



CITY OF BATTLE CREEK
COMMUNITY SERVICES DEPARTMENT – PLANNING and ZONING

AGENDA
PLANNING COMMISSION MEETING

Date: Wednesday, November 20, 2019
Time: 4:00 P.M.
Place: City Commission Chambers
Room 301, City Hall

1. **Call to Order**
2. **Attendance**
3. **Additions or Deletions to the Agenda**
4. **Approval of Minutes – August 28, 2019 meeting minutes**
5. **Correspondence**
6. **Public Hearings/Deliberations:**
 - A. **#S-02-19 Special Use Permit Application** from John M. Sullivan of 1950 W. Columbia Ave., Suite F to allow a tattoo and piercing shop in a C3 Intensive Business District.
 - B. **#S-03-19 Special Use Permit Application** from Karen Wallace at 174 Buckley Ln. to allow a licensed daycare over 6 in an R1B Single-Family Residential District.
 - C. **#A-02-19 Ordinance Amendment - Adult Use (Recreational) Marihuana Facilities:** Review options and staff recommendation relative to 1299.06(a) Marihuana Facilities and Establishments that provides alternative development standards for marihuana growing facilities and establishments.
7. **Old Business**
8. **New Business:**
 - A. Capital Improvement Plan 2021-2026
 - B. 2020 meeting schedule
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

**BATTLE CREEK PLANNING COMMISSION
MEETING MINUTES
Wednesday, August 28, 2019**

1. **Call to Order:** Vice-Chairman Jim Hopkins called Meeting to order at 4:04.

2. **Attendance:**
Members Present:
Jim Hopkins Lynn Ward Gray
John Stetler Susan Baldwin
Cody Newman Daniel Buscher

Members Excused:
John Godfrey
Robert Whitfield Joe Sobieralski

Staff Present: Christine Zuzga, Planning Manager, Planning Dept.
Marcel Stoetzel, Deputy City Attorney
Glenn Perian, Senior Planner, Planning Dept.
Eric Feldt, Planner
Michele K. Jayakar, Customer Service, Planning Dept.

3. **Additions or Deletions to the Agenda:** Staff request to move presentation by McKenna to after Correspondence.

Presentation given by Paul Lippens of McKenna on the Zoning Ordinance Map Amendment. A technical committee has been made to include Community Development, Planning Staff, Code Compliance and the Attorney's office to help with an analysis of the zoning code. A charrette (3-day meeting) is scheduled for feedback, to see what is, and what is not, working in the ordinance currently. There will then be a diagnostic review, first draft, second draft, public hearing and then adoption of the ordinance.

Comments by the Staff and Commission Members:

Commissioner Gray asked if there has been any involvement with the Calhoun County Health Department. Paul Lippens of McKenna states there are many experts that will be included.

McKenna has a website BATTLECREEKZOMA.COM for the public, which includes all information on the Zoning Ordinance Map Amendment.

4. **Approval of Minutes:** Meeting Minutes July 24, 2019

MOTION WAS MADE BY COMMISSIONER GRAY AND SUPPORTED BY CODY NEWMAN, TO APPROVE THE PLANNING COMMISSION MEETING MINUTES FOR JULY 24, 2019. ALL IN FAVOR 6-0, NONE OPPOSED.

5. **Correspondence:**

6. **Public Hearings and Deliberation/Recommendations:**

A: #A-01-19 Ordinance Adoption-Adult Use (Recreational) Marihuana Facilities: Review and adoption of a package of zoning ordinance amendments that will permit by right the following Adult Use Marihuana establishments: Grower and Processor, Secure Transporter, Safety Compliance Facility, Retailer and Microbusinesses.

Vice-Chairperson Hopkins opened the public hearing and asked if anyone in the audience wanted to speak.

Mr. Travis Copenhaver an attorney with the Cannabis Legal Group says he works with ordinances all over the State and ours is one of the more refreshing ones. He has only one potential criticism, section 1299.06; specifically, section A2 contains language that states walls enclosing Marihuana growing facilities shall be constructed of load bearing brick or masonry walls. It can make purchasing an existing building very costly in construction to comply. He asked that the Commission consider this requirement.

Freddie O'Keefe, representing Red Bud, stated he was present to observe any changes that may occur.

Comments by the Staff and Commission Members:

Planner Eric Feldt gave the Staff presentation.

Cody Newman, What if a Medical Marihuana Facility goes in right there and then a library wants to come in and build? Are they grandfathered in? Are they kicked out or is the library kicked out? Christine Zuzga, Planning Manager, the facility would be legal non-conforming. They would be allowed to continue providing they followed the parameters of the Zoning Ordinance. Christine Zuzga, Planning Manager, as Eric mentioned there are many communities that opted out of this but the City needs to act either way - either we opt out or we have an ordinance. There are two cities in Michigan I believe that have adopted in, the majority have opted out.

The direction from the City Commission was for staff to explore a potential ordinance to regulate these type of uses. The draft adult use ordinance was modeled under the Medical Marihuana ordinance.

Vice Chairperson Jim Hopkins asked if this was a directive from the City Commission. Christine Zuzga, Planning Manager, there was a workshop at City Commission to explore what this newest State law entails. There was support at that time for us to explore an ordinance. It wasn't a directive to say yes allow it. We want to explore it and see what that looks like.

Chairperson Buscher asked Marcel Stoetzel of the City Attorney's office if we opt out in November can they opt in at a later point in time? Christine Zuzga, Planning Manager, the City Attorney's expectation is that any ordinance that goes through City Commission would go through on the October 1st City Commission meeting for introduction and on the 15th for adoption.

A MOTION WAS MADE BY CODY NEWMAN, SECONDED BY COMMISSIONER GRAY TO APPROVE #A-01-19 ORDINANCE ADOPTION-ADULT USE (RECREATIONAL) MARIHUANA FACILITIES.

Chairman Buscher asked Marcel Stoetzel, Deputy City Attorney, if there is conflict with his position and his position as Chairman of the Planning Commission. He states he wants it on the record that he has concerns and feels there is potentially a conflict of interest. Commissioner Gray asked for direction from Marcel Stoetzel, Deputy City Attorney, on how to make a motion that Chairman Buscher can vote.

A MOTION WAS MADE BY COMMISSIONER GRAY AND SECONDED BY CODY NEWMAN THAT CHAIRMAN BUSCHER CAN VOTE TO DELIBERATE AND VOTE ON A-01-19. MOTION CARRIED, 5-0-1 (BUSCHER).

After further discussion regarding the masonry wall requirement in the draft, Vice-Chairman Hopkins calls for the vote referring to the original motion to approve #A-01-19, Ordinance Adoption-Adult use (Recreational) Marihuana Facilities, as presented. MOTION CARRIED, 5-1 (HOPKINS).

New Business:

Co-Chairperson Hopkins asked if there were any other questions or comments.

Cody Newman wanted to note how awesome the City Planning Staff is. He has been to over 30 of these types of meetings all over the State and City Staff has done an excellent job. The Chair and Co-Chair as well.

Commissioner Gray asked Christine Zuzga, Planning Manager, when the deadline would be to provide stakeholder information to McKenna and Associates. Christine Zuzga states by September 11th, which gives two weeks.

Eric Feldt, Planner, we have gotten a lot of great support from our GIS department.

Adjournment: Co-Chairperson Jim Hopkins adjourned today's meeting. All in favor, meeting adjourned at 6:08 P.M.

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

DRAFT



Battle Creek City Planning Commission

Staff report for the November 20, 2019

To: Planning Commissioners

From: Christine M. Zuzga, AICP, Planning Manager

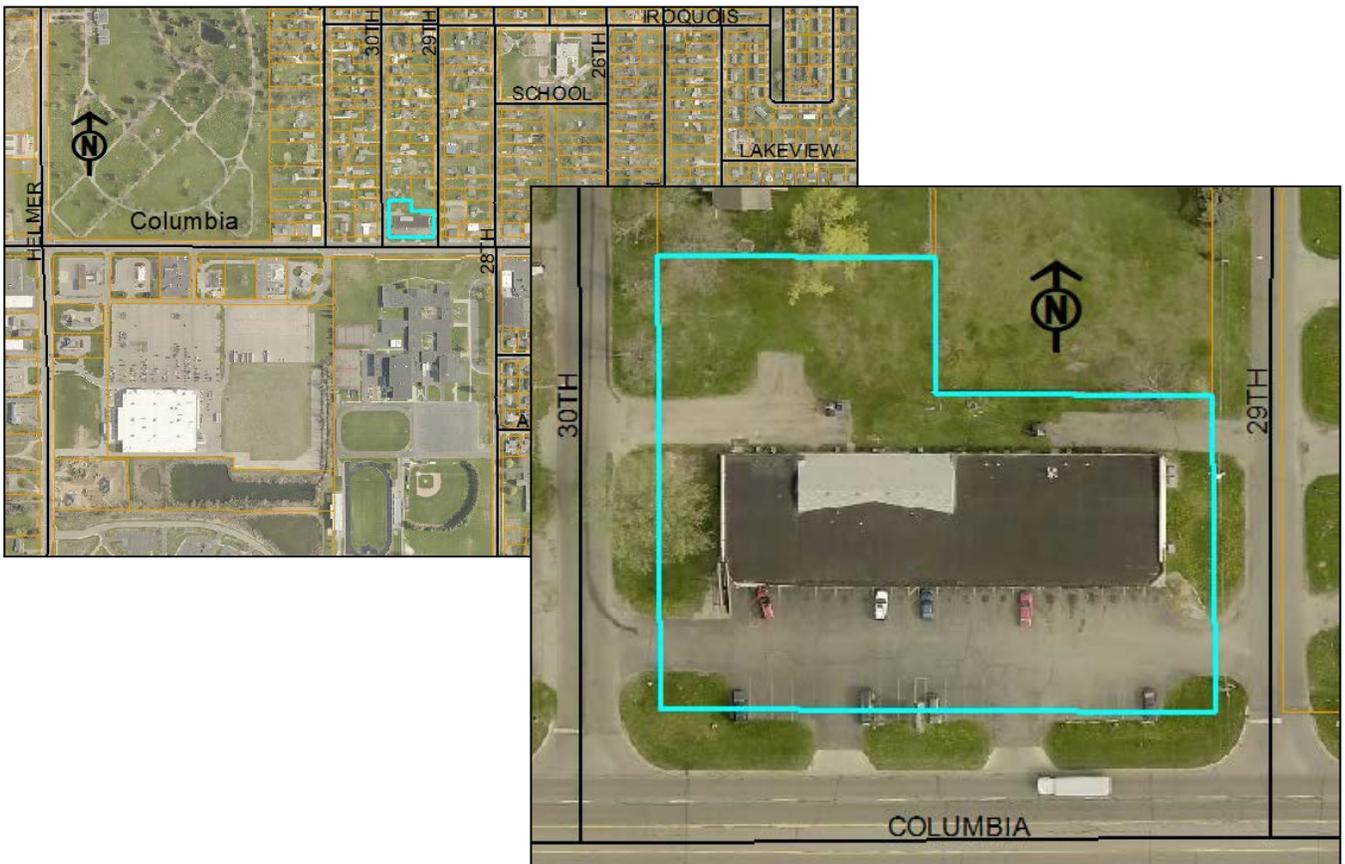
Subject: Petition S-02-19, a Special Use Permit request to allow a Tattoo Parlor at 1950 W. Columbia Avenue, Parcel #9960-32-191-0.

Summary

Petition from John M. Sullivan requesting a special use permit to allow a tattoo and piercing shop in a C3 Intensive Business District., as provided in Chapter 1290, Sec. 1290.01(a)(28).

Background/Property Information

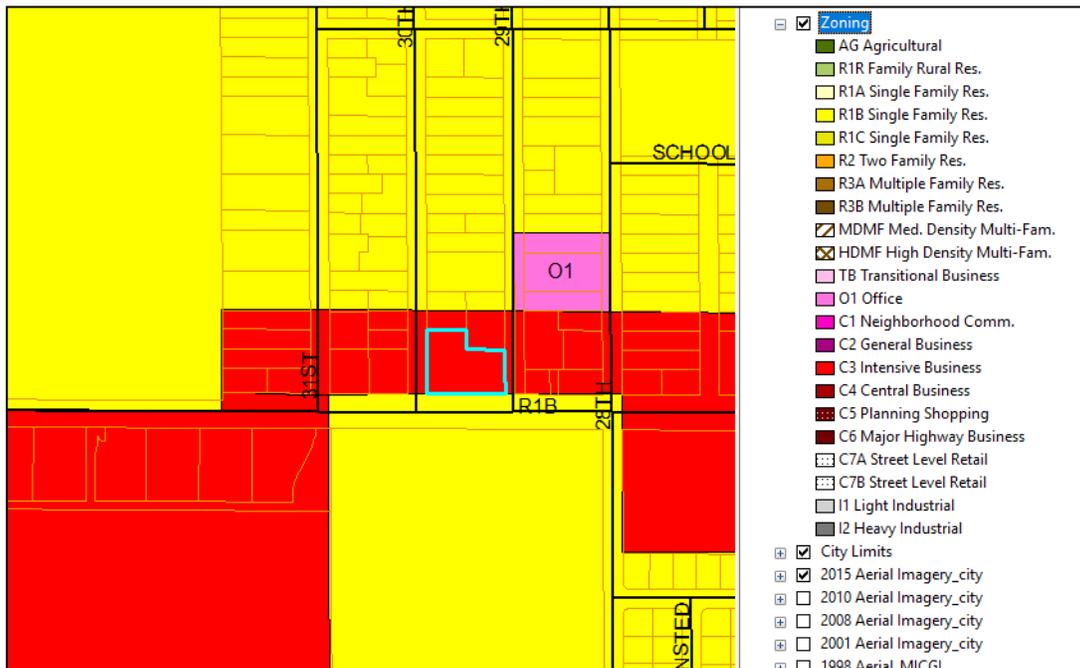
The subject parcel is located on the north side of W. Columbia Avenue between 29th and 30th Streets. The parcel is 1.12 acres in size and contains a single-story multi-tenant commercial building and parking lot. Assessing records indicate the structure was constructed in 1955. There are eight tenant spaces, two of which are currently vacant.





Surrounding Land Uses / Zoning

The subject property as well as much of the Columbia corridor is zoned C-3 Intensive Business District, with the exception of the middle school to the south, and the cemetery to the west. Surrounding uses along Columbia Avenue are consistent with this zoning. South and north of the commercial district (shown in yellow), properties are zoned R-1B Single Family Residential.



Proposed Scope of Project

The applicant has stated in their application they wish to use the building for “tattooing, piercing, retail, and art”. If approved, they would be open Monday thru Saturday 12p to 10pm, and plans include the hiring of three employees.

Applicable Ordinance Provisions

Tattoo parlors are currently not permitted by right anywhere in the city. Ch. 1290(b)(28) does allow them by special use permit in the C-3 Intensive Business, C-7 Street Level Retail (downtown), and Industrial zoning district. The other uses proposed in this application, i.e. piercing, retail sales, and art, would be permitted by right in this location and not require any special approvals.

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, October 31, 2019 and notices of the public hearing were also sent by regular mail on October 28, 2019 to 38 owners and occupants of properties located within 300 feet of the subject parcel. To date, the Planning Department has not received any questions or comments relative to this request.

Basis For Determination

As a special use, the Planning Commission is charged with reviewing each Special Use Permit request to determine any effects the proposed use would have on the Master Plan as well as on the character and development of the neighborhood. The ordinance and enabling legislation allow the Planning Commission and the City Commission to impose any conditions upon the request that would ensure the general objectives of the zoning ordinance are met and to preserve property values in the neighborhood.

The request shall be reviewed using the following standards listed in Chapter 1290.04 Basis for Determination (for Special Use Permits):

- (a) The use will be harmonious with and in accordance with the general objectives of the Master Plan.
- (b) The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood.
- (c) The use will not be hazardous or disturbing to existing or future neighboring uses.
- (d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- (e) The use will be adequately served by essential public facilities and services, such as streets, highways, police and fire protection, drainage, refuse disposal and schools, or the persons or agencies responsible for the development shall be able to adequately provide such services.

- (f) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (g) The use will not create activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors.
- (h) The use will be consistent with the intent and purpose of this Zoning Code

Analysis and Recommendation

Staff has reviewed the application and finds that it meets the requirements for submittal and is considered complete. Staff further finds the request consistent with the general standards listed in 1290.04, as outlined herein:

- (a) The approval of a special use permit for tattoo business will be harmonious with and in accordance with the general objectives of the City of Battle Creek Master Plan. The Land Use Plan of the Master Plan has this property designated as “Corridor Commercial” as it is located along a major corridor that supports a high volume of local and regional traffic. This place type is designed to offer a mix of day to day necessities as well as specialized goods and services for the neighborhood and broader Battle Creek community. Corridor Commercial allows the greatest flexibility with regards to intensity and scale of development including small local business and large national retailers. Additionally, goals in the Master Plan include the adjusting of land use regulations to match the changing character and community needs as well as identifying vacant or underutilized sites that could be developed to catalyze nearby investment. Furthermore, the Master Plan promotes the revitalization of commercial corridors as vibrant, successful business districts.
- (b) The proposed use will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood. The business will be in the interior of a building that is currently occupied by other retail and service establishments.
- (c) The use of this property will not be hazardous or disturbing to existing or future neighboring uses as the use will not be any more intensive than other commercial businesses allowed in the building or along the corridor.
- (d) The use will be a substantial improvement to property in the immediate vicinity and to the community as approval would provide an opportunity for rehab of a vacant tenant space.
- (e) Though traffic is not anticipated to significantly increase as a result of the proposed use, Columbia is a State trunkline could accommodate additional traffic. Additionally, there is adequate public infrastructure and utilities in place and no additional needs are required for this use.
- (f) There will be no City expenses associated with the maintenance and improvements to the property, and therefore, the use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

(g) There will be no activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors.

(h) The use will be consistent with the intent and purpose of this Zoning Code in that the facility will be subject to compliance with all relevant sections of the zoning ordinance and codified ordinances, including noise, noxious vegetation, and property maintenance.

Therefore, as the request meets the general standards listed in Chapter 1290.04 as outlined above, planning staff recommends that the Planning Commission recommend to the City Commission approval of Special Use Permit Petition S02-19 that would allow a tattoo parlor as discussed herein, on Parcel #9960-32-191-0 with the following conditions:

- a. All necessary approvals and any required permits shall be obtained from the appropriate agencies, including but not limited to the State of Michigan, Department of Public Works, and Inspections Department prior to Certificate of Occupancy.
- b. The approval of the special use permit is based upon the contents of the submitted application and this staff report. Any future proposed change must be reviewed with the Planning Department to ensure consistency with the approved special use permit, and may be subject to approval of a revision of the special use permit by the Planning Commission and City Commission.
- c. Pursuant to Chapter 1232.01 (a), no change in the use or occupancy of land or in the use or occupancy of an existing building shall be made, nor shall any new building be occupied for any purpose, until a certificate of occupancy has been issued by the Zoning Administrator or his or her agent. Such a certificate shall state that the new occupancy complies with Building and Zoning Codes.
- d. Pursuant to Chapter 1290.02 (e), certificates of occupancy for special uses shall be valid for a period established by the City Commission or as long as the use is established and maintained in conformity with the plans submitted and approved. Occupancy permits shall expire after one year if the use is not under construction or maintained. For good cause shown and upon written application, the Planning Commission may extend a special use permit for six months.

The Planning Commission can add additional conditions to those listed above in the staff recommendation. The Planning Commission may also upon deliberation, choose an alternative action from the following alternatives:

- A1: Postpone the project for specific reasons, with agreement from the applicant;
- A2: Articulate revised rationale of the general standards and/or conditions to recommend to the City Commission Approval OR Denial of the subject application.

Attachments

The following information is attached and made part of this Staff report.

1. Special Use Permit petition Form and Supplemental Information (Petition #S02-19)

pd. \$600.00 Cash



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
OCT 3 2019
By Mky 11:33am

SPECIAL USE PERMIT
Application

Petition No. PC S-02-19
Date Received: 10-3-19

APPLICANT

NAME: John M. Sullivan
ADDRESS: 1640 S. Parma rd, Parma, MI 49269
PHONE: (517) 745-4727 FAX: N/A
EMAIL: johnny.calico.art@gmail.com

OWNER (if different from applicant)

NAME: Harpel Singh
ADDRESS: 621 Capital Inc, 1950 W. Columbia Ave, Battle Creek, MI 49015
PHONE: (269) 420-8135 FAX: _____
EMAIL: _____

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

EXISTING CONDITIONS

Address(es) of property for which the request is being sought: 1950 W. Columbia Ave, Battle Creek, MI 49015 SUITE (F)

Current use of the property: suite inside a strip mall

List existing structures on the property and the approximate age of each. 8 Suites, 6 currently occupied, one large sign by the road, Two lightpoles

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.

Not to any knowledge of Owner

PROJECT DESCRIPTION

What is the proposed use of the property that warrants the special use permit? _____

tattoo and Piercing company

Please list all activities that will take place on the property if the special use permit were approved?

Tattooing, Piercing, retail, art

How many employees currently work on the property? How many will be added if the special use permit is approved, and what days/times will they be onsite? no current employees

In suite F, with exseption of owner of Business/petitioner. could have up to 3 extra employee/subcontractors after opens.

Will the approval of the special land use necessitate changes to the property, i.e. building construction, additional parking, driveways, fencing? If yes, please provide a list of property improvements that will be associated with the special use permit. N/A

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

Long term / Mon - Saturday 12 noon - 10pm

STANDARDS FOR APPROVAL

Chapter 1290 Special Uses and Land Development lists standards that will be reviewed by the Planning Commission and City Commission and the request for special use permit will only be approved if these standards are met. Provide factual and supportive evidence that your application meets each of these standards. Additional sheets may be attached if necessary.

Will the special land use be designed, constructed, maintained, and/or operated in a manner harmonious with the character of adjacent properties and the surrounding area? Yes No

The Tattoo industry is a respectable a professional industry catering to all walks of life. We hold ourselves to a higher standard and follow state regulations

Will the special land use change the character of adjacent properties and the surrounding area?

Yes No

Will the special land use be hazardous to adjacent properties or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or properties?

Yes No

Will the special land use be a substantial improvement to property in the immediate vicinity and to the community as a whole? Yes No

It will provide a clean safe environment for tattoos and customers a like to conduct Business all while performing various charity events for the community

Will the special land use place demands on public facilities or services in excess of current capacity?

Yes No

Will the special land use produce excessive traffic, noise, smoke, fumes, or glare? Yes No

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 as outlined in "Special Use Permit, Information and Procedures".

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 special use permit have been submitted. Furthermore, the applicant confirms that they have thoroughly read "Special Use Permit, Information and Procedures" and agrees to comply with all requirements and procedures for special use permit.

Name

John M Sullivan

Date

9-30-19

Parcel # 9960-32-191-0

YOUNG FARMS PLOT NO 2 LOT 191, EXC SLY
27 FT USED FOR HWY, ALL OF LOT 192,
W 132.5 FT OF LOT 193 ((W 132.5 FT OF
PARCEL # 9960-32-193-0 COMBINED
WITH THIS PARCEL 1983 THRU 1997))

621 Capital Inc
1950 W Columbia
Battle Creek, MI 48915

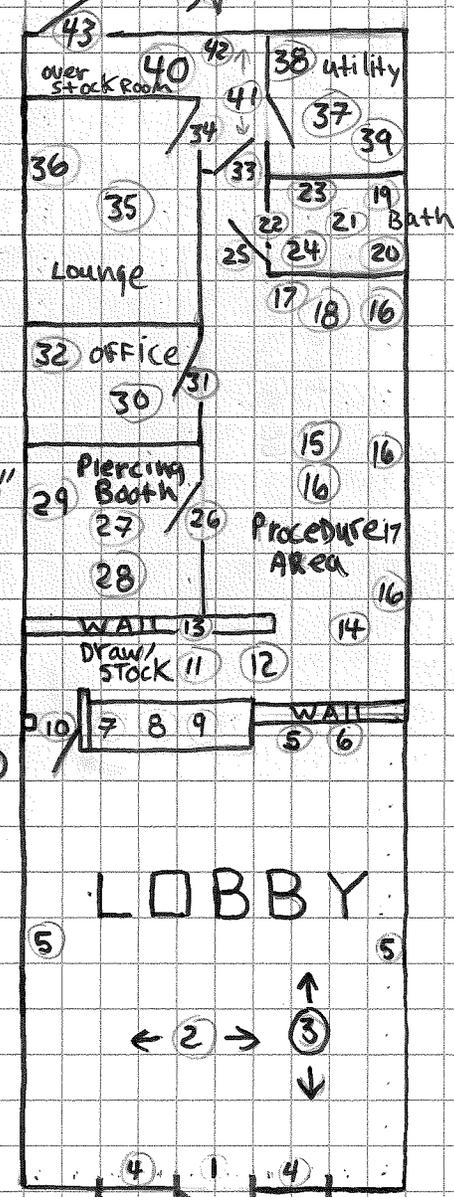
October 1, 2019

I, Harpal Singh, president 621 Capital Inc, owner of 1950 W Columbia, Battle Creek, MI 49015, do hereby give permission allowing John M Sullivan, Johnny Calico Art LLC, dba Yokai Tattoos and Piercings, as petitioner, to apply for a special permit for Tattoo establishments at 1950 W Columbia, Suite F, Battle Creek, MI 49015.



Harpal Singh, President
621 Capital Inc
(269) 420-8135

- ① FRONT Door 3'
- ② LOBBY width 19'8"
- ③ LOBBY Depth 21'6"
- ④ windows x2 Both 4'
- ⑤ height of walls 8' floor to drop ceiling
- ⑥ Length of wall 8' (width is 5')
- ⑦ Length of counter 8'4"
- ⑧ height of counter 3'9"
- ⑨ width of counter 3'
- ⑩ Door 4'5.5" Tall 3' wide
- ⑪ width of Drawing stock area 19'8"
- ⑫ Depth of Drawing Stock area 6'8"
- ⑬ wall 8' Tall 13'1.5" Long
- ⑭ space Between walls For walkway 6'5.5"
- ⑮ width of Procedure area 11'7"
- ⑯ Artist stations 50sq FT Per Artist (x3)
- ⑰ hand wash sink
- ⑱ wall Length 7'6"
- ⑲ Toilet ⑳ sink ㉑ RestRoom
- ㉒ Door 3'1"
- ㉓ width 5'6.5"
- ㉔ Depth 6'11"
- ㉕ Small Hallway 5'10" Depth 3'1.5" wide
- ㉖ Door 32"
- ㉗ Piercing Booth
- ㉘ 7'10" Depth
- ㉙ 7' wide
- ㉚ office
- ㉛ Door 33"
- ㉜ Depth 7'9" width 5'9.5"
- ㉝ Door 30"
- ㉞ Door 32"
- ㉟ Quiet Room Lounge
- ㊱ 8'6" W 7'9" D
- ㊲ utility ROOM 6' wide 7' Deep
- ㊳ Furnice
- ㊴ water heater & utility sink
- ㊵ Hall way 12'x4'10" storage
- ㊶ 8'3"
- ㊷ electrical Box
- ㊸ Back Door 35"



- ① FRONT Door 3'
- ② LOBBY width 19'8"
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- ㊲ utility ROOM 6' wide 7' Deep
- ㊳ Furnice
- ㊴ water heater & utility sink
- ㊵ Hall way 12'x4'10" storage
- ㊶ 8'3"
- ㊷ electrical Box
- ㊸ Back Door 35"



Form Revision Date 02/20

ARTICLES OF ORGANIZATION
For use by DOMESTIC LIMITED LIABILITY COMPANY

Pursuant to the provisions of Act 23, Public Acts of 1993, the undersigned executes the following Articles:

Article I

The name of the limited liability company is:

JOHNNY CALICO ART LLC

Article II

Unless the articles of organization otherwise provide, all limited liability companies formed pursuant to 1993 PA 23 have the purpose of engaging in any activity within the purposes for which a limited liability company may be formed under the Limited Liability Company Act of Michigan. You may provide a more specific purpose:

Providing quality art at reasonable prices.

Article III

The duration of the limited liability company if other than perpetual is:

Article IV

The street address of the registered office of the limited liability company and the name of the resident agent at the registered office (P.O. Boxes are not acceptable):

Agent Name: NORTHWEST REGISTERED AGENT SERVICE INC.
Street Address: 2222 W. GRAND RIVER AVE
Apt/Suite/Other: STE A
City: OKEMOS
State: MI Zip Code: 48864

Registered Office Mailing Address:

P.O. Box or Street Address: 2222 W. GRAND RIVER AVE
Apt/Suite/Other: STE A
City: OKEMOS
State: MI Zip Code: 48864

Signed this 27th Day of December, 2018 by the organizer(s):

Signature	Title	Title if "Other" was selected
Morgan Noble	Organizer	

By selecting ACCEPT, I hereby acknowledge that this electronic document is being signed in accordance with the Act. I further certify that to the best of my knowledge the information provided is true, accurate, and in compliance with the Act.

Decline Accept

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

FILING ENDORSEMENT

This is to Certify that the ARTICLES OF ORGANIZATION

for

JOHNNY CALICO ART LLC

ID Number: 802269127

received by electronic transmission on December 27, 2018 ***, is hereby endorsed.***

Filed on December 27, 2018, ***by the Administrator.***

The document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.



In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 27th day of December, 2018.

A handwritten signature in cursive script, appearing to read "Julia Dale".

Julia Dale, Director

Corporations, Securities & Commercial Licensing Bureau

FIN~~X~~ 83-2954816



Battle Creek City Planning Commission

Staff report for the November 20, 2019

To: Planning Commissioners

From: Christine M. Zuzga, AICP, Planning Manager

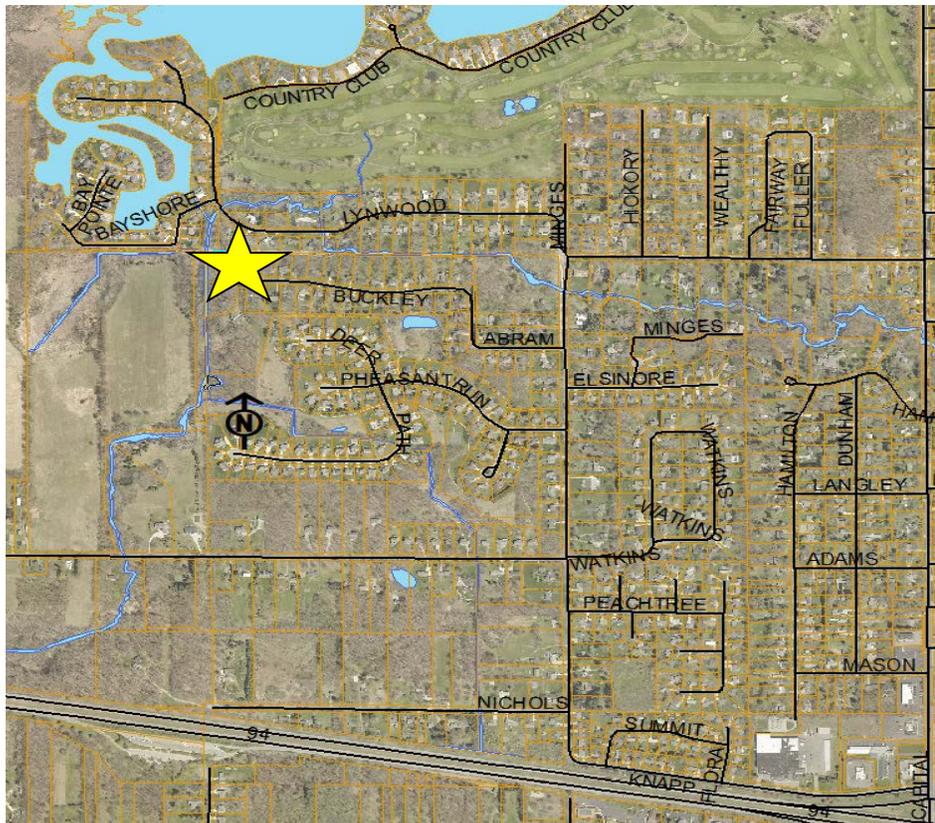
Subject: Petition S-03-19, a Special Use Permit request to allow a group day care home at 174 Buckley Lane, Parcel #3360-07-215-0.

Summary

A petition from Karen Wallace requesting a special use permit for a Licensed Group Day Care Home for 6-12 children at 174 Buckley Lane, as provided for in Chapter 1290, Section 1290.01(b)(6).

Background/Property Information

The subject parcel is located on the cul-de-sac of Buckley Lane, which is located off Minges Road.





The parcel is approximately 2/3's acre in size with 80' frontage on Buckley Lane. The parcel is pie-shaped in nature and the rear property line is 235' wide. City assessing records indicate the structure, a single-family home, was constructed in 1978. There is a parking pad the size of one vehicle to the left of the driveway, which is likely needed due to the sloping nature of the driveway based on the design of the house.

The parcel is wooded and relatively private due to its location. The back yard is enclosed by four foot chain link fence.

Surrounding Land Uses / Zoning

The subject property, and all adjacent parcels are zoned R-1B Single Family Residential. Properties to the south, north, and east are used for residential purposes. Land to the west is vacant.

Proposed Scope of Project

The applicant is seeking a special use permit to operate a group child-care business out of the home at 174 Buckley Lane. There is currently in-home childcare occurring on site for less than six children; this has been licensed at this location by the State of Michigan since 2014. The applicant has been involved with childcare for 15 years. State of Michigan records contain the initial inspection reports as well as a re-inspection report. There are no special investigative reports for this daycare, which would indicate complaint(s) having been issued to the State.

The applicant is seeking a special use permit to expand the daycare into a group child care home, which would allow up to 12 unrelated children subject to State licensing. The plan is to provide childcare between 5am and 5pm each day, Monday through Friday. One part-time employee is expected to be employed as is required by the State.

The State of Michigan Department of Human Services (DHS) administers the licensing program that is required for all day care facilities. Structural changes are typically not required for these though the State does regulate certain code requirements such as heating, electrical, and smoke detectors. The State further regulates the actual operation of the day care including staffing, meals, daily activities, paperwork, etc. The complete set of State regulations can be found on the DHS website.

Applicable Ordinance Provisions

Group Day Care Homes, those providing care for seven to twelve unrelated minor children, are addressed in the City of Battle Creek Zoning Ordinance, Chapter 1290 Special Land Uses, specifically 1290.01(b)(6) which allows for “*Public, parochial or private school housing facilities; convalescent or nursing homes; homes for the aged; nursery schools or day care centers;*”. Those providing care for six children or less is permitted as a home occupation; and this section of the ordinance (1292.03(b)) also states that a special use permit is required for those providing care for more than six unrelated children.

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 Shoppers Guide Thursday, October 31, 2019, and 91 notices of the public hearing were sent by regular mail to owners and occupants of properties located within 300 feet of the subject parcel. As of the writing of this staff report, we have received one letter and one email, both in opposition to the request; both are included with the packet.

The first public hearing notice mailed stated the corrected date and time of the public hearing but listed the wrong day of the week; a correction notice was sent to all 91 owners and occupants.

Basis For Determination

As a special use, the Planning Commission is charged with reviewing each Special Use Permit request to determine any effects the proposed use would have on the Master Plan as well as on the character and development of the neighborhood. The ordinance and enabling legislation allows the Planning Commission and the City Commission to impose any conditions upon the request that would ensure the general objectives of the zoning ordinance are met and to preserve property values in the neighborhood.

The request shall be reviewed using the following standards listed in Chapter 1290.04 Basis for Determination (for Special Use Permits):

- (a) The use will be harmonious with and in accordance with the general objectives of the Master Plan.
- (b) The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood.
- (c) The use will not be hazardous or disturbing to existing or future neighboring uses.
- (d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- (e) The use will be adequately served by essential public facilities and services, such as streets, highways, police and fire protection, drainage, refuse disposal and schools, or the persons or agencies responsible for the development shall be able to adequately provide such services.
- (f) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (g) The use will not create activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors.
- (h) The use will be consistent with the intent and purpose of this Zoning Code.

Analysis and Recommendation

Staff has reviewed the application and finds that it meets the requirements for submittal and is considered complete. Staff further finds the request consistent with the general standards listed in 1290.04, as outlined herein:

- (a) The use of this structure as a Group Day Care Home will be harmonious with and in accordance with the general objectives of the City of Battle Creek Master Plan. A near term implementation of goal #2 of the plan is to work with major employers in Battle Creek to identify barriers that discourage employees from living within the community, and an important factor in this goal is the availability of adequate and safe day care for children of working families. To that end, zoning ordinance regulations provide adequate opportunities for safe and convenient day care and other support services near residential areas, such as this property.
- (b) The proposed use will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood as the primary use of the property is still residential and there are no exterior signs proposed for the day care. There is one parking pad to the left of the driveway which is needed regardless of the daycare due to the sloping nature of the driveway.

- (c) The use will not be hazardous or disturbing to existing or future neighboring uses as the proposed use is considered a type of home occupation and is compatible with surrounding zoning and residential land uses, and the limited hours of operation and size of the property and adjacent properties will provide ample space for the proposed use with little to no impact on surrounding properties.
- (d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole as a valuable service will be provided to the community, in relatively close proximity to families, schools, and employment centers.
- (e) The use will be adequately served by essential public facilities and services in that public utilities already exist and no additional needs are required for this use. The end of the driveway provides ample drop off / loading area. On-street parking is currently allowed for the neighborhood, and would be available in the event additional spaces were needed. The last traffic count on Buckley Lane in 2003 showed 435 vehicles per day. The expanded daycare could result in an additional 14 vehicle trips per day (one employee plus six unrelated children) which in our opinion is negligible.
- (f) There will be no City expenses associated with the maintenance and improvements to the property, and therefore, the use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (g) There will be no activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors. Any noise associated with the use will be the result of typical activities found in a residential neighborhood.
- (h) The primary use of the property will continue to be residential, and therefore the use will be consistent with the intent and purpose of this Zoning Code. Additionally, the facility will be subject to compliance with all relevant sections of the zoning ordinance and codified ordinances, including noise, noxious vegetation, and property maintenance. It will also be required to be in compliance with all State licensing/certificate regulations concerning the proposed use.

Therefore, as the request meets the general standards listed in Chapter 1290.04 as outlined above, planning staff recommends that the Planning Commission recommend to the City Commission approval of Special Use Permit Petition S-03-19 that would allow a Group Day Care Home at 174 Buckley Lane, on Parcel #3360-07-215-0 with the following conditions:

Project Specific Conditions:

- 1. All necessary approvals and any required permits shall be obtained, and maintained if applicable, from the appropriate agencies, including but not limited to the State of Michigan, Department of Public Works, and Inspections Department prior to Certificate of Occupancy.**
- 2. The approval of the special use permit is based upon the contents of the submitted application, including but not limited to the nature of the facility being a Group Day Care facility with a maximum capacity of twelve children. Any future proposed change must be reviewed with the Planning Department to ensure consistency with the approved special use permit, and may be subject to approval of a revision of the special use permit by the Planning Commission and City Commission.**

3. **Pursuant to Chapter 1232.01 (a), no change in the use or occupancy of land or in the use or occupancy of an existing building shall be made, nor shall any new building be occupied for any purpose, until a certificate of occupancy has been issued by the Zoning Administrator or his or her agent. Such a certificate shall state that the new occupancy complies with Building and Zoning Codes.**
4. **Pursuant to Chapter 1290.02 (e), certificates of occupancy for special uses shall be valid for a period established by the City Commission or as long as the use is established and maintained in conformity with the plans submitted and approved. Occupancy permits shall expire after one year if the use is not under construction or maintained. For good cause shown and upon written application, the Planning Commission may extend a special use permit for six months.**

The Planning Commission can add additional conditions to those listed above in the staff recommendation. The Planning Commission may also upon deliberation, choose an alternative action from the following alternatives:

- A1. Postpone the project for specific reasons, with agreement from the applicant;
- A2. Articulate revised rationale of the general standards and/or conditions to recommend to the City Commission Approval OR Denial of the subject application.

Attachments

The following information is attached and made part of this Staff report.

1. Special Use Permit Application and Supplemental Information (Petition #S-03-19)



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



SPECIAL USE PERMIT Application

Petition No. PC S-
S-03-19

Date Received: 10-16-2019

APPLICANT

NAME: Harin Wallace

ADDRESS: 174 Buckley Ln Battle Creek MI 49015

PHONE: 269-274-8631 FAX: _____

EMAIL: harinedwards79@gmail.com

OWNER (if different from applicant)

NAME: _____

ADDRESS: _____

PHONE: _____ FAX: _____

EMAIL: _____

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

EXISTING CONDITIONS

Address(es) of property for which the request is being sought: 174 Buckley Ln
Battle Creek MI 49015

Current use of the property: Home ? licence Home/Family Child care

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

Home built 1978 (41yrs)

shed 5yrs

Fencing 3yrs

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.

NO

PROJECT DESCRIPTION

What is the proposed use of the property that warrants the special use permit? _____

To become a group child care home

Please list all activities that will take place on the property if the special use permit were approved?

licensed child care - providing Quality Nurturing Care For children within our community

How many employees currently work on the property? How many will be added if the special use permit is approved, and what days/times will they be onsite? _____

One - myself - one 9 am - 5 pm

Will the approval of the special land use necessitate changes to the property, i.e. building construction, additional parking, driveways, fencing? If yes, please provide a list of property improvements that will be associated with the special use permit. NO

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

5am - 5pm All year round except Major Holidays x-mas/ thanks-giving

STANDARDS FOR APPROVAL

Chapter 1290 Special Uses and Land Development lists standards that will be reviewed by the Planning Commission and City Commission and the request for special use permit will only be approved if these standards are met. Provide factual and supportive evidence that your application meets each of these standards. Additional sheets may be attached if necessary.

Will the special land use be designed, constructed, maintained, and/or operated in a manner harmonious with the character of adjacent properties and the surrounding area? Yes No

Nothing will change

Will the special land use change the character of adjacent properties and the surrounding area?

Yes No

Will the special land use be hazardous to adjacent properties or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or properties?

Yes No

Will the special land use be a substantial improvement to property in the immediate vicinity and to the community as a whole? Yes No

Will the special land use place demands on public facilities or services in excess of current capacity?

Yes No

Will the special land use produce excessive traffic, noise, smoke, fumes, or glare? Yes No

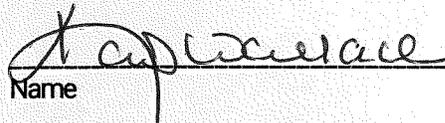
SUBMITTAL REQUIREMENTS

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

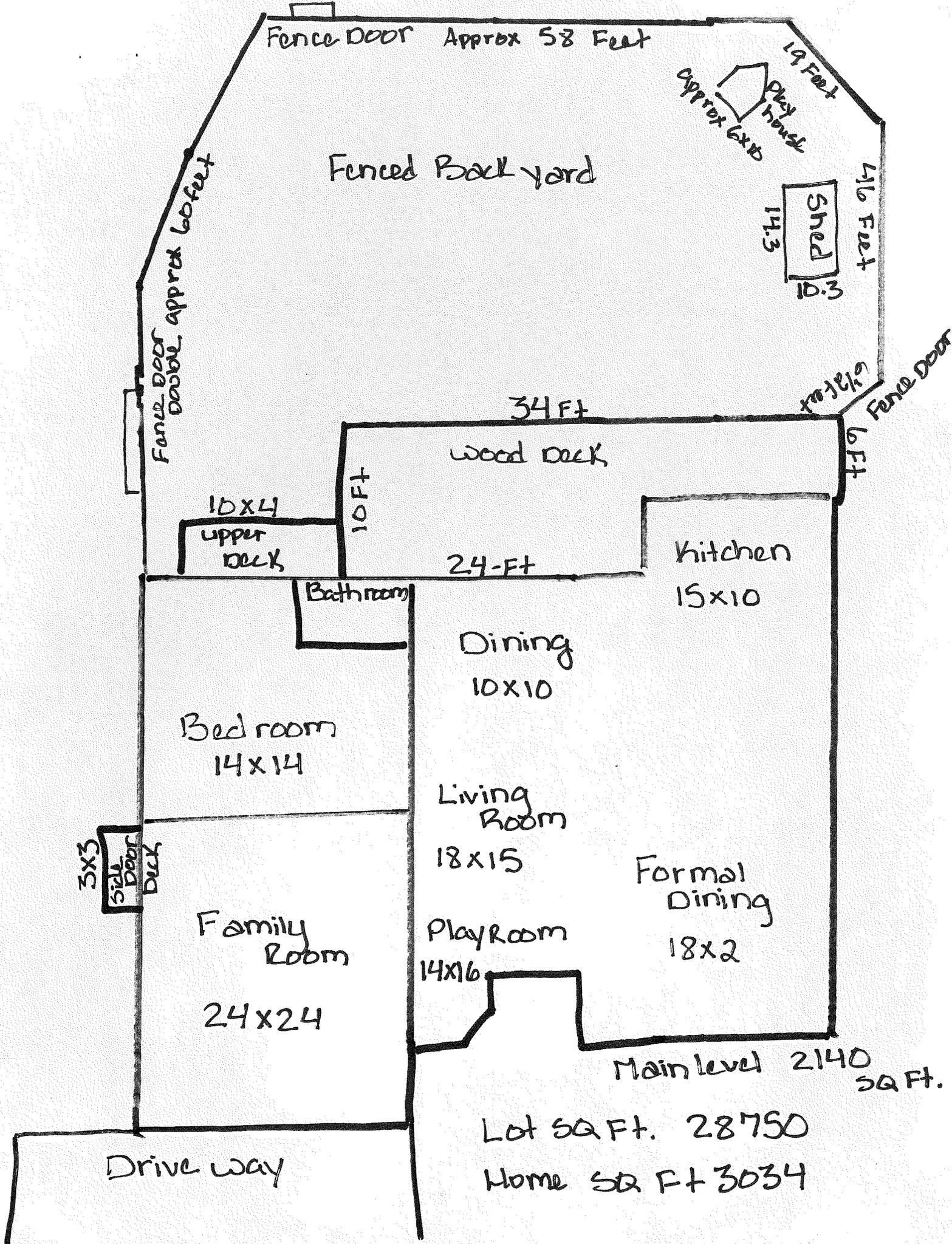
1. Payment of a non-refundable \$600.00 filing fee, made payable to the City of Battle Creek.
2. An affidavit authorizing an applicant to act on behalf of the owner if the petitioner is not the owner.
3. Legal description of subject property and a list of all deed restrictions.
4. Property Site Plan as outlined in "Special Use Permit, Information and Procedures".

APPLICANT SIGNATURE

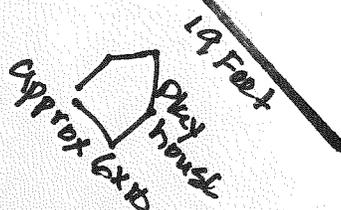
By signing this application, the applicant hereby declares that all answers given herein are true to the best of their knowledge, and confirms that all information required for submission of a special use permit have been submitted. Furthermore, the applicant confirms that they have thoroughly read "Special Use Permit, Information and Procedures" and agrees to comply with all requirements and procedures for special use permit.


Name

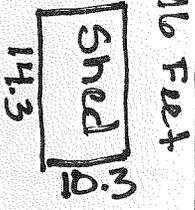
10-16-19
Date



Fence Door Approx 58 Feet



Fenced Back yard



Fence Door Double approx 60 feet

34 Ft

wood deck

10x4
upper
deck

10 Ft

24-Ft

Kitchen
15x10

Bathroom

Dining
10x10

Bed room
14x14

Living
Room
18x15

3x3
side
Door
Deck

Family
Room
24x24

Play Room
14x16

Formal
Dining
18x2

Main level 2140
sq ft.

Lot sq ft. 28750

Home sq ft 3034

Drive way

7

Client Detail Report

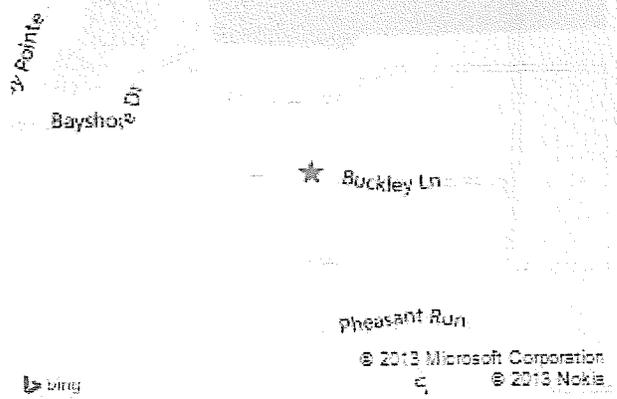
Listings as of 10/12/13 at 10:28am

Active 09/24/13

Listing # 13056345
County: Calhoun

174 Buckley Ln Battle Creek, MI 49015
Cross St: Abrams & End

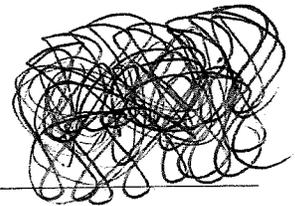
Listing Price: \$178,000



Prop Type Residential
Area B - 1
Design Traditional
Beds 4
Baths(FH) 3 (3 0)

Year Built 1978
Tax ID 3360-07-215-0
DOM/CDOM 18/18

Prop Subtype(s) Single Family
Municipality Battle Creek City
Stories 2
Sq Ft (approx) 3034
Price/Sq Ft \$58.67
Waterfront No
Lot Sq Ft (approx) 28750
Lot Acres (approx) 0.6600



School District Lakeview-Calhoun Co

Directions South Minges to Abrams to Buckley

Marketing Remark WHERE ELSE are you going to find this quality of life for your family? Safely located at the end of a cul-de-sac on a wooded 1/2+ acre lot - children will play street hockey, climb trees, explore to their hearts' content. The house is expansive-over 3000 square feet above grade plus a full, finished walkout basement - and you'll love all the gathering spaces. You'll have a living room, a hearth room, AND a huge 24x24 main-floor family room complete with wet bar and fireplace. The living space also includes 4 bedrooms, 3 full baths and a main-floor office. Wide party deck lines the back of the house. New granite counter tops, replacement sliders, and wait until you see the newly remodeled master bath: FANTASTIC! Minges Brook Elementary School. Get out your calculator, check the price per square foot, and feel great about your wise decision. But first, call Talia to make your appointment to see 174 Buckley. Want more pictures? More details? Go to www.TalialsMyAgent.com.

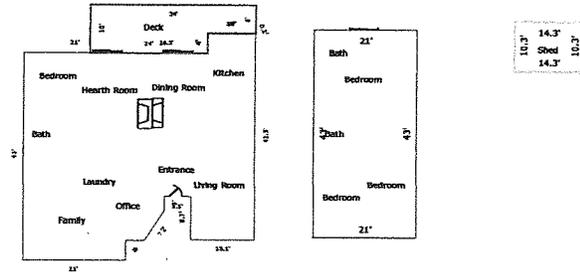
Exclusive Agency	No
Taxable Value	\$110875
For Tax Year	2013
Tax Year	2012
Spec.Assessment/Type	None Known
Road Frontage	132
Water Frontage	0
Middle School	Lakeview
Total Fireplaces	#2
Access. Featrs Y/N	No
Bedrooms	#4
Kitchen	15x10 Level: Main
Dining Area	10x10 Level: Main
Living Room	18x15 Level: Main
Den/Study	14x10 Level: Main
Master Bedroom	10x8 Level: Upper
Bedroom 2	12x12 Level: Upper
Bedroom 4	14x14 Level: Main
Upper Full Baths	#2
Main Bedrooms	#1
Main Level SQFT	2140
Total LL/WO SQFT	1197
SQFT Above Grade	3034
Garage	Yes
Exterior Material	Brick, Wood
Windows	Screens, Storms
Substructure	Full Basement, Walkout
Sewer	Public
Utilities Attached	Cable
Kitchen Features	Eating Area, Snack Bar
Additional Items	All Window Trtmt, Ceiling Fans, Gar Door Opener, Water Soft/Own
Heat Source	Natural Gas
Air Conditioning	Central Air

Reserved Prospect	Yes
State Equalized Val	\$113563
Annual Property Tax	\$4877
Homestead	100%
Lot Dimensions	132x217
Waterfront	No
High School	Lakeview
Elementary School	Minges Brook
Income Property	No
Rooms Above Grade	#11
Full Baths	#3
Formal Dining Room	18x12 Level: Main
Family Room	24x24 Level: Main
Recreation Room	32x18 Level: Lower
Laundry	8x8 Level: Main
Master Bath	16x14 Level: Upper
Bedroom 3	12x12 Level: Upper
Upper Bedrooms	#3
Upper Level SQFT	894
Main Full Baths	#1
LL/WO Finished SQFT	900
Tot. Fin. All Levels	3934
Manufactured	No
Garage Type	2, Attached
Roofing	Comp Shingle
Basement	Yes
Lot Description	Cul-De-Sac, Wooded
Water	Public
Util. Avl at Street	Broadband
Fireplace	Wood
Appliances	Refrigerator, Range, Dishwasher, Garbage Disposal, Washer, Dryer
Heat Type	Forced Air
Exterior Feature(s)	Deck(s), Porch(es)



FLOORPLAN SKETCH

Borrower: Wallace, Timothy	File No.: 710531
Property Address: 174 Buckley Ln	Case No.: 263-5456625-703
City: Battle Creek	State: MI
Lender: Member First Mortgage, LLC	Zip: 49015-7920



Sketch by Apex Medira™

Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	1915.4	1915.4
GLA2	Second Floor	903.0	903.0
F/P	Deck	300.0	300.0
UND	Shed	147.3	147.3

LIVING AREA BREAKDOWN			
	Breakdown		Subtotals
First Floor			
0.5 x	0.2 x	0.1	0.0
	3.8 x	10.1	38.4
	10.0 x	0.2	2.0
	8.7 x	13.1	114.0
	3.0 x	29.0	87.0
	30.0 x	47.6	1428.0
0.5 x	4.0 x	6.0	12.0
	4.0 x	21.0	84.0
	25.0 x	6.0	150.0
Second Floor			
	21.0 x	43.0	903.0

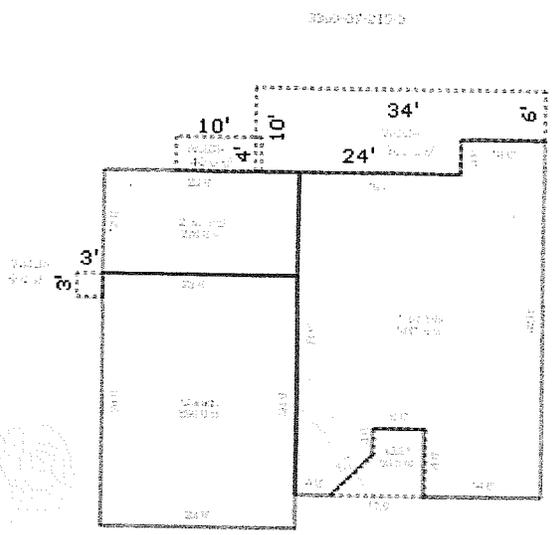
Net LIVABLE Area	(rounded)	2818	10 Items	(rounded)	2818
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Image/Sketch for Parcel: 3360-07-215-0

City of Battle Creek

Caption: SKETCH 2006

[Back to Non-Printer Friendly Version] [Send To Printer]



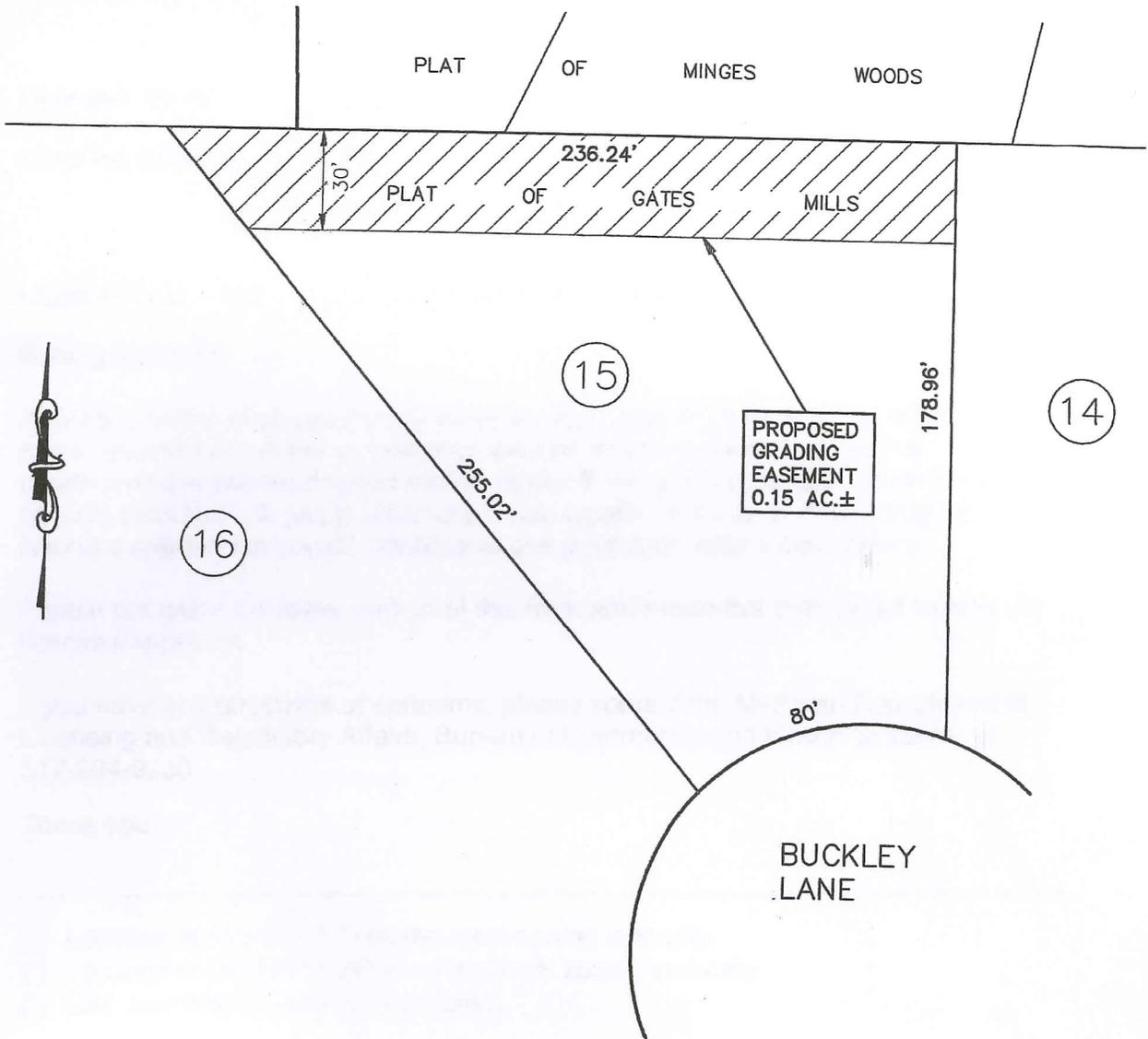
Sketch by Apex Medina™

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[Privacy Policy](#)

property lines

EXHIBIT A



THE NORTH 30.00 FEET OF LOT 15, OF GATES MILLS, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 17 OF PLATS, ON PAGE 44, IN THE OFFICE OF THE REGISTER OF DEEDS FOR CALHOUN COUNTY, MICHIGAN.

ENGINEERING DEPARTMENT
CITY OF BATTLE CREEK, MICHIGAN



TITLE		
PROPOSED GRADING EASEMENT		
DRAWN BY: RHP	APPROVED: KRT	DATE: 2/11/14
SCALE: 1"=50'	SHEET 1 OF 1 SHEETS	DWG. NO. 00000

ZONING APPROVAL FOR GROUP CHILD CARE HOMES
Michigan Department of Licensing and Regulatory Affairs
Bureau of Community and Health Systems

Licensee Name: Marin Wallace
Licensee Address: 174 Buckley Ln
Bottle Creek mi. 49015

License Type: DG – Group Child Care Home (capacity 7-12 children)

Zoning Authority:

According to the Michigan Zoning Enabling Act, 2006 PA 110, a group child care home located in a county or township shall be issued a special use permit, conditional use permit, or other similar permit if the group child care home meet specific standards. A group child care home located in a city or village may be issued a special use permit, conditional use permit, or other similar permit.

Please complete the lower portion of this form and return this completed form to the licensee/applicant.

If you have any questions or concerns, please contact the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, at 517-284-9730.

Thank you.

- Location is APPROVED by the local zoning authority.
 Location is DISAPPROVED by the local zoning authority.
 City, township or county is unzoned.

Signature of Zoning Authority or
City, Township, County Manager for Unzoned Communities

Date

Telephone Number

Printed Name of Zoning Authority Authority or
City, Township, County Manager for Unzoned Communities

Jurisdiction (City, Township)

Authority: 1973 PA 116 Completion: Required Penalty: Applicant cannot be licensed/registered
--

LARA is an equal opportunity employer/program.

CITY OF
BATTLE CREEK
THANK YOU

CITY OF BATTLE CREEK

Planning Department Receipts

Revenue Report - to accompany money to Treasurer's Office

REG 10-16-2019 15:43
000089

10/16/2019

1 PERMIT-FENCE \$150.00
TL \$150.00
CASH \$150.00

Michele K. Jayakar

HAVE A NICE
DAY

174 Buckley Ln.

Payment Code: SITE PLAN-Site Plan Review
Project: 174 Buckley Ln.
Amount: \$150.00
Description: Special Use Permit
Cash/Check: Cash

Payment Code:
Project:
Amount:
Description:
Cash/Check:

IF THE PAYMENT CODE YOU NEED FOR A TRANSACTION IS NOT IN THE DROP DOWN BOX, PLEASE ENTER THOSE TRANSACTIONS BELOW INCLUDING THE G/L ACT. NUMBER:

Payment Code:
G/L Act. Number: 101.12.8020.801.350
Project:
Amount:
Description:
Cash/Check:

Payment Code: UNALLOCATED
G/L Act. Number:
Project:
Amount:
Description:
Cash/Check:

Total Transactions:

Check Total: \$0.00
Cash Total: \$150.00

\$150.00 Out of Balance

5 November 2019

City of Battle Creek Department of Planning
Suite #117
10 N. Division Street
Battle Creek MI 49014

RE: Request for Special Use Permit, S-03-19, Karin Wallace, 174 Buckley Ln., Parcel 3360-32-191-0, Licensed Home & Family Child Care over 6, in a Single Family Residential District

To Whom It May Concern:

We are writing to express our objection to the referenced Special Use Permit, and to have the reasons outlined below considered toward disapproval of the permit.

We urge the Planning Commission to deny the permit. Our concerns, problems, and issues include: Extra Traffic, Parking, Noise, a Business in a Residential Zone, Children Playing Unsupervised Throughout the Neighborhood, and the Effect of a Group Child Care Home on our neighborhood's property values.

First, Buckley is a street with no outlet; it is a dead-end cul-de-sac neighborhood that (both current & prospective) residents expect to be quiet and traffic-safe due to this access design structure. To explain, all traffic must come down either S. Minges or W. Minges and turn onto Abrams to Buckley, and then return via the same route in a loop. This creates a lot of extra, double traffic, and traffic noise including both early morning hours and late night hours.

Also, vis-a-vis mutually with traffic, there are parking concerns. The parcel in question has already added a ~3 car parking lot in its front yard. Additional clients, parents, and employees must park in the road, and in front of other citizens' homes.

In addition to the extra traffic noise, there is the noise of the clients as well as the children. People living in this neighborhood chose to live in a residential neighborhood—not a business district, near a group care center, school, or playground, and therefore, be subjected to the associated noise and business activities and affairs.

Next, lack of supervision is also a concern. Children at this address have been seen playing in the driveway and parking area as well as, allegedly, trespassing and trudging up and down Minges Creek, which flows behind a significant length of Buckley. This is not only dangerous, but is not allowed in respect to DNR laws.

Finally, and most importantly, neighbors are concerned about their diminishing property values. A Group Home and Child Care Facility/Over 6 in a neighborhood such as this, is not an asset to the neighborhood. As mentioned supra: The home's appearance has already changed with the addition of the parking lot in the front yard even though according to the Michigan Zoning Enabling Act (Excerpt) Act 110 of 2006 125.3206, Residential Use of Property; adult foster care facilities; and family or group child care homes: The property must be maintained "consistent with the visible characteristics of the neighborhood". And, what other unappealing modifications would be made to the outside of the Group Facility, i.e., fences, additional play structures, shade structures, etc.? And, please be reminded that High Traffic areas are not conducive to high property values. Excessive noise is not favorable to property values either.

In summary, there are several self-evident problems and concerns for the neighborhood: **noise, children playing unsupervised throughout the neighborhood, extra traffic, a Business in a Residential Zone, and the effect of a group child care home on our property values.** We object to the referenced Special Use Permit, and urge the Planning Commission to deny the permit.

Thank you.

Fw: Upcoming Planning Commission Meeting set for the 20th of November 2019

Eric S. Feldt

Thu 11/14/2019 10:47 AM

To: Christine M. Zuzga <CMZuzga@battlecreekmi.gov>; Glenn F. Perian <GFPerian@battlecreekmi.gov>; Michele K. Jayakar <MKJayakar@battlecreekmi.gov>

Here is a public comment received for next week's PC meeting about the day care project. See email below.

Eric S. Feldt, AICP, CFM

Planner

**City of Battle Creek
Planning Department**

10 North Division Street
Battle Creek, Michigan 49014
Ph- 269.966.3355
Ex- 1505
esfeldt@battlecreekmi.gov



<http://www.battlecreekmi.gov>

Sent: Thursday, November 14, 2019 10:45 AM

To: Eric S. Feldt <esfeldt@battlecreekmi.gov>

Subject: Upcoming Planning Commission Meeting set for the 20th of November 2019

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

Dear Sir and Committee Members:

I am writing with regards and concerns for permit request, S-03-19 (Karin Wallace , petitioner)This individual has had a daycare in her home for at least the last 6 years that I know of and to be franks would not send my child to her. She has, on a number of occasions been heard screaming at the children for no reason . That is, no reason if someone had been in the yard with the children when they were doing something wrong and at that point no need of screaming at the level she does.I believe she sends them into the yard unsupervised while she watches from the interior of her home. Not what I call a controlled environment.

For the above reason alone, I would not allow this permit to happen for any more children than she already has for fear of the obvious. And it is not my job as a surrounding neighbor to keep an eye on these children when they are in the yard..

Please think long and hard on issuing this permit.

Sincerely,
Concerned



CITY OF BATTLE CREEK
PLANNING AND ZONING DIVISION

Planning Commission

2020 MEETING DATES & DEADLINE SCHEDULE

(Meetings are held on the 4th Wednesday of each month, 4:00 P.M. at
10 N. Division, Room 301, Commission Chambers, City Hall)

<u>Meeting Date</u>	<u>Petition Deadline Noon (approx. 26 days prior)</u>
January 22, 2020	December 27, 2020
February 26, 2020	January 31, 2020
March 25, 2020	February 28, 2020
April 22, 2020	March 27, 2020
May 27, 2020	May 1, 2020
June 24, 2020	May 29, 2020
July 22, 2020	June 26, 2020
August 26, 2020	July 31, 2020
September 23, 2020	August 28, 2020
October 28, 2020	October 2, 2020
*November 18, 2020	October 23, 2020
*December 16, 2020	November 20, 2020

*Notes: Months of November & December have alternate meeting dates to avoid a conflict with the holiday. (Commission voted in favor to move meeting dates.)