

City of Battle Creek  
Planning Department  
ANNUAL REPORT

2016

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.



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**To:** Rebecca Fleury, City Manager  
 Ted Dearing, Assistant City Manager of Community and Economic Development  
 Marcie Gillette, Community Services Director  
 Jill Steele, 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

## **2016 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.

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Christine M. Zuzga, AICP  
 Manager, City Planning Department

## **INTRODUCTION**

Long range planning for the physical development of the City of Battle Creek is the primary focus of the Planning Department. In addition to preparing and maintaining the Master Plan the department is responsible for the administration of the zoning ordinance and other tools that are implemented to attain the goals and objectives listed in the plan.

For 2016, the Planning Department staff included a Manager, Senior Planner, Zoning/Lead Inspector, and an Administrative Assistant. The Administrative Assistant position has 25% of their time dedicated towards housing rehabilitation activities performed by the Community Development Department.

The information for 2016 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 master plan are included at the end of the report.

## **BOARDS/COMMISSIONS**

### **❖ 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 is also charged with the preparation and adoption of 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.

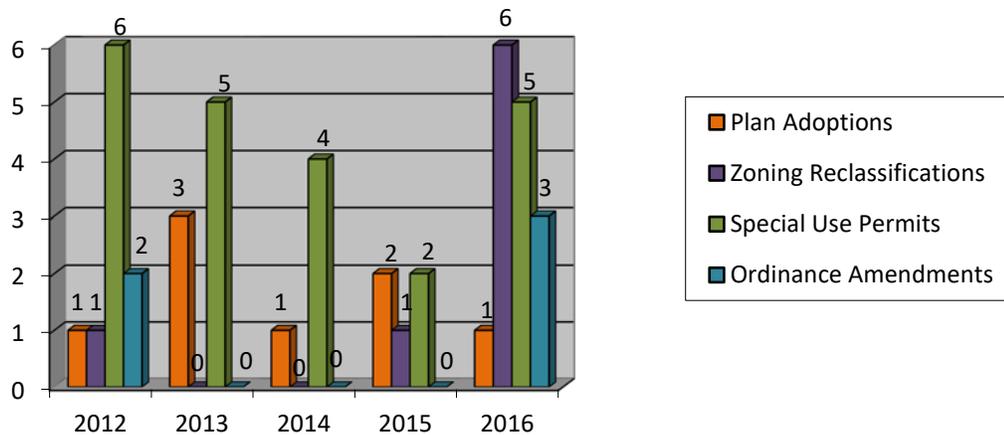
Planning enabling legislation outlines that the Commission should represent a broad spectrum of interests, including industry, transportation, commerce, education, agriculture, etc.; this same statute outlines that the Commission should represent the various geographic areas of the City. As provided 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 also serves on the Zoning Board of Appeals. The Manager of the Planning Department serves as the Executive Secretary for the Planning Commission and has no voting rights.

Members of the Planning Commission at the end of 2016 include:

<u>Name</u>	<u>Term Expires</u>
Steve Barker	1 – 01 – 2017
Joe Sobieralski	1 – 01 – 2017
John Godfrey	1 – 01 – 2017
Jim Hopkins	1 – 01 – 2018
Jeremy Andrews	1 – 01 – 2018
John Stetler	1 – 01 – 2019
Dan Buscher	1 – 01 – 2019
Lynn Ward Gray, Commissioner	11 – 15 – 2016
Susan Baldwin, Vice-Mayor	11 – 15 – 2016

The following chart summarizes the number and type of petitions received in 2016, and compares them with data from the past five years. The spreadsheet on pages 5-9 details the activities of the Planning Commission in 2016.

**City Planning Commission  
 Activity by Year**



	2012	2013	2014	2015	2016
Plan Adoptions	1	3	1	2	1
Zoning Reclassifications	1	0	0	1	6
Special Use Permits	6	5	4	2	5
Ordinance Amendments	2	0	0	0	3
<b>TOTAL</b>	<b>10</b>	<b>8</b>	<b>5</b>	<b>5</b>	<b>15</b>

With the exception 2016, the previous the last five years have shown a decrease in the amount of requests coming through Planning Commission; however the number of projects and dollar value of investment occurring within the City has been increasing, demonstrating that projects are primarily occurring within the confines of local zoning regulations. This coincides with the department’s and the City’s efforts to help property and business owners, developers, realtors, and any other individuals seeking to make changes to a property get through process and procedure in an expeditious and efficient manner.

The increase in the total number of request in 2016 is due to the amount of rezoning requests, particularly conditional rezoning requests, and ordinance amendments that were submitted to the Planning Commission.

Following is a summary of the various requests submitted to the Planning Commission in 2016; a detailed list of these can be found on pages 5-9 of this document.

### **Special Use Permits**

Each zoning district in the zoning ordinance outlines the land uses that are permitted by right in each district and do not need additional zoning approval. The zoning ordinance also lists special land uses that would be allowed in any district; these special land uses are those uses of land that are not necessarily incompatible with the uses permitted in each zoning district, but require review to ensure they would be compatible with surrounding land uses and additional oversight as to how they are implemented.

The specific special uses provided for by ordinance are subject to public hearing at the Planning Commission. Based on the local ordinance, the City Commission is authorized to make final determinations as to the approval, approval with conditions, or denial of special use permits. Each request is reviewed to ensure compliance with the eight standards outlined in the ordinance.

In 2016, there were five requests for special use permits for various uses including a group day care center, religious assembly use, nursing home, storage units, and a multi-family Planned Unit Development.

### **Rezoning Requests**

Rezoning requests are typically submitted by a property owner, though the City could initiate such a request. A rezoning request needs to be evaluated by looking at the highest and most intensive use of land that could be 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, legislation was approved to conditional rezoning in Michigan communities. Conditional rezoning allows for conditions on a rezoning request but with strict limitations and tied to a specific development and operations plan submitted as part of the application. In 2016 there were a total of six rezoning requests, four of which were conditional rezoning requests. This is a great tool that will help ensure properties are developed in accordance with best practice, yet provide some assurances to the neighbors and the City that the proposed use will be compatible with surrounding areas.

### **Ordinance Amendments**

Proposed ordinance amendments can be initiated by the public, staff, or by the City Commission. Generally, the discussion is placed on the meeting agenda for initial review to determine the level of interest from the Planning Commission and/or City Commission and what type of parameters should be included in a draft ordinance. Providing there is support, a draft ordinance will later be submitted and a public hearing held.

In 2016 there were five zoning ordinance amendments considered by the Planning Commission – Parking, Landscaping, Fencing, Adult Use Businesses/Dickman Rd exemption, and Urban Agriculture

(Gardening). The Planning Commission also discussed an upcoming sign ordinance revision that is necessary due to recent federal court decisions.

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. Additionally, most often community engagement efforts are undertaken to determine community support or opposition, which allows for revisions up front that will help ensure proposed ordinances are in alignment with both professional recommendations and community perspective.

Methods of engagement are different depending on the nature of the amendments and reason for the revisions. For example, planning staff prepared visual displays of existing site plans that are in compliance with proposed parking, landscaping, and fencing ordinances, and solicited input from property and business owners regarding how the draft ordinances would affect their property. Because each parcel is different, a workshop or roundtable would not have been an effective method to discuss these topics. With urban agriculture issue, recognizing the high levels of both support and opposition, multiple roundtables, surveys, and commission workshops were held in order to craft an ordinance that allowed for the use of land, while attempting to address any concerns.

Staff maintains a list of ordinances that should be amended in the future. The bulk of these amendments are for clarification and consistency purposes. Based on the future Master Plan update, staff expects a significant number of amendments to the zoning ordinances will be required.

### **Capital Improvement Program**

Planning enabling legislation requires the preparation and use of a Capital Improvement Plan (CIP) that attempts to determine and prioritize the anticipated needs of the City for a six year minimum time period. The approval of this document 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.

Planning enabling legislation requires the Capital Improvement Plan to be reviewed by the Planning Commission to ensure projects are consistent with the goals and objectives of the master plan. The Planning Commission reviewed the 2017-2022 Capital Improvement Plan in the early part of 2016, and finding that the projects were consistent with the City of Battle Creek Master Plan, recommended to City Commission its approval, noting that the items contained in the plan were not actually placed in the budget.

Much work has been done this year to ensure projects in the Capital Improvement Plan are tied to the Master Plan, including:

- The Planning Manager attended a department head meeting to discuss the connection between the two documents and how they relate to funding priorities.
- The CIP project request form was revised to include a checkbox for consistency with the Master Plan.
- The Planning Commission was given the opportunity to submit projects for consideration in the CIP.
- A member of the Planning Commission now serves on the peer review team for scoring of submitted projects.

## Planning Commission - Summary Year 2016

Date	Petition Type	Request	Petitioner	PC Action	CC Action
<b>January</b>					
<b>Present:</b> <i>Susan Baldwin</i> <i>Marie Briganti</i> <i>Steve Barker</i> <i>Dan Buscher</i> <i>John Godfrey</i> <i>Lynn Gray</i> <i>Jim Hopkins</i> <i>John Stetler</i> <i>Glenn Perian</i> <i>Marcel Stoetzel</i> <i>Leona Parrish</i>	<b><u>Z-01-16 Conditional Rezoning</u></b> <b>4900 W. Dickman Road</b> <b>Parcel #3020-01-033-1</b>	Requesting a conditional re-zoning to allow a retail sales of industrial shoes, clothing & safety gear in a I-2 Zone.	Girolami Enterprises LLC Mr. Michael V. Girolami 25477 W. Eight Mile Rd. Redford, MI 48240 (Mr. Nelson Karre Representing)	<b>APPROVED</b>	<b>APPROVED</b> <b>City Commission Mtg.</b> <b>02/16/16 Ord.#02-2016</b> <b>03/19/16 Resol.#89</b>
	<b>Election of Officers:</b>	<b>Chairperson - Dan Buscher</b> <b>Vice-Chairperson - Steve Barker</b> <b>Secretary - John Stetler</b>		<b>APPROVED</b>	
<b>February</b>					
<b>Present:</b>	<b>Monthly Mtg. Cancelled</b>	<b>(No petitions to be reviewed)</b>			
<b>March</b>					
<b>Present:</b> <i>Jeremy Andrews</i> <i>Steve Barker</i> <i>Dan Buscher</i> <i>John Godfrey</i> <i>Lynn Gray</i> <i>Jim Hopkins</i> <i>John Stetler</i> <i>Christine Zuzga</i> <i>Glenn Perian</i> <i>Marcel Stoetzel</i> <i>Leona Parrish</i>	<b><u>Capital Improvement Plan</u></b>	(Review & Initial Discussion)	Linda Morrison, Finance Dir. Rebecca Fleury, City Mgr.	<b>Discussion Only</b>	
	<b><u>Urban Agriculture</u></b>	(Discussion)		<b>Discussion Only</b>	
<b>April</b>					
<b>Present:</b> <i>Jeremy Andrews</i> <i>Susan Baldwin</i> <i>Steve Barker</i> <i>Dan Buscher</i> <i>John Godfrey</i> <i>Lynn Gray</i> <i>Jim Hopkins</i>	<b><u>Capital Improvement Plan</u></b>	Linda Morrison, Finance Dir. Capital Improvement FY 2017 - 2022	City of Battle Creek Finance Department	<b>APPROVED</b>	<b>APPROVED</b> <b>City Commission Mtg.</b> <b>05/3/16 Resol.#131</b>
	<b><u>Urban Agriculture</u></b>	Presentation (Ms. Tonya Price)		<b>Discussion Only</b>	

## Planning Commission - Summary Year 2016

Date	Petition Type	Request	Petitioner	PC Action	CC Action
<p><i>John Stetler</i>  <i>Christine Zuzga</i>  <i>Glenn Perian</i>  <i>Marcel Stoetzel</i>  <i>Leona Parrish</i></p>					
<b>May</b>					
<b>Present:</b>	<b>#S-01-16 Special Use Permit</b>	Requesting a Special Use Permit to allow a Church Use in a C-3 Intensive Business District.	Church of Scientology of BC Attn: Mr. Timothy J. Jones 66 E. Michigan Ave. Battle Creek, MI 49017 (Also: Nelson Karre, Vandervoort, Christ & Fisher, PC) 70 W. Michigan Ave., B.C.	<b>APPROVED</b>	<b>APPROVED</b> City Commission Mtg. 07/19/16 Resol.#119
<i>Jeremy Andrews</i> <i>Susan Baldwin</i> <i>Steve Barker</i> <i>Dan Buscher</i> <i>Lynn Gray</i> <i>Jim Hopkins</i> <i>Joe Sobieralski</i> <i>Christine Zuzga</i> <i>Glenn Perian</i> <i>Ian Wright</i> <i>Leona Parrish</i>	<b>31 Washington Ave., N.</b> <b>Parcel #0255-00-011-0</b>				
	<b>#S-02-16 Special Use Permit</b>	Special Use Permit Amendment to allow additional Storage Units to be built for Attic Storage LLC, 15611 S. Helmer Rd.	Attic Storage LLC, Mr. Jim Austin, 15611 S. Helmer Rd Battle Creek, MI 49015	<b>APPROVED</b>	<b>APPROVED</b> City Commission Mtg. 07/05/16 Resol.#185
	<b>Columbia Ave., W.</b> <b>Parcel #0066-00-115-0</b>				
	<b>Z-02-16 Conditional Rezoning</b>	Requesting a Conditional Re-zoning to allow residential use for apartment units on first floor in a "C-4 Zoning District".	180Urban Development & Mgmt., LLC, Mr. David Sciacca, P.O. Box 879, Battle Creek, MI, 49016	<b>APPROVED</b>	<b>APPROVED</b> City Commission Mtg. 06/7/16 Ord.#07-2016 06/21/16 Resol.#157
	<b>15 Carlyle Street</b> <b>Parcel #0253-00-048-0</b>				
<b>June</b>					
<b>Present:</b>	<b>#S-03-16 Special Use Permit</b>	Requesting a Special Use Permit for a Licensed Child Daycare for 7-12 children in a R-3B Multiple Family Residential District.	Migdalia I. Echeverria 118 E. VanBuren St. Battle Creek, MI 49017	<b>APPROVED</b>	<b>APPROVED</b> City Commission Mtg. 07/05/16 Resol.#186
<i>Susan Baldwin</i> <i>Steve Barker</i> <i>Dan Buscher</i> <i>Lynn Gray</i> <i>John Godfrey</i> <i>Jim Hopkins</i> <i>Joe Sobieralski</i> <i>John Stetler</i> <i>Glenn Perian</i> <i>Marcel Stoetzel</i> <i>Leona Parrish</i>	<b>118 E. VanBuren Street</b> <b>Parcel #3870-00-232-0</b>				
<b>July</b>					

## Planning Commission - Summary Year 2016

Date	Petition Type	Request	Petitioner	PC Action	CC Action
<b>Present:</b> <i>Susan Baldwin</i> <i>Steve Barker</i> <i>Dan Buscher</i> <i>John Godfrey</i> <i>Lynn Gray</i> <i>Jim Hopkins</i> <i>John Stetler</i> <i>Marcel Stoetzel</i> <i>Christine Zuzga</i> <i>Glenn Perian</i> <i>Leona Parrish</i>	<u><b>Z-03-16 Conditional Rezoning</b></u> <b>Arbor Street (Vacant Lot)</b> <b>Parcel #6950-13-722-1</b>	Requesting a Conditional Re-zoning to allow C-3 use with limitations on a split zoned parcel: R-1B Single Family Res. & C-3 Intensive Business District".	Nelson Karre, Attny. Vandervoort, Christ & Fisher 70 W. Michigan Ave, B.C. MI On Behalf of Owner: George E. Bratcher, Jr., Trustee	<b>POSTPONED</b>	
	<u><b>Z-04-16 Conditional Rezoning</b></u> <b>390 S. Washington Ave.</b> <b>Parcel #5270-00-235-0</b>	Requesting a Conditional Re-Zoning to allow up to 110 Market Rate Rental Units at former SW Jr. High School, zoned R-2 Two Family Residential District.	Summit Investment Group Inc., dba. Summit Bldg. Svc 2943 W. Dickman Rd. Battle Creek, MI 49037	<b>APPROVED</b>	<b>APPROVED</b> City Commission Mtg. 8/16/16 Ord.#12-2016 9/6/16 Resol.#219
	<u><b>A-01-16 Ord. Amendment</b></u> <b>Chapter #1284</b> <b>(Off-Street Parking &amp; Loading Requirements)</b>	Amendment to ordinance for "Off Street Parking & Loading Req." Clarify Const & Design Req., Identify projects req. site plan review # of spaces and outlines violation and penalties.	City of Battle Creek Christine Zuzga, Plng. Mgr. Planning & Zoning Dept.	<b>Discussion Only</b>	
	<u><b>A-02-16 Ord. Adoption</b></u> <b>Chapter #1285</b> <b>(Landscaping)</b> <b>New Ordinance</b>	Adoption of new ordinance to require minimal green space & landscape standards to new commercial devel. & substantial redevelopment projects.	City of Battle Creek Christine Zuzga, Plng. Mgr. Planning & Zoning Dept.	<b>POSTPONED</b>	
	<u><b>A-03-16 Ord. Amendment</b></u> <b>Chapter 1298</b> <b>(Fences)</b>	Amendment to Fence ordinance to clarify construction requirements, address site obstruction and outline violation and penalties.	City of Battle Creek Christine Zuzga, Plng. Mgr. Planning & Zoning Dept.	<b>Discussion Only</b>	
	<b>Nomination of Planning Commissioner to Peer Review Team: Steve Barker</b>			<b>APPROVED</b>	
<b>August</b>					
<b>Present:</b> <i>Susan Baldwin</i> <i>Steve Barker</i> <i>Dan Buscher</i> <i>John godfrey</i> <i>Jim Hopkins</i>	<u><b>Z-03-16 Conditional Rezoning</b></u> <b>Arbor Street (Vacant Lot)</b> <b>Parcel #6950-13-722-1</b>	Requesting a Conditional Re-zoning to allow C-3 use with limitations on a split zoned parcel: R-1B Single Family Res. & C-3 Intensive Business District".	Nelson Karre, Attny. Vandervoort, Christ & Fisher 70 W. Michigan Ave, B.C. MI On Behalf of Owner: George E. Bratcher, Jr., Trustee	<b>APPROVED</b>	<b>APPROVED</b> City Commission Mtg. 9/6/16 Ord.#13-2016 9/20/2016 Resol.#233

## Planning Commission - Summary Year 2016

Date	Petition Type	Request	Petitioner	PC Action	CC Action
<i>Joe Sobieralski John Stetler Christine Zuzga Marcel Stoetzel Glenn Perian Leona Parrish</i>	<b>#S-04-16 Special Use Permit</b> <b>Gethings Rd. Parcel #0622-30-101-0; 0622-30-056-0 &amp; #0622-30-056-0</b>	Special Use Permit - Adoption for Amendment: Phase IV to add 1 (8-unit) bldg.; 20 parking spaces. PURD Keystone Lake Phase IV	Thomas Carroll, President Carroll Devel. & Prop Mgmt. 1125 E. Michigan Ave, Ste 2 Battle Creek, MI 49014	<b>APPROVED</b>	<b>APPROVED</b> City Commission Mtg. 9/6/2016 Resol.#226
	<b>A-04-16 Ord. Amendment</b> <b>Chapter 1295.03</b> <b>(Adult Businesses)</b>	Amendment to ordinance to include language to restrict adult businesses from locating within Dickman Ave. Business Improvement District.	City of Battle Creek Planning Department Ms. Christine Zuzga	<b>APPROVED</b>	<b>APPROVED</b> City Commission Mtg. 9/6/16 Ord.#14-2016 10/18/16 Resol.#251
	<b>Capital Improvement Plan</b> <b>2018 - 2023</b>	Discussion regarding Planning Comm. requests to plan as outlined in the Master Plan.	Planning Department Ms. Christine Zuzga	<b>Discussion Only</b>	
	<b>Proposed Sign Ordinance</b> <b>Amendment: Chapter 1296</b>	Review of potential sign ordinance amendments.	Planning Department Ms. Christine Zuzga	<b>Discussion Only</b>	
<hr/>					
<b>September</b>					
<b>Present:</b>	<b>Monthly Mtg. Cancelled</b>	<b>(No petitions to be reviewed)</b>			
<hr/>					
<b>October</b>					
<b>Present:</b>	<b>Monthly Mtg. Cancelled</b>	<b>(No petitions to be reviewed)</b>			
<hr/>					
<b>November</b>					
<b>Present:</b> <i>Susan Baldwin Steve Barker Daniel Buscher John Godfrey Lynn Gray John Stetler Christine Zuzga Marcel Stoetzel Glenn Perian Leona Parrish</i>	<b>#S-05-16 Special Use Permit</b> <b>393 E. Roosevelt Ave.</b> <b>Parcel #4330-00-206-0</b>	Requesting a Special Use Permit for to allow an Licensed Nursing Home Facility in a R-3B Multiple Family Residential District.	Richard Postema Assoc.,PC 1580 44th Street, S.W. Wyoming, MI 49509	<b>APPROVED</b>	<b>APPROVED</b> City Commission Mtg. 12/06/16 Resol.#18
	<b>#S-04-16 Special Use Permit</b> <b>Gethings Rd. Parcel #0622-30-101-0; 0622-30-056-0 &amp; #0622-30-056-0</b>	Special Use Permit - FINAL for Amendment: Phase IV to add 1 (8-unit) bldg.; 20 parking spaces. PURD Keystone Lake Phase IV	Thomas Carroll, President Carroll Devel. & Prop Mgmt. 1125 E. Michigan Ave, Ste 2 Battle Creek, MI 49014	<b>APPROVED</b>	<b>APPROVED</b> City Commission Mtg. 12/06/16 Resol.#19
	<b>Year 2017 - PC Mtg. Dates</b>			<b>APPROVED</b>	
<hr/>					
<b>December</b>					
<b>Present:</b>	<b>#Z-05-16 Zoning Reclassification-</b>	Requesting a zoning reclassification Land One, LLC		<b>DENIED</b>	<b>FAILED TO INTRO</b>

## Planning Commission - Summary Year 2016

Date	Petition Type	Request	Petitioner	PC Action	CC Action
<i>Jeremy Andrews</i> <i>Susan Baldwin</i> <i>Steve Barker</i> <i>Dan Buscher</i>	<b>Riverside Drive-Vac Lot</b> <b>Parcel #0625-38-258-0</b>	tion to rezone from R-1B Single Family Residential to C-6 Major Highway Interchange District.	Mr. Michael G. Eyde 3303 W. Saginaw St., Ste C-3 Lansing, MI 48917		<b>City Commission Mtg.</b> <b>1/3/17 Ord.#03-2017</b>
<i>Lynn Gray</i> <i>John Godfrey</i> <i>Jim Hopkins</i> <i>Joe Sobieralski</i> <i>Christine Zuzga</i>	<b>#Z-06-16 Zoning Reclassification</b> <b>1700 W. Michigan Ave.</b> <b>Parcel #6080-00-058-0</b>	Requesting a zoning reclassifica- tion to rezone from O-1 Office District to C-2 General Business District.	Mr. Brock Howland 2350 Luce Road Augusta, MI 49012	<b>APPROVED</b>	<b>APPROVED</b> <b>City Commission Mtg.</b> <b>1/3/17 Ord.#01-2017</b> <b>1/17/17 Resol.#37</b>
<i>Glenn Perian</i> <i>Marcel Stoetzel</i> <i>Leona Parrish</i>	<b>#A-05-16 Ordinance Adoption</b> <b>Chapter #1287</b> <b>(Urban Agriculture)</b>	Ord. Adoption to allow gardening or parcels throughout the city to incl. definitions, use standards for urban agricultural, standards for accessory structures, & maintenance of prop- erties (Not to incl. animals at this time)	City of Battle Creek Planning Department Ms. Christine Zuzga	<b>APPROVED</b>	<b>APPROVED</b> <b>City Commission Mtg.</b> <b>1/3/17 Ord.#02-2017</b> <b>1/17/17 Resol.#38</b>

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❖ **Zoning Board of Appeals**

The Zoning Board of Appeals 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 Zoning Board of Appeals, 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 Zoning Board of Appeals 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 Zoning Board of Appeals is also authorized to review appeals from an aggrieved party regarding a decision of the Zoning Administrator’s 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 also be a member of the Planning Commission. State zoning legislation also provides for the opportunity to appoint two additional “alternate” members.

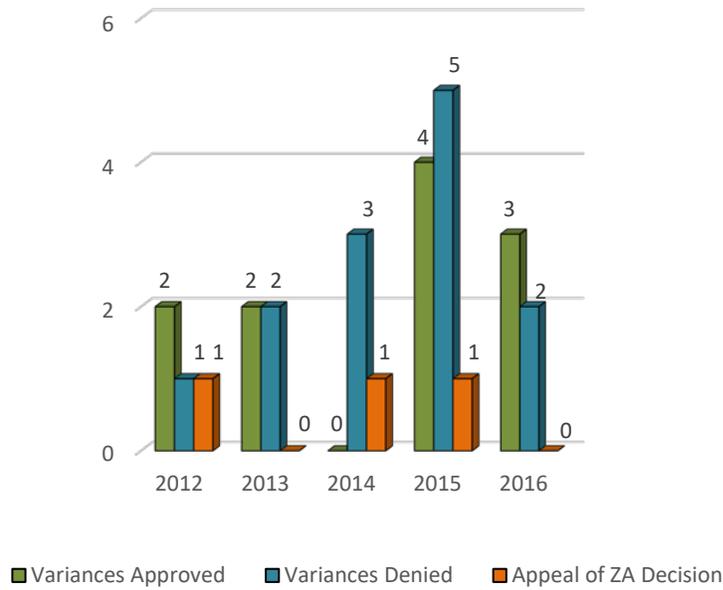
Members of the Zoning Board of Appeals at the end of 2016 included:

<u>Name</u>	<u>Term Expires</u>
Carlyle Sims	1 – 01 – 2019
Deland Davis	1 – 10 – 2019
Becky Squires	1 – 01 – 2018
John Stetler	1 – 01 – 2018 ( <i>Planning Commission Representative</i> )
James Moreno	1 – 01 – 2017
Samuel Gray	1 – 01 – 2017
Bill Hanner	1 – 01 – 2020
Mark Jones (alternate)	

The following charts summarize the number and type of petitions received in 2016 and compares them with information from the past five years. There has been a small increase in the amount of variance applications submitted to the Zoning Board of Appeals most likely due to an increase in the amount of activity and improvements property owners have undertaken this past year.

The spreadsheet on pages 12-13 documents the activities of the Zoning Board of Appeals in 2016.

### Zoning Board of Appeals Activity by Year



Year	2012	2013	2014	2015	2016
Variances Approved	2	2	0	4	3
Variances Denied	1	2	3	5	2
Appeal of ZA Decision	1	0	1	1	0

## Zoning Board of Appeals - Summary Year 2016

MONTH	APPEAL #	LOCATION	APPELLANT	REQUEST	ACTION
<b>JANUARY</b>					
<i>Present:</i> <b>CANCELED</b> (No Petitions Received)					
<b>FEBRUARY</b>					
<i>Present:</i> <b>MEETING CANCELED - NO QUORUM OF MEMBERS</b>					
	<b>Z - 01 - 16</b>	<b>3003 Gethings Rd. Parcel #0072-00-310-0</b>	Sign Impressions, Inc. 3929 Ravine Rd, Kalamazoo, MI on behalf of Birchwood United Methodist Church.	Request to allow an Electronic Changeable Copy Sign in an R-1B Single Family Zone.	<b>POSTPONED - Mtg. Canceled No Quorum</b>
<b>Election of New Officers:</b>					
<b>MARCH</b>					
<i>Present:</i>					
<i>Deland Davis</i>	<b>Z - 01 - 16</b>	<b>3003 Gethings Rd. Parcel #0072-00-310-0</b>	Sign Impressions, Inc. 3929 Ravine Rd, Kalamazoo, MI on behalf of Birchwood United Methodist Church.	Request to allow an Electronic Changeable Copy Sign in an R-1B Single Family Zone.	<b>DENIED</b>
<i>Samuel Gray</i>					
<i>Bill Hanner</i>					
<i>James Moreno</i>					
<i>Becky Squires</i>					
<i>John Stetler</i>	<b>Election of New Officers:</b>		<b>Chair - John Stetler</b>	<b>APPROVED</b>	
<i>Marcel Stoetzel</i>			<b>Vice-Chair - Samuel Gray</b>		
<i>Glenn Perian</i>					
<i>Leona Parrish</i>					
<b>APRIL</b>					
<i>Present:</i>					
<i>Deland Davis</i>	<b>Z - 02 - 16</b>	<b>36 Richards Pl. Parcel #7320-14-516-0</b>	Ms. Abigail Marie (Kidder) Irons 36 Richards Pl. Battle Creek, MI 49015	Zoning use variance to allow single- family for a legal-nonconforming single-family use for a property zoned "0-1 Office Use".	<b>APPROVED</b>
<i>Samuel Gray</i>					
<i>Bill Hanner</i>					
<i>James Moreno</i>					
<i>Carlyle Sims</i>					
<i>Becky Squires</i>					
<i>John Stetler</i>					
<i>Jill Steele</i>					
<i>Glenn Perian</i>					
<i>Leona Parrish</i>					
<b>MAY</b>					
<i>Present:</i> <b>CANCELED</b> (No Petitions Received)					

## Zoning Board of Appeals - Summary Year 2016

MONTH	APPEAL #	LOCATION	APPELLANT	REQUEST	ACTION
<b>JUNE</b>					
Present:	<b>CANCELED</b>	(No Petitions Received)			
<hr/>					
<b>JULY</b>					
Present:	<b>Z - 03 - 16</b>	<b>106 Lathrop Avenue</b>	Ms. Precious B. Holder (owner)	Request to allow 3-unit residential in	<b>DENIED</b>
<i>Deland Davis</i>		<b>Parcel #6810-04-017-0</b>	P.O. Box 4303, Battle Creek, MI	a legal-nonconforming 2-unit for a	
<i>Bill Hanner</i>			49016	property zoned R-1C.	
<i>Mark Jones</i>					
<i>James Moreno</i>					
<i>Carlyle Sims</i>					
<i>Becky Squires</i>					
<i>John Stetler</i>					
<i>Marcel Stoetzel</i>					
<i>Glenn Perian</i>					
<i>Leona Parrish</i>					
<i>David Farmer</i>					
<hr/>					
<b>AUGUST</b>					
Present:	<b>Z - 04 - 16</b>	<b>161 Honey Lane</b>	Tom & Christina Poleski	Dimensional Variance request to	<b>APPROVED</b>
<i>Deland Davis</i>		<b>Parcel #9460-23-909-0</b>	218 Apple Blossom Lane	allow an Accessory Bldg. to be in	
<i>Samuel Gray</i>			Battle Creek, MI 49015	a front-yard on lake property with a	
<i>Bill Hanner</i>				3 ft. side yard setback.	
<i>James moreno</i>					
<i>Carlyle Sims</i>					
<i>Becky Squires</i>					
<i>John Stetler</i>					
<i>Marcel Stoetzel</i>					
<i>Glenn Perian</i>					
<hr/>					
<b>SEPTEMBER</b>					
Present:	<b>CANCELED</b>	(No Petitions Received)			
<hr/>					
<b>OCTOBER</b>					
Present:	<b>CANCELED</b>	(No Petitions Received)			
<hr/>					
<b>NOVEMBER</b>					
Present:	<b>CANCELED</b>	(No Petitions Received)			
<hr/>					
<b>DECEMBER</b>					
Present:	<b>CANCELED</b>	(No Petitions Received)			

❖ **Historic District Commission**

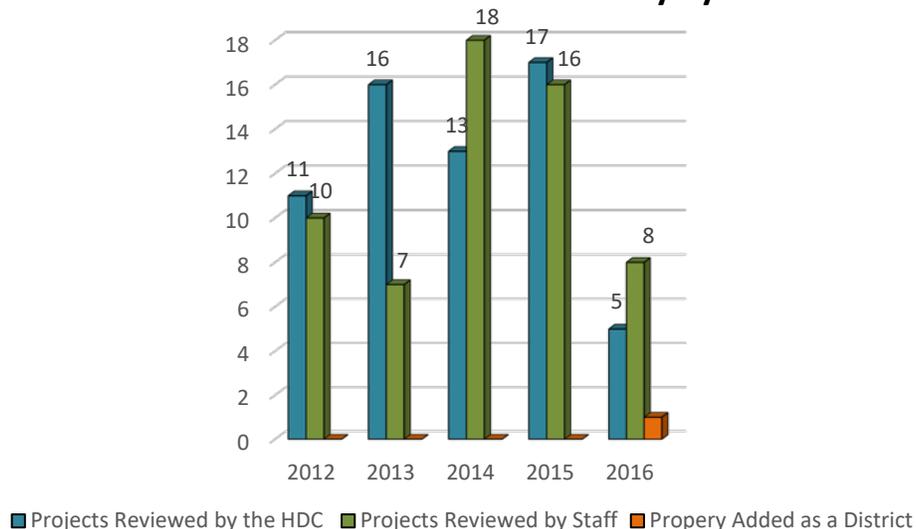
The Historic District Commission consists of seven members appointed by the Mayor and approved by the City Commission for three-year, staggered terms. The primary responsibility of the Historic District Commission is to review applications and plans for the construction, alteration, repair, moving or 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. Members of the Historic District Commission at the end of 2016 included:

<u>Name:</u>	<u>Term Expires</u>
Michael Troutman	1-1-2018
Kim Tuck	1-1-2018
Patrick Barnett	1-1-2017
Dan Buscher	1-1-2016
Jim Hopkins	1-1-2016
Bruce Philips	1-1-2016
Commissioner Kaytee Faris, Ex-Officio	

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; eight projects were approved administratively in 2016. The following charts summarize the number and type of petitions reviewed by the Historic District Commission in 2016, and compares them with information from the past five years. The spreadsheet on pages 15-18 documents the activities of the Historic District Commission in 2016.

**Historic District Commission Activity by Year**



## HISTORIC DISTRICT COMMISSION - SUMMARY YEAR 2016

Month	Appeal #	Address	Applicant	Action
<b>January</b>				
<b>Present:</b>		<b>Monthly Mtg. CANCELED</b>	(No Petitions Received)	
<hr/>				
<b>February</b>				
<b>Present:</b>	<b>#H-01-16</b>	<b>84 E. Michigan Avenue</b>	AT&T, Ms. Melany Hagle, Sr. Project Manager	<b>APPROVED</b>
<i>Partick Barnett</i>		Request to demolish garage.	1234 Senna Trl., Dewitt, MI 48820	
<i>Daniel Buscher</i>		(AT&T Property)		
<i>Jim Hopkins</i>				
<i>Bruce Phillips</i>				
<i>Michael Troutman</i>	<b>Election of Officers: Jim Hopkins as Chairperson &amp; Mike Troutman as Vice-Chair</b>			
<i>Kim Tuck</i>				
<i>Marcel Stoetzel</i>				
<i>Glenn Perian</i>				
<i>Leona Parrish</i>				
<b><u>Special Meeting 2/8/16</u></b>		<b><u>State Legislation Pending House Bill 5232 &amp; State Bill 720</u></b>		<b>APPROVED</b>
<i>Patrick Barnett</i>		Which will affect the ability of local government to govern the		<b>(Signed &amp; Sent to State)</b>
<i>Daniel Buscher</i>		preservation of Historic District properties. (Decision to Sign and Submit a		
<i>Jim Hopkins</i>		Letter of Opposition to amend 1970 P.A. 169 Local Historic Districts Act		
<i>Bruce Phillips</i>		House Bill 5232 & Senate Bill 720)		
<i>Michael Troutman</i>				
<i>Kim Tuck</i>				
<i>Kaytee Faris-Liaison</i>				
<i>Marcel Stoetzel</i>				
<i>Christine Zuzga</i>				
<i>Glenn Perian</i>				
<i>Leona Parrish</i>				
<hr/>				
<b>March</b>				
<b>Present:</b>	<b>#H-02-16</b>	<b>35 Woodmer Ln.</b>	Mr. Rick Olmstead, Olmstead Construction on behalf	<b>No Quorum - Postponed</b>
<i>Bruce Phillips</i>		<b>Install a 6 ft. privacy fence</b>	of owner Aretha Crockett.	
<i>Michael Troutman</i>		<b>in rear yard.</b>		
<i>Kim Tuck</i>				
<i>Kaytee Faris-Liaison</i>		<b>138 Ann Avenue</b>	Roach Home Improvement	<b>APPROVED: By Planning Staff</b>
<i>Marcel Stoetzel</i>		New Roof - Like for Like	901 Capital Avenue, N.E.	
<i>Christine Zuzga</i>			Battle Creek, MI 49017	
<i>Leona Parrish</i>				
		<b>20 Ann Avenue</b>	Roach Home Improvement	<b>APPROVED: By Planning Staff</b>





## HISTORIC DISTRICT COMMISSION - SUMMARY YEAR 2016

Month	Appeal #	Address	Applicant	Action
<b>Present:</b> <i>Daniel Buscher</i> <i>Jim Hopkins</i> <i>Bruce Phillips</i> <i>Michael Troutman</i> <i>Kim Tuck</i> <i>John Paul Wilson</i> <u><i>Kaytee Faris-Liaison</i></u> <i>Marcel Stoetzel</i> <i>Glenn Perian</i> <i>Leona Parrish</i>	<b>#H-05-16</b>	<b><u>312 Capital Ave., N.E.</u></b> Remove Balcony, and 2-door exits to balcony and eliminate garage service door.	Mr. Charles Fulbright 312 Capital Avenue, N.E. Battle Creek, MI 49017	<b>APPROVED</b>

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## **OTHER DEPARTMENT ACTIVITIES**

### **❖ Current and Ongoing Planning Initiatives**

#### **Master Plan**

The update of the 1997 Master Plan began in early summer 2015. The early stages of the plan included data collection and analysis for the establishment of the existing conditions report. Three surveys, one of which included a spatial mapping survey, was created and nine community workshops held that centered on community assets and issues/concerns. Another important piece for the beginning of this process was the collection and review of other important community planning and engagement work that has been done the last few years, including the above mentioned plans, the Consolidated Plan, and BC Vision. Staff recognizes the amount of time and effort various local agencies have spent on these efforts and will ensure that all relevant information will be reflected in the master plan. The bulk of 2016 was spent compiling all information and crafting a set of initial goals and objectives that will be further discussed with the community.

#### **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 eventual certification ensures that a community is transparent, predictable, and efficient in their daily development practices, which includes having a streamlined development review process. The first step after approval is an evaluation period where the program team measures the community against a set of standards based on the RRC Best Practices. The evaluation was presented to the City Commission on September 15, 2015 and at that time the Commission approved a resolution authorizing staff to move forward on remedying any deficiencies listed in the evaluation. Out of 40 qualifiers, the City had 16 deficiencies; the bulk of these are relatively easy amendments to applications and/or website information though six include more time intensive ordinance amendments and community plans. Work in 2016 included:

**Downtown Plan:** In 2016, staff received technical assistance and funding for a new downtown plan that will address redevelopment opportunities, best practices for public infrastructure improvements, and prioritize downtown development efforts. Community engagement, including a full day session and walking tour and interviews with stakeholders, were performed by the consultants.

**Economic and Fiscal Impact of Development:** While this research was not a requirement of RRC, the opportunity to participate in the study was because the City was participating in the program. This study analyzed the cost of city services compared to new development, and findings show that the further development extends beyond the core of the City, the cost to provide services including infrastructure and public safety far exceeds the revenues received from the new development. Recommendations of the study were to develop within areas that are already served by public water and sewer and closer to the central part of the city.

**Community-Wide Marketing Strategy:** City staff also prepared a community-wide marketing strategy with support from local stakeholders that are also involved in this work including the Chamber of Commerce, Kellogg Arena, Calhoun County Visitor's Bureau, and City of Battle Creek Parks and Recreation. The plan identifies target markets, analyzes which agencies are addressing the target markets, and identifies current gaps in marketing.

Public Participation Plan: City staff prepared a public participation plan that serves as a tool for City staff to provide information relative to public participation including when it should be sought and what method of engagement is appropriate for different circumstances. The draft plan was shared with all departments for their input and will be incorporated into Welcoming America initiatives to ensure outreach efforts are inclusive and equitable.

### **National Certification of Downtown Local Historic District**

There are five National Historic Districts and five local historic districts within the city limits. While both attempt to honor and preserve the historic integrity of the architecture and culture of an area, local historic districts provide regulatory oversight by way of the Historic District Commission whereas national certification is an honorary designation. Up until recently, the State of Michigan offered tax incentives for rehabilitation of properties in local historic districts. With this program having been eliminated, the only tax incentive for rehabilitation that exists is through the National Park Service and only applicable to properties in a national historic district.

The east end of downtown Battle Creek, in and around the Michigan/Division intersection, is currently both a national and local district. Properties to the west, along Michigan to Carlisle, are in a local district and thereby not eligible for any historic preservation incentives. To become eligible, properties would have to become individually listed which can be a lengthy and time consuming process. The alternative is that the local historic district can become certified as a national historic district. This certification as a national district would not come with any additional regulatory controls, but allow for individual property owners to apply to the federal government for tax incentives for the rehab of their property. With upcoming projects in the downtown area being discussed and in the planning stages, there is great benefit to having the entire area certified rather than subject individual properties to going through the process one at a time.

This project required a photograph and inventory of each property in the designated area, including their structural qualities i.e. (architectural style, foundation and building type, window design, etc.) and their history (i.e. date of construction/rehabilitation, how the building contributes to the district, and any other relevant historical information). Once the inventory and photographs of each building were complete, a narrative of the importance of these buildings and the historic district were compiled and submitted to the State Historic Preservation Office for review and eventual submittal to the National Park Service.

### **❖ 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 multi-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, vehicular traffic flow, and stormwater management is provided. Site plans are submitted to the Planning Department and reviewed by this department as well as the Inspections Department and Department of Public Works. A site plan is a legally binding document, and therefore, both Inspections and Planning inspect the property throughout construction to ensure compliance with the approved site plan.

The following chart shows the nineteen projects that were been submitted for site plan review in 2016, many of which exhibit a significant investment in our community.

2016 Site Plan Approvals			
Permit No.	Business Name	Address	Description
PSPR16-0001	Circle K	221 E. Columbia Ave. Parcel #0613-18-981-0	New 5,100 sq. ft. convenience store with 6,200 sq. ft. Canopy; Gas pumps and parking (21 Spaces)
PSPR16-0002	Demaagd	164 Grove St. Parcel #8630-13-006-0	New. 1,984 Sq. Ft. addition to auto repair office and 2 addl. parking spaces
PSPR16-0003	Finish Line Laundry LLC	10 N. 20th Street Parcel #0061-00-170-0	New Laundry, 8,000 sq. ft. with 33 parking spaces.
PSPR16-0004	Asmo Manufacturing	500 Fritz Keiper Blvd. Parcel #3020-01-095-1	New 645 sq. ft. Addition (Men & Women's Restrooms and Mechanical Rm off new addition).
PSPR16-0005	Bronson BC	Watkins/Helmer	New 14,695 sq. ft. Primary Care Physician Ofc. For Bronson of Battle Creek with 76 Parking Spaces.
PSPR16-0006	FireHub	175 S. Kendall St. Parcel #0051-00-001-0	Renovation of 8,796 sq. ft. with 18 parking spaces for Restaurant & Food Bank (Old Fire Station).
PSPR16-07	Craig Kempf Family Funeral Home, Shaw Chapel	2846 Capital SW	Banquet Hall 3,920 sq.ft. + 85 parking spaces
PSR16-0008	Brock L Howland (owner)	1700 W. Michigan Ave.	Remodel Existing Bldg & add 9 parking spaces on 1,800 sq. ft. area for parking lot.
PSPR16-0009	Schweitzer	86 S. Division St.	Proposed 47 new parking spaces for Schweitzer
PSPR16-0011	Keystone Lake	100 Gethings Circle on Parcel #0622-30-056-0	Keystone Lake Clubhouse and Leasing Office - Single Story Bldg.
PSPR16-0012	Keystone Lake	100 Gethings Circle on Parcel #0622-30-102-0	Keystone Lake Phase III 2 Story 8-Unit Apartment Bldg. & Parking Lot
PSPR16-0013	Keystone Lake	100 Gethings Circle on Parcel #0622-30-101-0	Keystone Lake Phase IV 2 Story 8-Unit Apartment Bldg. & Parking Lot
PSPR16-0014	Rivers of Gateway	242 Hamblin	Parking lot expansion (add 26 spaces).
PSPR16-0015	Minges Creek Chiropractic Ofc.	3200 Capital Ave., SW	New 4,294 sq. ft. building with 29 parking spaces (Chiropractic Clinic)

### **Zoning Enforcement**

The Planning Department 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. In 2016 there were 302 zoning complaints/enforcements recorded, down from 350 in 2015, with the majority of violations requiring at least two inspections, one to verify the violation and another to ensure compliance. Following is a summary (and number in parenthesis) of zoning enforcements this department addressed in 2016:

#### **Rental Registration Permit Application Review (107)**

Upon receipt of a rental permit application, this department verifies that the number of units registered at a property is allowed in that zoning district. If not, a legal nonconforming investigation is performed (see below). This number has steadily decreased as rental properties enter into the system and maintain their licensing thereby reducing the need for additional zoning review.

#### **Non-Conforming Investigations (12) and Illegal Use Investigations (24)**

The Planning Department 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 department 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.

In 2016, the Planning Department performed only twelve nonconforming investigations, all of which were found to be legal nonconforming.

Additionally, there were twenty-four complaints regarding the potential illegal use of a property. These are recorded in a different manner than the above investigations because a nonconforming investigation had already been performed, or because it is clear that the alleged use would not be allowed on the property, i.e. car repair at a residential property.

### Miscellaneous Enforcement (159)

Typical violations include, but are not limited to, parking (40), signage (20), improperly placed recreation vehicle (7), obstructed view (27), and fencing (11).

### Miscellaneous

#### Building permit application review

Effective November 2009, the Planning Department 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 2016, 1,040 permits were reviewed by the Planning Department. Where applications were not compliant with zoning regulations, contact was made with the applicant to assist them with changes necessary for the project to be in compliance and approved.

#### City Business License Application Review (118)

The Planning Department 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, but also a review of existing conditions at the property to ensure there are no open zoning violations of any nature.

### SUMMARY

The amount of requests coming into the department has been relatively consistent with previous years, though there is a decline in the types of projects requiring additional approvals from any of the appropriate boards and commissions. This may be due in part to the assistance provided to applicants from the outset of a project to help it be successful in the most expeditious and efficient manner. The department will continue to look at ways regulations can be amended to ensure that property improvements can be reviewed and approved promptly, while being conscientious of surrounding property owners and land uses to ensure their well-being and property values are protected. These efforts are a balancing act to ensure all concerns are treated equitably and the outcome is for the overall benefit of the community.

A priority project list is maintained by the Planning Department to ensure ongoing projects meet the goals of the Planning Commission, City Commission and the community as a whole. In the upcoming year, progress will be made on completion and adoption of the master plan, the downtown plan, and any remaining efforts needed to achieve Redevelopment Ready Certification.