340-00-001-0).	James Dennis Sirks, Jr. and Lisa Ann Sirks	Denied
June 11, 2024	Z02-24	Reconsideration of Z02-24, see May 14, 2024 meeting for petition description.	Jeff Halverson on behalf of Next Level Real Estate Investments LLC	Denied

Historic District Commission

The Historic District Commission (HDC) consists of seven members appointed by the Mayor and approved by the City Commission for three-year, staggered terms. The primary responsibility of the Historic District Commission is to review applications and plans for the construction, alteration, repair, moving or demolition affecting the exterior appearance of an historic or non-historic resource within any of the five local Historic Districts. They may also propose to create or modify existing historic districts, and can create a study committee to analyze requests for historic designation of specific properties within or outside of historic districts.

State law and local ordinance reflect some specific membership qualifications for the Historic District Commission, including for example that one member, if available, shall be a graduate of an accredited school of architecture, have at least two years of architectural experience, or be an architect registered in the state. One City Commissioner has typically served on the Historic District Commission as a liaison but has no voting rights.

Name	Term Expires
Ross Simpson – Chair	1/1/2028
Kurt Thornton – Vice Chair	1/1/2026
Geradyne Drozdowski	1/1/2027
Deborah Sallee	1/1/2026
Jana Davis	1/1/2027
Mark Steinbrunner	1/1/2026
Randy Case (Architect)	1/1/2027
Jessica Lacosse (City Commission Liaison)	

Table 5. Lists the members of the Historic District Commission at the beginning of 2025.

In late 2010, the HDC passed a resolution authorizing staff approval of minor classes of work in order to expedite approval times for certain types of projects; 20 projects were approved administratively in 2024. These projects are presented to the HDC during the year through quarterly reports.

Chart 3 and Table 6. Summarize the number and type of petitions received in 2024 and compares them with data from the past four years.

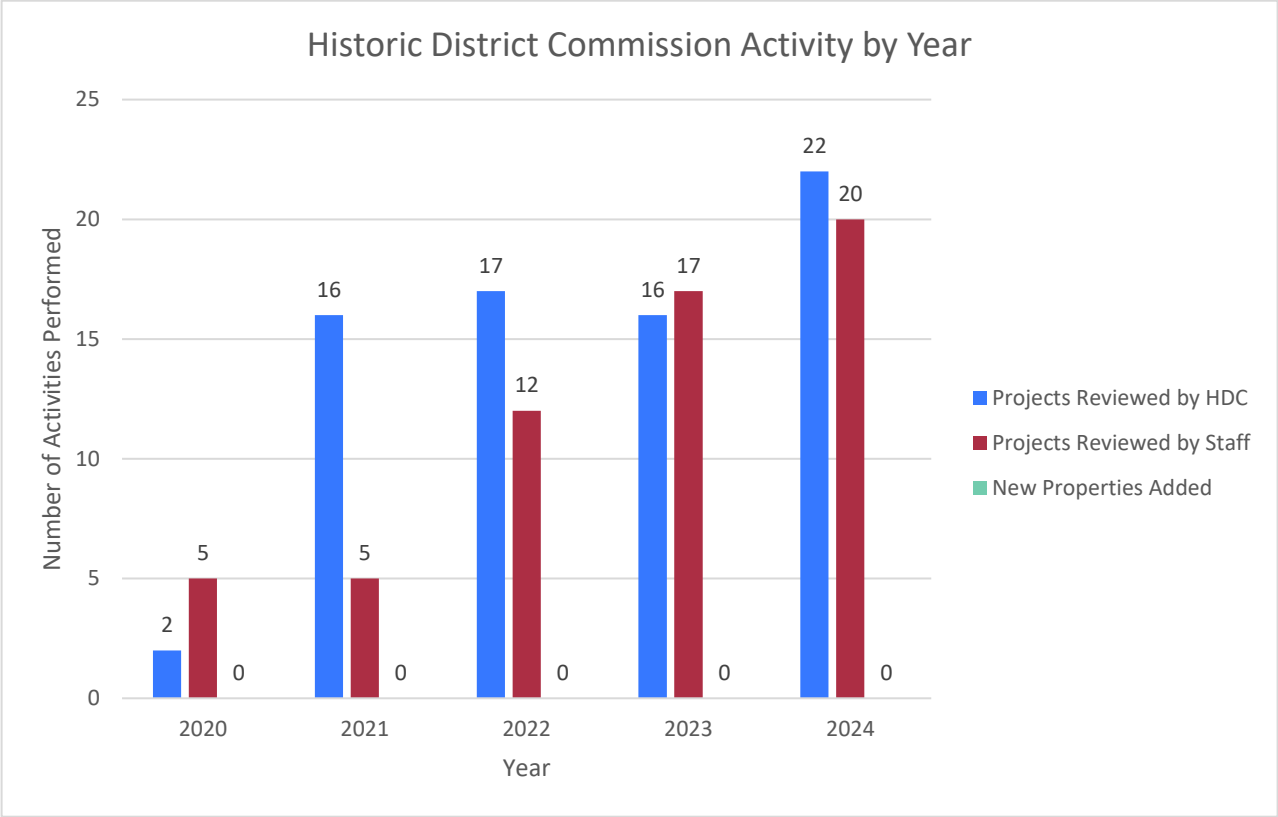


Chart 3. Number and type of petitions reviewed by the Historic District Commission.

	2020	2021	2022	2023	2024
Projects Reviewed by HDC	2	16	17	16	22
Projects Reviewed by Staff	5	5	12	17	20
New Properties Added	0	0	0	0	0

Table 6. Number and type of petitions reviewed by the Historic District Commission.

The spreadsheet on pages 12-14 documents the activities of the Historic District Commission in 2024.

**Historic District Commission
Summary of Year 2024**

Monthly Meeting	Permit #	Request	Applicant	HDC Action
February 12, 2024	H01-24	Petition for a Certificate of Appropriateness for the replacement of 22 windows on the home with matching double-hung windows for 55 Merwood Dr. (Parcel #5390-00-027-0).	Brett Mahaffey on behalf of Victoria Vink	Approved
March 18, 2024	H02-24	Petition for a Notice to Proceed for the demolition of a single family home at 178 Manchester St. (Parcel #3550-00-016-0).	Calhoun County Land Bank	Approved
	H03-24	Petition for a Certificate of Appropriateness for the installation of a hot tub/spa in the backyard of 28 Woodmer Ln. (Parcel #5390-00-029-0).	Mark Thomas	Approved
April 8, 2024	H04-24	Petition for a Certificate of Appropriateness for the addition of a new privacy fence along the side yard and replacement of 4' fencing along Chestnut St. at 265 Capital Ave NE (Parcel #1640-00-062-0).	Joe Rocha	Denied
May 13, 2024	H05-24	Petition for a Certificate of Appropriateness for the addition of a new 6' privacy fence along the side yard and the replacement of 4' fencing along Chestnut St. at 265 Capital Ave NE (Parcel #1640-00-062-0).	Joe Rocha	Partial Approval with Conditions
June 10, 2024	H05-24	Petition for a Certificate of Appropriateness for the addition of a new 6' privacy fence along the side yard and the replacement of 4' fencing along Chestnut St. at 265 Capital Ave NE (Parcel #1640-00-062-0) – Continued discussion of the privacy fence component.	Joe Rocha	Approved
	H06-24	Petition for a Certificate of Appropriateness for the addition of new 6' black chain link fence in the rear yard of 130 Frelinghuysen Ave. (Parcel #5350-00-012-0).	Laurie Sullivan	Approved
	H07-24	Petition for a Certificate of Appropriateness for the addition of a new 4' chain link fence in the front and side yards of 43 Howland St. (Parcel #5020-00-102-0).	FenceMen Co.	Partial Approval of the side yard fencing
July 8, 2024	H08-24	Petition for a Certificate of Appropriateness for the removal of one window and dimension changes to the roof cornice at 51 N Wood St. (Parcel #5020-00-014-0).	Daniel Peterson	Denial
	H09-24	Petition for a Certificate of Appropriateness for the addition of a pitch to an existing carport at 29 Woodmer Ln. (Parcel #5390-00-022-0).	Jeff Breedlove	Adjourn until August 12 th meeting
August 12, 2024	H09-24	Petition for a Certificate of Appropriateness for the addition of a pitch to an existing carport at 29 Woodmer Ln. (Parcel #5390-00-022-0).	Jeff Breedlove	Approved

	H10-24	Petition for a Notice to Proceed for the demolition of a residential structure at 111 W Manchester St. (Parcel #5020-00-111-0).	Maria de los Patino	Adjourn until September 9th
	H11-24	Petition for a Certificate of Appropriateness for the replacement of a window at 51 N Wood St. (Parcel #5020-00-014-0).	Daniel Peterson	Approved
	H12-24	Petition for a Certificate of Appropriateness for the reconstruction of a previously removed brow feature at 51 N Wood St. (Parcel #5020-00-014-0).	Daniel Peterson	Approved
September 9, 2024	H10-24	Petition for a Notice to Proceed for the demolition of a residential structure at 111 W Manchester St. (Parcel #5020-00-111-0).	Maria de los Patino	Withdrawn by Applicant
	H13-24	Petition for a Certificate of Appropriateness for the installation of a new sign at 32 W Michigan Ave. (Parcel #0252-00-045-0).	Andrew Scibbe	Approved
	H14-24	Petition for a Certificate of Appropriateness for the construction of a carport at 170 Oaklawn Ave. (Parcel #3550-00-068-0).	Ricky Lincoln	Denied
	H15-24	Petition for a Notice to Proceed to demolish the residential structure at 29 Orin St. (Parcel #8810-00-120-0).	City of Battle Creek Planning and Zoning Division	Approved
October 14, 2024	H16-24	Petition for a Certificate of Appropriateness for the replacement of one window at 162 Oaklawn Ave. (Parcel #3550-00-068-0).	Irma Chavez Hernandez	Denied
	H17-24	Petition for a Certificate of Appropriateness for the replacement of 16 windows at 95 Oaklawn Ave. (Parcel #3550-00-050-0).	Lance Shaver	Approved
	H18-24	Petition for a Certificate of Appropriateness for eavestroughing replacement at 196 NE Capital Ave. (Parcel #4110-00-015-0).	Historical Society of Battle Creek	Approved
November 4, 2024	H19-24	Petition for a Certificate of Appropriateness for the installation of a fence and gate at 45 Walter Ave. (Parcel #8810-00-093-0).	Real Renovations	Approved
	H20-24	Petition for a Certificate of Appropriateness for the replacement of a window and trimming at 162 Oaklawn Ave. (Parcel #3550-00-068-0).	Irma Chavez Hernandez	Approved
December 9, 2024	H21-24	Petition for a Certificate of Appropriateness for the removal of two glass cupolas and cap them with blue metal roofing at 34 W Jackson St (Parcel #0252-00-045-0).	Cody Newman (Driven Design Studio)	Approved
	H22-24	Petition for a Certificate of Appropriateness for the addition of a second floor (with brick façade) and third floor, a rooftop deck, with masonry on the front and rear facades at 99 W Michigan Ave (Parcel #0253-00-044-0).	Cody Newman (Driven Design Studio)	Postponed until January 2025

	H23-34	Petition for a Certificate of Appropriateness for the enclosure of the “cut-out” on the southern corner of the existing structure, as well as patch and paint repairs to the existing EIFS stucco at 50 W Jackson St (Parcel #8750-00-001-0).	Cody Newman (Driven Design Studio)	Approved
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OTHER DIVISION ACTIVITIES

Current and Ongoing Planning Initiatives

Redevelopment Ready Communities (RRC)

Redevelopment Ready Communities (RRC) is a certification program that promotes communities that are competitive and ready for redevelopment. The process and certification ensures that a community is transparent, predictable, and efficient in their daily development practices, which includes having a streamlined development review process. In March 2018, the City of Battle Creek received its certification as a Redevelopment Ready Community. As part of maintaining the certification, the city is required to update several documents on an annual basis.

The certification granted in 2018 is due for renewal in 2026, meaning that many key recertification requirements will be up for review and adoption over the course of the upcoming two years. Annual requirements to update specific documents are complete and approved for 2024. The Planning and Zoning Division has been working on two large documents required for the renewal, a Guide to Development documents and an Internal Review Processes document. These are currently being reviewed by all members of the Division for accuracy and comprehensiveness and will be refined further in 2025.

Zoning Ordinances Amendment Recommendations

Planning and zoning staff proposed amendments to Sections 1240, 1241, 1251, 1260, and 1281 at the Planning Commission meeting held on February 28, 2024. The Planning Commission recommended approval to the City Commission, and City Commission subsequently approved them. At the Planning Commission meeting held on June 26, 2024, Planning and zoning staff proposed amendments to Sections 1240 and 1263. The Planning Commission recommended approval to the City Commission, and the City Commission subsequently approved the amendments.

Master Plan Update and Revision

Planning and zoning staff have been preparing for the upcoming master plan update, which is primarily focused on housing. The division hired an intern from Michigan State University to research relevant demographics related to the five core neighborhoods that are the focus of the division, including demolitions, state equalized value, and housing tenure. The Planning and Zoning Division and Community Development held their first outreach meeting regarding housing on December 4, 2024 at the Kool Family Center.

Ordinance Implementation & Enforcement

Site Plan Review

The zoning ordinance requires that a sealed site plan be submitted and approved for all development or redevelopment of multiple-family, commercial, and industrial structures and/or off-street parking lots (new or expansions). The primary intent of the review is to ensure that the proposed development complies with regulations in the zoning ordinance as well as to insure proper infrastructure is in place to support the project and that appropriate pedestrian flow, vehicular traffic flow, and storm water management is provided. The Planning and Zoning Division manage the site plan submittal and the Planning and Zoning Division and Department of Public Works review the plans for compliance with the city's code requirements.

A site plan is a legally binding document, and therefore, the Planning and Zoning staff inspect the property prior to a certificate of occupancy being granted to ensure compliance with the approved site plan.

Table 7 shows the 24 projects that were submitted for site plan review in 2024.

2024 Site Plan Applications			
Permit No.	Business Name	Address	Description
SPR24-0001	Breaking Bud	449 Capital Ave NE	Replacing existing dumpster gate and adding landscaping per the required ordinances.
SPR24-0003	Prairie Farms Dairy Inc.	126 Brady Rd	Construction of a wastewater left station.
SPR24-0004	Michigan BC Holding	5243 Wayne Rd	Cultivation and processing.
SPR24-0005	The Salon Professional Academy	995 W Columbia Ave	Renovation of existing auto dealership to include renovation of entire existing site with new paving and utilities.
SPR24-0006 & SPR24-0008	Grace Health	175 College St	
SPR24-0007	Papa Johns Pizza	533 W Columbia Ave	Demolition of a 2 nd building on property and the addition of an exterior cooler and an addition to the side of the building.
SPR24-0009	27 Fonda Warehouse	27 Fonda Ave	
PSPR24-0010	Olive Garden	5727 Beckley Rd	New construction – restaurant.
PSPR24-0011	Lakeview School District	15060 S Helmer Rd	Parking lot improvements.
PSPR24-0012	A & B Health Enterprises	5470 Glen Cross Rd	Remove drywall, creating three new rooms.
PSPR24-0008	Capital Fuel & More	2591 SW Capital Ave	Remove existing building, build new car wash and gas station.
PSPR24-0013	PNC	65 S 20 th St	Remove and replace existing concrete, mill existing 1” asphalt and overlay.
PSPR24-0014	W VanBuren St	0253-00-012-0 (W VanBuren St)	Proposed multi-use development with parking and other site improvements.
PSPR24-0015	Skymint Acquisitions	1525 W Michigan Ave	Re-opening existing building.
PSPR24-0016	Walters Dimmick Petroleum	1439 W Michigan Ave	Removal and reconstruction of gas station and convenience store.
PSPR24-0017	WACO	15955 S Airport Rd	45,000 sq. ft. expansion of existing building.
PSPR24-0018	Helmer Rd Farmer’s Market	13985 S Helmer Rd	Pavilion and parking areas.
PSPR24-0019	Jack in the Box	0076-00-858-0	New construction – restaurant.
PSPR24-0020	Caliber Collision	2191 W Columbia Ave	Construction of a 12,371 sq. ft. automobile repair shop and parking lot.
PSPR24-0021	Five Lakes Coffee	889 W Columbia Ave	New construction – drive-thru coffee shop.
PSPR24-0022	San Francisco Taqueria	595 W Columbia Ave	Addition to existing building to include restrooms and mechanical.
PSPR24-0023	Huntington National Bank	1525 W Michigan Ave	Install an ATM kiosk.

PSPR24-0024	WACO	15955 S Airport Rd	Expansion to the southeast of the existing WACO facility.
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Table 7.

Zoning Enforcement

The Planning and Zoning Division is responsible for implementation and enforcement of zoning ordinance regulations. Enforcement action is a result of complaints received as well as proactive efforts in the community such as the required property survey inspections required every three years for all city properties. In 2024, there were 174 zoning complaints/enforcements recorded, which is moderately higher than 2022. The majority of violations require at least two inspections, one to verify the violation and another to ensure compliance. Following is a summary and count of zoning enforcements this division addressed in 2024.

Non-Conforming Investigations (0) and Illegal Use Investigations (16)

The Planning Division receives a number of inquiries as to the legal use of a property. There are many situations where the current use of a property is not permitted by the current zoning district, and in these instances, an investigation into the historical use and zoning of the property is needed in order to determine if the current use can be considered legal nonconforming. These investigations are very time intensive as each requires a thorough investigation into all historical records the city maintains on a property, as well as a review of historical zoning maps and ordinances since 1924 when the city first adopted a zoning ordinance. With these documents, staff analyzes the historic use of a property in comparison to uses allowed by the historical zoning maps/ordinances to determine if the use has existed lawfully. If so, although not allowed by the current zoning regulations, this use would be allowed to continue as a legal nonconforming use.

In the instance where the current use of a property is not allowed by the zoning, and the use was never lawfully created at the property, the division will proceed with enforcement if necessary to ensure the structure complies with the current zoning regulations.

The greatest number of these requests arises from rental registration permit applications where the applicant is seeking multiple units when the current zoning may only allow one or two units. There are also frequent inquiries from appraisers and realtors inquiring as to the appropriate use of a property. There is currently no fee for this investigation as we want to encourage property owners and other parties to actively seek the legal use of a property.

Miscellaneous Enforcement (158)

Typical enforcements include, but are not limited to, fences, parking and recreational vehicle use, and zoning review for multi-unit rental regulation.

Miscellaneous

Building Permit Application Review (856)

Effective November 2009, the Planning and Zoning Division has reviewed all submitted building, demolition, signage, and fencing permits to ensure compliance with zoning regulations. Each request is reviewed based on the submitted facts included on the permit application as well as how the existing and proposed structures are situated on the property. In 2024, 856 permits were reviewed by the Planning and Zoning Division. Where applications were noncompliant with zoning regulations, contact was made with the applicant to assist them with changes necessary for the project to be compliant.

City Business License Application Review (83)

The Planning and Zoning Division reviews each license request for liquor licenses (new and renewal), used car sales, secondhand good/junk facilities, and donation drop boxes for compliance with the zoning ordinance as well

as general code compliance. This review ensures the request is compliant with the zoning district in which the property is located and that there are no open zoning violations of any nature.

Marijuana Establishment Licenses (42)

During the year 2024, the city issued a total of 42 marijuana facilities licenses for businesses, which includes Marijuana Establishment Part A and Part B licenses, as well as transfers and renewals of existing licenses. As part of application review and approval, the Planning division reviews all applications for use purposes and site compliance.

SUMMARY

The number of petitions the Planning and Zoning Division has received for the city's boards and commissions for review has decreased for the Planning Commission and Zoning Board of Appeals from last year, while the number of petitions to the Historic District Commission have increased since last year. Considering the last five years, the overall trend for petitions decreases for the Planning Commission and Zoning Board of Appeals and increases for the Historic District Commission.

It is likely that the overall reduction in petitions to both the Planning Commission and the Zoning Board of Appeals can be attributed to the continued work in amending the zoning ordinance to accommodate recent trends in development and proposed uses throughout the city. The increase in petitions to the Historic District Commission can likely be attributed to the educational campaign that the Community Services Department has engaged in over the past two years. Outreach and informational efforts have included the mailing of information to property owners within the city's local historic districts, as well the addition of street signage denoting the boundaries of each of the local historic districts.

Additional improvements in these regards, as well as revisions and adjustments to regulations and ordinances, aim to address all concerns in a fair manner that aligns with the goals set forth in the upcoming update to the Master Plan.