CITY OF BATTLE CREEK

COMMUNITY SERVICES DEPARTMENT – PLANNING AND ZONING

AGENDA

PLANNING COMMISSION SPECIAL MEETING

Date: **Wednesday, October 14, 2020**
Time: **4:00 P.M.**
Via: **ZOOM Virtual Meeting**

TO PARTICIPATE IN PUBLIC COMMENT: Zoom Telephone Number: 312-626-6799. The caller will be prompted to enter the meeting ID number: 930 4614 5448. The caller will be placed into a virtual "waiting room" until it is their time to speak during public comment.

1. **Call to Order**

2. **Attendance**

3. **Approval of Minutes –** **A. July 22, 2020 regular meeting minutes**
   B. August 26, 2020 workshop minutes
   C. September 23, 2020 meeting minutes

4. **Correspondence**

5. **Additions or Deletions to the Agenda**

6. **Public Hearings/Deliberations: None**

7. **Old Business:**
   A. #Z-01-20: Petition from Stetler Built Homes, Inc., at 291 N. 20th St., Springfield, MI 49037, requesting to allow increased density of lots 34-46 of Huntington Hills from PURD Residential and Agricultural to MDMF-Medium Density Multiple Family zone on vacant land known as Huntington Hills, Calhoun County Subdivision Plan No. 30.

8. **New Business:**

9. **Comments by the Public**

10. **Comments by the Staff and Commission Members**

11. **Adjournment**

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

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BATTLE CREEK PLANNING COMMISSION
MEETING MINUTES
Wednesday, July 22, 2020
Location: Virtual Meeting

1. **Call to Order:** Chairperson Buscher called Meeting to order at 4:01.

2. **Attendance:**
Members Present:

Susan Baldwin	Robert Whitfield
John Stetler	Joe Soberalski
John Godfrey	Cody Newman
Daniel Buscher	Lynn Ward Gray
Chip Spranger	

Staff Present: Christine Zuzga, Planning Manager, Planning Dept.
Marcel Stoetzel, Deputy City Attorney
Marcie Gillette, Community Services Director
Sarah VanWormer, IT Director

3. **Additions or Deletions to the Agenda: NONE**

4. **Approval of Minutes:** Meeting Minutes Special Meeting January 7, 2020.

MOTION WAS MADE BY COMMISSIONER GODFREY AND SUPPORTED BY COMMISSIONER NEWMAN, TO APPROVE THE PLANNING COMMISSION MEETING MINUTES FOR THE SPECIAL MEETING ON JANUARY 7, 2020. ALL IN FAVOR 9-0, NONE OPPOSED.

5. **Correspondence:**

Planning Manager Zuzga stated that she received three pieces of correspondence, all which were forwarded to the Planning Commission in advance of the meeting and additionally placed on the City website relative to the meeting packet:

Email from Matthew Griffiths, outlining his opposition to agenda item 6a, request for conditional rezoning at Huntington Hills.

Email from Clarence and Debbie Kimber, outlining their opposition to agenda item 6a, request for conditional rezoning at Huntington Hills.

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Packet of documentation from Scott and Jennifer Peavy, submitted on behalf of 75 property owners in Huntington Hills, outlining their opposition to agenda item 6a, request for conditional rezoning at Huntington Hills.

6. <u>Public Hearings and Deliberation/Recommendations</u>:

A. #Z-01-20: Petition from Stetler Built Homes, Inc., at 291 N. 20th St., Springfield, MI 49037, requesting to allow increased density of lots 34-46 of Huntington Hills from PURD Residential and Agricultural to MDMF-Medium Density Multiple Family zone on vacant land known as Huntington Hills, Calhoun County Subdivision Plan No. 30.

Commissioner Stetler announced that as the petitioner, he is recusing himself from the presentation and the discussion relative to the request.

Chairperson Buscher opened the public hearing and asked first for a presentation by the petitioner, followed by any public comment.

Annie Stetler, Stetler Built Homes, presented the request to conditionally rezone a section of land that had originally been approved as 13 single family homes due to changing housing market and real estate demands. If approved, the development would include ten duplex buildings and eleven single family homes. Prior to submitting the request, they surveyed realtors, appraisers, and consumers to determine what the current needs are. Based on this and national trends, the demand for smaller, attached condo units targeted for aging population became a priority. The proposed units would be approximately 1,350 square foot in size, each with two car attached garage, and price point of $280,000. A similar duplex is currently under construction by Stetler Built Homes on Gethings Road and the south end of Huntington Hills.

Sarah VanWormer, IT Director, announced each member of the public that wished to speak during the public hearing:

Tracy Aicher, no comment at this time.

Christine and Mark Wentworth, 119 Barrington. Opposed to the request. Bought home understanding there would be single family homes built.

Sharon Yaskulski. Supportive of quality new housing in a wonderful setting, to encourage people to move to Battle Creek. Does encourage protection of natural area.

Jon Melges, 146 Barrington. Opposed to the request. Requesting a 30-60 day postponement so all the residents have more time to seek additional information and legal options if necessary. Questioned public noticing requirements.

Jim and Karen Rich, 182 Barrington. Opposed to the request. Concerns with traffic, and property values of existing homes.

Chris Wilhelmson, 128 Barrington. Opposed to the request. Concerns with traffic and developer seeming to change the rules.

Mark Wentworth, 119 Barrington. Added that the condos already in the neighborhood are separate from single family homes and have their own entrance.

Sandra Melges, 146 Barrington. Their neighborhood is safe with low traffic and this will change with addition of condos. Stated that there has been some new single family construction within one miles of Huntington Hills so feels there is a market for that type of construction.

Jeff Williams, 166 Kensington. Recently heard about the request and would like to request a postponement.

Jennifer Peavy, opposed to the request. Wanted to clarify that the HOA did receive an email but that no meeting occurred to discuss the request. Stated she feels that traffic would increase if the rezoning is approved. Knows of two neighbors that did not receive a notice.

Scott Peavy, 135 Barrington. Strongly opposed to the request. This would be a significant change from what they, and others, bought into.

David and Patricia Latimer, 127 Barrington. Opposed to the request based on other concerns addressed by other residents.

Julie Rabbit, resident of Huntington Hills. Opposed to the request. Concerns of traffic, existing condos have two means of ingress and egress. Curious about square footage and price points.

Adolfo and Esther Vasquez, 101 Barrington. Requesting more time to express their voices. Concerns of traffic and affects to property values.

Debbie Kimber, 190 Kensington Circle. Concerned about the wildlife in the area that has become naturalized, and also stormwater management.

Tom Drew, 227 Barrington Circle. Opposed to the request, and reinforces what other neighbors have said and requests extension of time.

Jigar Patel, 196 Kensington. Opposed to the request. Different than what he bought into 6 years ago.

Michelle Williamson, 178 Kensington. Her and her husband agree with other comments, would like more time. Concerns about water runoff.

Matthew Griffiths. Agree with everything already said. Developer hasn’t fulfilled his obligations, including the walking path, and thinks he should complete those first before being allowed to change.

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Ranbir, 147 Barrington Circle. Concerns with safety of children, lack of communication, loss of privacy, especially as the driveway would be right next to their driveway.

Heath and Rick McKendrick, 221 Barrington. Request postponement and encourage developer to have meetings with residents.

Chair Buscher closed the public comments. **Comments by the Staff and Commission Members:**

Planning Manager Zuzga outlined the request, and that staff is recommending approval based on findings listed in the staff report, and it is her opinion that it meets criteria established under case law including consistency with the master plan and future land use. Zuzga noted that public hearing notices were published and mailed as required by State law. Notices were mailed to 78 owners and occupants of properties located within 300 feet of the subject parcel. No notices had been returned to the City as undeliverable.

A MOTION WAS MADE BY COMMISSIONER SPRANGER, SECONDED BY COMMISSIONER GODFREY, TO POSTPONE THE REQUEST UNTIL THE SEPTEMBER 23, 2020 PLANNING COMMISSION MEETING.

Multiple Commissioners expressed support for the postponement. Commissioner Soberialski stated there is a real need for housing and housing options in the City and thanked Stetler Built Homes for considering options.

A VOTE WAS TAKEN ON THE MOTION TO POSTPONE. 8-0-1 (COMMISSIONER STETLER ABSTAINING FROM THE VOTE). MOTION CARRIED.

7. Old Business

8. New Business: Election of 2020 Officers – Chair and Vice-Chair

COMMISSIONER GODREY MOTIONED TO MAINTAIN THE EXISTING SLATE OF OFFICERS FOR CHAIR AND VICE. COMMISSIONER SOBERIALSKI SECONDED. With Jim Hopkins, the current vice-chair, no longer serving on the Planning Commission, a new vice-chair would need to be selected. **COMMISSIONER GODFREY AMENDED HIS MOTION TO NOMINATE COMMISSIONER GRAY TO SERVE AS VICE CHAIR, WITH DAN BUSCHER REMAINING AS CHAIR. COMMISSIONER SOBERIALSKI SECONDED. MOTION CARRIED 9-0**

9. Comments by the Public
None

10. Comments by the Staff and Commission Members
None

11. **Adjournment** at 5:13pm.

BATTLE CREEK PLANNING COMMISSION
WORKSHOP MINUTES
Wednesday, August 26, 2020
Location: Virtual Meeting

1. **Call to Order:** Chairperson Buscher called Meeting to order at 4:00.

2. **Attendance:**
Members Present:

Susan Baldwin	Lynn Ward Gray
John Stetler	Joe Soberalski
John Godfrey	Cody Newman
Daniel Buscher	Chip Spranger

Staff Present: Christine Zuzga, Planning Manager, Planning Dept.
Marcel Stoetzel, Deputy City Attorney
Glenn Perian, Senior Planner
Chad Frein, Business Analyst, GIS Manager

3. **Additions or Deletions to the Agenda: NONE**

4. **Correspondence**: **NONE**

5. **ZOMA (Zoning Ordinance and Map) Presentation**
Planning Manager Christine Zuzga presented to the Planning Commission on the upcoming zoning ordinance and map amendment, and introduced Paul Lippens, McKenna, the consulting firm contracted to assist with the project. The main priorities of the update is to bring the ordinance and map in line with the 2018 Master Plan, to ensure consistency with MZEA and MPEA, to make it easier to use for everyone, remove redundancy's, allow for opportunity for redevelopment along key commercial corridors, and fix historical zoning issues including legal nonconforming properties and uses.

The process included reviewing previous ongoing evaluation of existing ordinances and zoning map for issues and concerns, diagnostic review by McKenna, reviewed requests from the public – what they would like to see and what they would not like to see.
.
Engagement started with the Master Plan, and continued into the fall 2019 with a three day charrette for input on neighborhoods and corridors to test the existing ordinances and determine areas for change. Additionally, there were multiple meetings scheduled with the technical committee to review various elements of the draft ordinance and map.

With significant revisions to the ordinance in the last five years, including parking, landscaping, fencing, site plan review, etc. there are very little regulatory changes being proposed. The new ordinance will provide flexibility for uses, especially along key commercial corridors leading into downtown (Main, Michigan, Capital NE, SW) where, in many cases, the existing zoning has

inhibited potential use/redevelopment of properties. There will also be changes to the map to reduce issues with nonconforming parcels/uses.

The next steps include:

8/24 to 9/2	Detailed review of draft map ordinances; quality control; testing ordinances and maps to ensure objectives are being met. 8/24 to 9/2
9/2	Comments back to McKenna for revisions
9/8	Online ordinance and interactive map for public review
9/8	Publish public hearing notice in the Battle Creek Enquirer
9/8 to 9/15	Engagement and info to the public, possible small group discussions
9/23	Public Hearing at the Planning Commission meeting
10/6	Introduction at City Commission meeting
10/20	Adoption at City Commission meeting

The draft map and ordinance will be sent to the Planning Commission and the Technical Committee with request for their review as well. This will help vet the ordinance and map and help staff provide quality control.

Chair Buscher opened up opportunity for Commissioner comments:

Commissioner Gray suggested also publishing the public hearing notice in the Battle Creek Shoppers as well as the Enquirer.

Commissioner Baldwin suggested following the above timeline to allow for review and adoption by the sitting Commission.

Commissioner Stetler suggested an interview on WBCK radio.

6. **Comments by the Public:** Paul Lippens, McKenna, thanked the Commissioners for their time. Stated he is pleased that after a hiatus due to COVID, that everyone could regroup to get the draft complete and ready for public input and eventual adoption.

7. **Comments by Staff and Commission Members:** Chad Frein indicated there were no members of the public waiting on Zoom, nor on Facebook live, wishing to speak.

8. **Adjournment:** Chairperson Daniel Buscher adjourned today's meeting. All in favor, meeting adjourned at 4:38 P.M.

Respectfully Submitted: Christine Zuzga, Planning Manager, Planning Dept.

BATTLE CREEK PLANNING COMMISSION
MEETING MINUTES
Wednesday, September 23, 2020
Location: Virtual Meeting

1. <u>Call to Order</u>: Chairperson Buscher called Meeting to order at 4:00.

2. <u>Attendance</u>:

Members Present:

Susan Baldwin	Daniel Buscher
John Godfrey	Lynn Ward Gray
Cody Newman	Joe Sobieralski
Chip Spranger	John Stetler
Robert Whitfield	

Staff Present: Christine Zuzga, Planning Manager, Planning Dept.
Glenn Perian, Senior Planner
Marcel Stoetzel, Deputy City Attorney
Ted Dearing, Assistant City Manager
Carl Fedders, DPW Director
Sarah VanWormer, IT Director

3. <u>Approval of Minutes</u>: A. July 22, 2020 regular meeting minutes
B. August 26, 2020 workshop minutes

MOTION MADE BY COMMISSIONER GODFREY AND SUPPORTED BY COMMISSIONER NEWMAN, TO APPROVE THE PLANNING COMMISSION MEETING MINUTES FOR THE REGULAR MEETING ON JULY 22, 2020 AND THE WORKSHOP ON AUGUST 26, 2020. ALL IN FAVOR 9-0, NONE OPPOSED.

4. <u>Correspondence:</u>

Chair Buscher noted that additional correspondence that had been received by staff after the meeting packet had been sent out, had been subsequently emailed to the Planning Commission and additionally placed on the website for review. Zuzga confirmed.

Commissioner Stetler announced that he would be recusing himself from the portion of the meeting where the conditional rezoning request for Huntington Hills was being discussed, as he is the applicant and has a conflict of interest.

5. <u>Additions or Deletions to the Agenda</u>

A. Consider moving agenda item 7.A to before the ZOMA public hearing (6.A)

Zuzga stated that as it was discovered directly prior to the start of this meeting that there were technical issues with the original posted ZOOM meeting id, and the meeting wasn't accessible. The IT Director was able to quickly start a new meeting, however, the new meeting id number was not published and therefore this meeting does not comply with Open Meetings Act. Deputy City Attorney Stoetzel confirmed that this meeting does not comply with the Open Meetings Act.

Commissioner Sobieralski asked if the Commission could postpone the request for Conditional Rezoning, until the applicant could provide an independent traffic impact. Chair Buscher asked if a discussion could take place, and could requests be provided to the applicant.

Deputy City Attorney Stoetzel stated that the public hearing already occurred at the July 22nd Planning Commission meeting, however, proper notice is still required for each meeting. He indicated that Commissioners could highlight concerns or additional information they may need to make a decision at a meeting scheduled for a later date.

The Planning Commission discussed the possibility for a special meeting to be scheduled, prior to their regularly scheduled October 28, 2020 meeting, to discuss the conditional rezoning request and any additional information they may request. Planning Manager Zuzga to work with each Commissioner on the date for the upcoming special meeting.

It was discussed that this since wasn't an official meeting, the approval of the minutes will be placed on the next meeting agenda.

6. **Adjournment** at 4:22 pm.

MOTION WAS MADE BY COMMISSIONER GODFREY AND SUPPORTED BY COMMISSIONER NEWMAN, TO ADJOURN THE MEETING AT 4:22 P.M. ALL IN FAVOR 9-0, NONE OPPOSED.

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Battle Creek City Planning Commission

Addendum to the staff report – October 14, 2020
Special Meeting

To: Planning Commissioners

From: Christine M. Zuzga, AICP, Planning Manager

Subject: Coversheet/Addendum for Petition Z-01-20, request for a conditional rezoning of thirteen parcels in Huntington Hills to allow mixed residential density.

Attachments:
Attached to this coversheet/addendum are the following documents:

- Correspondence submitted for the September 23, 2020 meeting, as of 5pm Thursday, September 17th:
  - Letter from Carl Fedders, Director, City of Battle Creek Department of Public Works
  - Two letters from Annie Stetler, Stetler Built Homes
  - Letter from Super Common Elements of Huntington Hills HOA Board
  - Compiled Letter and Information submitted on behalf of the neighborhood
  - Letters from individual residents (23)
- Staff Report for Petition Z-01-20, submitted for the July 22, 2020 meeting
- Application submitted by Stetler Built Homes

Meeting Agenda / Process
As this request was postponed from the July 22, 2020 meeting, after the required public hearing, this issue is considered Old Business and placed on the agenda in accordance with the Planning Commission bylaws, Article VI, which outline the order of the meeting. The bylaws allow for the order of business to be changed upon consent of a majority of members present at the meeting. Due to other potentially lengthy agenda items, and the amount of public expected to participate in the meeting for this petition, I have added to the agenda a request to move this petition to before the public hearing on the zoning ordinance and map.

As the required public hearing was held at the July meeting, the discussion at this meeting will not be a formal public hearing. However, in speaking with Chair Buscher, opportunity for public comment will be provided for prior to the Planning Commission deliberation.

Deliberation and Action by the Planning Commission
With any rezoning request, the complete application including any and all parameters and conditions included by the developer should be considered, and evaluated as to the consistency with the Master Plan; the capability and capacity of the existing street system, infrastructure, and utilities; and the compatibility of the proposed use with the existing zoning and land uses in the vicinity.

With a rezoning, the Planning Commission cannot impose any conditions to the request, and shall take action based upon the merits of what was submitted by the applicant.

It is imperative that the findings and justification for any action taken by the Planning Commission are discussed and included as part of a motion. After deliberation, the Planning Commission can take action in the following ways:

1. Recommend to City Commission approval of the request as submitted, citing specific findings as to how the request meets the criteria listed above.
2. Recommend to City Commission denial of the request as submitted, citing specific findings as to how the request does not meet the criteria listed above.
3. Postpone the request until a date certain, with specific reasons and/or requests of the applicant that would provide additional information tied to substantiating if/how the request meets the applicable criteria.

CITY OF BATTLE CREEK

DEPARTMENT OF PUBLIC WORKS

August 31, 2020

To: Christine Zuzga, AICP
Planning Supervisor

From: Carl Fedders, PE
DPW Director

Re: Huntington Hills Conditional Rezoning Request

The Department of Public Works (DPW) has reviewed the petition from Stetler Built Homes, Inc. from the July 22, 2020 Planning Commission meeting. It is our understanding that if the conditional rezoning request was approved the development would be allowed to change the existing plan from 13 residential parcels to 11 single family homes and 10 duplexes.

Various divisions within the DPW reviewed the existing infrastructure which would be impacted by this change and believe it can be successfully managed. We have reviewed the sanitary sewer system, water system, storm sewer system and street system and do not find any capacity concerns.

To evaluate the change in traffic, common trip generation rates were used from the 10th edition of the Trip Generation Manual from the Institute of Transportation Engineers. As originally proposed the 13 single-family detached residential units would generate approximately 13 trips during the peak hour and 122 daily trips. The proposed change would generate approximately 33 trips during the peak hour and 250 daily trips. While these projections are theoretical, they do not raise any capacity concerns. Using the same method, the current theoretical peak and daily trip rate for the current conditions are 22 and 208 respectively. In response to the increase in traffic volume the DPW may consider restricting parking on one side of Barrington Circle N. We are in the process of gathering current traffic counts to confirm these assumptions.

Approval of the site plan will require detailed engineering review. This memo does not relieve the developer of this requirement. Additionally, the Department of Environment, Great Lakes and Energy will be need to issue the necessary permits prior to the extension of public utilities.

Please feel free to reach out to me with any additional questions.

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STETLER CONSTRUCTION
291 N. 20TH STREET • BATTLE CREEK, MI 49037
PH: 269.441.1800 • FAX: 269.441.1799

September 22, 2020

Planning Commission City of Battle Creek
% Christine M. Zugza, Director of Planning
10 North Division
PO Box 1717
Battle Creek, MI 49016-1717

Dear Planning Commission of City of Battle Creek,

I would like to thank you for your consideration of our housing project in Huntington Hills. I certainly appreciate all the time and energy you have spent studying this. Stetler understands no one likes change and especially in their backyard. Stetler is a company of honesty and integrity and has built many quality projects in Battle Creek and would like to continue with the Barrington Villas.

Regarding the second compilation of Huntington Hills rezoning opposition as submitted to the planning commission, I would like to briefly respond to the following:

- No signature on the compilation
- No vote was taken of the owners
- We never tried to circumvent the neighborhood on this project. The board of directors of the HOA was notified February.
- Annie is not the secretary of the HOA, it is Joan Dillman.
- John never intended to exclude himself from the homeowners question and answer meeting.
- We had no general membership meeting of the Super Commons Association due to COVID.

These are a few of the 35 inaccurate statements I counted in the report. I will not review further in this letter but would be glad to discuss at the meeting if desired.

We close hoping the commission will give us favorable consideration without dragging this out by requiring additional studies.

Respectfully,

Annie

Annette L. Stetler

STETLER CONSTRUCTION
291 N. 20TH STREET • BATTLE CREEK, MI 49037
PH: 269.441.1800 • FAX: 269.441.1799

September 2, 2020

Battle Creek City Planning Commission
City Hall
101 N. Division St. Suite 117
Battle Creek, Michigan 49014

Re: Z-01-20

Planning Commissioners:

On August 9th Annie Stetler and John Stetler met with about 50 Huntington Hills owners who had concerns about the new luxury condos we would like to build on the property we discussed in planning commission meeting. We replied to each of their concerns that had been expressed in the planning commission public hearing as well as at this meeting

Below are the concerns that they expressed in planning commission meeting and were repeated many times at this meeting.

Concern: Villas will be in a proposed drainage area:

Reply: See the concept plan for the villas and if you would like to have your engineer review the proposed drainage plan for the villas it will be made available. Ultimately the water that Huntington Hills creates, that is more than what evaporates or is absorbed into the soil, vents across Stone Judge of the low land and then continues a few miles west. I don't think the person that expressed the concern understands where subject property is located.

Concern: The change does not comply with the bi-law restrictions.

Reply: Jim Reed one of the leading real estate law attorneys in the area was consulted by Stetler and reported back that "Article X, subsection B.3 on page 15 of the original Master Deed states: "A material amendment may also be made unilaterally by the Developer without the consent of any Co-owner or mortgagee for the specific purposes reserved by the Developer in this Master Deed, including, but not limited to , amendments for the purpose of modifying the types and/or sizes of unsold Units and their appurtenant Limited Common Elements"

Concern: Why do we start a new area before all the existing sites are filled in.

Reply: New condos are selling at a much faster pace than new single-family homes and at a higher price per square foot which is the proposed use of the vacant lots behind Barrington circle. Since midyear 2006 new single-family homes built to Stetler standards have not been built and sold on existing lots profitably. New home construction cost is approaching $200/Sq. FT. That would mean that a 2,000 Sq. Ft. ranch would cost $400,000 plus a $60,000 lot makes it $460,000 and it would probably sell for $390,000 causing us to lose $70,000.

Concern: Walking trail system has not been completed.

Reply: Walking trails are installed as we build the corresponding roads to service them. The proposed new Villas will be hooked to the walking trail system.

Concern: Stetler has allowed other builders to build in Huntington Hills.

Reply: Stetler has built well over half of the homes in Hunting Hills. From the very beginning of Huntington Hills Stetler has allowed other builders to build there. This is also true with other Stetler developments that have done in the Battle Creek area. We have just cut off other builders from building in Huntington Hills because to build more lots in the Abington's or Barrington's would probably cast twice as much as it costs to build the existing ones. The commons have all been built by Stetler and that is our intention with these condos would also be built by Stetler

Concern: Changing zoning would cause addition traffic on the roads and cause them to have additional wear and tear.

Reply: The plan as currently in place calls for 13 three or four car garages with homes designed to meet the needs of young, large families. The proposed is for 31 homes designed for one or two seniors with 2 car garages. I do not thing that this will generate any additional traffic and the road network certainly is not overloaded now. The maintenance of the ABK roads is the city's responsibility not the association they are public roads.

Concern: You were not informed of the change in land use.

Reply: Your association was sent a letter 2/12/2020 informing them of the proposed change and this information was sent on to each member of the board of directors without a reply to Stetler. Annie was at the board meeting following the letter.

Concern: Stetler should build this area out as Barrington style homes.

Reply: Stetler would love to build this area out as large single-family homes but for over 10 years we have not been able to find a customer to build a home on one of the Barrington sites so we think that it is time to doing something else. This pattern of homes was established in 2002 and in the last 18 years the Battle Creek, market has changed.

Concern: This is all being pushed through under the table and too rapidly without giving the neighborhood enough notice.

Reply: The timing of the notices of this proposed changed is set by State Statute and the City was following the State guidelines. When your concern was expressed the planning, commission gave you an additional 2 months.

Concern: This will lower my property value.

Reply: Because this will be so separate, I do not think it will affect your property value. If I thought it would Stetler would not do the project. We currently have 3 developed sites on Barrington Circle and enough land that with a road extension we could build seven additional lots. If these sites would have a $60,000 value for each site, you see that we would be shooting ourselves in the foot to do the project. In addition, when you add new buildings to a neighborhood you lower

the average age of the buildings there, thereby extending the life of the neighborhood. Some of the existing Barrington Homes now back up to the smaller Kensington Homes and I see no effect in their value.

Concern: Environmental Study.

Reply: An environmental study was done of the property before the project was started.

Concern: John Stetler Conflict of Interest:

Reply: John Stetler has volunteered his time by sitting on both the Planning Commission and the Zoning Board of Appeals for many years before this project was thought of. He has not spoken to any of the planning commissioners on a personal level about this project. He stepped away from the camera during the meeting discussion and both abstained from the discussion and voting on this issue.

Concern: Homes in Huntington Hills do not follow building restrictions:

Reply: To the best of our knowledge all homes meet the building restrictions. It is the owners or the association's responsibility to enforce the building restrictions.

Stetler Concern: The status quo for this land will not remain the same. If the association successfully blocks this zoning change. The Association can purchase this land and create their own change or wait and see what Stetler does with this land. Stetler will not continue paying the taxes on this land and pay over $4,500 per year of super commons dues. There will be change and we think this would be a positive one that is feasible.

I hope that this information is helpful.

Annie

Annie Stetler, President

Super Common Elements of Huntington Hills HOA Board

September 14, 2020

To the Battle Creek City Planning Commission,

This letter pertains to the Stetler Built Homes conditional rezoning request (#Z-01-20) being re-discussed at the September 23, 2020 Planning Commission meeting. The HOA board of the Super Common Elements of Huntington Hills has been asked to provide a letter stating the position(s) of the home owners.

The Huntington Hills property contains 203 individual units made up of a mix of condos and homes. The condos occupy a space called The Commons while the single-family homes occupy streets entitled; Abbington, Kensington, and Barrington (referred to as the ABKs). The Barrington Villas are proposed for development within the single-family homes off of the Barrington neighborhood with visual impacts to the Kensington neighborhood. There are approximately 141 single-family homes in the ABKs and 62 condos in the Commons. Of those, 115 (108 from ABK and 7 from the Commons) have signed a letter opposing the rezoning request to allow the development of the Barrington Villas. The remaining property owners' opinions are not officially known. The HOA Board would like the City to be aware of the known opinions in the neighborhood.

Sincerely,

The Super Common Elements of Huntington Hills HOA Board

Second Compilation of The Huntington Hills Rezoning Opposition

Conditional Re-zoning #Z-01-20 Petition from Stetler Built Homes, Inc.

First, we would like to thank the Planning and Zoning Approval Committee for giving us the additional time due to the massive opposition which was brought forth with only a 4 day notice. We greatly appreciate it. We want it to be known that we re-submit the first packet of opposition points that were submitted for the public hearing back in July. Everyone on the Planning and Rezoning Approval Committee should have a copy of those, and a copy of those were also sent to all the commissioners. Handouts were given throughout the neighborhoods so we feel that those issues can be readdressed if needed, but because of limited time, we would rather it be spent on these additional points and grievances that have come up since the 60 day extension, extensive research of the by-laws, local, state and federal laws, discussions with legal counsel, a Stetler presentation and two HOA meetings. Here is our additional compilation of points and actions taken during those 60 days:

1. We have strived to obtain and inform the remaining residents who had not responded or were unaware of this situation still. Currently, as we submit this letter, we have received 115 NO's and 10 that Abstain or don't want to be listed by name for varying reasons. We presently have ***NOT*** received a single ***Yes*** from any residents at this time. We will continue to acquire the remaining responses over the next week until the planning and zoning meeting next Wednesday September 23rd. This has been difficult during this Covid crisis as many will not open their doors to anybody, stranger, friend or acquaintance.
2. We requested and conducted an emergency HOA meeting to meet with the Stetlers. To have them finally talk to us about this proposal instead of circumventing us as they had tried to do throughout this process. Approximately 50 to 70 residences were in attendance. Issues that arose:
    a. That John was at the meeting trying to sell this to the residents. John sits on the Planning and Zoning approval committee. During the public hearing he recused himself and turned it over to Annie to display no conflict of interest. He then shows up at the meeting with the HOA, not recusing himself and diligently tried to persuade the residents to buy into his proposal. We do not think that this is recusing himself at all and it is a major conflict of interest. It looked equally as bad during the public hearing when John recused himself and then said here is my daughter Annie to present. REALLY?
    b. During the presentation, the Stetlers continued to present the fact that this whole project was to meet the need for affordable senior housing. During this question and answer discussion Annie updated the price of these condos which is different than the price presented in the Planning and Zoning staff report which states they were to be sold for $280,000. The updated price given on that day by Annie was $350,000. This is an additional $70,000 (25%) more than what was listed in the staff report three weeks earlier. How can there be such a big discrepancy in such a short period of time. For 1350 square foot condos at $350,000 the square foot costs of this are $266. The national average for new construction for 2019 by the NAHB (National Association of Home Builders) was $114 per square foot. These are Model Condos, not each custom built which would demand a higher price. Maybe this is why the Stetlers have problems building and selling units. Regardless of the Stetlers business practices, this is still not affordable housing. Especially for senior citizens on a fixed income and especially not for senior citizens in Battle Creek at $350,000 a pop, not including continuing monthly maintenance costs that will be in addition. That's not even affordable for most hard-working fellow citizens who have two incomes.
    c. When asked how they were going to control the sales just to senior citizens as per the staff report, the presentation, and the NPC10 letter, they responded with they could not and would not. The condos would be for sale to anyone who wished to purchase. We wonder and question, why the charade. Probably because those words would help them get the zoning passed.
    d. When asked if this zoning were passed would they try to have the unfinished lots throughout the neighborhoods also rezoned. Annie responded with no one knows what the future holds but it is definitely a possibility. The follow up question to that was how sure were the Stetlers that they would be able to sell these over priced small condos to senior citizens, or would we be left with another

partially finished neighborhood that will never be completed. Annie responded with they are not sure that they can even sell one condo, but condos are hot right now and they want to try. The follow up question to that was if this is another unsuccessful venture, and things are rezoned, could they then sell to any builder who would have no restrictions, on size, square footage, appearance, and could even put in apartment buildings if they wanted to. Annie responded with that is correct. If this passes and things don't go their way, all bets are off and there are no guarantees of anything. A great position for the Stetlers to make money, and to walk away and just sell the lots to anybody if it does or doesn't, but a horrible position to put the residents and families in who presently live here.

e. There were many discussions about the potential devaluing of property values. John answered this question with he found it highly unlikely that this would happen. We found his answer to be very biased to his own situation. We were able to get him to admit that this was his own personal opinion and that it was not based on facts. Many of us have had talks with other industry experts, and believe his answer to be inaccurate. Market analysis shows that condo sales in the secondary market in Battle Creek are NOT GOOD. Many sell for less than what they were built for, and certainly not around the $350,000 mark in Battle Creek. Many have called this a pipe dream and a highly improbable one. The only thing close to this on the market right now for that price is a condo in Windamere for $350,000 that is a 4 bedroom, 4 bath, and is 3872 square feet, The Stetlers is 1350 square feet and 2 bedroom, 2 bath. The math does NOT add up and therefore we believe the probabilities are very low.

f. It was brought up about the lack of communication, the very suspect circumvention with regard to the communication to the residences regarding this situation, and how that violates the by-laws, and the MCL state statutes all while Annie held the position of Secretary on the HOA board. How convenient. Annie stated during the public hearing that it was discussed during the HOA board meeting in February, and that letters were sent to everyone in the community (also per the NPC10 letter). It was refuted during the public hearing by other board members that NO HOA meeting was conducted AT ALL during the time that Annie stated, and no letter was sent to the residents. Annie stated again during their presentation that the residents were informed via letter 10 days before the application was filed and were required to do so per the by-laws. We believe she is referring to this:

> 4. A person causing or requesting an amendment to the Condominium Documents shall be responsible for the costs and expenses of the amendment, except for amendments based upon a vote of the prescribed majority of Co-owners and mortgagees or based upon the Advisory Committee's decision, the costs of which are expenses of administration o the Association. The co-owners and mortgagees of record shall be notifi of proposed amendments under this section not less than ten (10) days before the amendment is recorded.

This is also a local and state MCL statute/ordinance. Regardless of which ever one she was referring to - it NEVER TOOK PLACE. No one to date has received any letter and neither the board members nor the residents could produce any such letter that was sent to the residents. All of this while Annie held the Secretary position on the HOA board and was self-dealing for financial gain and purposefully circumventing the residents and the community.

g. In conjunction with (C) above – Annie, while serving as Secretary of the HOA board went with John Stetler to the Neighborhood 10 meeting to present a hard sell to get this passed, Thank God for the letter from Jeff Koteles (the Chairman of the Westlake/Prairie Neighborhood Council (NPC 10) which provided some objective insight as to what went on during that meeting.

i. He states that the Stetlers sent out letters to the area residents 10 days before the meeting to see if there were any questions or concerns, and that they had received none "at least as of yet". There were none because there WAS NO LETTER. NO ONE HAD A CLUE THIS WAS GOING ON. Once we found out in July there was massive opposition in 4 days. We questioned why, with Annie having the position of Secretary on our HOA board, was our HOA board not informed of this presentation. Why were not our other board members or our residents informed. Does she not have their contact information, does she not know where we live. We have good people on our board, they probably would have gone to the NPC 10 meeting for something of this magnitude, maybe even required to go but not a single one was there. No one new anything until a few of us received the planning and rezoning letter from the City on July 7th. We believe the Stetlers sought every opportunity to circumvent the board and the residents to get this passed through the planning and zoning approval committee (which John sits on) before anyone could do anything about it. The actual application was submitted on the same day as the presentation. Stamped "Received" February 24th, 2020. The presentation given that night based on the date of the email from that NPC10 Chairman. There had to be pre-planning for both of these things to happen and yet no one was informed. Imagine that.

ii. Jeff also states that no one was in attendance from the affected area. We believe if residents actually knew, then many would have turned out. He states that Huntington Hills is somewhat isolated from NPC10 and that the impact to NPC10 would be minimal, except to the Huntington Hill neighborhoods. If the Stetlers had a presentation put together for NPC10, why was it never given to the actual residents of Huntington Hills. It was already created and put together; it should have been easy. Especially for the second time around, it should have been much easier. None was offered and none was given. We wonder why?

iii. Our only representative there was from the Abbingtons. She stated the Stetlers tried for a hard sell to this NPC10 group, and that they were openly upset when the NPC10 would not vote on their presentation. She stated that she heard Jeff say he was not even sure this was something that they actually had the authority to vote on and that it did not really matter since they did not have quorum at that meeting. We do wonder why the Stetlers (John who sits on the planning approval board – Annie who is Secretary of HH HOA) made Jeff promise to email Christine Zuzga who works for the planning commission putting together the staff reports that the presentation was given to a group that neither has the authority, and is pretty much isolated and separate from Huntington Hills as stated by the Chairman of the NPC10.

iv. We would ask that the Planning and Zoning approval committee and the Commission re-read this letter. It is a part of the staff report.

h. Many discussions were held regarding the drainage issues of the Common areas and who was responsible for fixing them. It was voiced by many residents that these issues have been reported and not acted on for over 10 years and potentially many more. We would have to go back to the minutes to determine how far and if intentional negligence was committed by the Stetlers in a self dealing way to financially avoid correcting these issues in the beginning. As explained to us, in the beginning when this whole thing started the Stetlers were the board during the build out phase, and they pretty much remained in control of the board until it transitioned to the HOA. The question is were they intentionally negligent by avoiding known engineering problems to avoid the cost while they built and sold houses to new residents in the community. This has yet to be determined. We do know and the Stetlers must know that this whole area was on a flood plain, prior to construction and still presently. This has been verified by many of our insurance agents.

c. The costs of maintenance, repair and decoration of the Limited Common Elements described in Article IV A.2b and IV A.2f above shall be borne by the Association, except for routine cleaning, and also except for costs necessitated by the intentional acts of negligence of a Co-owner, or his guests, invitees or assignees, which shall be borne by such Co-owner.

Basically at the end of the discussion, Annie said she's heard enough about the water, was tired of hearing about the water, and was not going to do anything about the water unless it was in conjunction with the approval of the proposed condo project.

i. In addition to the threat that was made above, the Stetlers complained about the present market and the fact that they had to pay the taxes and Associations fees on the remaining undeveloped lots. It was brought up by the community, that was the risk you take in a capitalistic society. You as an entrepreneur take the risk of things not working out. The Stetlers stated that this was their 4th or 5th development. All the previous ones successful. This one was successful until things started going against them around 10 years ago. This is the risk you take as a business owner. No one forced them to create Huntington Hills. They wanted to take the risk because they thought the payoff would be big. This last development in the end created some trouble for them when things did not go their way. This trouble should not be collectively pawned off on the residents who have lived and raised families here and abided by their rules and restrictions. If this rezoning is approved, two things could happen. If they are successful, they will sell a bunch of overpriced condos to "senior citizens" and walk away with a bunch of money. Our community will be left with the secondary market and resale value of those which will most likely be much less than the $350,000 purchase price. Also, greater competition because of the extra supply will cause downward pressure on the existing condos in the commons of our community. Secondly, if they are unsuccessful, they will just blow out of the remaining lots and sell them to whoever, for whatever they want with no restrictions due to the re-zoning change, including apartments. Note a good position for us to be in, especially when your house is generally everyone's largest single investment. Basically, at the end of this discussion, the Stetlers decided to add 2 more threats in addition to the one about the water issue above. First, they threatened the residents in our community that they would stop paying taxes on the undeveloped lots. Then they threatened that they would stop paying association fees in addition to the stopping payment of taxes. This did not go over well with those present at this public HOA meeting. Some were angered and others extremely worried. Many of us at that time did not know how much of this process worked and were concerned. After receiving some legal council many of us are less concerned. Apparently after 3 years of non-payment of taxes the city would seize the property and put it up for auction. Our association could then purchase the land through the auction process at what could be a substantially reduced price which starts at what the 3 years' worth of back taxes were. If they stop paying their association dues, the HOA could put liens against their non-conforming properties until they complied. So, in the end, not that big of a deal but we do not appreciated the fact that they tried to instill fear into our community and families to get us to conform to their wishes. We should not be threatened simply because we disagree with the conditional rezoning.

3. After several discussion with legal counsel, additional concerns were brought to our attention.
   a. That the Stetlers have potentially violated portions of the Federal Trade Commission Act - the potential use of unfair methods, unfair or deceptive acts or practices in or affecting commerce.

b. That the Stetlers publicly and personally threatened our community in 3 separate instances during their presentation. They stated that they would not do anything in regard to the water flooding problems of our drainage areas unless it was in conjunction with of the approval of their condo project. They threatened to stop paying taxes and to stop paying association dues.
c. We are perplexed from these discussions as to why John Stetler (a developer) sits on the Planning and Zoning Approval board and the many conflicts of interests and liabilities that may bring to the planning and zoning approval committee, the commissioners and the City of Battle Creek. In addition to the potential for self-dealing for financial gain for himself, he is also in a position to vote against individuals or competitors and potentially create an outcome that is better for his own personal interests. It is our belief that John Stetler has been the longest standing member on the approval committee. It has been hard for us to confirm that from the information we can pull. If it is, has John disclosed all of the conflicts of interest in the past and recused himself from those votes and the potential self-dealing that could be associated with those votes. The only reason we know about this one is because Stetler Built filed the application with their own subdivision and when we called the planning and zoning staff after receiving there letter, Christine, who was very helpful and knowledgeable by the way, told us where we could find the names online. And low and behold, there was John Settler's name along with other names that appear to be friends and good acquaintances of John. We are not certain that with everything that has happened thus far, whether John would have recused himself, whether the board would have forced John to recuse himself, especially if this was not caught by our community and acted on within those 4 days. Keep in mind that there was no information, letters, presentations or phone calls given to the residents of Huntington Hills, from pre-application to until we received the city planning rezoning letter in July.
d. Sticking with the conflict of interest theme, Annie has held a titled position on our HOA board for years. She has never recused herself from voting even though she holds a titled position with Stetler Built, and can vote is a self-dealing manner for financial gain by either increasing profits or limiting expenses. This is in violation of the MCL Conflict of Interest Clause. Per the MCL "Board members have the responsibility to recuse themselves from their responsibilities any time they have a problem keeping their fiduciary duty to the HOA – or in other words, representing the HOA's best interests". In our legal discussion we were advised to ask for all the past minutes, including votes that have taken place to see if any self-dealing has occurred. This was done at our last HOA meeting. We asked Annie personally, during the meeting, because she is the Secretary, to provide those all the way back to the beginning. We as members and unit holders have the right to request that information. As of right now we have still not received any.
e. Annie also sits on the architectural committee for building approval. It appears that there may be some discrimination cases regarding this committee as the by-laws were discarded and not followed for some but enforced for others. During the last HOA meeting we also asked for all the past notes and minutes regarding the approvals and dis-approvals. We are also still waiting for those.
f. In discussions and review of our by-laws (governing documents) 840+ pages – many conflicts and contradicting sections were found. The Michigan Condominium Act states "when the governing documents are in conflict, federal, state and local laws will supersede the associations governing documents". It states that in Michigan, the Condominium Act takes precedence over anything in the governing documents that conflicts with the statute. Trying to limit the amount of MCL (Michigan Condominium Act) verbiage and not bore everybody, we were turned onto a section that we feel is important. It reads as follows: See next page.

Except as provided in this section, the master deed, bylaws, and condominium subdivision plan may be amended, even if the amendment will materially alter or change the rights of the co-owners or mortgagees, with the consent of not less than 2/3 of the votes of the co-owners and mortgagees. A mortgagee shall have 1 vote for each mortgage held. The 2/3 majority required in this section may not be increased by the terms of the condominium documents, and a provision in any condominium documents that requires the consent of a greater proportion of co-owners or mortgagees for the purposes described in this subsection is void and is superseded by this subsection. Mortgagees are not required to appear at any meeting of co-owners except that their approval shall be solicited through written ballots

MCL 559.190(4) states that in order to change or eliminate the percentages of value for each unit, other than for voting purposes, the association needs 100% Co-owner and mortgagee approval. Candidly, obtaining 100% agreement of the Co-owners and mortgagees is, for all practical purposes, an impossible task for most associations.

This would require an amendment to the bylaws. The Michigan Condo Act requires a 2/3 approval by co-owners to amend bylaws when the amendment materially alters or changes the rights of a co-owner

We believe everyone can see that this is a material change since we are changing from 13 single houses to 31 condos. We are still in the process of determining if the elimination of 13 single family houses and the additions of 31 corporate condo units changes the method or formula in determining the percentage of value for the project which would trigger a 100% vote. Two weeks ago our legal council informed us that after delving into all of this information that he is not the right attorney for us. Not that we did not have a case but because he was a stand alone real estate attorney in his 70's and he could not do all of the work required because of all the other civil baggage that came along with it. He advised us that with all the different variables with our case, including Federal Trade Commission violations, conflict of interest, self-dealing for financial gain, threats, etc. that what we really needed was a team of lawyers. He very honestly apologized to us and refused to accept any money and then referred us to Honigman and Miller Canfield and gave us points of contact. We have been able to reach the one at Honigman but have yet to hear back from Miller Canfield. Everything moves at a snail's pace with Covid.

And just to make things more confusing, the president of our HOA who is against this has since resigned. Within the last week new members have been added to both boards and we discovered that a board should exist for the ABK's (Abbingtons, Barringtons and Kensingtons) which exists on paper in the by-laws, but was never actually formed over the past 25 years. A process has now been started to get that board up and running. We also found out that if this passes one of our neighbors' driveways, landscaping and fish pond will be ripped up to make this happen.

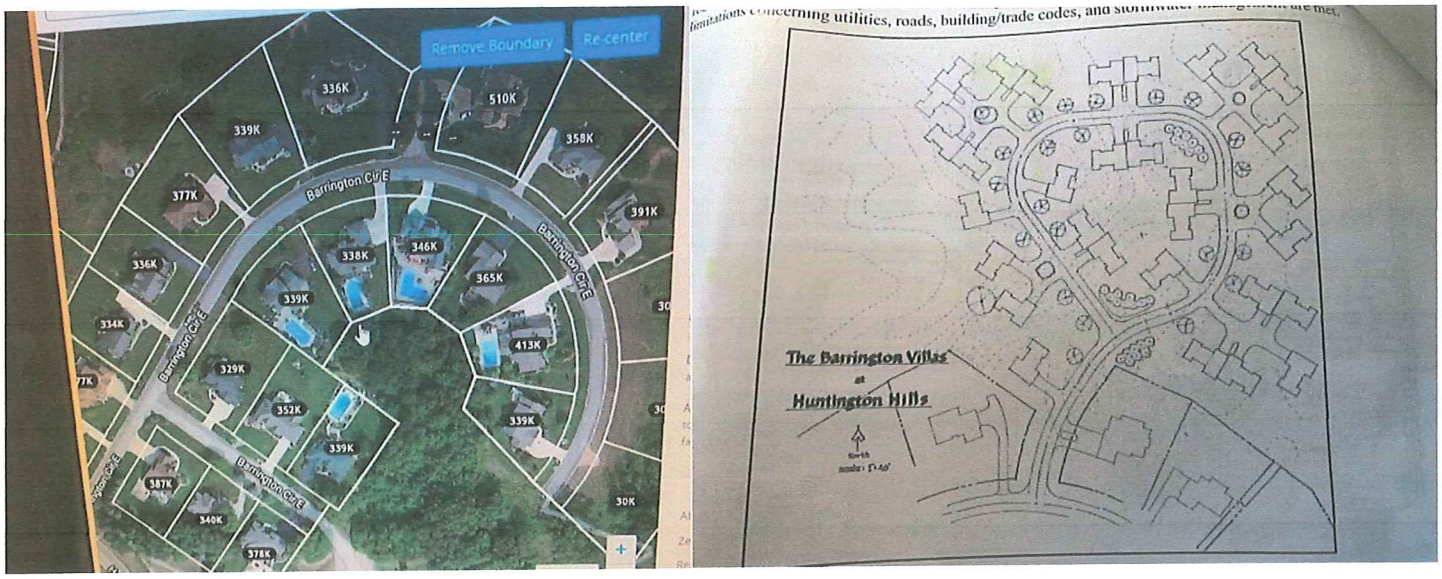
In summary, we would like to express the fact that this has been a horrible experience for pretty much everybody, and its not over. We are not against the Stetlers, this was voiced at the last HOA meeting. We would be going through this process if it was Newman Construction or some other developer. We just want to have them follow through with what they sold us, told us, and restricted us to over the last 25 years. As we circle the wagons to defend ourselves, our neighbors and our homes, we do not look fondly at the glimpse of the future that was provided if this passes. Hopefully, someone smarter than all of us can come up with a solution before things get out of hand.

With much thanks and appreciation for reading and considering our point of view.

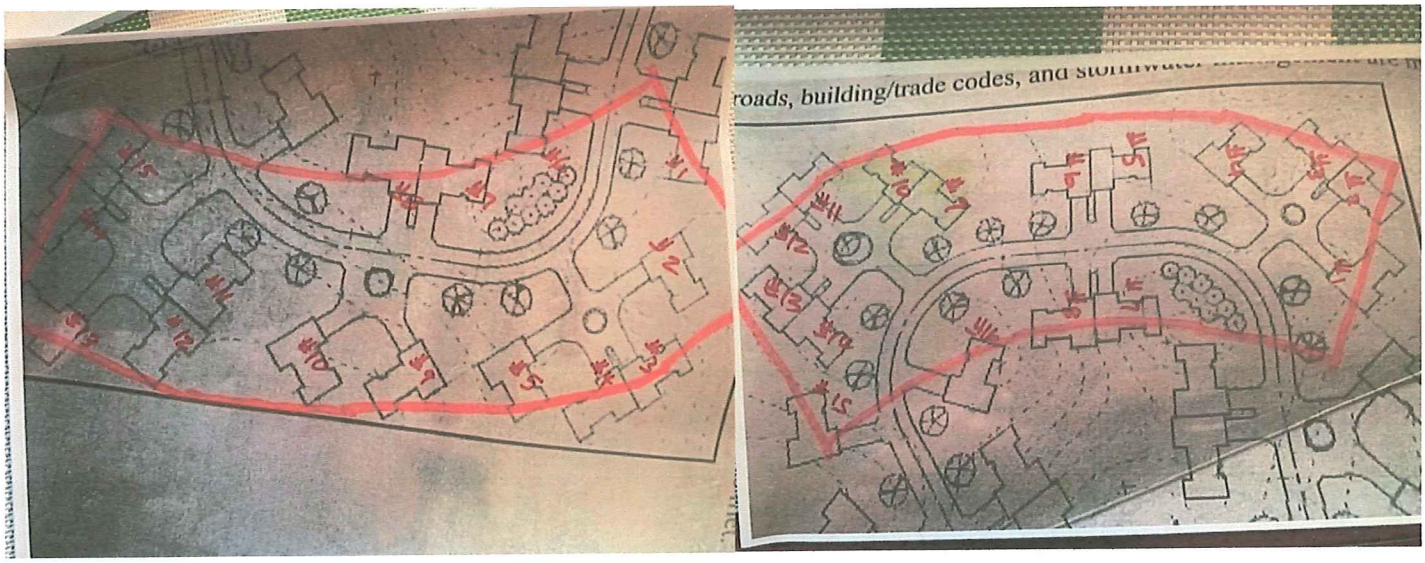
The Huntington Hills Collective Opposition

The above pictures are from Zillow – the represent homes in the Kensingtons - On Kensington circle and Kings Court. The minimum square foot allowed by the by-laws is 1600 on the ground floor for 1 ½ to two story houses. Many of these homes are over 2000 to 3000 square feet with finished basements. The average price for the Kensington's is $186,085.71. In comparison, the Condos that the Stetlers want to build for affordable housing for senior citizens on fixed incomes – theirs are 1350 square feet and will be selling for the updated price given by the Stetlers at the HOA presentation – approximately $350,000. This is $260 a square foot. The National average reported from the NAHB(National Association of Home Builders) for 2019 was $114 per square foot. We all know that Battle Creek should not be commanding that type of a premium. The proposed condos are not even custom condos. They are model condos. They should not command custom pricing. Financially speaking, why would a senior citizen, spend the extra $165,000, to get half the square footage, and have to pay monthly maintenance costs in addition to the $350,000 outlay when they could buy a Kensington house, use the $165,000 in savings to pay for lawn care and snow removal and completely avoid the maintenance costs.

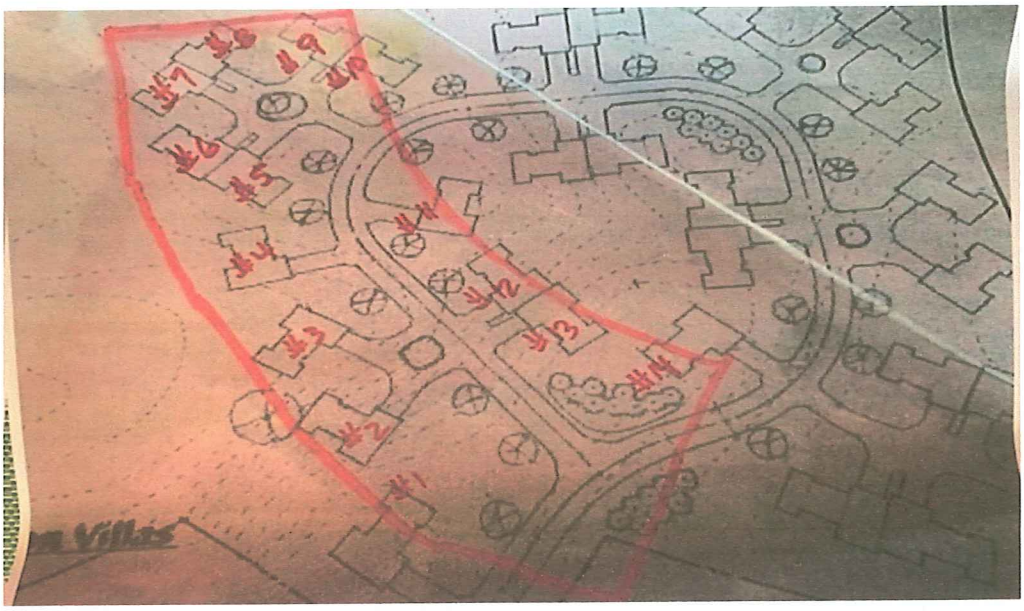
The above are Zillow pictures of the Abbington's. They are not all inclusive. The first floor minimum square footage for 1 ½ to two story houses is 2000 square feet. They average square footage ranges between 3000 and 4000 square feet with finished basements. The average price for the Abbingtons is roughly $262,457.29. For senior citizens on fixed incomes same argument as above.



The above represent the Barringtons with the proposed rezoning condo site. The Barringtons ground floor is to be 2600 square feet, with the present finished average is to be roughly 3500 to 5500 plus. The average price is $349,337.81. The proposed condos are going to be less than ½ of the square footage for basically the same price. Plus maintenance costs on a monthly basis for our affordable senior citizen housing. Something here is really amiss and really out of whack. The Stetlers are going to cram anywhere from 11 to 16 condos into an area that would have been 3 Barrington lots depending on how you superimpose the image, see attached. When asked about this during the Stetlers presentation, their answer was simply "Density". When asked what that meant and if they could elaborate on that, they simply resaid "Density". Thus far no one who has responded wants anything to do with "Density". They have all said "NO" to this with a handful abstaining. Not one Yes vote from the residents living in this community saying they are for this.



11 to 16 condos going into an area that would have been 3 single family houses in the largest square foot section of Huntington Hills. The condos are tiny in comparison and will also be crammed in. This will not be aesthetically appealing to the layout of the community and will not be in compliance with our by-laws.



11 to 16 condos in place of where there should have been 3 houses. We were sold, by the Stetlers, who built our homes, and restricted us by the by- laws for almost 3 decades, that in no event would anything but similar homes be built, where the proposed rezoning is being requested. In addition there is the possibility that the Abbingtons will have the same issue as 40 plus lots have not been built out in that neighborhood. The Stetlers stated during their presentation that no one knows what the future hold but there is a possibility that if this passes they will seek to rezone those also.

laws and building codes.

(d) In no event shall any residence be permitted on any Unit which does not comply with the following minimum area requirements, exclusive of garage spaces, space within unwinterized porches and decks, and space within basements which do not contain exterior door openings and windows on at least two (2) walls substantially equivalent to those on other floors:

(1) One story, one story walkout, and bi-level:
KENSINGTON: ~~1,100~~ square feet on the first floor 1300 sq
ABBINGTON: ~~1,400~~ square feet on the first floor 1600 sq
BARRINGTON: 2,000 square feet on the first floor

(2) One and a half story and two story:
KENSINGTON: 1,600 square feet ~~on the first floor~~
ABBINGTON: 2,000 square feet ~~on the first floor~~.
BARRINGTON: 2,600 square feet ~~on the first floor~~

completed within twelve

The Stetlers have made several claims that they cannot build those types of houses. They also claimed that they could not complete the 3 single family neighborhoods because the market was too difficult for the last 10 years. The lots that were sold to Allen Edwin were completed and sold in very little time. Not all the undeveloped lots were sold to other developers so none of the neighborhoods are finished, not even the condo Commons area which is already zoned for condos. When asked about this during the Stetler presentation, because Annie was complaining about the taxes and association fees on the property that she still owns, she said that she did not want to sell them all because this was her project/development and she was emotionally tied to it and wanted to keep some lots for personal keepsake reasons. It was made perfectly clear that all of the remaining lots could have been sold to other developers, including Allen Edwin and the 4 neighborhoods completed without changing or rezoning anything. This is more of a personal and Stetler business related issue. Other developers are not having these issues. The following are Barrington like house that would have met the minimum requirements based on our community by-laws that were built and completed in a subdivision by different developers within ***ONE MILE*** of our community since ***2014***.

Below is the 9th one that was just stared in Stonegate. Another home that would qualify. If we actually broadened our search beyond the mile we would find many more.

	A	B	C	D	E	F
1	**First Name**	**Last Name**	**Address**	**Street**	**Phone**	**Email**
2	Tracy and Mark	Aicher	233	Kensington	906-553-3199	tracya33@hotmail.com
3	Javier and Liz	Alvarado	100	Kensington	269-209-6738	eslendy@comcast.net
4	Steve and Amy	Anderson	299	Kensington	269-420-1023	asquared 1106@att.net
5	David	Arenstein	141	Kensington	614-565-1307	davidarenstein@gmail.com
6	Fernando	Arroyo	139	Abbington	269-589-6530	fernandoarroyo@hotmail.com
7	Muhammed and Umera	Asif	143	Barrington	269-348-4593	Muhammad.Asif@kellogg.com
8	Brittany	Bailey	113	Kings	269-223-9981	baileyb1217@gmail.com
9	Sarah and Josh	Barker	119	Kensington	269-209-0212	jsbarker924@gmail.com
10	Percy and Carla	Bean	136	Abbington	269-317-2508	cabean1popeyes@gmail.com
11	Patricia	Beard	162	Kensington	269-968-3464	
12	Kristi	Belmore	107	Abbington	269-967-2611	jkbelmore@comcast.net
13	Eric and Monica Wood	Blakeslee	226	Barrington		Mlwood08@comcast.net
14	Gary and Myra	Bost	111	Abbington		
15	Ernie and Ruth	Branham	232	Barrington	269-962-7346	erniebranham@hotmail.com
16	Jessica	Brooks	188	Abbington	269-268-4425	brooklets@hotmail.com
17	Doug and Carol	Campbell	123	Abbington	269-565-0827	
18	George	Cherian	118	Abbington	269-924-2332	George.Cherian@kellogg.com
19	Verlene	Clark	404	Covington		
20	Tom and Diana	Cole	120	Abbington	269-962-8091	dlcole654@aol.com
21	Gabe and Erin	Corey	233	Barrington	269-830-0961	gcorey1126@yahoo.com
22	Venkat	Chirumamilla	117	Kensington	269-979-3386	Chiru_venkat@yahoo.com
23	David	Cungsang	336	Abbington	269-832-2031	cungsang@hotmail.com
24	Brett	Cutshall	106	Kensington	269-420-0333	brett@omegacastings.com
25	Jeff and Jen	Decker	126	Kensington	269-965-2083	Jenniferdecker@me.com
26	Rachel	Delmont	208	Kensington	269-969-6794	rachelklag@gmail.com
27	David	Disher	135	Abbington	269-209-2909	daviddisher@att.net
28	Alisa	Doan	321	Abbington	269-245-2550	Alisa.Doan@kellogg.com
29	Robert and Suzanne	Dowe	158	Barrington	269-420-0767	trinity333@comcast.net
30	Tom and Jody	Drew	227	Barrington	952-457-9959	t.drew66@yahoo.com
31	Justin	Ellenwood	113	Kensington		
32	Jason and Shayne	Elwell	106	Abbington	269-377-3416	shaynemain@yahoo.com
33	James and Carrie	England	265	Queens	269-420-3061	joe3061@gmail.com
34	Mike	Eubanks	161	Barrington	269-317-5326	michaelseubanks@gmail.com
35	Martha	Frahm	406	Coventry	269-968-8848	mfrahm6@gmail.com
36	Fidaa Beiz and Ali	Ghasham	170	Barrington	269-270-8603	aghasham@gmail.com
37	Carla & Scot	Grant	244	Queens	269-209-7058	gscooby300@aol.com
38	Matthew ad Mandy	Griffiths	126	Abbington	331-452-4301	matthew.griffiths@my.wheaton.edu
39	Andi and Kenneth	Gummer	238	Kensington	518-892-2840	andigummer@gmail.com
40	Eric and Jennifer	Heinrich	274	Queens CT	269-339-1147	j3perez1@gmail.com
41	Jeff	Haring	131	Kings Ct	269-274-5289	jcharing1@att,net
42	Sally	Hoffman	183	Abbington	269-282-1643	huffrs@yahoo.com
43	Lan	Huynh	135	Kensington	269-830-2070	Lanhuynh2008@gmail.com
44	Andrew	Johnson	128	Kensington	616-262-5561	schoolsleeper@gmail.com
45	Eric & Tracy	Joshua	107	Barrington	313-205-1353	fitgodsway@yahoo.com
46	Manjit	Kaur	144	Abbington	269-578-6416	manjitkaur13@icloud.com

	A	B	C	D	E	F
47	Dawn	Kerwin	220	Kensington	269-275-1278	dawn.kerwin@aol.com
48	Clarence and Deborah	Kimber	190	Kensington	269-209-4134	kimberbc@att.net
49	David	Korp	180	Kensington	269-969-4077	David.Korp@comcast.net
50	Jerry and Vicki	Kosmerick	330	Abbington		jkos4223@yahoo.com
51	Donna	Kowalski	153	Abbington	269-579-3733	donna.kowalski63@gmail.com
52	Eric and Pam	Kuczewski	271	Queens	734-255-5409	pam.kuczewski@gmail.com
53	Treagie	Lark	153	Kensington		
54	Kyle and Broek	Lewis	147	Kensington	269-598-1213	kdlewi18@gmail.com
55	Waylan	Liu	172	Kensington	269-579-1060	
56	William	Maddix	305	Kensington	734-546-6826	wmaddix@gmail.com
57	Josh & Krystal	Malone	293	Kensington	269-578-6102	
58	Ignatius and Linda	Manu	155	Barrington	269-420-0276	gntsmn@gmail.com
59	Travis	May	280	Kensington	269-271-5893	tmay@gradientsecurities.com
60	Dave	McCormick	247	Queens CT	269-979-5539	lisa6891@att.net
61	Rich and Heather	McKendrick	221	Barrington	269-420-0276	heather.mckendrick@yahoo.com
62	Jon and Sandra	Melges	146	Barrington	269-788-2640	jon.melges@raymondjames.com
63	Sallie	Meyer	138	Kensington	269-274-4313	salliemeyer@aol.com
64	Donald & Katherin	Mohney	124	Abbington	269-986-8541	donald.mohney@yahoo.com
65	Melissa	Morgan	129	Kensington	269-223-0492	molly349@gmail.com
66	Sharon Woodson	Moss	110	Brighton Park	269-274-5333	sharonwoodson-moss@comcast.net
67	Louis	Nelson	259	Queens CT		jvnelson111@gmail.com
68	Thomas and Jamie	Newville	256	Queens CT	269-966-8724	jkknjmclanton@gmail.com
69	Phong	Nguyen	183	Kensington	269-419-8787	nikihoang@yahoo.com
70	Joe and Terri	Orolin	220	Barrington	269-753-4593	jmopens@aol.com
71	Pat and Vicki	Partridge	402	Coventry	269-209-6329	djpat@aol.com
72	Jigar	Patel	196	Kensington		jigar_86@yahoo.com
73	Pratik	Patel	318	Abbington	615-364-3792	paka3012@gmail.com
74	Scott and Jenni	Peavy	135	Barrington	269-719-5766	mipv4@comcast.net
75	Jeff and Anne	Perry	315	Abbington	269-209-7121	jeffreymperry@gmail.com
76	Barb	Porter				
77	Marino and Helena	Puhalj	121	Abbington	269-806-4339	marinopuhalj@gmail.com
78	Julie	Rabbit	216	Carterburry	269-924-6920	Julie.Rabbitt@kellogg.com
79	Janet	Radford	135	Kensington	269-274-1200	
80	Corey & Stacy	Ratliff	105	Abbington	269-209-6899	cratliff@carterlumber.com
81	Judy and Gary	Reimer	209	Canterbury	231-676-0072	garflake007@gmail.com
82	Al and Janet	Reinhart	135	Kensington	269-830-2070	
83	Jim and Karen	Rich	182	Barrington	269-579-2555	jcrich948@aol.com
84	Steve and Theresa	Riley	133	Abbington	269-967-9259	tfriley02@gmail.com
85	Noe and Vero	Rizo	101	Kensington	269-832-1952	verobeller@hotmail.com
86	Ben	Roosevelt	108	Abbington		benpublic@att.net
87	Saeed	Sabouni	130	Abbington	269-830-2909	Sabounis@msn.com
88	Juan	Sebastian	300	Kensington		Donjuan3315@yahoo.com
89	Robert and Sarah	Scaia	262	Queens	586-365-8278	sarahscaia82@gmail.com
90	William	Scalf	113	Barrington		
91	Randy	Schott	171	Kensington	269-832-9216	rschott61@gmail.com
92	Harmail and Sarbjit	Singh	129	Abbington	269-420-0121	sarb1kaur@yahoo.com

	A	B	C	D	E	F
93	Pardeep (Louie) and Varinderjit	Singh	140	Barrington	269-274-8822	libertyfood@gmail.com
94	Ranbir and Daljeet	Singh	147	Barrington	269-719-2768	dalikaur123@gmail.com
95	Yuvraj	Singh	175	Abbington	269-993-1573	sunny_lubana@yahoo.com
96	Edward	Taylor	225	Kensington	269-209-0992	
97	Dylan and Amanda	Thomas	118	Kensington	517-945-3633	amandasquires16@hotmail.com
98	Colleen	Thome	132	Kensington	269-963-2664	dancingbean13@aol.com
99	Chuck and Kristyn	Truex	345	Abbington	269-209-0894	cktruex@comcast.net
100	Dung	Truong	150	Kensington	269-830-3361	dungngoctruong@yahoo.com
101	Troy and Jennifer	Tuyls	127	Kensington	269-425-8548	Tuyls.troy@gmail.com
102	Todd and Renee	Underwood	339	Abbington	269-274-6718	Renee.underwood6@gmail.com
103	Adolfo and Esther	Vazquez	101	Barrington	269-282-8235	am_vazquez@hotmail.com
104	Ravi	Velpulla	324	Abbington		ravi.velpulla@gmail.com
105	Billie	Walk	172	Abbington	269-753-1243	fredumms@aol.com
106	Howard and Aisha	Walters	286	Kensington	317-748-2811	howard.m.walters@gmail.com
107	Dorothea	Webb	120	Kensington	269-275-8612	webb.dor@comcast.net
108	Mark and Christine	Wentworth	119	Barrington	269-209-8931	4chrismark@gmail.com
109	Chris and Tricia	Wilhelmson	128	Barrington	269-274-1193	tlwilhelmson@aol.com
110	Corey	Williams	333	Abbington	269-209-0424	coreywilliams0616@gmail.com
111	Lisa	Williams	122	Kensington	269-924-2166	Lisa.Williams@kellogg.com
112	Jeff and Mary	Williams	166	Kensington	269-832-1921	jmrkbc@comcast.net
113	Jeff and Kathy	Williams	156	Kensington	989-941-2820	jefw616@aol.com
114	Michelle and Matt	Williamson	178	Kensington	269-830-2243	beebemichelle@hotmail.com
115	David and Patricia	Wludyka	127	Barrington	616-401-9286	davidawludyka@gmail.com
116	Sally	Wright	403	Coventry		
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Mark and Tracy Aicher
233 Kensington Cir.
Battle Creek, MI 49015

September 15, 2020

City of Battle Creek Planning Commission
10N Division St. Suite 117
Battle Creek, MI 49014

Dear City Planning Commission,

This letter is in reference to the "Conditional Re-Zoning #Z-01-20" Petition from Stetler Built Homes Inc.

As the homeowners and residents of The Kensingtons, Huntington Hills, we strongly oppose the proposed zone change from the 13 "single family home lots" to 31 attached dwelling/Villas.

Our concerns are as follows:

1. The zoning change would completely disregard the original intent of the Huntington Hills Development and Neighborhood as it was proposed to each of us as we either built or purchased our homes (or building lots) from Stetler Built. At the point of sale we were told by Stetler Built or representative that the Huntington Hills Neighborhood design would be comprised of 1 condo Section (the Commons) and 3 single family neighborhoods, the Abbingtons, Kensingtons and the Barringtons. Each of these neighborhoods would have to comply with the minimum specifications set forth by Stetler Built. There would be minimum lot sizes, square footage, and price parameters that would have to be met before anything could be built. Those were explained in detail and documentation was provided pertaining to the deed restrictions, plat maps, common areas, amenities etc. set forth in the Purchasers Information Booklet and by signs that were posted at the entrance to the neighborhood with price value ranges stated for each. A zoning approval change would completely disregard what was proposed and sold to us many years ago. The portion of land that Stetler Built is requesting the zone change in is in the Barringtons, which is supposed to have the highest minimum requirements. Single family houses with the largest lots, the largest square footage, and the highest beginning values ($350,000 and up as was stated on the signs). They want to replace that with multiple condos, that do not comply with those minimum requirements. Per the by-laws, Article VI Restrictions, the Barrington's are supposed to have no less than 3 and no more than 4 car garages. This would not be in compliance. For one and a half to two story dwellings the minimum square footage exclusive of garage, porch and decks is to be 2,600 square feet. This would not be in compliance. Based on the diagram provided, Stetler Built would also be out of compliance with the minimum lot size for two reasons – the 13 individual lots would disappear and be owned by the corporation and they would also not comply with the minimum requirement set forth under Article VI section (m). We would rather see the Stetler's keep their word and finish that portion of the neighborhood

with 13 single family houses that meet the minimum requirements. Or, if it must be condos, then 13 individual condos that meet the minimum requirements.

2. This proposed change from 13 new structures to 31 new structures would increase traffic substantially for all residents. From the main thoroughfare's that all use, to especially the Barringtons. The additional structures/condos (which we would assume have 2 car garages – which again is not in compliance with minimum specs) have to potential to add an additional 60 plus cars to the neighborhood on a daily basis. This additional traffic comes with and causes other issues.

3. Additional wear and tear to our streets and amenities.

4. Additional safety issues for the children, pedestrians, and other activities of our neighborhood. Besides kids just playing by their own homes, the neighborhood amenities were set up off of the main thoroughfares. To utilize these our children must walk, run or ride a bike to get to these structures. These include a children's playground, basketball court, soccer net, tennis courts, and walking trails. Many of the walking trails cross the main thoroughfares or other roads in the neighborhood. Many of us purchased houses in Huntington Hills because of the safety that a subdivision provided for ourselves and our children. This zoning change would increase the risk to our overall community, and it is one that we collectively were not planning on.

5. This has the potential to substantially decrease our property values. By building condos that are much smaller, and that do not meet the minimum specs set forth by Stetler Built in the first place for this part of the neighborhood, in addition to other issues stated in this letter, our collective resale values could be impacted in a negative way.

6. None of our neighborhoods are finished now. After approx. 20 years of development, none of the neighborhoods (The Commons, Abbingtons, Kensingtons or Barringtons) are complete. There are still many lots to build upon. There has been very little progress over the last several years to complete the neighborhoods by Stetler Built. A lot of the progress that has happened was completed by other builders such as Allen Edwin. We have concerns that this new project if approved could end up in a similar situation resulting in years of construction, hassle and eventually not comply with the by-laws of our community.

7. We already have drainage pond issues of overflowing with heavy rains. When this happens the water approaches many of the actual dwellings of our residents who reside in the Kensingtons and Barringtons. Will this be tied into our already stressed water drainage systems? Will there be adequate room to construct new ones? Will the additional units cause major problems in regard to this? If it does, who bears the cost to fix?

8. Based on the proposed diagram provided and the aerial photograph, it appears that the change from single family to condos will overcrowd the proposed area. It does not look like it will fit the amount of land that is in question without giving an overcrowded unappealing look to that area. The by-laws set up certain restrictions to keep the appearance of the neighborhood aesthetically appealing.

Thank you taking the time to read and review our concerns. We realize that there is a business here that wants to make money, but this is where we live. Several hundred of us were sold a different bill of goods and what is proposed now is far from that.

Sincerely,

Mark and Tracy Aicher
233 Kensington Cir
906-553-3199

Conditional Re-Zoning #Z-01-20

Asif, Muhammad <Muhammad.Asif@kellogg.com>

Wed 9/16/2020 2:01 PM

To: Christine M. Zuzga <CMZuzga@battlecreekmi.gov>

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

September 16, 2020

10N Division St. Suite 117

Battle Creek, MI 49015

Dear City Planning Commission,

This letter is in reference to the "Conditional Re-Zoning #Z-01-20" Petition from Stetler Built Homes Inc.

I am resident of the area and I strongly oppose the proposed zone change from 13 single family homes to 11 single condos and 10 duplex condos for a total of 31 units because of following reasons;

1. Safety issue: The proposed road going to the new zone is turning left just after few feet from my driveway and then run parallel to it. This poses a sever safety concern not only for me but for my kids as well. My youngest is about two and half years old and he loves to play in yard but once there would be tons of traffic of construction vehicles and a blind turn next to my driveway it would be impossible for me to let him play outside.
2. This is very quiet neighborhood and that was one of the reasons we purchased home here to raise our kids regardless the tax we pay is very high. With the new proposed condos instead of single-family homes, the peace of this whole area is going to be disturbed significantly. Just imagine 62 cars of residents, then visitors especially on the events like thanksgiving, going to be big mess. Other noise and pollution will be created by construction vehicle and the time when they will cut very nice lush green trees and will level grounds to build homes.
3. Communication about this zoning was not properly conveyed to us.
4. We also noticed that price of our homes is also going to affect by these condo constructions. People will not purchase home on busy street and in busy neighborhood therefore we will lose money as we will sell our houses.
5. There is only a single road passes in-front of our house which is going to bear the whole load of construction vehicles and then residential cars. Therefore, its wear and tear would be very rapid as the traffic is going to high significantly.

As homeowners, and a responsible taxpayer, I would like to express my concerns about changing the zone from single-family homes to condos.

Thanks and have great day

Muhammad Asif

143 Barrington Cir.

Battle Creek, MI 49015

Gabe and Erin Corey
233 Barrington Cir
Battle Creek, MI 49015

September 15, 2020

City of Battle Creek Planning Commission
10N Division St. Suite 117
Battle Creek, MI 49014

Dear City Planning Commission,

This letter is in reference to the "Conditional Re-Zoning #Z-01-20". Petition from Stetler Built Homes Inc.

We strongly oppose the proposed zone change from the 13 "single family home lots" to 31 attached dwelling/Villas. The neighborhood buildout should be kept as was originally intended. If Stetler is not able to accomplish this, then they should sell lots to other builders (as has been done in the past). We have young children and are concerned about their safety with additional traffic that was not originally accounted for in the design and intent of the neighborhood. We already have safety concerns with speeding and unsafe road crossing situations, additional traffic volume increases safety risks to all residents and especially children. We are concerned about the property values being negatively impacted by a re-zoning that was not the original plan of the neighborhood. There are many other issues to consider that our neighbors have expressed and we 100% support all their thoughts and concerns in opposition to this.

Sincerely,

Gabe Corey

Erin Corey

Erin Corey

To Whom It May Concern,

As a resident of the Hungtington Hills neighborhood and a homeowner in the Barringtons, I am greatly concerned over the rezoning proposal being planned by Stetler construction. My main concerns are the following:

1.) Increased traffic on all our roads, overcrowding on our walking trails, tennis courts and play ground is highly concerning from a safety standpoint.

2.) I have 5 year old twins that play outside. Since there are no “sidewalks” on Barrington Cr, we generally have to use the road. The amount of traffic that is expected would present a significant safety concern. The road that leads to the proposed development area is being cut right in the middle of Barrington Cr. Not far from our home (170). This is unacceptable.

3.) The condo’s that are being proposed would decrease our home value considerably. It would generally take away from the appeal of The Huntington’s. This is a safe and friendly neighborhood. We do NOT want that to change.

Thank you for your time in allowing us to voice our concerns.

Sincerely,

Ali Ghasham, M.D
Fidaa Beiz
170 Barrington Cr
407-394-7416

Opposing Huntington Hills Rezoning by Stetler (Letter #2)

m wrslr <matthew.griffiths@my.wheaton.edu>

Tue 9/15/2020 8:49 PM

To: Christine M. Zuzga <CMZuzga@battlecreekmi.gov>

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

To Whom It May Concern:

I am writing for a second time in regards to the proposal set forth by Stetler Built Homes to rezone lots 34-46 of Huntington Hills. As a resident of Huntington Hills, 126 Abbington Court, I continue to be firmly against this proposal. I understand that there is demand in Battle Creek for new construction, and also demand for condos. Both of these are excellent things in their own right, but to put it simply: Stetler Built Homes developed their own contract when they developed Huntington Hills and they are now trying to change said contract while ignoring the other party, the residents of Huntington Hills. Our HOA has rules and regulations and for those to be ignored is tantamount to breach of contract. How does Stetler Built Homes plan to compensate the current residents of Huntington Hills with this proposed change?

I have written below some specific issues that I have with this proposal, but please know that my earlier stated concerns continue to be in effect:

1. Stetler Built Homes claims that simply building new construction will maintain home values. This is untrue and he knows this. Property values are determined by average price of homes in a given area and "comps." This is the entire reason that HOAs even exist…to protect the values of the homes by controlling what else may enter the neighborhood. Building multiple less expensive condos will bring down the values of the neighboring homes by diluting the average home price.
2. Our neighborhood is split into 4 sections (The Commons, The Kensingtons, The Abbingtons, and The Barringtons), and none of those sections are completed. Stetler Built Homes has claimed multiple times that The Kensingtons are full. In fact, there are at least two lots that are sitting empty and they are not maintained properly. If new construction is what is needed, and at lower price points than The Barringtons, then focus on building quality single units that meet the requirements of The Kensingtons and The Abbingtons at that lower price point. This process has actually worked quite recently. There is a home that was finished in 2019 on Queens Ct in The Kensingtons that sold shortly after being completed. Therefore, there is a market for single units and would maintain the intended use for Huntington Hills.
3. Stetler Built Homes is already in violation of their agreement with our HOA. They have not completed the walking path that we pay for with our monthly HOA dues. Personally, I would like to see that the walking paths be completed in their entirety before any further building takes place or continues that will increase foot traffic on the already shortened paths.
4. Stetler Built Homes has also violated their agreement with our HOA by allowing other builders to purchase lots and build homes that do not meet the neighborhood requirements.

Furthermore, while there has been significant discussion over the last 2 months regarding this proposal, I am still concerned with how it was initiated. As a member of the Huntington Hills community I should have been informed from the very beginning, and as the zoning board is aware this did not occur.

Lastly, significant changes to the HOA bylaws requires a 2/3's vote by the co-owners of Huntington Hills. Stetler Built Homes is describing this proposal as a "small change" in an attempt to skirt this voting requirement, per Article X, subsection B.3 on page 15 of the original Master Deed. I would not describe this zoning change as "small" in both the change or the effects of the change, and therefore a vote by co-owners should take place before any zoning change proposal is decided or enforced.

Thank you,
Matthew Griffiths
331-452-4301

conditional re-zoning #Z-01-20

Jeff and Cheryl Haring <jcharing1@att.net>

Fri 9/11/2020 4:23 PM

To: Christine M. Zuzga <CMZuzga@battlecreekmi.gov>

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

We would like to use this opportunity to express our opinion(s) on the possible rezoning in Huntington Hills neighborhood. I believe you have already received a group packet that has the signatures of many homeowners who are opposed to the rezoning of our neighborhood, including us. This email serves as another chance to let the Planning Commission know where we stand.

We bought our property in 2001 and have enjoyed the neighborhood and have appreciated the continual development of the Huntington Hills subdivision over the years. That being said, we bought it with the understanding that the undeveloped areas in our subdivision were zoned for specific uses and designs (condos vs individual houses). Although we understand Stetler Construction would like to build condos because that is what is selling in the current housing market, it goes against the legal contracts and by-law agreements that each and every (individual home) buyer signed when they bought their property. For Stetler to come back now and say they want to rezone the neighborhood because they can't sell single family homes, frankly that's not our problem. It is their financial burden to shoulder their business decisions made years ago when they zoned the subdivision. Rezoning it differently at this point is a breach of contract (and of good faith), in our opinion.

We hope the Planning Commission takes into account the opinions of the (currently 99) homeowners who oppose the rezoning of Huntington Hills neighborhood.

Thank you,

Jeff and Cheryl Haring
131 Kings Court
Battle Creek, MI 49015

Conditional Re-Zoning #Z-01-20, September Meeting

Debbie <kimberbc@att.net>

Wed 9/16/2020 2:19 PM

To: Christine M. Zuzga <CMZuzga@battlecreekmi.gov>

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

Christine,

I'm writing, once again, in opposition to proposed re-zoning of a section of the Huntington Hills Development. When we bought our home 13 years ago, we were assured this area could not be developed as it was for drainage, this was a reason why we bought this home. We now realize the area was identified as not likely to be developed by the developers although it was approved for single family homes. Our home is in the Kensington's and looks out over the proposed area. This area has become very overgrown in the 13 years we have lived here and has become home to many wild life creatures. In addition to providing a privacy barrier, the natural area adds to the aesthetics of Huntington Hills as a walking path travels through much of this area.

Additional concern is for the drainage area, adjacent to the proposed development. Many time during the year, this drainage area can barely handle the heavy rains or snow melt for the current development. Adding to this, as currently configured, may overburden the drainage area, possibly causing flooding into our homes. At a minimum a thorough study of the current drainage system is needed before proceeding.

Additionally, we are opposed to this proposal as it drastically deviates from the original plan for 13 single family homes. Cramming 31 condos into the same area designated for 13 homes will negatively affect the aesthetics of our neighborhoods. In addition, it has been stated the reason for the change to condos is to provide affordable housing for our community. A large section of our Battle Creek community will not agree this is considered affordable housing. The increased number of homes/condos will equate to an increase in traffic and utility usage that was not originally planned for. Our property values may very well decline due to this change.

Finally, the developers have not been open and transparent with our Huntington Hills Community, prior to your first meeting on this proposal. This has caused many to lose trust and confidence in them. What's next, what else do they plan to change? It has been amazing to see how our community has banded together to learn about this proposal and submit our comments/concerns for consideration.

As there is a tremendous amount of opposition to this proposal, I hope it will not be approved.

Thank you,
Clarence and Deborah Kimber
190 Kensington Circle
Battle Creek, MI 49015
Phone 269-209-4134

Sent from my iPad

Conditional Re-Zoning #Z-01-20

Travis May <tmay@gradientsecurities.com>

Tue 9/15/2020 10:12 PM

To: Christine M. Zuzga <CMZuzga@battlecreekmi.gov>

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

Dear BC Planning Commission,
My name is Travis May and my family of four resides at 280 Kensington Circle. I am writing this letter to explain why I am OPPOSED to the re-zoning of a portion of Huntington Hills to allow for condos.

Making this change will move 13 single homes into 31 multi-bedroom condos. This could be approximately 36 additional vehicles traveling daily in-and-out to the furthest spot from either entrance and passing the playground/park, children's bus stop, and traveling down a dead-end road before turning into the proposed condo entrance. This is an additional safety risk - We bought into this neighborhood for the peace and quiet along with safety for our children understanding more homes may be built, but not condensed condos. Increased traffic reduces home values.

The plans do not meet the HOA guidelines for building in the Barrington's regardless of this decision. I was told in an individual meeting with Annie Stetler that ultimately, she is the land owner and "she can do what she wants." However, we follow these guidelines to maintain the quality and integrity of the neighborhood my family bought into - that already profited the Stetlers.

There are in the ballpark of 11 vacant lots currently ready for build and another roughly 35 undeveloped lots. The bottom line here is the Stetlers made a poor real estate decision 20 years ago, the neighborhood isn't complete, and they are trying to save their losses with cheaper building and significantly increasing the density. We SHOULD NOT be penalized by the city re-zoning the neighborhood to bail out the Stetlers. The 31 multi bedroom units would dwarf the 22 houses in the entire Barringtons. In addition, Annie made the comment that if this does not go through, she is going to give the land back, stop paying taxes and HOA dues as a threat to help bully this through.

Lastly, you have a responsibility to your constituents of the city. Currently 107 households are against, 4 are indifferent, no one is for the decision, and 30 have not responded (96.4% OPPOSED). Even IF all 30 were in favor, over 75% of the neighborhood would still be opposed. Please consider the strength of our neighborhood's opposition and do the right thing. Thank you for your service to the City of BC.

Travis May
Registered Representative
280 Kensington Circle
Battle Creek, MI 49015
tmay@gradientsecurities.com
269.271.5893

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Huntington Hills Neighborhood Homeowners

Rezoning Opposition

September 15th, 2020

Dear City Planning Commission:

I am submitting this letter in OPPOSITION to the proposal by Stetler Construction to rezone the current empty lots in the Huntington Hills subdivision from single family dwellings to multiunit condominiums. I have lived in this subdivision since the spring of 2004, and currently live on Barrington Circle.

It is my understanding that the current proposal is to rezone lots, accessed only from the Barrington Circle road, from 13 single family dwellings, to 31 multiunit condos'.

I recognize that I am but a single voice in this decision. I also recognize that Stetler Construction has a strong reputation for residential development within Battle Creek, and as such, has a much stronger voice when it comes to trying to influence decision makers on proposal such as this. That being said, however, I do feel it very important to give strength to my voice. Houses are just sticks and bricks, and lots are just property, but once a family moves in, they become a home. When you have enough homes come together, they become a neighborhood, and equally, joined neighborhoods become communities. That is what we have here in the Abbington, Barrington, and Kessingtons (ABK's) portion of the Huntington Hills. A community who cares about each other and what transpires within our subdivision. The ABK's are the single-family dwelling portions of Huntington Hills. There is a dedicated condominium portion (the Commons) of Huntington Hills as well, and while we are all a part of the greater Huntington Hills community, I feel the proposal to rezone the current empty lots into more Condominiums more greatly influences those of the single family dwelling homes of the ABK's, than those within the Condominiums. My reason for this is mostly geographic as the lots in question are at a distance from the current Condominiums but are literally with in the back yards of many of the ABK homeowners. Therefore, the proposed change will most directly affect those of the ABK's. As such, when considering the rezoning proposal, please consider that there are over 100 homeowners out of 141 within the ABK's who have responded and signed a petition opposing this change. I am told that there have been no responses from the ABK homeowners who are in favor of this change.

In speaking to many of my neighbors within the ABK's, I have heard many different concerns in opposition to this proposal. I was on a zoom meeting when the proposal was brought up to the City Zoning Commission, and I know many of these concerns were well expressed by my neighbors. Concerns such as how a rezoning may affect water runoff, the wildlife and ecology

of the area, property value of the homes in the ABK's, if these changes to the bylaws are allowed, what more could get changed, etc... All of these are strong and valid concerns, and to everyone, of different strengths or importance. To me personally, the biggest concern is the increase in traffic that the change from 13 dwellings to 31 will cause in the neighborhood. When we bough into this neighborhood 16 years ago, one of the biggest attractions was the relative safety the neighborhood would provide for our young children. The ABK's are a community of mostly families with children, and we take pride in looking out for the safety of the children. If you are not aware, Huntington Hills has a wonderful park/playground area in its center. This park contains a tennis court, a basketball court, a soccer net, a playground structure, as well as open fields great for flying kites, or throwing around a ball or frisbee. All features designed to attract the kids in the neighborhood to feel safe coming to and enjoying, which they readily do. Most of the children come to the park either by waking from their home or riding their bikes. Obviously, this requires them to use the roads in the area. Huntington Hills has been well designed in that access to the Commons Condominiums, as well as access into the Abbingtons and Kessingtons neighborhoods use roads that turn off the main road well before reaching the park. The only road that requires vehicles to pass the park is Barrington Circle. This design has helped keep vehicle traffic to a minimum around the park. On the current proposal by Stetler Construction, the only access into the condominiums will be via Barrington Circle road. Obviously, increasing the number of dwellings within this proposal from 13 single family units to over 31 multiunit condominiums will increase the number of vehicles traveling on Barrington Circle. If on average, each home has 2 vehicles, that would increase the number of homeowner vehicles using Barrington Circle from 26 to 62 , and this doesn't include the increase traffic of other vehicles such as postal/delivery, home improvement/landscaping tucks, etc. All this extra traffic would increase the risk to the children using the Barrington Circle road, as well as the main Huntington Hills road in getting to the park, to potentially getting hit or injured by a car. I know that drivers in neighborhoods are really good at keeping a look out for the kids, but unfortunately, not all kids are equally as good at watching out for cars, and accidents can happen. In my opinion, a vote in favor of this rezoning is essentially accepting responsibility for this increased risk to the children. The more the cars, the more the risk, and I'm sure we all pray for and want to reduce risks for the children in all of our communities.

As I mentioned above, I know there are many other concerns regarding the rezoning to allow condominiums, and I certainly do share these concerns, but in an effort to be brief, I will not go into each one at this time. Rather, I hope that my neighbors have also taken this opportunity to express their opposition and concerns as well. I know these decisions must be very difficult for all parties voting. I do recognize the desire to have increase affordable housing within Battle Creek, as again, I call BC home and am a strong proponent of this city. I want people to come and live here in Battle Creek, and to be a part of this wonderful city. I am not sure the proposed condominiums qualify as all that much more affordable housing than the original proposal of single-family homes. I do want to see the empty lots get developed, just with

single family houses as originally zoned, and which meet the original covenants and restrictions written in the Huntington Hills bylaws. I would like to think that there are many other area's within Battle Creek that could be used for condominium development. Stetler Construction has done a great job creating this neighborhood, and when we all bought into it, it was with excitement that the original plans would develop. To allow them to change the plans now would be a very big insult to all of us who initially shared that excitement. I recognize money is money, and development is a good thing, but oftentimes, morally doing what is right does not necessarily mean chasing the almighty dollar. People say "it's just business, it's nothing personal", but to us, the ABK community, it is very personal, because this is our home.

I want to express my thanks to all the committee members who take the time out of their busy lives to serve the Battle Creek community. I'm sure as with many service-oriented committees, you all feel overworked and underappreciated, so however this vote goes, again I wish you all well and give you a big THANK YOU.

Sincerely,

Chris and Tricia Wilhelmson

Conditional are-Zoning #Z-01-20

Pat Partridge <djpat@aol.com>

Tue 9/15/2020 12:52 PM

To: Christine M. Zuzga <CMZuzga@battlecreekmi.gov>

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

Hello,
I wanted to send you a note that my wife and I are against the zoning change in Huntington Hills for the Barrington Villas.
This change goes against the original plans for the development and should be voted down.
Conditional are-Zoning #Z-01-20 is not good for the neighborhood.

Regards,

Duane J Partridge
Valerie A Partridge

402 Coventry Rd
Battle Creek, MI

Scott and Jenni Peavy

Huntington Hill Homeowner

Battle Creek, MI 49015

September 16, 2020

City Planning Commission

10N Division St. Suite 117

Battle Creek, MI 49015

Dear City Planning Commission,

This letter is in reference to the "Conditional Re-Zoning #Z-01-20" Petition from Stetler Built Homes Inc. We request the Planning Commission NOT approve the proposed re-zoning change from 13 single family homes to 11 single condos and 10 duplex condos for a total of 31 units.

We have had the opportunity to look more closely at the staff report for the July 22, 2020 meeting regarding, B Petition Z-01-20, request for a conditional rezoning of thirteen parcels in Huntington Hills to allow mixed residential density.

We feel there are a few discrepancies that need to be addressed.

1. On page 3 of 6: The price point for each unit is approximately $280,000. The target market for these units would be senior citizens looking to downsize into smaller homes with less maintenance.

   We disagree. During the August 9th Huntington Hills Neighborhood meeting Annie and Jon Stetler attended and both spoke to the group. There were some inconsistent statements made that contradict what is in the planning commission proposal. Annie stated that the price of the condo's will probably come in closer to $350,000 at 1350 square feet that is $260.00 per square feet. During the July Planning Commission meeting we heard one of the commissioners say, "We need to bring affordable housing to Battle Creek to attract working people to the city." This proposed condo rezoning does not meet the need of affordable housing for young working people especially if retired seniors are being marketed.

2. On page 3 of 6: "Staff does not feel the scale nor the design of the proposed buildings will be inconsistent with the existing homes."

   We disagree. In the Huntington Hills By-laws page 420, Article VI Restrictions, section (d) in no event shall any resident be permitted on any unit which does not comply with the following minimum requirements: all homes to be built in the Barringtons that are one story, to have a minimum of 2,000 square feet on the first floor. This was noted in the full packet in July. The

Barrington Villas, which is a part of the Barringtons, should adhere to these stipulations. The proposed homes are 1,350 square feet.

3. On page 5 of 6 Neighborhood Outreach: "It is our understanding that the applicant also discussed the request with the Huntington Hills condominium association."

   We disagree with this statement. There was no actual meeting with the Huntington Hills HOA prior to submitting the rezoning paperwork to the city. There was an email among the board members, but no meeting. The email left some of the board members, feeling like the Stetlers would keep them posted on whether or not they were even going to proceed with the proposal. It seems like the Stetlers were trying to get the re-zoning approval done without any communication to the Huntington Hills Neighborhood. They tried to get the vote by attending the NPC 10 and were upset that they couldn't get the approval from that meeting. It's also interesting to note that the same day the NPC10 meeting occurred was the SAME day the proposal was submitted to the city. The proposal is clearly stamped with the same date. It appears they submitted it during the day and then made the proposal to the NPC10. This is becoming a major trust issue with the Developer.

4. Analysis & Recommendation:

   a. Goal 1 (page37) "Promote investment in the city core while limiting unnecessary and premature outward growth. Focus future development to infill within the urban growth boundary where infrastructure and activity already exists", prioritizes infill development in the core areas of the City, but does stress that it is important to encourage infill and flexible housing choices in areas of the City served by public utilities.

      We disagree. We are about as far out from the city core as you can get, and not be in Kalamazoo County.

   b. Future Land Use map (page 51) The Future Land Use map (pg. 51) indicates this and adjacent properties as the "Suburban Residential" place-type. The description of this place type (pg. 58) describes single family residential, both attached and detached styles, as being appropriate especially on the edge of developments to buffer detached single family homes from the potential for higher intensity uses along the periphery.

      We disagree. Although this proposed rezoning location may be on the edge of our community, it is a very small section in the far Northeast corner of the subdivision. It would provide no substantial buffer.

   c. The current density for Huntington Hills is 1.95 dwelling units per acre. The requested increase is to 2.07 dwelling units per acre, a negligible increase. The footprint of the proposed duplexes will be approximately 2,600 to 2,800 square feet whereas the footprints of the existing homes in the development range from 2,406 square feet to 4,500 square feet. The change in housing style and reduction in square footage does not dramatically increase the amount of developed land. Even with the increase in number of units, the reduction in square footage and targeted demographic in seniors will likely reduce the amount of traffic from what was originally approved.

We disagree with this statement. It was not stated that the footprint of the single family condos would be 1,350 square feet which is significantly smaller than the existing homes in the neighborhood and goes against our By-laws. Will the additional roads and driveways being put in hamper rainwater absorption? Possible adding to the flooding issues that the neighborhood experiences. We also feel it is misleading to say the target market is seniors which will likely reduce the amount of traffic from what was originally approved. This is not zoned a "55 and older community' so you don't know who will actually purchase the homes. Regarding the amount of traffic, of the 22 homeowners in the Barringtons, 16 of the homes only have two drivers, just because they are larger homes, doesn't mean they have multiple drivers. 12 homes are occupied by "empty nesters". So we believe if the community is developed as condos, it will potentially increase traffic by an additional 36 cars. We are retired, and pre-Covid, were coming and going from the neighborhood 4 to 6 times a day, between the two of us.

We would also like the Planning Commissioners and City Commissioners to be aware of the following statements the Stetler's made during an HOA and Neighborhood meeting on August 9.

1. If the re-zoning doesn't pass, they mentioned they could stop paying the taxes on undeveloped lots.
2. They could stop paying their HOA dues.
3. Annie also stated that she wasn't going to fix our flooding issues we have in our community unless the rezoning occurs.

Sincerely,

Scott and Jenni Peavy

HOA Board Member and Homeowner in the Barrington Neighborhood.

September 14, 2020

Battle Creek Planning Commission
Re: Conditional Re-Zoning #Z-01-20
c/o Planning Manager Christine Zuzga

Dear Planning Commission,

This letter is written to express our *strong* opposition to the desire to change the zoning in our section of Huntington Hills with the purpose to allow condos to be built. "The Barringtons" was developed (and written in the Covenants) to be single family homes. We, along with our neighbors, heavily invested ourselves in the Barringtons. We agreed to abide by the guidelines and restrictions laid out in the Covenants and have followed those guidelines in good faith. If those guidelines and restrictions are not upheld then what is the point of having them? While we understand that the developer is doing this for business reasons, it seems unethical to be able to change to covenants without a vote of the parties involved, for their personal gain.

You have heard or read many opposing views by a huge majority of ABK (Abbington, Barrington & Kensington) home owners. We firmly agree with all of these objections so there is no need to repeat them in our letter.

To their points, we will add, however, two observations after hearing the Staff Report given at the last Zoning meeting in August. There were a couple subjective statements made that we believe are simply not correct.

1. In researching the increased concentration of traffic in and out of Barrington Circle (the *one* street into the Barringtons and leading to the area proposed for rezoning), it was stated that Barrington homes primarily have 3 car garages compared to condos with two car garages. While this is true, it was assumed that these home owners all have three cars. There are very few homes with more than two. With 22 units mostly with 2 cars that would be 44 vehicles. Most condo occupants do have two cars and with 31 units proposes that would be an additional 62 vehicles which is much higher concentration than 26 vehicles added if the 13 single family homes were added as planned, rather that condos.
2. It was also stated as though it was fact that Barrington level homes average 4 people compared to 2 in condos. We do not know where this information comes from but I count most existing homes in the Barrington's actually have two adults and some homes do have children. With that there would be approximately 26 adults and some children in 13 new Barrington level homes compared to 62 adults in 31 condos. Yes, there may be some singles in the condos but there would be many more adults with 31 units compared to 13 more Barrington units which the land use calls for.
3. During the Zoning Commission meeting, it was stated that there is a need for affordable housing in Battle Creek. While we can *all* agree on this point, it would be disingenuous to suggest that the development of "Barrington Villas" falls under the category of affordable housing. With a base selling price of $280,000 (and Annie Stetler herself stating the building costs are going up and they are likely to cost much more), this does not help fulfill this need.

Lastly, as longtime taxpaying citizens of Battle Creek, we are hopeful that the Planning Commission will take into consideration the strong opposition of the people who live in Huntington Hills (and will be affected by this change). It was never a thought in our minds (after entering into a covenant agreement with the developers) that the land around us could ever be re-zoned. We sincerely ask that you represent us.

Sincerely,

Jim C. Rich Karen Rich

Jim and Karen Rich
182 Barrington Circle
Battle Creek, Michigan 49015

Rezoning

Pardeep Singh <libertyfood@gmail.com>

Wed 9/16/2020 1:16 PM

To: Christine M. Zuzga <CMZuzga@battlecreekmi.gov>

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

Dear planning commission,

I want this planning commission to know I oppose of the rezoning. My concerns are, **1)** here will be additional traffic on my street, **2)** decreasing property values, **3)** increased crimes on my street such as breaking and entering, **4)** the developers aren't following by laws. Thank you for my consideration.

Pardeep Singh

Conditional Rezoning Z-01-20/ Huntington Hills

BILLIE WALK <fredumms@aol.com>

Thu 8/20/2020 4:49 PM

To: Christine M. Zuzga <CMZuzga@battlecreekmi.gov>

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

Dear Ms. Zuzga,

The Barringtons are the largest and most expensive homes in our neighborhood. The Stetler's build very nice condos, but I do understand why neighbors who own homes near the proposed building site aren't happy to have so many condos built in such close proximity to them.

Thank you for giving the neighbors sixty days to voice an opinion.

Best regards,
Billie Walk

Sent from my iPhone

Huntington Hills Neighborhood Homeowners

Rezoning Opposition

September 15th, 2020

Dear City Planning Commission:

I am submitting this letter in OPPOSITION to the proposal by Stetler Construction to rezone the current empty lots in the Huntington Hills subdivision from single family dwellings to multiunit condominiums. I have lived in this subdivision since the spring of 2004, and currently live on Barrington Circle.

It is my understanding that the current proposal is to rezone lots, accessed only from the Barrington Circle road, from 13 single family dwellings, to 31 multiunit condos'.

I recognize that I am but a single voice in this decision. I also recognize that Stetler Construction has a strong reputation for residential development within Battle Creek, and as such, has a much stronger voice when it comes to trying to influence decision makers on proposal such as this. That being said, however, I do feel it very important to give strength to my voice. Houses are just sticks and bricks, and lots are just property, but once a family moves in, they become a home. When you have enough homes come together, they become a neighborhood, and equally, joined neighborhoods become communities. That is what we have here in the Abbington, Barrington, and Kessingtons (ABK's) portion of the Huntington Hills. A community who cares about each other and what transpires within our subdivision. The ABK's are the single-family dwelling portions of Huntington Hills. There is a dedicated condominium portion (the Commons) of Huntington Hills as well, and while we are all a part of the greater Huntington Hills community, I feel the proposal to rezone the current empty lots into more Condominiums more greatly influences those of the single family dwelling homes of the ABK's, than those within the Condominiums. My reason for this is mostly geographic as the lots in question are at a distance from the current Condominiums but are literally with in the back yards of many of the ABK homeowners. Therefore, the proposed change will most directly affect those of the ABK's. As such, when considering the rezoning proposal, please consider that there are over 100 homeowners out of 141 within the ABK's who have responded and signed a petition opposing this change. I am told that there have been no responses from the ABK homeowners who are in favor of this change.

In speaking to many of my neighbors within the ABK's, I have heard many different concerns in opposition to this proposal. I was on a zoom meeting when the proposal was brought up to the City Zoning Commission, and I know many of these concerns were well expressed by my neighbors. Concerns such as how a rezoning may affect water runoff, the wildlife and ecology

of the area, property value of the homes in the ABK's, if these changes to the bylaws are allowed, what more could get changed, etc... All of these are strong and valid concerns, and to everyone, of different strengths or importance. To me personally, the biggest concern is the increase in traffic that the change from 13 dwellings to 31 will cause in the neighborhood. When we bough into this neighborhood 16 years ago, one of the biggest attractions was the relative safety the neighborhood would provide for our young children. The ABK's are a community of mostly families with children, and we take pride in looking out for the safety of the children. If you are not aware, Huntington Hills has a wonderful park/playground area in its center. This park contains a tennis court, a basketball court, a soccer net, a playground structure, as well as open fields great for flying kites, or throwing around a ball or frisbee. All features designed to attract the kids in the neighborhood to feel safe coming to and enjoying, which they readily do. Most of the children come to the park either by waking from their home or riding their bikes. Obviously, this requires them to use the roads in the area. Huntington Hills has been well designed in that access to the Commons Condominiums, as well as access into the Abbingtons and Kessingtons neighborhoods use roads that turn off the main road well before reaching the park. The only road that requires vehicles to pass the park is Barrington Circle. This design has helped keep vehicle traffic to a minimum around the park. On the current proposal by Stetler Construction, the only access into the condominiums will be via Barrington Circle road. Obviously, increasing the number of dwellings within this proposal from 13 single family units to over 31 multiunit condominiums will increase the number of vehicles traveling on Barrington Circle. If on average, each home has 2 vehicles, that would increase the number of homeowner vehicles using Barrington Circle from 26 to 62 , and this doesn't include the increase traffic of other vehicles such as postal/delivery, home improvement/landscaping tucks, etc. All this extra traffic would increase the risk to the children using the Barrington Circle road, as well as the main Huntington Hills road in getting to the park, to potentially getting hit or injured by a car. I know that drivers in neighborhoods are really good at keeping a look out for the kids, but unfortunately, not all kids are equally as good at watching out for cars, and accidents can happen. In my opinion, a vote in favor of this rezoning is essentially accepting responsibility for this increased risk to the children. The more the cars, the more the risk, and I'm sure we all pray for and want to reduce risks for the children in all of our communities.

As I mentioned above, I know there are many other concerns regarding the rezoning to allow condominiums, and I certainly do share these concerns, but in an effort to be brief, I will not go into each one at this time. Rather, I hope that my neighbors have also taken this opportunity to express their opposition and concerns as well. I know these decisions must be very difficult for all parties voting. I do recognize the desire to have increase affordable housing within Battle Creek, as again, I call BC home and am a strong proponent of this city. I want people to come and live here in Battle Creek, and to be a part of this wonderful city. I am not sure the proposed condominiums qualify as all that much more affordable housing than the original proposal of single-family homes. I do want to see the empty lots get developed, just with

single family houses as originally zoned, and which meet the original covenants and restrictions written in the Huntington Hills bylaws. I would like to think that there are many other area's within Battle Creek that could be used for condominium development. Stetler Construction has done a great job creating this neighborhood, and when we all bought into it, it was with excitement that the original plans would develop. To allow them to change the plans now would be a very big insult to all of us who initially shared that excitement. I recognize money is money, and development is a good thing, but oftentimes, morally doing what is right does not necessarily mean chasing the almighty dollar. People say "it's just business, it's nothing personal", but to us, the ABK community, it is very personal, because this is our home.

I want to express my thanks to all the committee members who take the time out of their busy lives to serve the Battle Creek community. I'm sure as with many service-oriented committees, you all feel overworked and underappreciated, so however this vote goes, again I wish you all well and give you a big THANK YOU.

Sincerely,

Chris and Tricia Wilhelmson

Conditional Re-Zoning #Z-01-20

Williams, Lisa <Lisa.Williams@kellogg.com>

Sun 9/13/2020 6:55 PM

To: Christine M. Zuzga <CMZuzga@battlecreekmi.gov>
Cc: Williams, Lisa <Lisa.Williams@kellogg.com>

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

In reference to the Conditional Re-Zoning #Z-01-20, please accept this letter as confirmation that I, Lisa Williams, resident at 122 Kensington Circle (and Board Member of Huntington Hills), Battle Creek, Michigan oppose the rezoning proposal. I'm greatly concern how this will devalue the housing market (especially our most exclusive/expensive in the neighborhood, aka Barringtons). The location where Stetler is proposing to build condos, will require the new owners of such to utilize the roadways of our expensive community as a thoroughfare to get to more reasonable housing. This will deter future buyers of high end housing to consider the Barrington's in the future and plummet the property value and taxes.

Thank you,
Lisa Williams

Battle Creek City Planning Commission

Re: Conditional Re-Zoning #Z-01-20

From: Jeffrey and Kathryn Williams, 156 Kensington Circle, Battle Creek, MI 49015

Dear Planning Commission:

We want to express our opposition to the above listed Re-Zoning request in Huntington Hills. Our objections are based on the desire to keep the Barrington portion of Huntington Hills an upscale single family home site. I realize the developers have the legal right to change the makeup of "need not be built" area of the Barrington development. However, I would ask the developers if they ever told any prospective home owners in Barrington development that, by the way, after we build your "High End Custom" home, we still have the right to put a condo development within the Barrington development.

However, our overriding concern is the potential flooding of OUR home (Lot 76) in the Kensington development which backs up to the Barrington #1 pond. In the 11 years we have lived in Huntington Hills we have always had to pump excess water from our yard into the Barrington #1 pond during any significant rain storms. With the addition of the "need not be built" area funneling ANY water into the Barrington 2 pond will cause the Barrington 1 pond to overflow its banks during any significant rain storms. In 2012 we received a letter from FEMA declaring our home was in a minimal flood hazard and we were allowed to buy flood insurance.

The attached map is designed to show the Commission the current flow of rain water and the appropriate storm drains. The water flow is designed to go from the Barrington #2 pond, to the Barrington #1 pond, through the ditch parallel to Huntington Blvd., underneath Kensington Circle Road, into the Kensington pond, and underneath Stone Jug Road to the west.

The storm drains are marked with Numbers 1-7. #1 storm drain is the runoff from Kensington Circle (between Lots 69-70 and drains into B2 (Barrington #2 pond). #2 storm drain is the runoff from Kensington Circle (between Lots 76-77) and drains into the B1 (Barrington 1 pond). #3 storm drain is the runoff from Barrington Circle & Huntington Blvd. and is located behind Lot 1 on Barrington Circle and drains into the B1 pond. #4 storm drain empties the Barrington 1 pond into the ditch that runs parallel to Huntington Blvd. Drains 5-7 move the water to the pond west of Stone Jug Rd.

The current problem is total size of the three storm drains that flow into the Barrington 1 & 2 ponds are 24", 18" and 36" for a total of 78". The PROBLEM is the <u>only</u> drain (Drain #4) that flows OUT of both Barrington 1 & 2 ponds is 12".

We would be objecting to the building of the 13 single family homes if the developers are not going to address the issue of Drain #4. If there is an approval to 31 condo units that would significantly increase to amount of water runoff as opposed to the single family homes. No

matter which plan you approve, we believe a drainage assessment needs to be completed before construction is started.

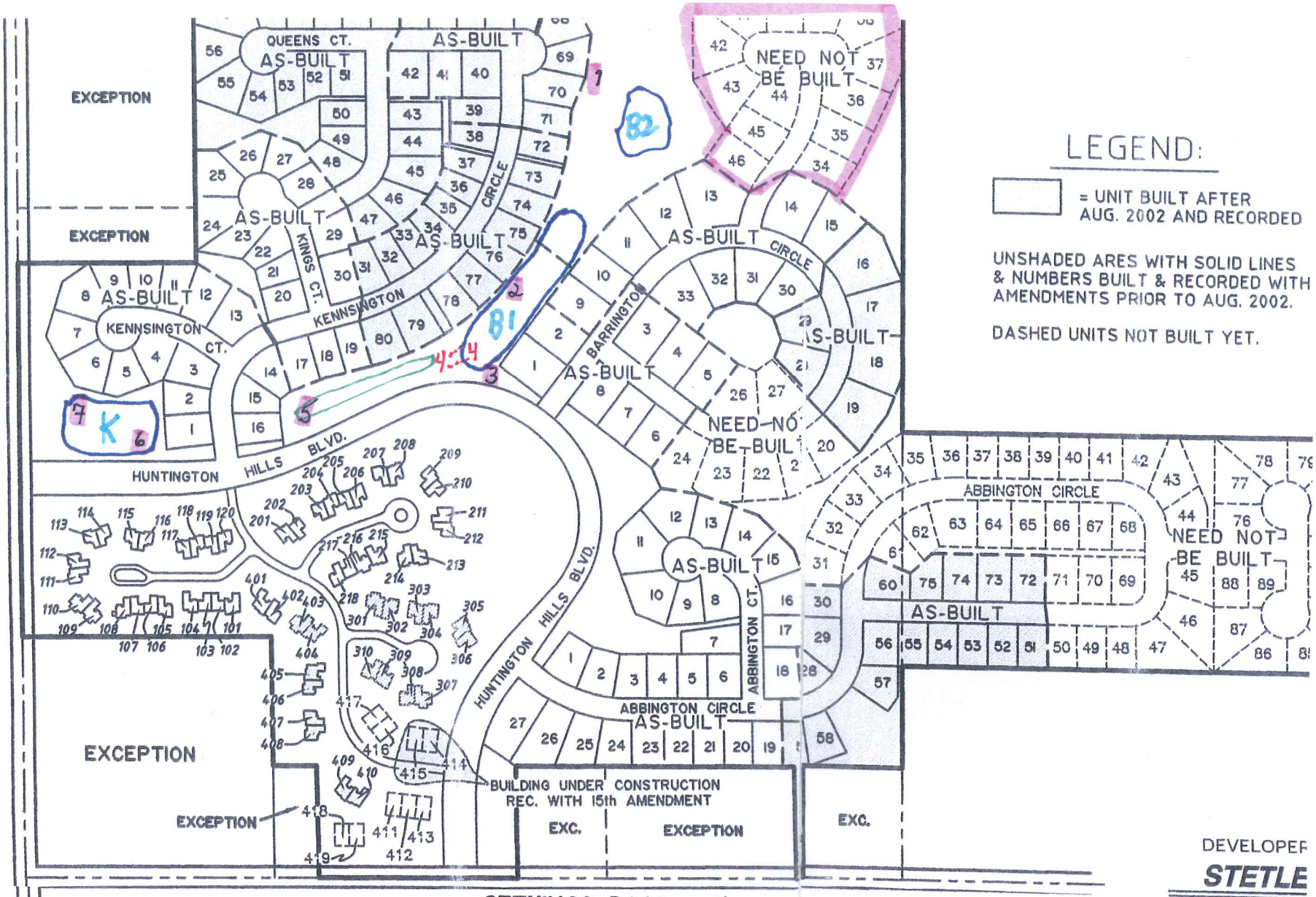
This past summer the water level in the Barrington 1 pond was the highest we have ever seen in 11 years. It was about 2 inches below the blacktop walking path between our property and the Barrington #1 pond. If the Barrington #1 pond overflows it will certainly flood our finished basement. Our neighbors (Lot 77) had their basement flooded the year before we moved in during a heavy rain storm.

Thank you for your consideration of our concerns.

Jeffrey and Kathryn Williams

989-941-2820

PS: I tried my best with the attached diagram. If you find it inadequate, I would be happy to give you a walkthrough of the area of concern.



B2 = Barrington #2 pond
B1 = Barrington #1 pond
K = Kensington pond

#1 - Strm Drain Lot 69-70
#2 - Storm Drain Lot 76-77
#3 - Storm Drain Lot #1
#4 - Storm Drain (B2 + ditch)
#5 - Storm Drain (ditch to K pond)
#6 - Storm Drain to
#7 - Storm Drain → under Stone Jug

PREPARED BY: CRANE LAND SURVEYING, P.C.
DATE: 11/02/2010
JOB NO.: 39136

Re-Zoning Barringtons/Huntington Hills

Patricia Wludyka <patriciajwludyka@gmail.com>

Wed 9/16/2020 12:28 PM

To: Christine M. Zuzga <CMZuzga@battlecreekmi.gov>

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

Good Afternoon,

We are David and Patricia Wludyka and we live at 127 Barrington Circle for six years. We have enjoyed living on this very quiet and safe street and have immensely enjoyed the deer/fawns that occupy our back yard daily as well as the tree coverage giving us peace and privacy. I am a walker and biker and use the paths daily. We have five grandchildren who come regularly and we feel safe in walking and allowing them to bike as well. This would drastically change if rezoning occurred and construction of infrastructure were to begin. WE ARE STRONGLY OPPOSED TO THE REZONING OF THIS STREET AND THIS PART OF THE SUBDIVISION. It was not disclosed to us that there were lots behind when we purchased our home. We are not opposed to single family development as previously planned. We have attended the meetings and a recent annual HOA meeting in which the opposition was candidly discussed. Ms Stetler sits on that board and she has stated that the square footage requirements etc are investigated by you as the city planner commission not her. The square footage do not match as ea side of a proposed duplex is only 1350 sq foot. The stand alone units are 1350 as well. She stated that affordable housing is needed for seniors. She stated Stetler Builders charge 200.00 per sq foot. In the State of Michigan the average price is 100.00 - 200.00 per sq foot. This is top end pricing, not affordable! We would not pay almost 300,000 or more as she said to build a 1350 sq foot duplex and pay hoa fees on top of that. Our concern is reducing our property values and changing the traffic, noise, wildlife, environmental concerns with current water/flooding issues that Ms Stetler would not be addressed until rezoning was approved. She stated she could stop paying taxes on undeveloped lots and her HOA fees. She stated its only business but this is where we live and it is our neighborhood that we pay very high taxes to live in. Over 7000.00 per year. We ask you to look deeper into this issue before you quickly call a vote and approve this. If it were your neighborhood would you want it? There are over 100 property owners in opposition to this rezone request . This is highly significant and should be rethought. Ms Stetler mentioned she has not sold a lot in a decade. Has she considered lowering the price from 65 ,000 to a more attractive price or including the lot with a contract to build a home on it? There are other options. We have looked at pricing on lots Newman builders in Stonegate subdivision right behind us. They are much less and nicer with all the city amenities and very high end homes are going up there. We ask you not to rush to approve this as there are other options to consider to have a win for developer and a win for the faithful residents of Huntington Hills. Lastly, we have heard the research and independent information that John Melges has revealed at annual HOA meeting and we agree with the legal advice that was given. There is much at stake here.

Thank you for your time to read our concerns.

Respectfully,

David and Patricia Wludyka

127 Barrington Circle

Christine Zuzga
Battle Creek Planning Commission
City of Battle Creek, MI

Re: Conditional Re-Zoning #Z-01-20

Dear Ms. Zuzga and the Battle Creek City Planning Commission:

We are writing this letter to express our opposition for the proposed re-zoning in the Huntington Hills Neighborhood. We have been residents of the Huntington Hills neighborhood for 15 years. The proposed re-zoning for multi-family housing will greatly diminish the area and the intent of our current subdivision.

The proposed re-zoning will greatly increase traffic, increase the likelihood of crime, and decrease home values of this subdivision. As you are aware, there is only one road in and out of the different neighborhoods, and the increased traffic poses additional risks to the children and residents that reside in the area. Additionally, the proposed re-zoning puts burden on the existing infrastructure including sewer, electricity, and water.

The Huntington Hills Subdivision has an existing Homeowners Association that we signed and agreed to, that puts restrictions on the minimum size of home allowed in each of the neighborhoods. It is our opinion, that the re-zoning violates the HOA and would immediately void the original terms and conditions of that agreement.

Furthermore, there is a high demand for single family homes in the price range of our subdivision, which is between $190K- $300K. We have seen houses in our neighborhood sell anywhere between 4 days – 30 days of listing at full asking price, which can be confirmed by contacting local realtors.

The current zoning allows for additional single-family homes to be built and meet the demands of the market. However, Mr. Stetler has chosen not to invest in the infrastructure to continue developing single-family homes in the neighborhood as allowed under the current zoning and HOA. It has also been brought to our attention that Mr. Stetler is pushing this rezoning because he cannot build a single-family home for under $200/sq foot. Therefore, this is strictly financial move for him and not one that is in the best interest of the current residents of Huntington Hills.

We understand that Mr. Stetler is part of the re-zoning committee and is recusing himself from the vote. We have serious concerns about the conflict of interest that this presents even with the recusal.

We request the committee **deny** the re-zoning and do what is in the best interest of the community rather than the interest of one party.

Sincerely,

James and Kristi Belmore

TO: Battle Creek City Planning Commission

ATTN: Planning Manager Christine Zuzga

DATE: 9/16/2020

RE: Conditional Re-Zoning #Z-01-20

We as Huntington Hills Subdivision Homeowners would like to express our objection and concerns of the re-zoning #Z-01-20 that Stetler Built Homes has submitted in regards to building 31 condominiums versus 13 single homes.

When looking to purchase a home we specifically chose to live on this street as it is a dead end. We chose this location for the quiet and quaintness of the dead end as well as very little traffic. With the addition of 13 homes there would be more traffic but with a possible addition of only 26 vehicles and that is if each home had 2 cars. With the addition of 31 condominiums there would be 62 vehicles traveling on our streets with one way in and out. Which also will cause more wear and tear on our streets. It is also our opinion that building condominium attached homes in basically the middle of an area surrounded by beautiful big homes would make everyones home value deplete. This is not what the zoning was originally approved for. 31 condominiums would also cause less vacant areas for our wild life. Our neighborhoods have so much wild life traveling through them now it is unimaginable where they would go if you densely populate the area with condos leaving less trees and much smaller yard grassy areas available. The neighborhoods have flooding issues during some of the heavier rains that again leaving less areas to soak up this water would cause more frequent and more severe flooding to some of these homes. We also feel this type of development would possibly cause a strain on our sewers and water pressures in the area.

We wish to go on record that we strongly oppose the construction and development of 31 condominiums in this area that has been zoned for 13 homes.

Thank you for your consideration into this matter.

Suzanne Dowe

Robert & Suzanne Dowe
158 Barrington Circle
Battle Creek MI 49015

Ranbir and Daljeet Kaur
Huntington Hill Homeowner
Battle Creek, MI 49016

September 15, 2020

City Planning Commission
10N Division St. Suite 117
Battle Creek, MI 49015

To whom it may concern,
Good evening; this letter is in reference to the "Conditional Re-zoning #Z-01-20" Petition from Stetler Built Homes Inc. We are requesting that the Planning Commission NOT approve the proposed re-zoning change from 13 single family homes to the 31 proposed condominiums. We are sure you have heard from many of the homes in the area and the many reasons we do not believe this is a good idea. I am not going to waste too much of your time going into the little details as I know they have been mentioned plenty. For example, the increase in traffic and safety concerns for the residents and children in the area. Another major concern for many of the residents was a depletion in property values. None of these families, ours included had signed up for condominiums being developed in our backyards. In this case, this is not a joke, the development on these condos would be directly behind the backyards of 147 Barrington circle and the surrounding houses. These residents were aware that homes would be built, it would be for single families, but now condos are being suggested; although this might not be a big deal and everyone in the neighborhood would be as directly impacted as we would. You see, the extension of the driveway for our house is city owned. We and the previous owner of the house have used this driveway and maintained it for the past 15 years. Not only would this be taken away from us, but also part of our landscaping seen from the front, this includes the landscaping and water fall/pond area the previous owner had installed. A lot of the neighbors have gone into depth and done a lot of research. I do not want to repeat everything and waste your time. I just implore you to please reconsider this. Please consider the pros and cons, and look into alternatives. This will be hurting a lot of people, especially financially. I understand the Stetlers thinking about this from a business perspective, but the way this has gone about is has not sparked a positive response for many reasons. I implore you to please consider this from our family's perspective. Thank you so much for your time.

Sincerely,

Ranbir and Daljeet Kaur
Homeowner in Barrington Neighborhood

Date: September 21, 2020
Subject: Conditional Re-Zoning #Z-01-20
To: Battle Creek Planning Commission:

This is to express our opposition to the proposed rezoning of property and land in the Huntington Hills subdivision.

We have recently purchased a condominium in the Commons area of the Huntington Hills subdivision based on the existing and original zoning and we were shocked and disappointed to learn, word of mouth, of the proposed rezoning proposal.

Our choice to move to this community in Battle Creek from our home of 53 years in the Detroit metro area was based on the minimal traffic and closed access to the subdivision which creates a quiet and safe environment. The condominium we purchased is on the corner of Gethings and Huntington Blvd., one of the two entrances/exits for the Huntington Hills subdivision; the proposed additional 30 plus condominiums will greatly increase the traffic and noise along the street where we live. We are not willing to accept the compromise to our safety, property value and quality of life that this rezoning would bring.

We are excited to move to Battle Creek and become Battle Creek citizens and taxpayers, however not under the unacceptable changes this rezoning would bring to the Huntington Hills subdivision.

Sincerely,

Daniel B. Sutter Rena L. Sutter

Date: September 19, 2020

Subject: Conditional Re-Zoning #Z-01-20

To: Battle Creek Planning Commission:

My wife and I oppose the rezoning of property and land in the Huntington Hills subdivision. We built our home on Barrington Circle 17 years ago based on the street having closed access to single family homes according to the original zoning. We are not willing to accept the compromise of our safety, property value and quality of life that this rezoning would bring.

The existing condominiums ("The Commons") are in a planned location for deliberate reasons. They are situated so they can exit to public roads without driving by single family home streets. This planning was very deliberate. They even own their own roads to prevent others from driving by their homes. Residents of the Commons in Huntington Hills value this to the point of posting signs that remind everyone driving in the area. The needs of residents in condominiums typically call for more support than single family homes. Condominium residents agree to many services. In many cases, these residents are in needs of a tremendous number of medical services. The separate entrances to private roads protect young families in single family homes from their increased traffic. The **original** zoning supports that protection.

Safety is always an issue for all residents in a subdivision. In fact, most families based their home purchase decisions, in part, on the safety of their potential surroundings. The dramatic increase in traffic past single family homes places that safety at risk. If the zoning originally allowed condominiums to be accessed past single family homes, many families, including us, would have changed their decisions.

The consideration to rezone Huntington Hills is an egregious disrespect of us and the Huntington Hills residents as loyal citizens and taxpayers of Battle Creek.

Sincerely,

Mark S. Wentworth Christine S. Wentworth

Battle Creek City Planning Commission

Staff report for the July 22, 2020 meeting

To: Planning Commissioners

From: Christine M. Zuzga, AICP, Planning Manager

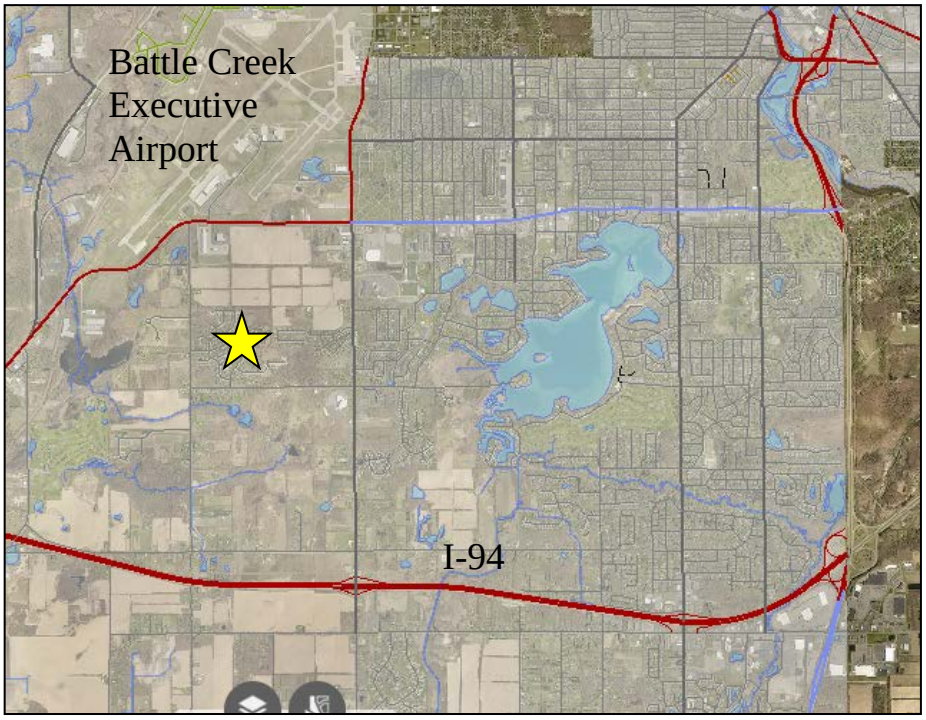
Subject: Petition Z-01-20, request for a conditional rezoning of thirteen parcels in Huntington Hills to allow mixed residential density.

Summary

Petition from Stetler Built Homes Inc., 291 N. 20th St., Battle Creek, MI, 49037, requesting a conditional rezoning to allow increased density on vacant land known as Huntington Hills, lots 34-46. The conditional rezoning would allow a change from 13 parcels to 31 attached dwelling units in Calhoun County Subdivision Plan No. 30.

Background/Property Information

Huntington Hills is located on the east of Stone Jug Road, north of Watkins Road. The subdivision was approved as a Planned Unit Residential Development and contains a mix of single family homes and condominiums.



This property, and land adjacent to the north, west, and south is zoned Agricultural. Directly east is Jacaranda Estates, a single family residential subdivision, zoned R1B Single Family Residential.

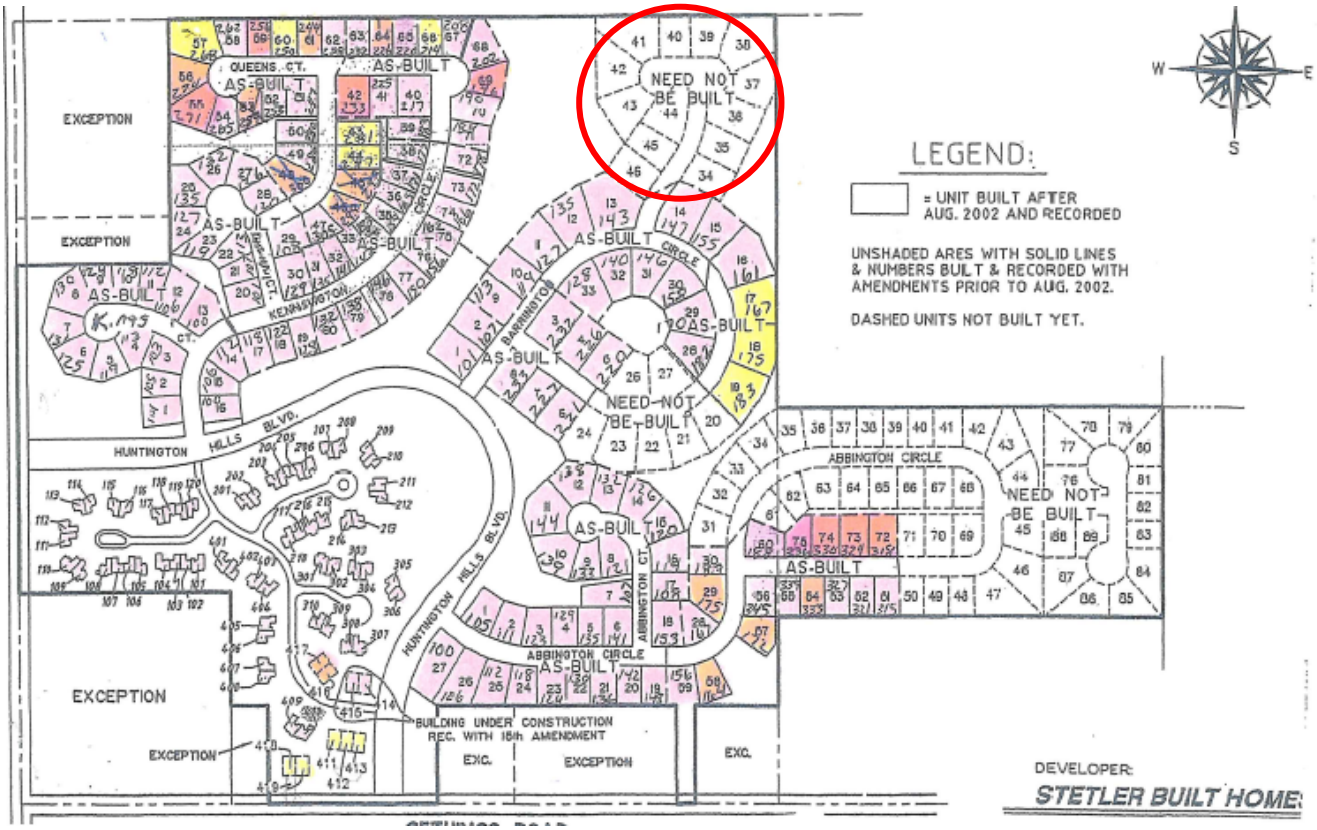
Single Family Residential is a permitted use in the Agricultural zoning district. Huntington Hills was developed under the Planned Unit Residential Development (PURD) process which allows for flexibility from the standards established in the zoning ordinance. The flexibility can be attributed to density, housing types, setbacks, etc. and is approved as part of the development plan. Approval of a PURD is by the City Commission with recommendation by the Planning Commission.

The layout of Huntington Hills included single family homes in three neighborhoods, with varying sizes of parcels and homes, and an area of attached residential units, primarily duplexes. The development is served by public utilities and roads.

Project Scope

The thirteen parcels subject to the request are located on the northeast corner of the development, shown in red on the aerial below.

The Planned Unit Residential Development approval included thirteen single family parcels accessed from a small drive off Barrington Circle. Per the condominium regulations, homes in this section of the subdivision were required to be a minimum of 2,000 to 2,600 s.f. in size.

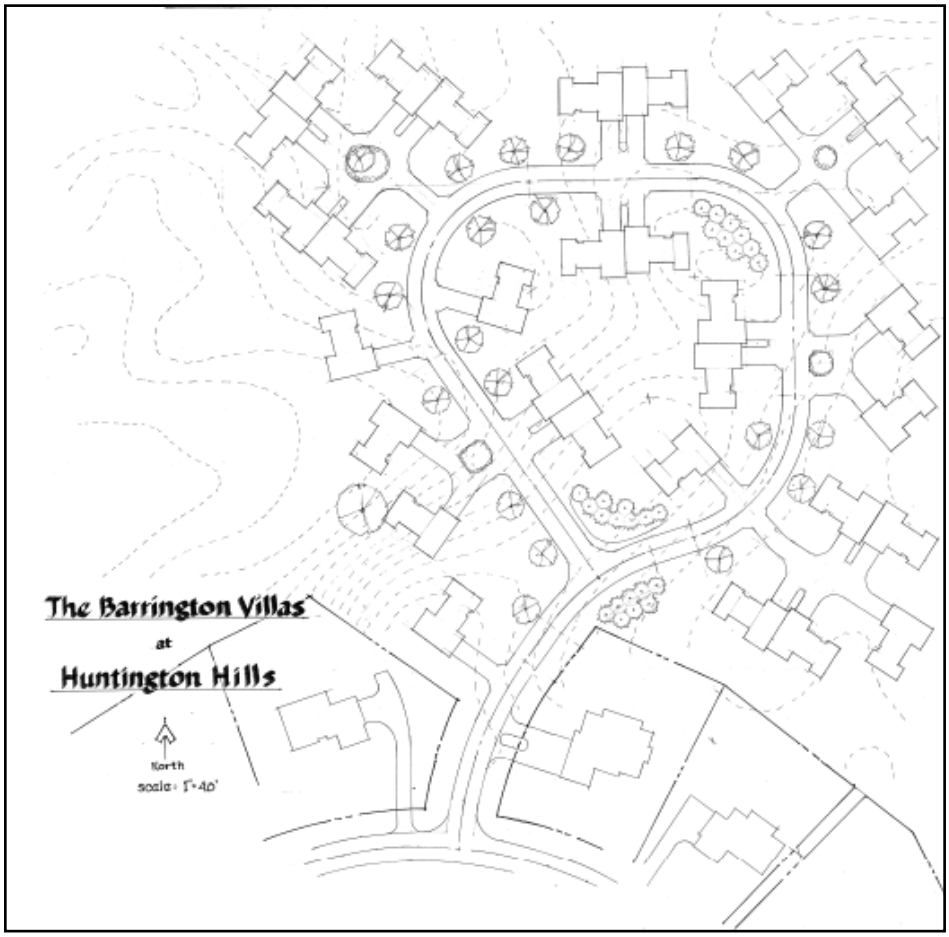


Due to increase in construction costs and changing market demographics, the developer is seeking a conditional rezoning to allow mixed density residential in this portion of the subdivision to allow thirty-one dwelling units in twenty-two buildings, a mix of eleven single family structures, and ten duplexes.

If approved, these units will be very similar in nature to the duplex under construction at the Gethings entrance to the subdivision. The units will be approximately 1,350 s.f. in size and have a variety of floor plan and exterior options (examples included in the application). Each unit would have a two car attached garage and other amenities. The price point for each unit is approximately $280,000. The target market for these units would be senior citizens looking to downsize into smaller homes with less maintenance.

The applicant has included elevations and building plans with his application that show the approximate design of the buildings. The proposed structures include a significant portion of the front façade being brick/stone, high roof elevations, and high quality design. Staff does not feel the scale nor the design of the proposed buildings will be inconsistent with the existing homes. To ensure building construction meets these standards, planning staff will review each building permit application, elevations, and plans to ensure consistency with this proposal, if approved.

An approval of this request would be tied to the parameters listed in the application concerning use, size, location, and design. If approved, the applicant would commence with engineering plans for the roads and utilities. The applicant would be responsible for ensuring all other codes, regulations, and/or limitations concerning utilities, roads, building/trade codes, and stormwater management are met.



Applicable Ordinance Provisions

In 2005 the Michigan Zoning Enabling statute was amended to allow for conditional rezoning of land. This amendment to allow conditional rezoning provided another tool for property owners seeking the ability to use their property in a way other than what is allowed by current zoning. If approved, a conditional rezoning ties the use and any development of a property to specific conditions offered by the property owner. This is very similar to how the special use permit process and approval works, though this is not limited to a specific list of special uses provided for by ordinance. The other difference is that conditions cannot be imposed by a municipality, but must be offered by the applicant.

Public Hearing and Notice Requirements

As required by the Zoning Enabling Act of 2006, as amended, a public hearing notice was published in the Battle Creek Shopper's Guide on Thursday, July 2, 2020 and notices of the public hearing were also sent by regular mail on Tuesday, July 7, 2020 to 78 owners and occupants of properties located within 300 feet of the subject parcel. To date, the Planning Department has received a few email and voicemail questions but has not yet received any official statements of support nor opposition.

Neighborhood Outreach

This parcel is located in Neighborhood Planning Council #10. A representative attended their February 24, 2020 meeting to discuss the project. The group did not have a quorum and could not make a recommendation; the letter is attached to the packet. It is our understanding that the applicant also discussed the request with the Huntington Hills condominium association.

Analysis and Recommendation

As this is a rezoning request, consideration should be given to the proposed use as it relates to the surrounding zoning and land uses, existing infrastructure, and most importantly consistency with the Comprehensive Plan.

- The 2018 Master Plan analysis (pg 21-22) finds that the number of seniors with higher income is on the rise, as is the need for housing for this population. Recent housing studies incorporated into the master plan also show a demand for new housing units, particularly those that provide flexible housing opportunities other than single family homes. The master plan notes the importance of these efforts as a means to attract residents to living in the City while driving additional demand.

- Goal 2 of the Master Plan (pg 38) is to "Reposition land use to reflect the anticipated needs of the community - Adjust current land use regulations to match Battle Creek's changing character and community needs." It is important to use zoning as a tool to guide future development in order to meet the changing market and community needs. The current zoning ordinance is very much a product of traditional efforts to provide single and separate land uses and does not take into account changing market conditions and housing choices. The conditional rezoning of this section of property takes into consideration the increasing senior population, and the demand for higher end, smaller units that provides community maintenance.

- Goal 1 (pg. 37), "Promote investment in the city core while limiting unnecessary and premature outward growth. Focus future development to infill within the urban growth boundary where infrastructure and activity already exists", prioritizes infill development in the core areas of the City, but does stress that it is important to encourage infill and flexible housing choices in areas of the City served by public utilities. While further development should be encouraged in the city core, this development is served by public infrastructure and has demonstrated success with a mix of housing styles. It also provides an opportunity for city living in a more rural setting.

- The Future Land Use map (pg. 51) indicates this and adjacent properties as the "Suburban Residential" place-type. The description of this place type (pg. 58) describes single family residential, both attached and detached styles, as being appropriate especially on the edge of developments to buffer detached single family homes from the potential for higher intensity uses along the periphery.

- The current density for Huntington Hills is 1.95 dwelling units per acre. The requested increase is to 2.07 dwelling units per acre, a negligible increase. The footprint of the proposed duplexes will be approximately 2,600 to 2,800 s.f. whereas the footprints of the existing homes in the development range from 2,406 s.f. to 4,500 s.f.. The change in housing style and reduction in square footage does not dramatically increase the amount of developed land. Even with the increase in number of units, the reduction in square footage and targeted demographic in seniors will likely reduce the amount of traffic from what was originally approved.

- Though the buildings will be placed more compactly than the single family homes in the neighborhood, they will be placed at the edge of the development which allows the proposed structures to blend into their surroundings. Additionally, the mixture of single family structures and duplexes will provide some variety along the street frontage, while maintaining design standards that are consistent with the homes already constructed.

- The approval of this request is directly tied to the proposed use and elements of the proposed use as provided for by the applicant in the application. Any substantial changes contrary to that which is included on the application would require review and approval by the Planning Commission and City Commission.

Therefore, based on the above findings and pursuant to M.C.L. 125.3405, planning staff recommends that the Planning Commission recommend to the City Commission approval of Petition from Stetler Built Homes Inc., 291 N. 20th St., Battle Creek, MI, 49037, requesting a conditional rezoning to allow increased density on vacant land known as Huntington Hills, lots 34-46. The conditional rezoning would allow a change from 13 parcels to 31 attached dwelling units in Calhoun County Subdivision Plan No. 30. The conditional rezoning is requested pursuant to M.C.L. 125.3405.

<u>Attachments</u>

The following information is attached and made part of this Staff report: Conditional Rezoning Petition Form and Supplemental Information (Petition #Z-01-20)

City of Battle Creek
Community Services - Planning and Zoning Division
City Hall • 10 N. Division Street, Ste. 117 • Battle Creek, Michigan 49014
Ph (269) 966-3320 • Fax (269) 966-3555 • www.battlecreekmi.gov

RECEIVED

RECEIVED
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By MKJ $600 —
✓047410

REZONING Application

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

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

Petition No. _____

Date Received: 2-24-20

APPLICANT

NAME: Stetler Built Homes Inc.

ADDRESS: 291 N. 20th St., Springfield, MI 49037

PHONE: 269 441 1800 FAX: 269 441 1799

EMAIL: johnstetler@sbcglobal.net

OWNER (if different from applicant)

NAME: _____

ADDRESS: _____ CITY/STATE: _____ ZIP: _____

PHONE: _____ FAX: _____

EMAIL: _____

****If the applicant is not the property owner, a letter signed by the owner agreeing to the Rezoning must be included with the application.**

EXISTING CONDITIONS

Address(es) of property for which the request is being sought: none assigned

Current use of the property: vaccant land Huntington Hills

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

None

Has property involved ever been the subject of a previous application? If yes, please list each one and the date the request came before the Planning Commission. 8/15/95 the commission rezond this to a PURD

FOR STRAIGHT REZONING REQUESTS ONLY:

Current Zoning of Property: PURD

Requested Zoning District: change in density of the existing PURD

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

Would the rezoning place excess demands on public resources including roads, utilities, public safety, etc.?
Explain: No

FOR CONDITIONAL REZONING REQUESTS ONLY (please attach extra pages if necessary):

What is the proposed use of the property that warrants the request? Provide specific details as to the use including square footage of each uses proposed for the property:
See attached maps and plans

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

How many employees currently work on the property? How many will be added if the request is approved, and what days/times will they be onsite? None

Will the approval of the proposed use necessitate changes to the property, i.e. building construction, additional parking, landscaping, driveways, fencing? If yes, please provide a list of property improvements that will be associated with the development and attach a site plan/building elevations showing existing and proposed improvements. What is the cost of investment proposed if the development were approved?
$10,000,000

What are the proposed hours of operation? Please indicate if the proposed use will be temporary, seasonal, or long term in nature, providing dates and timeframes if applicable: Residential use

Explain the basis for which you feel this application should be approved.

This project would fill the need to have newer condos in the city

SUBMITTAL REQUIREMENTS

Each request requires the following items to be submitted along with the completed application; incomplete applications will not be forwarded to the Planning Commission.

1. **Payment of a non-refundable $600.00 filing fee, made payable to the City of Battle Creek.**
2. **An affidavit authorizing an applicant to act on behalf of the owner if the petitioner is not the owner.**
3. **Legal description of subject property and a list of all deed restrictions.**
4. **Property Site Plan, if site changes are proposed.**
5. **Building Elevations, if building elevation improvements are proposed.**

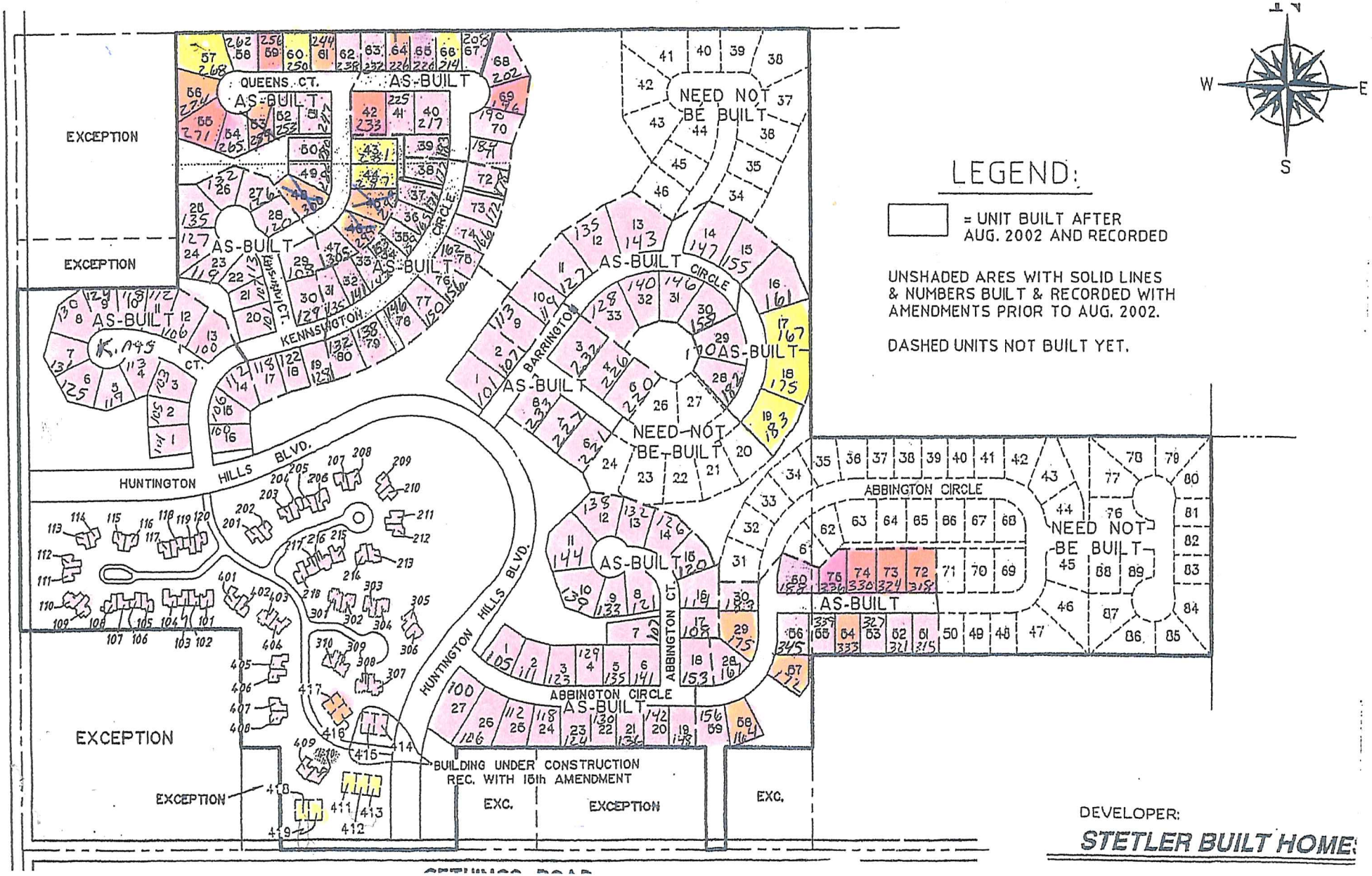
APPLICANT SIGNATURE

By signing this application, the applicant hereby declares that all answers given herein are true to the best of their knowledge, and confirms that all information required for submission of a rezoning application have been submitted. Furthermore, the applicant understands that all any approval is based upon the contents of the submitted application and any future proposed change must be reviewed with the Planning Department and may be subject to approval of a revision of the rezoning by the Planning Commission and City Commission.

(Signature) Name	(Print Name)	Date

map w/ 1 lot # per address
s of 7/14

available
sold



Results of Market Study

We interviewed prospective owners, top selling REALTORS, and appraisers so we could build what people are looking for. Here are some of the top replies:

Open floor plan
Large room for family gatherings
2 bedroom suites on the same floor
1st floor laundry
Downsize
Pantry
No front yard garage
Eat in open kitchen with island

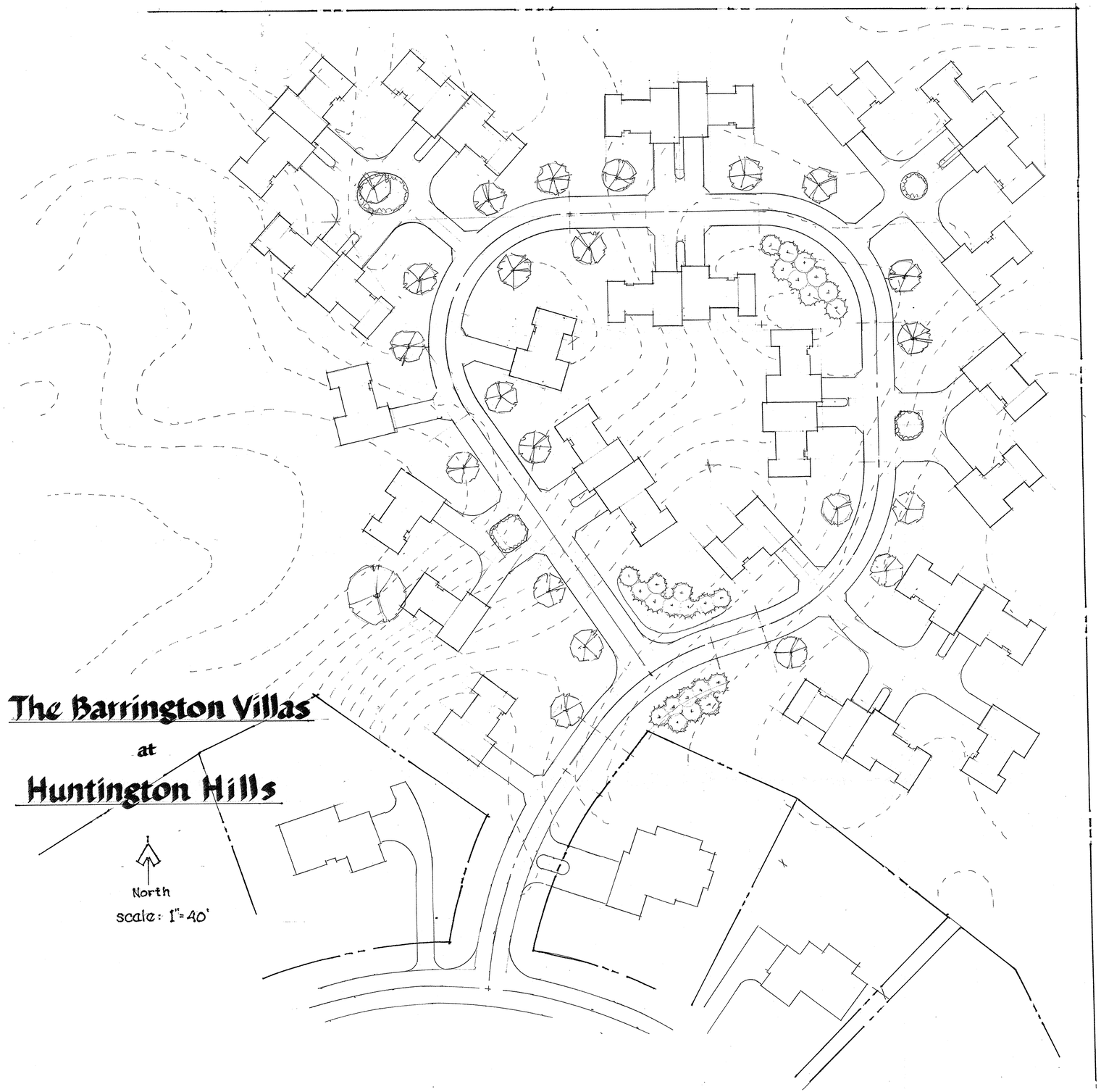
large doors
large shower
tall toilets
2 lavatories in master bath
sunroom
end units
full basement w/ egress window

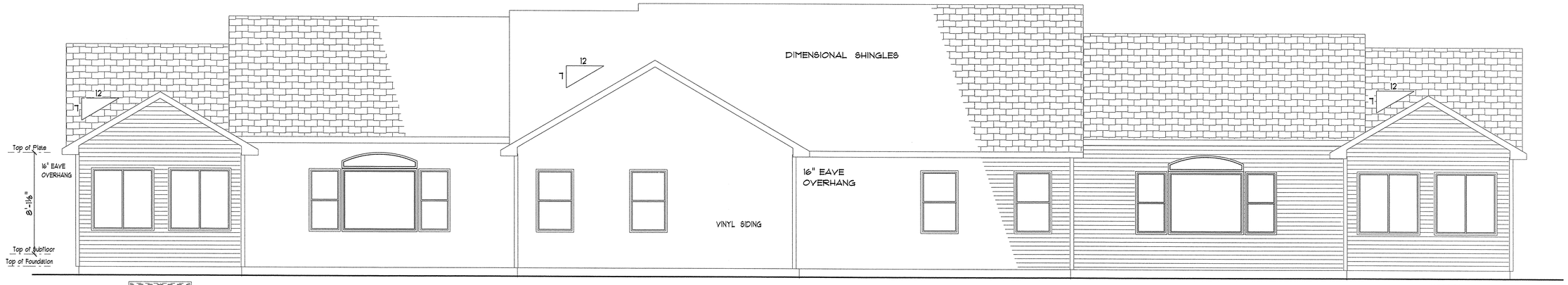
HUNTINGTON HILLS RESTRICTIONS

at a glance.

Below is a summary of Huntington Hills Restrictions. Before completing a purchase the Purchaser should review the detailed restrictions.

1. No structure shall be built without the approval of the Developers Review Committee.
2. Minimum size
   - Kensington – 1300 Sq. Ft. 1-Story
   - Kensington – 1600 Sq. Ft. 2-Story
   - Abbington – 1600 Sq. Ft. 1-Story
   - Abbington – 2000 Sq. Ft. 2-Story
   - Barrington – 2000 Sq. Ft. 1-Story
   - Barrington – 2600 Sq. Ft. 2-Story
3. Construction of residence shall be completed within 12 months of starting.
4. No prefabricated buildings or modular homes.
5. No dog kennels or runs without written approval of Developers Review Committee.
6. No exterior fuel tanks.
7. Setbacks -
   - Kensington – 30 feet front yard
   - Kensington – 8 feet side yard
   - Abbington – 30 feet front yard
   - Abbington – 10 feet side yard
   - Barrington – 35 feet front yard
   - Barrington – 10 feet side yard
8. No fences or hedgerows in any front or side yard.
9. No above ground swimming pools.
10. No storage of boat trailers, travel trailers, etc.
11. No household pets except dogs and cats. No animal shall be permitted to run loose.
12. No discharge of firearms, pellet guns, bow & arrows, etc.
13. No soil shall be removed from a building site without approval.
14. No landscaping will be done in the general Common Elements without the approval.
15. Dues will be charged to maintain the park areas.


The Barrington Villas
at
Huntington Hills
North
scale: 1"=40'

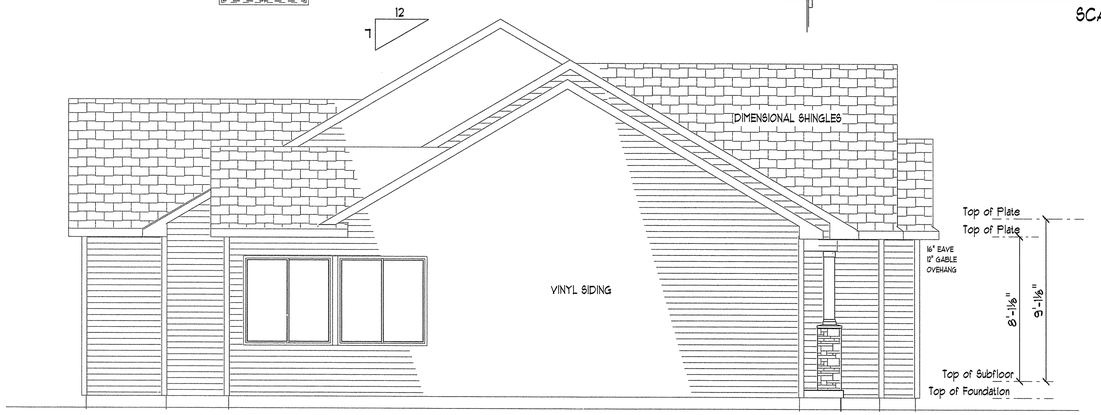


EGRESS WINDOW

REAR ELEVATION PLAN A

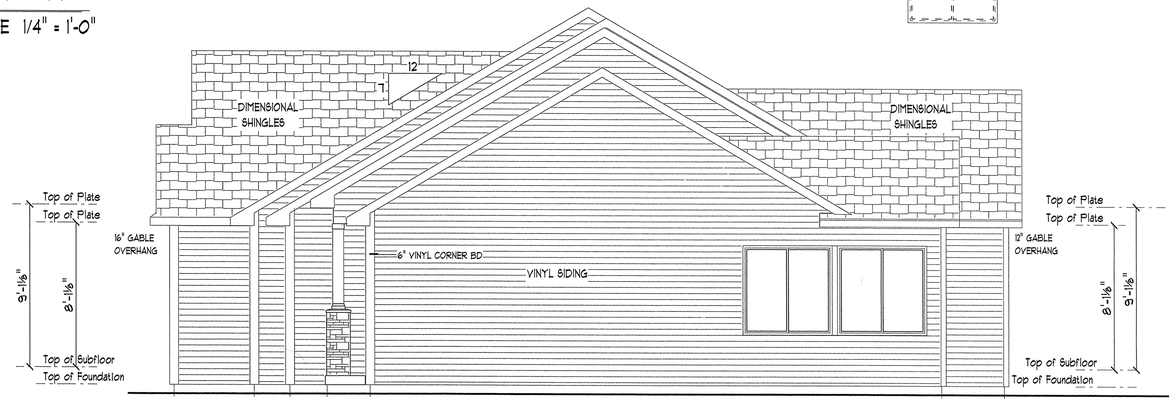
SCALE 1/4" = 1'-0"

EGRESS WINDOW



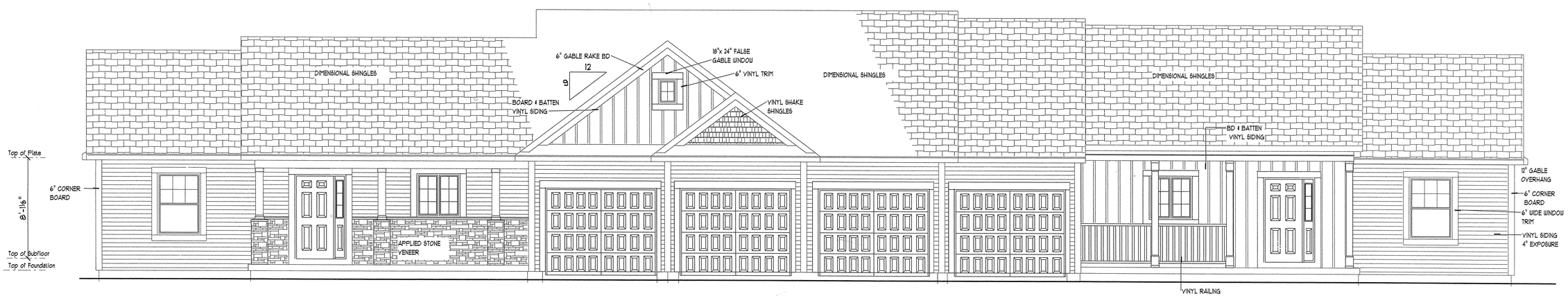
LEFT ELEVATION PLAN A

SCALE 1/4" = 1'-0"



RIGHT SIDE ELEVATION PLAN A

SCALE 1/4" = 1'-0"



FRONT ELEVATION PLAN A

SCALE 1/4" = 1'-0"

STETLER CONSTRUCTION

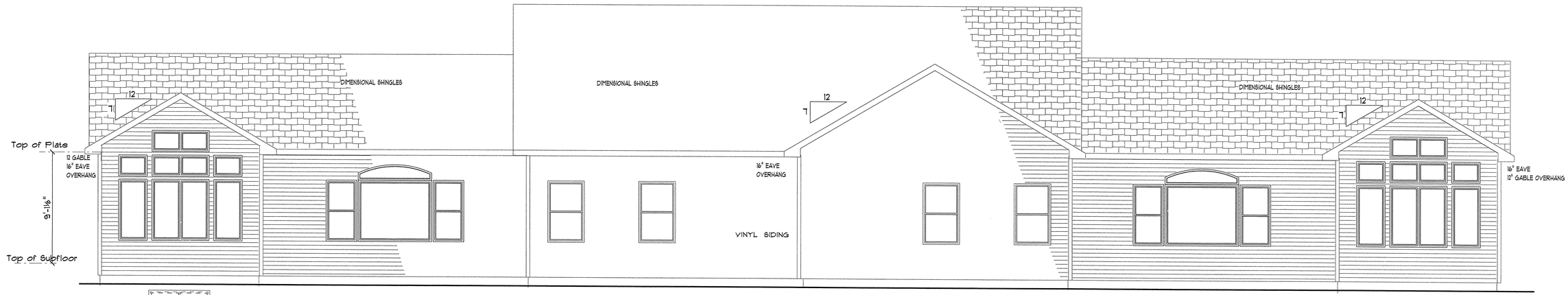
291 N 20th STEREET BATTLE CREEK MI 49037

CONDO PLAN A

Date:

Scale:
1/4" = 1'-0"

A-1

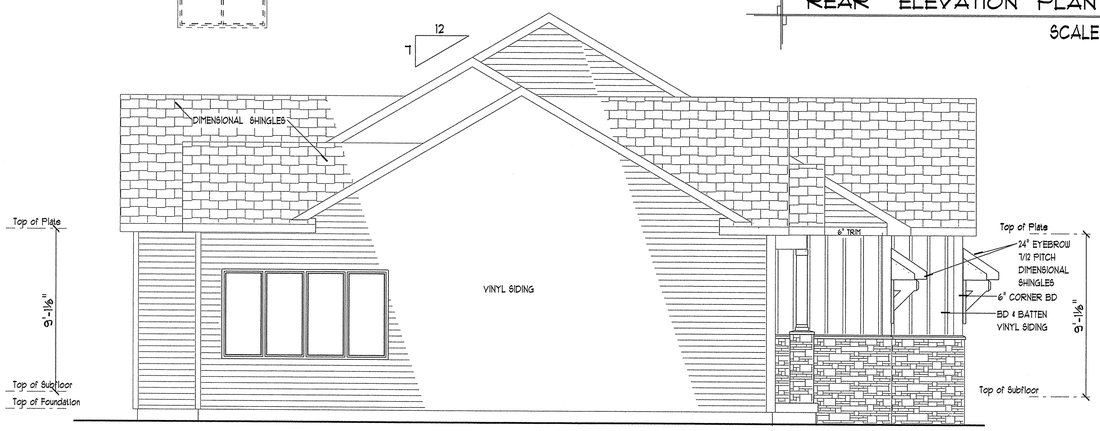


EGRESS WINDOW

EGRESS WINDOW

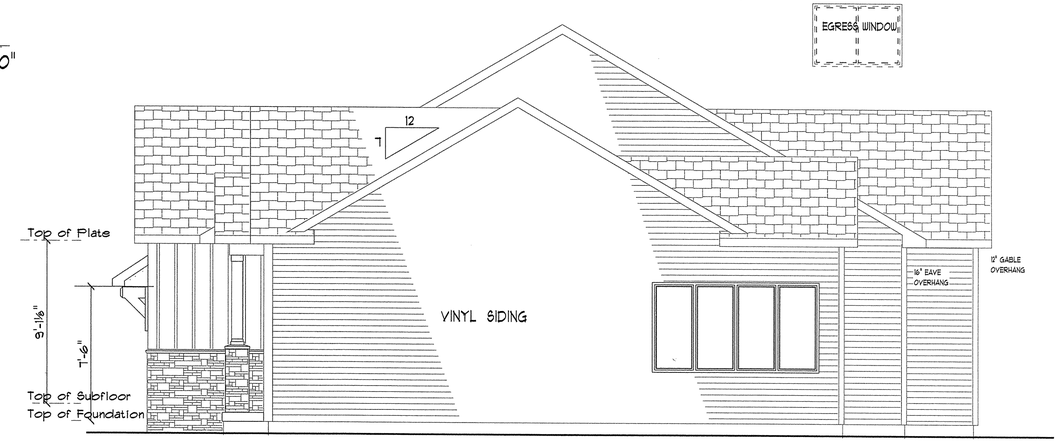
REAR ELEVATION PLAN B

SCALE 1/4" = 1'-0"



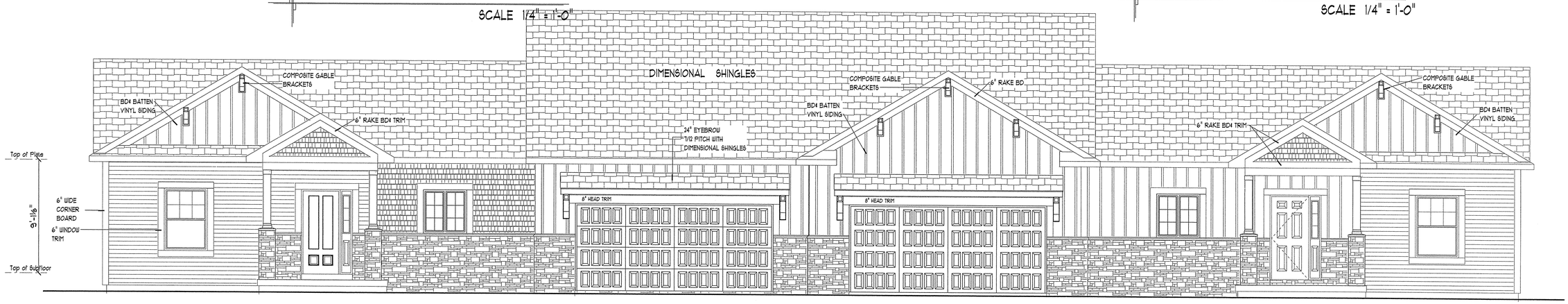
LEFT SIDE ELEVATION

SCALE 1/4" = 1'-0"



RIGHT SIDE ELEVATION

SCALE 1/4" = 1'-0"



FRONT ELEVATION PLAN B

SCALE 1/4" = 1'-0"

CONDO PLAN B

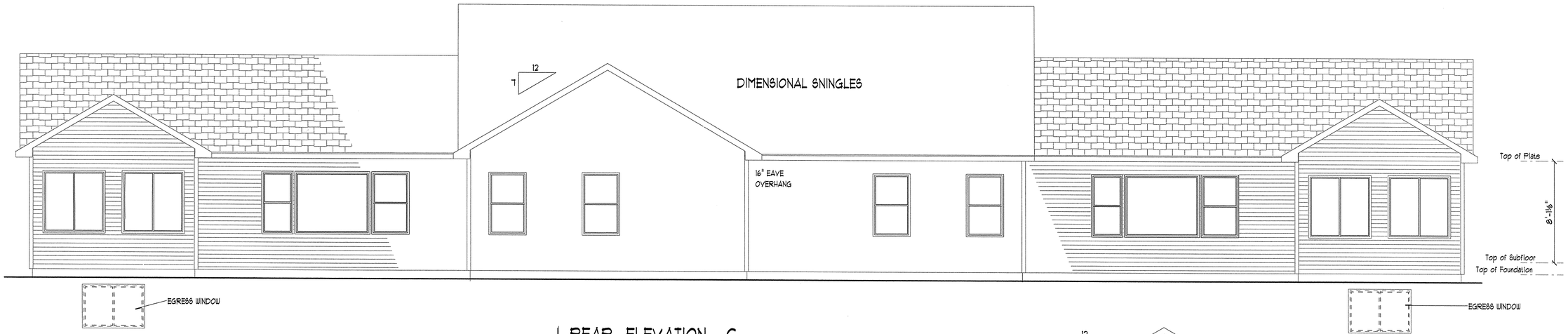
STETLER CONSTRUCTION

291 N 20th STEREET BATTLE CREEK MI 49037

Date:

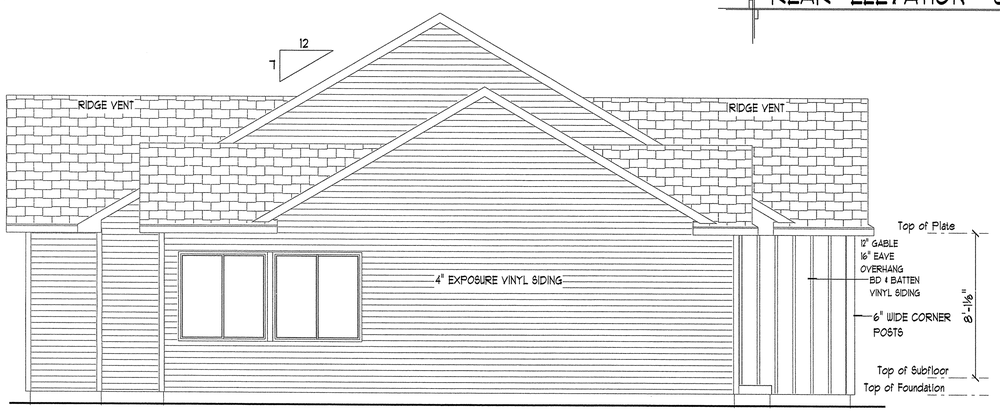
Scale:
1/4" = 1'-0"

B-1



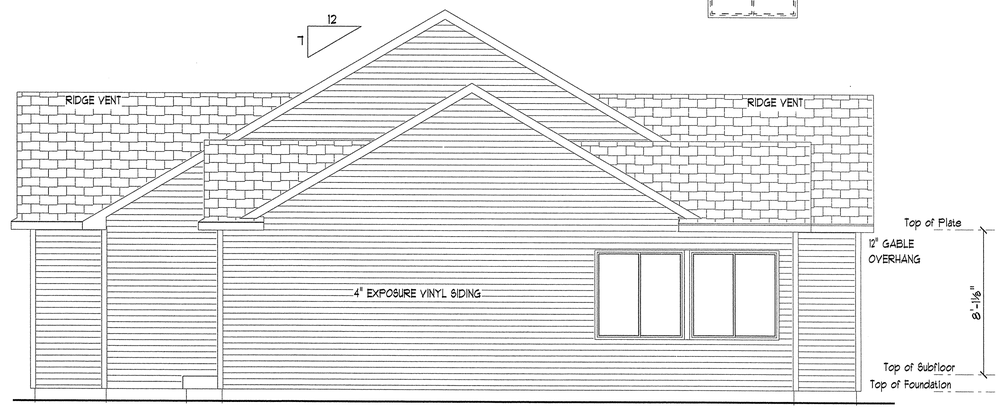
REAR ELEVATION C

SCALE 1/4" = 1'-0"



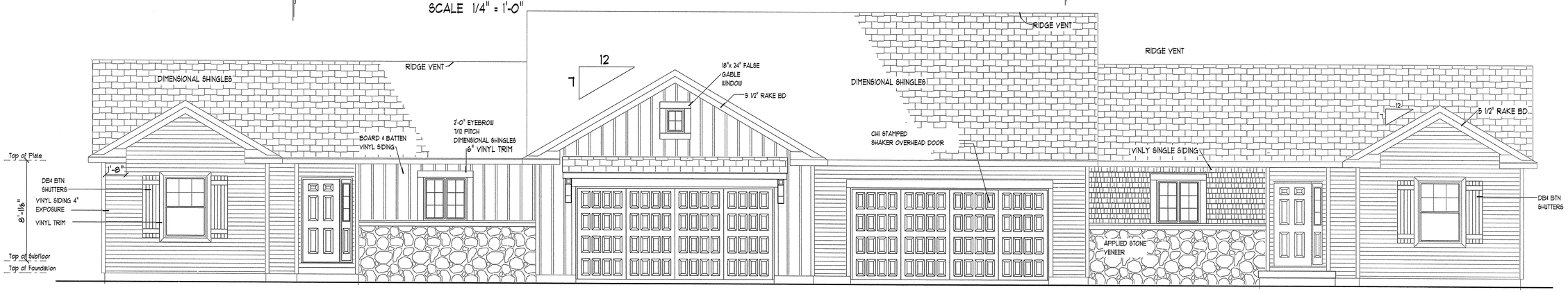
LEFT SIDE ELEVATION

SCALE 1/4" = 1'-0"



RIGHT SIDE ELEVATION A

SCALE 1/4" = 1'-0"



FRONT ELEVATION C

SCALE 1/4" = 1'-0"

CONDO PLAN C

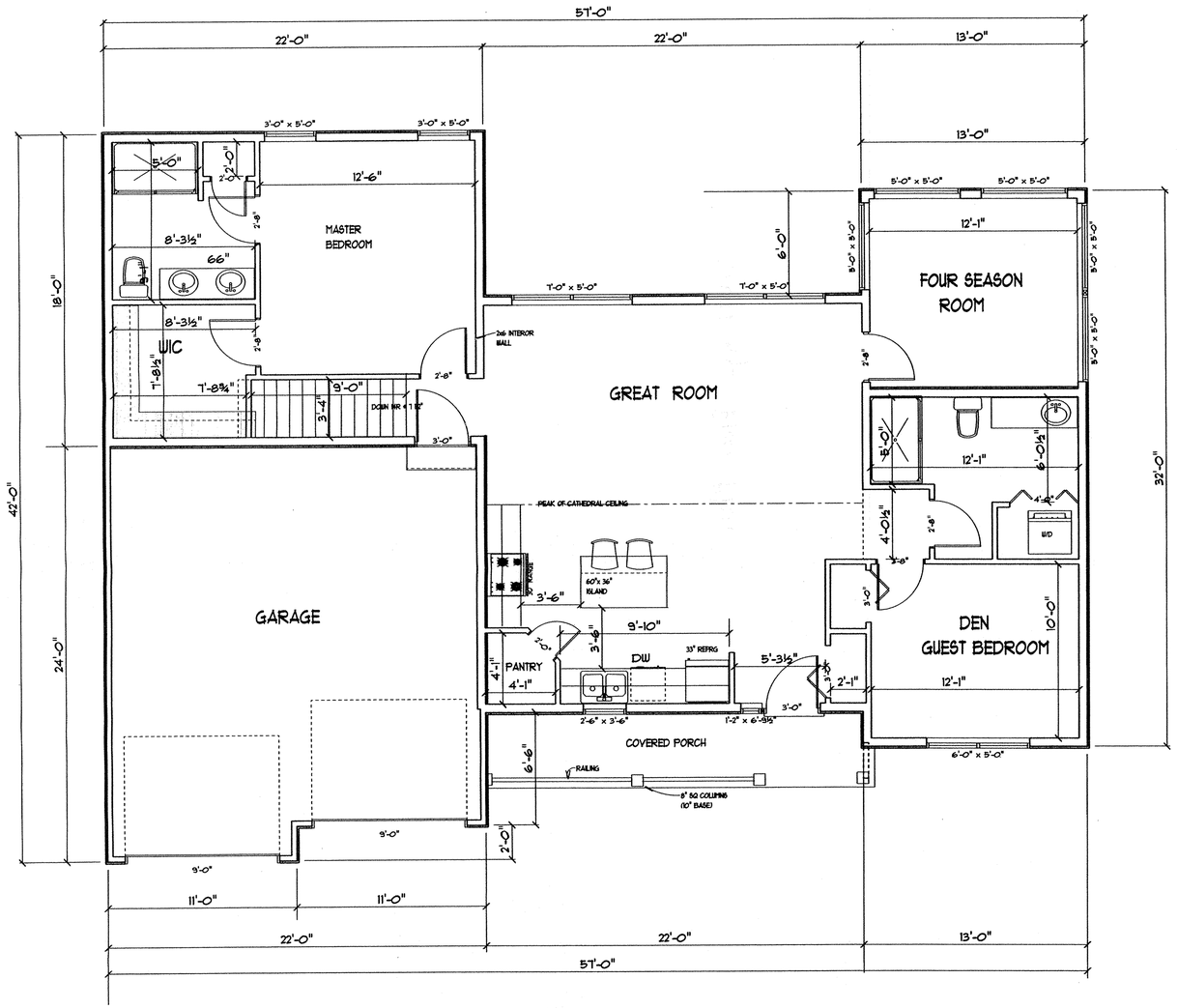
STETLER CONSTRUCTION

291 N 20th STEREET BATTLE CREEK MI 49037

Date:

Scale:
1/4" = 1'-0"

C-1



FLOOR PLAN

SCALE 1/4" =1'-0"

PRELIMINARY

Section 5.3 Priority. Nothing contained in the Condominium documents shall be construed to give a Condominium Unit Owner, or any other party, priority over any rights of first mortgagees of Condominium Units pursuant to their mortgages in the case of a distribution to Condominium Unit Owners of insurance proceeds or condemnation awards for losses to or a taking of Condominium Units and/or Common Elements.

ARTICLE VI
RESTRICTIONS

Section 6.1 Residential Purposes. No Unit in the Condominium shall be used for other than single family residential purposes. Any dwelling constructed on a Unit shall have an attached private garage for not less than two (2), nor more than three (3) automobiles for THE ABBINGTON and THE KENSINGTON, and not less than three (3), nor more than four (4) automobiles for THE BARRINGTON.

Section 6.2 Character and Size of Buildings.

(a) No residence or other structure shall be commenced, erected, or maintained on a Unit, nor shall any exterior addition to or change or alteration of any structure be made, until the plans and specifications showing the design, height, materials, location on parcel, and the grading plan of the Unit to be built upon, shall have been submitted to and approved in writing by the Developer's Review Committee ("Committee") and a copy of the plans and specifications shall have been permanently filed with the Committee. The plans submitted to the Committee shall specifically include floor plans, front, rear and side elevations, and plot plan.

(b) The Committee shall have the right to refuse to approve any such plans or specifications or grading plans which are not suitable or desirable, in its opinion, for aesthetic or other reasons; and in so passing upon such plans, specifications and grading, it shall have the right to take into consideration the suitability of the proposed residence to be built on the Unit, and the harmony of it with the natural features of the Project and with any residences that may have been constructed on other portions of the Project. The purpose of this Article is to cause the Project to be developed into a harmonious, private residential area, and if a disagreement on the points set froth in this Article should arise, the decision of the Committee shall control.

(c) In the event the Committee shall have failed to approve or disapprove such plans and specifications in writing within thirty (30) days after the same shall have been delivered, then the same shall be deemed to have been approved, provided that the plans and specifications and the location of the residence on the Unit conform to and are in harmony with existing residences in the Project, these restrictions and applicable zoning laws and building codes.

(d) In no event shall any residence be permitted on any Unit which does not comply with the following minimum area requirements, exclusive of garage spaces, space within unwinterized porches and decks, and space within basements which do not contain exterior door openings and windows on at least two (2) walls substantially equivalent to those on other floors:

(1) One story, one story walkout, and bi-level:
KENSINGTON: ~~1,100~~ square feet on the first floor 1300 sq ft
ABBINGTON: ~~1,400~~ square feet on the first floor 1600 sq ft
BARRINGTON: 2,000 square feet on the first floor

(2) One and a half story and two story:
KENSINGTON: 1,600 square feet [redacted]
ABBINGTON: 2,000 square feet [redacted]
BARRINGTON: 2,600 square feet [redacted]

(g) All construction of any residence shall be completed within twelve (12) months after the issuance of a building permit unless an extension of time is granted in writing by the Committee. The construction of any new residence or the repair of any residence damaged by fire or otherwise, shall be completed as rapidly as possible and should the owner leave such building in an uncompleted condition for a period of more than one (1) year, then the Developer or the Association or their agents or assigns are authorized to either tear down and clear from the Unit the uncompleted portion of such structure or to complete the same, at their option, and in the either event, the expense incurred shall be charged against the owner's interest therein and shall become a lien on the Unit upon which the residence is located; subject to collection or enforcement in the same manner set forth in Section 2.6, above.

(h) No custom-made or prefabricated out-buildings (i.e., trailer, tent, shanty, shack, barn, shed, etc.), whether wood, metal or other construction shall be permitted, either free standing or attached to a pre-existing residence, on any Unit, except upon prior written approval from the Committee. Dog kennels and dog runs, among other kinds of out-buildings, shall also be prohibited without prior written approval.

(i) Temporary buildings of any kind are expressly prohibited and temporary residence or occupancy shall not be permitted without a fully completed exterior of the residence being occupied.

(j) No old or used buildings of any kind whatsoever shall be moved to or reconstructed on any Unit. All residences to be constructed shall have finished exteriors of brick, stone, wood, or aluminum or vinyl siding or a combination thereof. The exterior finish shall also be subject to the prior approval of the Committee.

(k) All sewage shall be disposed of through a sanitary sewer system of such type and installed in such manner as shall be approved by the Calhoun County Health Department and appropriate authorities of the State of Michigan.

(l) All utilities, including, but not limited to, electricity, telephone, water, sewage, and gas shall be installed underground, when reasonably possible, except as may otherwise be permitted by prior written approval of the Committee. Exterior fuel tanks shall expressly require the prior written approval of the Committee, including, if permitted, approval of size, placement and screening.

(m) Each unit shall have a minimum of footage for yards as follows:

(1) Front yards:
KENSINGTON: 30 feet
ABBINGTON: 30 feet
BARRINGTON: 35 feet

(2) Side yards:
KENSINGTON: 8 feet
ABBINGTON: 10 feet
BARRINGTON: 10 feet
(A corner unit is a corner unit that lies at the corner of two streets. In the event a unit lies on a corner, then the side yard abutting the side street shall have a minimum footage of thirty (30) feet from the side street. In the event a unit abuts a park area on its side, then the side yard abutting the park shall have a minimum footage of ten (10) feet from the park area)

(3) Back yards:
KENSINGTON: 30 feet
ABBINGTON: 30 feet
BARRINGTON: 30 feet

(n) Each unit shall have a 16 foot wide hard surface driveway or parking space for two (2) vehicles.

Section 6.3 Fences. No fences, hedge rows, garden walls and outdoor screen fences shall be erected or planted in front or side yards.

Section 6.4 Swimming Pools. All swimming or wading pools shall be constructed in the ground and shall be enclosed by a permanent fence of at least six (6) feet high. Construction thereof shall be commenced only with the prior written approval of the Committee.

Section 6.5 Signs. No advertising sign of any kind, unless specifically approved by the Association's Board of Directors, shall be displayed to the public view on any portion of the Project, except one (1) sign of not more than five (5) square feet advertising a Unit during construction and/or sale shall be permitted. Such signs as are allowed shall be maintained in good condition at all times and shall be removed upon termination of their use.

Section 6.6 Activities on Property.

(a) No portion of the Project shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept, except in sanitary containers property concealed from public view.

(b) No immoral,improper, unlawful, or offensive activities shall be carried on on any Unit, nor shall anything be done which may be or become an annoyance or nuisance to the neighborhood or adjoining residences, nor shall any unreasonably noisy activity be carried on on any portion of the Project.

(c) The stockpiling and storage of building and landscaping materials and/or equipment shall not be permitted on any Unit, except during construction of a residence on such Unit, without the prior written approval of the Committee.

Section 6.7 Equipment. No mobile home or trailer may be used for residence purposes, nor be connected with sewer, electricity, or water. All mobile homes and major recreational equipment must be parked or stored inside of the garage. Such equipment may be parked on a lot or parcel for the purposes of loading or unloading for a period not to exceed 48 hours in any 30-day period. For the purposes of this paragraph, "Major Recreational Equipment" shall be deemed to include travel trailers, coach campers, motorized homes, tent trailers, tent campers, pick-up covers, pick-up trucks, boats, boat trailers, snowmobiles, horse trailers, houseboats, rafts, float boats, dune buggies, and all similar equipment.

Section 6.8 Vehicular Parking and Storage. All non-motorized vehicles (including, without limitation, house trailers, utility trailers, boat trailers, boats, camping trailers and snowmobile trailers), commercial vehicles, camping vehicles, snowmobiles, recreational vehicles, or vehicles other than automobiles or vans not exceeding twenty (20) feet in overall length, shall be stored within the private garage attached to the residence,or with the consent of the Committee, outside of the view of neighboring units. No inoperable vehicles of any kind shall be brought or stored upon any portion of the Project, either temporarily or permanently. Except for emergency repairs, no maintenance work shall be performed on any vehicle on any portion of the Project. Commercial vehicles and trucks shall not be parked on any portion of the Project, except while making deliveries and pick-ups in the normal course of business, or during the construction of a residence on a Unit within the Project, or unless parked completely within a garage on a Unit.

Section 6.9 Animals. No animal, except for household pets such as dogs and cats, shall be kept in or permitted on the Condominium Project, without the prior consent and approval of the Board of Directors, which consent, if given, shall be revocable at any time by the Board for failure by the owner of a pet to observe provisions of the Bylaws or Rules and Regulations of the Association pertaining to pets. Any pets kept in the Condominium shall have such are and restraint as not to be obnoxious on account of noise, odor, or conduct. No savage or dangerous animal shall be kept. No animal shall be permitted to run loose upon the Common Elements and any animal shall at all times be attended by some responsible person while on the Common Elements. No more than two dogs or cats shall be kept in a Unit at any one time. Any person who causes or permits an animal to be brought or kept on the Condominium property shall indemnify and hold harmless the Association for any loss, damage or liability which the Association may sustain as a result of the presence of such animal on the Condominium property, regardless of whether the Association has consented thereto. The Association may, without liability to the owner thereof, remove or cause to be removed any animal from the Condominium which it determines to be in violation of the restrictions imposed by this

Section. The Association shall have the right to require that any pets be registered with it and may adopt such additional reasonable rules and regulations with respect to animals as it may deem proper, including, but without limiting, designation of specific areas for exercising or otherwise maintaining such animals on the Common Elements.

Section 6.10 Dangerous Weapons. No co-owner of any portion of the Project shall use, or permit the use by any occupant, agent, employee, invitee, tenants, guest, or member of his family of any firearms, air rifles, pellet guns, bows and arrows, or other similar dangerous weapons, projectiles, or devised anywhere upon any portion of the Project.

Section 6.11 Conservation. As set forth above, it is the Developer's intention to cause the Project to be developed into a harmonious, private residential area in harmony with the natural features of the property. Hence, in the development or use of the Project, the following standards shall be observed.

(a) Erosion Control. No soil shall be disturbed, moved or removed from any portion of the Project without the prior consent of the committee and the Developer. All soil removed in any excavation or construction shall not be removed from the Project without the prior approval of the Developer and without such soil having first been offered at no charge (except removal charges), for use elsewhere within the Project by Developer or Developer's assigns. Upon the completion of the residence on any Unit, the owner of such Unit shall cause it to be finish-graded and seeded, sodded, or returned to a condition as close as possible to its nature state as soon after completion as weather permits. All landscaping shall be of an aesthetically pleasing nature and shall be maintained at all times. Basic landscaping, including finished grading and installation of driveways must be completed within six (6) month of the date of occupancy of a residence.

Section 6.12 Building Set-Backs and Obstructed View. Front set backs shall be in accordance with paragraph 6.2 as hereinbefore set forth. Said set backs shall be in accordance with zoning regulations for the City of Battle Creek.

Section 6.13 Administration.

(a) Developer's Review Committee Composition.

(1) The Committee shall consist initially of John F. Stetler, Annette L. Stetler, and Darrell Swanson. Action taken by a two-thirds (2/3) of the committee shall constitute action of the entire Committee. At such time as residences have been constructed on at least seventy percent (70%) of the Units within the Project (including expansion of condominium), the committee shall consist of three (3) persons, who shall be appointed by the Association, although Developer shall be entitled to select one member of the Committee so long as they have an interest in any Unit within the Project. Action by any two members of a three-member committee shall constitute action of the entire committee.

(2) In the event of death, resignation or inability to act of any member of the Committee, the remaining members shall have authority to designate a replacement member, subject to the provisions of this Section.

(b) Administration by the Committee. The Committee shall have the following powers and duties in addition to the other such powers and duties set forth elsewhere in this Instrument:

(1) Approval of Plans. All plans and specifications for the construction of any residence, the undertaking of any grading, and the location of any such residence, the exterior alteration of any residence and all exterior used or improvements on a Unit shall be approved by the Committee prior to construction, in accordance with this Article. The Committee may reject all or any portion of the plans submitted or require the modification or re-submission of any such plans.

(2) Variances. The Committee may grant variances in its absolute discretion from this Article so long as the general intent of this Article shall be substantially achieved; provided, however, that the granting of any variance by the Committee shall require the unanimous vote thereof.

(3) Enforcement. The Committee shall have the primary responsibility for the enforcement of this Article, although enforcement may also be undertaken by the Association or the Developer. For such purpose, it shall have the right to take or refuse to take such action as herein provided, institute legal or equitable proceedings, or to take such other action which is reasonably calculated to achieve the purposes herein set forth. Any reasonable cost incurred in enforcing this Article shall be assessable against the Unit and the owner thereof, from which a violation arose, and may be enforced in the same manner as provided for in Section 2.6, above. The owner or mortgagee of any Unit within the Project may also enforce the covenants set forth herein.

Section 6.14 Regulations. Reasonable regulations consistent with the Act, the Master Deed and these Bylaws, concerning the use of the Common Elements may be made and amended from time to time by Board of Directors of the Association. Copies of all such regulations and amendments thereto shall be furnished to all Co-owners and shall become effective thirty (30) days after mailing or delivery thereof to the designated voting representative of each Co-owner. Any such regulation or amendment may be revoked at any time by the affirmative vote of more than fifty percent (50%) of all Co-owners in value.

Section 6.15 Responsibility for Actions. Each Co-owner shall maintain his Unit and any Limited Common Elements appurtenant thereto for which he has maintenance responsibility in a safe, clean and sanitary condition. Each Co-owner shall also use due care to avoid damaging any of the Common Elements. Each Co-owner shall be responsible for damages or costs to the Association resulting from negligent damage to or misuse of any of the Common Elements by him, his assigns, tenants, agents, invitees or licensees, unless such damages or costs are covered by insurance carried by the Association in which case there shall be no such responsibility (unless reimbursement to the association is excluded by virtue of a deductible provision, in which case the responsible Co-owner shall bear the expense to the extent of the deductible amount). Any costs or damages to the Association may be assessed to and collected from the responsible Co-owner in the manner provided in Article II of these Bylaws.

Section 6.16 Reserved Rights of Developer. None of the restrictions contained herein shall apply to the development and construction activities, and signs, if any, of the Developer during the period of sale of any Units in the Project. Notwithstanding anything to the contrary elsewhere contained herein, Developer shall have the right to maintain a sales office, a business office, a construction office and model Units, storage areas and reasonable parking for the foregoing and such access to and from and into the Project as may be reasonable required to enable development of the entire Project by the Developer. The Developer shall restore any areas so utilized to a suitable status upon termination of its use.

Section 6.17 Leasing. A Co-owner may lease his Unit or any Limited Common Element appurtenant thereto for the same purposes set forth in Section 6.1 of these Bylaws, except that no Co-owner shall lease less than an entire Unit in the Condominium. The terms of all leases, occupancy agreements and occupancy arrangements shall incorporate, or be deemed to incorporate, all of the provisions of the Condominium Documents. The Developer, or the Association, to the extent of any Units owned by the Association, may lease any number of Units in the Condominium in their discretion and may do so for periods which shall also be within their discretion.

Section 6.18 Landscaping. No Co-owner shall perform any landscaping or plant any trees, shrubs or flowers or place any ornamental materials upon any General Common Elements, if any, unless approved by the Board of Directors in writing.

Section 6.19 Owners' Association. An Owners' Association shall be established soon after the development starts to control the park areas.

Section 6.20 Association Dues. Dues will be charged to maintain the park areas, and shall include lawn and grounds keeping, snow removal, and park upkeep.

Section 6.21 Reserved Rights of Developer. None of the restrictions contained herein shall apply to the development and construction activities, and signs, if any, of the Developer during the period of sale of any Units in the Project. Notwithstanding anything to the contrary elsewhere contained herein, Developer shall have the right to maintain a sales office, a business office, a construction office and model Units, storage areas and reasonable parking for the foregoing and such access to and from and into the Project as may be reasonable required to enable development of the entire Project by the Developer. The Developer shall restore any areas so utilized to a suitable status upon termination of its use.

STATE OF MICHIGAN
CALHOUN COUNTY
RECORDED

10 SEP 1999 1:45:50 PM

ANNE B. NORLANDER
CLERK - REGISTER OF DEEDS

LIBER 2160 PAGE 17

CERTIFICATE OF AMENDMENT TO MASTER DEED OF HUNTINGTON HILLS, CALHOUN COUNTY SUBDIVISION PLAN NO. 30

AND

CERTIFICATE OF AMENDMENT TO CONDOMINIUM BY-LAWS THE ABBINGTON, THE BARRINGTON, AND THE KENSINGTON COLLECTIVE ASSOCIATION

STETLER BUILT HOMES, INC., a Michigan Corporation, by and through its President, John F. Stetler, referred to in the Master Deed as "Developer," and JOHN F. STETLER, President and Board Chairperson of The Abbington, the Barrington, and The Kensington Collective Association, a Michigan Non-Profit Corporation, referred to in the Condominium By-Laws as the "Association," does hereby certify, depose and say as follows:

1. That the Master Deed of Huntington Hills, Calhoun County Subdivision Plan No. 30, dated August 26, 1996, was recorded August 30, 1996, in the Office of the Register of Deeds for Calhoun County, Michigan, in Liber 1883 on Page 359.

2. That the Developer wishes to amend the Master Deed pursuant to Article X B.3.

3. That the Association wishes to amend the By-Laws pursuant to Article VIII of the By-Laws.

4. That Article VI Restrictions Section 6.2 Character and Size of Buildings (d) is hereby deleted in its entirety and replaced with the following:

> (d) In no event shall any residence be permitted on any Unit which does not comply with the following minimum area requirements, exclusive of garage spaces, space within unwinterized porches and decks, and space within basements which do not contain exterior door openings and windows on at least two (2) walls substantially equivalent to those on other floors:

(1) One story, one story walkout, and bi-level:
KENSINGTON: 1,300 square feet on the first floor
ABBINGTON: 1,600 square feet on the first floor
BARRINGTON: 2,000 square feet on the first floor

(2) One and a half story and two story:

KENSINGTON: 1,600 square feet on the first and second floor
ABBINGTON: 2,000 square feet on the first and second floor
BARRINGTON: 2,600 square feet on the first and second floor

Dated: July 9, 1999

Executed in the presence of:

Kathy R. Hughes
Kathy R. Hughes

Cheryl A. Sweder
Cheryl A. Sweder

DEVELOPER:
STETLER BUILT HOMES, INC.

By: John F. Stetler
John F. Stetler, its President

STATE OF MICHIGAN)
) SS
COUNTY OF CALHOUN)

The foregoing instrument was acknowledged before me this 9th day of July, 1999, by Stetler Built Homes, Inc., by John F. Stetler, its President.

Cheryl A. Sweder
Cheryl A Sweder
Notary Public, Calhoun County, Michigan
My commission expires: 9/20/02

Dated: July 9, 1999

Executed in the presence of:

Kathy R. Hughes

Kathy R. Hughes

Cheryl A. Sweder

Cheryl A. Sweder

ASSOCIATION:
THE ABBINGTON, THE BARRINGTON, AND THE KENSINGTON COLLECTIVE ASSOCIATION

By: John F. Stetler

John F. Stetler, its President and Board Chairperson

STATE OF MICHIGAN)
) SS
COUNTY OF CALHOUN)

The foregoing instrument was acknowledged before me this 9th day of July, 1999, by The Abbington, the Barrington and the Kensington Collective Association, by John F. Stetler, its President and Board Chairperson.

Cheryl A. Sweder

Cheryl A. Sweder
Notary Public, Calhoun County, Michigan
My commission expires: 9/20/02

Prepared by:
Thomas R. Blaising
Attorney at Law
317 East Columbia Avenue
Battle Creek, MI 49015
(616)962-9058

Stetler Construction

Koteles, Jeff (DHHS) <KotelesJ@michigan.gov>

Tue 2/25/2020 11:56 AM

To: Christine M. Zuzga <CMZuzga@battlecreekmi.gov>
Cc: Dave Weaver <wdav@aol.com>

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

Good Morning Christine,

I am emailing to let you know that Annie and John Stetler attended the Westlake/Prairieview NPC 10 monthly meeting for February, 2020 held last night. They gave a presentation regarding the development of the Barrington Villas in the Huntington Hills neighborhood. The issue is the increase in density for the Barrigton area for which they originally planned single family homes and are now changing to condominiums, some duplexes and more buildings. I believe John said going from 13 families to 31.

It is my understanding this will only impact the immediate Barrington area and that letters were sent out 10 days ago to the area residents and they received no complaints or concerns…at least as of yet. According to John Stetler, this isn't even for certain yet but he wants to be able to move forward should this become a reality. He addressed the thought that as there would be increased density, there would be increased traffic saying that these homes would be targeting a more senior population so, because they'd be driving less the increase in traffic would be minimal.

We didn't have enough members present at our meeting to vote one way or another. Huntington Hills is somewhat isolated from the overall NPC 10 neighborhood so the impact of the increase in density and traffic would be minimal to our NPC except to the Huntington Hills neighborhood. Our group also attested to the good quality of the homes in the neighborhood. So, as it is their property already and they had already planned to build there anyway…and as there is apparently no opposition from those neighbors who may be effected, those of our group in attendance were not opposed to this change in density.

Again I can't stress enough that we did not vote on this and that we only had one attendee present from the area who would not really be effected by this change so, no one from the Barrington area who might oppose this was in attendance but I did promise Annie and John Stetler that I would email you and let you know they did present their proposal to our NPC 10 group.

Thanks Christine, hope you are well!

Jeff Koteles MSW
Chairman, Westlake/Prairie View Neighborhood Council (NPC 10)
(269) 963-7096
kotelesj@michigan.gov