



CITY OF BATTLE CREEK

COMMUNITY SERVICES DEPARTMENT – PLANNING AND ZONING

AGENDA PLANNING COMMISSION MEETING

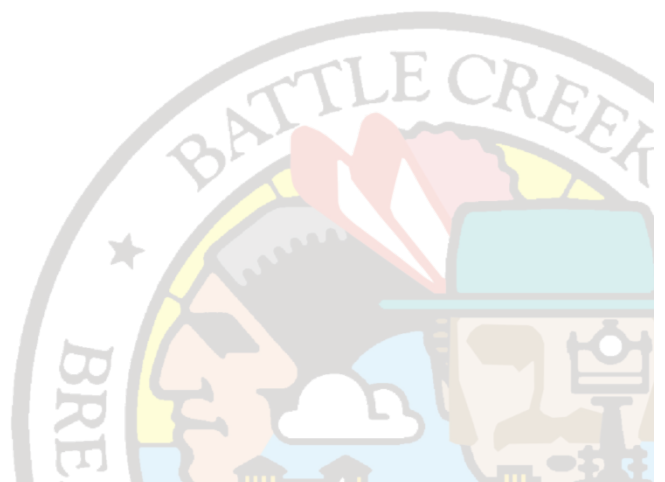
Date: Wednesday, October 28, 2020
Time: 4:00 P.M.
Via: ZOOM Virtual Meeting

TO PARTICIPATE IN PUBLIC COMMENT: Zoom Telephone Number: 312-626-6799. The caller will be prompted to enter the meeting ID number: 925 0963 0430. 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 – October 14, 2020 special meeting minutes**
4. **Correspondence**
5. **Additions or Deletions to the Agenda**
6. **Public Hearings/Deliberations:**
 - A. **#S01-20 Special Use Permit:** Request by Bronson Battle Creek Hospital to allow a 96 bed Behavioral Health Center, offering inpatient and outpatient services, at Parcel # 0086-01-530-0, located at the southwest corner of M-66 and Glenn Cross Road, pursuant to Planning and Zoning Code Ch. 1290.01b(9).
 - B. **#S02-20 Special Use Permit:** Request by Star Battle Creek, LLC to allow a self-storage facility at 5725 Beckley Road, Parcel #0075-00-720-0, pursuant to Planning and Zoning Code Ch. 1290.01b(20).
 - C. **#A-01-20:** A public hearing to consider the adoption of an updated and reformatted **Zoning Ordinance and Map (ZOMA) for the City of Battle Creek**. Draft ordinance and map found : www.battlecreekmi.gov/planning
7. **Old Business:**
8. **New Business:**
 - A. **2021 Planning Commission meeting dates and application deadlines**

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, October 14, 2020

Location: Virtual Meeting

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

2. **Attendance:**

Members Present:

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

Staff Present: Christine Zuzga, Planning Manager, Planning Dept.
Glenn Perian, Senior Planner
Eric Feldt, Senior Planner
Marcie Gillette, Community Services Director
Marcel Stoetzel, Deputy City Attorney
Ted Dearing, Assistant City Manager
Carl Fedders, DPW Director
Chad Frein, IT Director

3. **Approval of Minutes:** A. July 22, 2020 regular meeting minutes
B. August 26, 2020 workshop minutes
C. September 23, 2020 regular meeting 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, THE WORKSHOP ON AUGUST 26, 2020, AND THE REGULAR MEETING ON SEPTEMBER 23, 2020. ALL IN FAVOR 9-0, NONE OPPOSED.

4. **Correspondence:** None

5. **Additions or Deletions to the Agenda:** None

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.

Commissioner Stetler announced that he would be recusing himself from the conversation related to this request. Chair Buscher stated that the Planning Commission will allow for public comment relative to this request, for those that haven't had a chance to speak at prior meetings.

Christine Wentworth, 119 Barrington Circle; spoke at last meeting, nothing further to add.

Travis May, 280 Kensington Circle; bought and built a home based on safety, bylaws that protected property values with restrictions. Location of the proposed development requires further travel, double the amount of cars, and would affect safety, property values and violates bylaws.

Scott Peavy, 135 Barrington Circle; surveyed property owners and 126 homes opposed, 15 neutral, and none that indicated they supported the request; noted other homes in area have been built and sold and any issues with doing the same in Huntington Hills may be an issue with the developer; questioned market for size and price of the homes that are part of this request; bylaw violations of Article 7 (allow minor changes up to 15 years, and it's been 24 years) and Article 10 (requires consent of the co-owners which hasn't occurred); developer threatened to stop paying taxes and/or HOA fees if they were unable to develop the parcels. Encourage a "no" vote by the Planning Commissioners.

Jennifer Peavy, 135 Barrington Circle; thank for more time, concerned with lack of notice given as it is required by bylaws and Condominium Act; reviewed timeline for project and lack of notice / incorrect notice from the applicant, stating they did not follow requirements in bylaws;

Matthew Griffiths, 126 Abbington Court; already spoke before, but has new information to share. Chair Buscher reminded everyone that the opportunity for comment at this time was for those who hadn't had the opportunity at a previous meeting, and he would ask each caller prior to their comments.

Unidentified speaker, did speak at the last meeting but gave a 60 day extension but won't let speak. Chair Buscher stated that the public hearing has already occurred and allowing comments from those that didn't at prior meetings.

Unidentified speaker, no comment at this time.

Debbie Kimber, 190 Kensington Circle; spoke at this meeting and asked that new information be allowed to be presented and didn't think they were being given proper time.

Robert Dowe, 158 Barrington Circle; opposed to the request, bought in a peaceful and serene neighborhood with a dead-end street, and condos are not appropriate.

Muhammad Asif, 143 Barrington Circle; he lives next to the road where the condos would go; works for Kellogg and has no emotional ties to Battle Creek but chooses to live here; concerns with the proposed plan as it relates to safety, traffic, number of cars, speed, and only one means of egress; may consider moving to Portage if this passes.

Ignatius and Linda Manu, 155 Barrington Circle; proposed development right behind their house, bought for nice quiet area to build and retire; concerns with drainage issues behind their house; number of people and traffic will increase and safety is a concern for child; was told it would be single family homes.

Aldopho Vasquez, 101 Barrington Circle; spoke at the last meeting.

Unidentified speaker, spoke at the last meeting.

Will Maddix, 305 Kensington Circle; this is new to many residents and they feel out of the loop; asked how additional information can be shared.

Diana, 120 Abbingdon Court; 24 year residents of the neighborhood, submitted letter of opposition.

Chris and Tricia Wilhelmson, 128 Barrington Circle; spoke at the last meeting.

Annie Stetler, Stetler Built Homes; asked if she could have a chance to speak; Chair Buscher stated no, that she has had an opportunity to speak at the last meetings.

Howard Walters, 286 Kensington Circle; concerns with improper notification that did not allow for appropriate response; the entrance to the area where the development would occur is a choke point which is across from the park, concerned about increase of traffic; concerned about effect on property values, stormwater increase as a result of the project, being that it is proposed for a high point on the property, and possible flooding issues; understands that Planning Commissioners have to act on behalf of the entire city but this would affect the fabric of the neighborhood, wishes they had more time to work with the developer.

MOTION WAS MADE BY COMMISSIONER NEWMAN AND SUPPORTED BY COMMISSIONER GODFREY TO APPROVE #Z-01-20 A PETITION FROM STETLER BUILT HOMES, REQUESTING TO ALLOW INCREASED DENSITY OF LOTS 34-46 OF HUNTINGTON HILLS FROM 13 SINGLE FAMILY HOMES TO 31 DWELLING UNITS, BASED ON THE FINDINGS OF THE STAFF REPORT.

Chair Buscher asked for Planning Commission discussion.

Commissioner Gray stated that the Commission had briefly talked about a traffic study at the last meeting, and also would like additional information on stormwater. Commissioner Baldwin concurred. Commissioner Sobieralski stated that this request meets the threshold for approval under PZEA but would like to have more information from a traffic impact study.

DPW Director Fedders stated that his department prepared a traffic projection, and a review shows the existing street system to have capacity for any added traffic. He also indicated that he and his staff has visited the property to review stormwater issues. Any new proposal would require site plan review and approval which would require engineered drawings that would have to accommodate stormwater and any improvements being proposed for the existing ponds.

After further discussion regarding potential traffic impacts, stormwater concerns, and site plan review,

MOTION WAS MADE BY COMMISSIONER NEWMAN AND SUPPORTED BY COMMISSIONER GODFREY TO RESCIND THE ORIGINAL MOTION AND TO POSTPONE A DECISION ON THE REQUEST UNTIL THE JANUARY 27, 2021 PLANNING COMMISSION MEETING TO ALLOW TIME FOR THE APPLICANT TO COMMISSION AN INDEPENDENT TRAFFIC IMPACT SURVEY TO STUDY IMPACTS OF INCREASED TRAFFIC IF THE REQUEST WERE APPROVED. MOTION CARRIED 8-0.

- 8. NEW BUSINESS:** Planning Manager Zuzga reminded the Planning Commission of the next scheduled meeting on October 28, 2020.

9. COMMENTS BY THE PUBLIC:

Ignatius and Linda Manu, 155 Barrington Circle; thanked the Planning Commission for the decision today; encouraged traffic and stormwater to be researched.

Matthew Williamson, no additional comment.

Howard Walters, 286 Kensington Circle; no additional comments.

Christine Wentworth, 199 Barrington Circle; asked if the HOA participate in the traffic impact study. Planning Manager Zuzga stated that the Commission can require the study from the applicant, but could not require the applicant to work in concert with the HOA on the study.

Brandon Schaeffer, no additional comment.

Jennifer Peavy, 135 Barrington Circle; thanked the Commission, but felt they missed an opportunity to hear new information. Chair Buscher asked anyone with new information to submit it to Planning Manager Zuzga.

10. Comments by the Staff and Commission Members:

The Planning Commission and staff discussed site plan review process and its role in a rezoning or special land use process.

11. Adjournment at 5:33 p.m.



Battle Creek City Planning Commission

Staff report for the October 28, 2020

To: Planning Commissioners

From: Christine M. Zuzga, AICP, Planning Manager

Subject: Petition #S01-20, a request for a special use permit to allow a 96 bed Behavioral Health Center at Parcel # 0086-01-530-0, M-66 and Glenn Cross Road.

Summary

A request by Bronson Battle Creek Hospital to allow a 96 bed Behavioral Health Center, offering inpatient and outpatient services, at Parcel # 0086-01-530-0, located at the southwest corner of M-66 and Glenn Cross Road, pursuant to Planning and Zoning Code Ch. 1290.01b(9).

Background/Property Information

The subject parcel is located on the southwest corner of Glenn Cross Road and M-66. The parcel is 40.3 acres with 1,100 feet of frontage on Glenn Cross Road, and 2,077 feet of frontage on M-66.



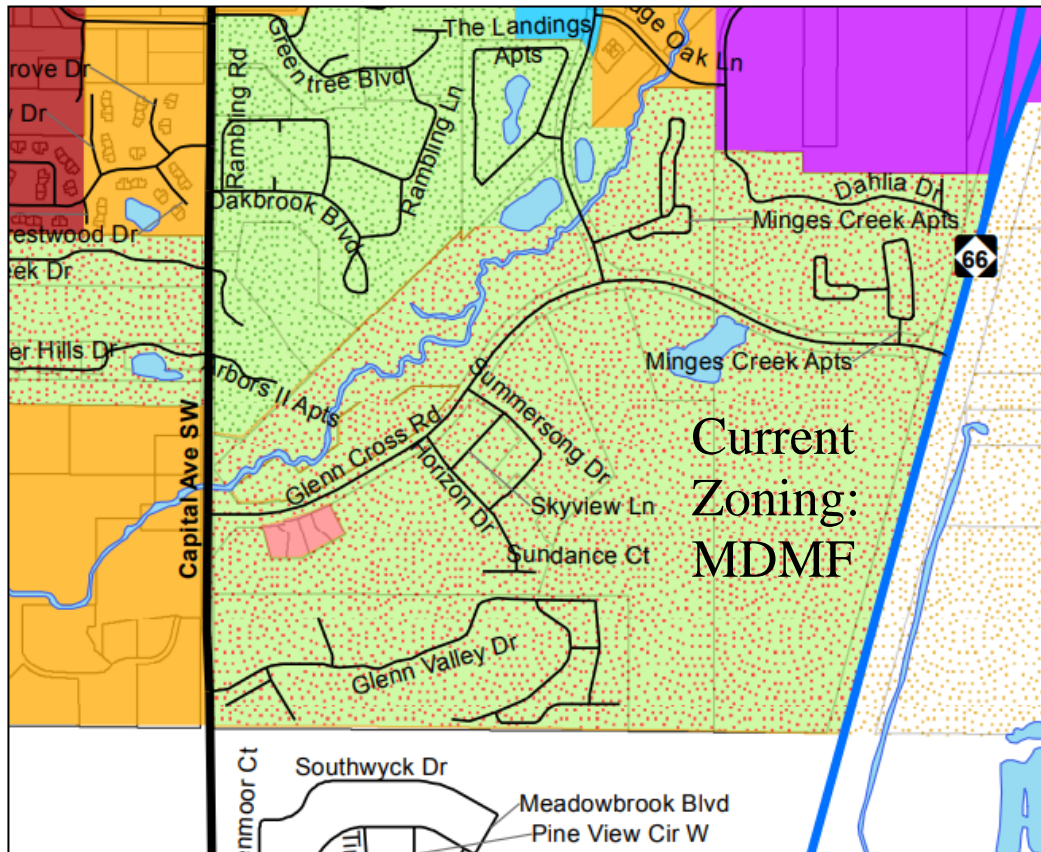
The parcel is mostly wooded with the exception of two small ponds, one located at the northwest corner of the property and one located at the southeast corner of the property. Both are shown on the National Wetlands Inventory, each both having wetland soils and wetlands.

This parcel is outside the 500 year floodplain and not subject to the National Flood Insurance Flood Insurance Program regulations. The parcel has rolling terrain, with the highest elevation at 948' and the lowest at 926'



Surrounding Land Uses / Zoning

The subject property as well as much of the property in this area is zoned MDMF Medium Density Multi-Family, and most properties in this area have been developed, and are consistent with this zoning. In May 2002, the City approved a site plan for the 29.9 acre parcel directly west of this parcel for a 162 unit market rate multi-family complex. The layout of this development is shown on the concept drawings for the behavioral health facility. This will be developed on property currently owned by Bronson Battle Creek, the sale of which is set to close in the near future.



Proposed Scope of Project

The proposed use for this facility is a 70,000 s.f., one-story behavioral health facility that will provide inpatient and outpatient treatment. The application includes concept plans for the development of the property. Over 75% of the property will remain natural woodland. Existing wetlands will not be impacted by the development. There will be secured outdoor areas for supervised client interaction. The site would allow for ambulance drop-off, but any emergency transportation would be without lights/sirens. The site plan shows a drive around the entire facility, which is required by Fire Code for fire department access.

Applicable Ordinance Provisions

Hospitals are permitted as a special use pursuant to Ch. 1290(b)(9) of the Battle Creek Zoning Ordinance:

1290(b)(9): Hospitals or institutions, provided that any hospital or institution authorized in any AG or R District is located on a site of not less than five acres, does not occupy more than twenty percent of the total lot area, and is set back from all yard lines at least two feet for each foot of building height;

The proposed use meets the threshold under this section, and therefore eligible for a special use permit.

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 Enquirer on Tuesday, October 13, 2020 and notices of the public hearing were also sent by regular mail on Monday, October 12, 2020 to 27 owners and occupants of properties located within 300 feet of the subject parcel, including a notice to Leroy Township, which borders the property to the south. To date, the Planning Department has received one email, that indicated they are opposed to the special use permit stating that the parcel should remain undeveloped and the woods protected.

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 an inpatient and outpatient behavioral health facility 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 and adjacent properties as Multi-Unit Residential, which supports high density residential including those for targeted populations that may need support, as well as small amounts of commercial businesses and professional medical offices. The use at this property also complies with Goal 2, to reposition land use to reflect the anticipated needs of the community.
- (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 proposed use will be a 70,000 s.f., one-story facility that will be tucked into the north central portion of the site. Over 75% of parcel will remain natural and undisturbed woodland and wetlands, including significant setbacks from the adjacent properties and the Glenn Cross Road right-of-way. If developed as a permitted use, there are no regulations in place that would protect the natural features of the property.
- (c) The use of this property will not be hazardous or disturbing to existing or future neighboring uses as the use is a highly controlled and secure use that will be professionally staff and operated.
- (d) The use will be a substantial improvement to property in the immediate vicinity and to the community as approval would provide an opportunity to develop a facility that provides a needed service, developed in such a way that will leave the majority of the parcel natural, resulting in a significant investment and creation of 200 jobs.
- (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.
- (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) This is a highly secure and professionally operated facility and 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 #S01-20, a request for a special use permit to allow a 96 bed Behavioral Health Center at Parcel #0086-01-530-0, M-66 and Glenn Cross Road, with the following conditions:

- a. Review and approval of a site plan, consistent with site details shown in the concept drawings and consistent with all local ordinances for the development of land, including a sidewalk along Glenn Cross Road. All necessary approvals and necessary 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 #S01-20)



October 2, 2020

City of Battle Creek Planning Commission
c/o Christine Zuzga, AICP
10 N. Division Street
Battle Creek, MI 49014

RE: Special Use Permit Application for PIN#52-0086-01-530-0 on Glen
Cross Road

Dear Planning Commissioners:

It is our pleasure to submit this application for a Special Use Permit to develop a Behavioral Health Center at the southwest corner of Glen Cross Road and M-66. Bronson Battle Creek Hospital owns a 40 acre parcel at this location and desires to create a joint venture partnership with another healthcare entity for purposes of developing a Behavioral Health Center on the site.

If approved, the new facility would be a one-story, approximately 70,000 square foot building with both inpatient and outpatient services. The plan calls for 96 beds with accommodation for some expansion and leaves approximately 75% of the site undeveloped as natural space and buffer. The \$40 million investment would result in approximately 200 jobs for the region, and due to the joint venture partnership, the parcel would be taxable.

Attached please find a copy of our site plan and some additional information about what is proposed to assist in your review and consideration. This information includes the application form, legal description, and a deed restriction that applies to the property as requested.

In addition, we have responded to the Special Use Permit criteria in the Ordinance by responding to the questions on the application form here:

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?

The adjacent properties and surrounding area are characterized by heavily wooded, undeveloped vacant parcels and larger multi-family apartment communities. The proposed development will be one-story in height, consistent with the height and profile of the proposed development on the adjacent parcel to the west. The site plan illustrates development occupying approximately 25% of the subject property leaving the balance of the property (approximately 30 acres) as undeveloped woodland. Our plan does reflect some expansion to the proposed building footprint, but a significant amount of the parcel will remain undeveloped and in character with the surrounding area.

The Behavioral Health Center will be maintained and operated in a low intensity manner harmonious with the surrounding area. Although an inpatient facility, there will be no trauma / emergency visits resulting in high speed traffic or siren noise. Its scale and use is consistent with the scale and intensity of the development that has occurred in the surrounding area.

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

The proposed Behavioral Health Center will not change the character of the adjacent properties or the surrounding area. The substantial amount of open space and undeveloped area remaining on the site and surrounding the development area will create buffer and screening from the minimal impacts that could arise from the proposed development. That said, the proposed use is anticipated to operate similar to a medical clinic and be designed in a contemporary, low-slung manner so as to blend in rather than stand out. This would be consistent with the character and profile of the surrounding medium density development area.

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?

There are no uses, activities, materials, or equipment proposed to be included in the facility that would be detrimental to the health, safety, or welfare of adjacent properties or the persons thereon.

Will the special land use be a substantial improvement to property in the immediate vicinity and to the community as a whole?

We expect that the proposed Behavioral Health Center will be a substantial improvement to the property, to the surrounding area, and to the community as a whole. Behavioral Health is a use in high demand in the region. Bronson is pleased to be partnering with Acadia to expand the services and opportunities for assistance we can provide to the residents of Battle Creek and Southwest Michigan. Due to this partnership, the property will remain on the tax roll, and the City will collect property taxes on the new development. It will also result in a \$40 million investment and generate about 200 jobs in immediate proximity to several housing communities. It will do so while maintaining 75% of the woodlands and rolling open space on the property, an important distinction considering the importance such areas carry for our future sustainability.

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

It is not expected that the proposed use would place demands on public facilities or services in excess of current capacity.

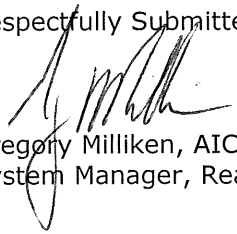
- Glen Cross Road and M-66 are both significant roads with capacity to serve the proposed use.
- The Public Safety Department has had minimal issues with the current Bronson Psych Department facility at the Bronson Fieldstone building, and services provided at the proposed site will be similar or less intense. (Note: Emergency calls / trauma visits are currently and will continue to be routed to the Emergency Department at the Bronson Battle Creek Hospital. Patients would subsequently be transferred to the Behavioral Health Center, if appropriate and when safely able.)
- Public Utilities will continue to be explored but appear to be adequate to serve the proposed use. We are coordinating with the proposed development to the west on public water service to improve service and cost for both uses.

Will the special land use produce excessive traffic, noise, smoke, fumes, or glare?

It is not anticipated that the proposed use will produce excessive traffic, noise, smoke, fumes, or glare.

We appreciate your consideration and look forward to presenting this and discussing it with you in more detail at the public hearing.

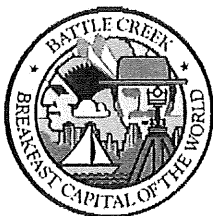
Respectfully Submitted,



Gregory Milliken, AICP, EMBA
System Manager, Real Estate & Properties

Attachments:

- SUP application form
- Site plan
- Utility / grading plan
- Letter regarding parking standards
- Legal description
- Deed restriction



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. _____

Date Received: _____

APPLICANT

NAME: Bronson Battle Creek Hospital

ADDRESS: 601 John Street, Box 9, Kalamazoo, MI 49007

PHONE: 269.344.7044 FAX: 269.344.7519

EMAIL: millikeg@bronsonhg.org

OWNER (if different from applicant)

NAME: same as applicant

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: _____

SW corner of Glen Cross Road & M-66

Current use of the property: Vacant land

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

There are no existing structures on the property.

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.

To the best of our knowledge, the property has not previously been the subject of a
Special Use Permit application.

PROJECT DESCRIPTION

What is the proposed use of the property that warrants the special use permit? A 70,000 square foot 96-bed Behavioral Health Center offering inpatient and outpatient services.

Please list all activities that will take place on the property if the special use permit were approved? If approved, a new Behavioral Health Center would be developed offering a full spectrum of treatment options including inpatient and outpatient services. Inpatient facilities include 96 beds with predominately short term stays (7-10 days).

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 employees currently work at the site.

If approved, approximately 200 employees would be employed with most working traditional business hours while the inpatient services will operate on a daily basis for the duration of the day.
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. If approved, a new 70,000 square foot, one-story building would be constructed. The development would include a new parking lot and access drive, utility infrastructure, and a stormwater detention pond. About 75% of the site would remain undisturbed.

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: We desire for the use to be a long term presence at the site providing necessary services to the region. The majority of the facility and services will have typical business hours, while the inpatient portion will operate on a daily basis for the duration of the day.

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

<Please see attached cover letter for responses>

Will the special land use change the character of adjacent properties and the surrounding area?
☐ Yes ☒ No

<Please see attached cover letter for responses>

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

<Please see attached cover letter for responses>

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

<Please see attached cover letter for responses>

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

☐ Yes ☒ No

<Please see attached cover letter for responses>

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

<Please see attached cover letter for responses>

SUBMITTAL REQUIREMENTS

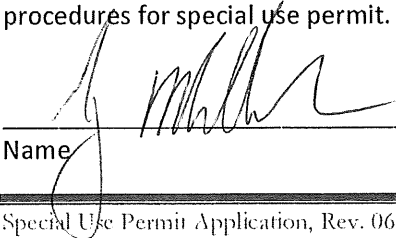
Each request requires the following items to be submitted along with the completed application; incomplete applications will not be forwarded to the Planning Commission.

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



10.02.2020

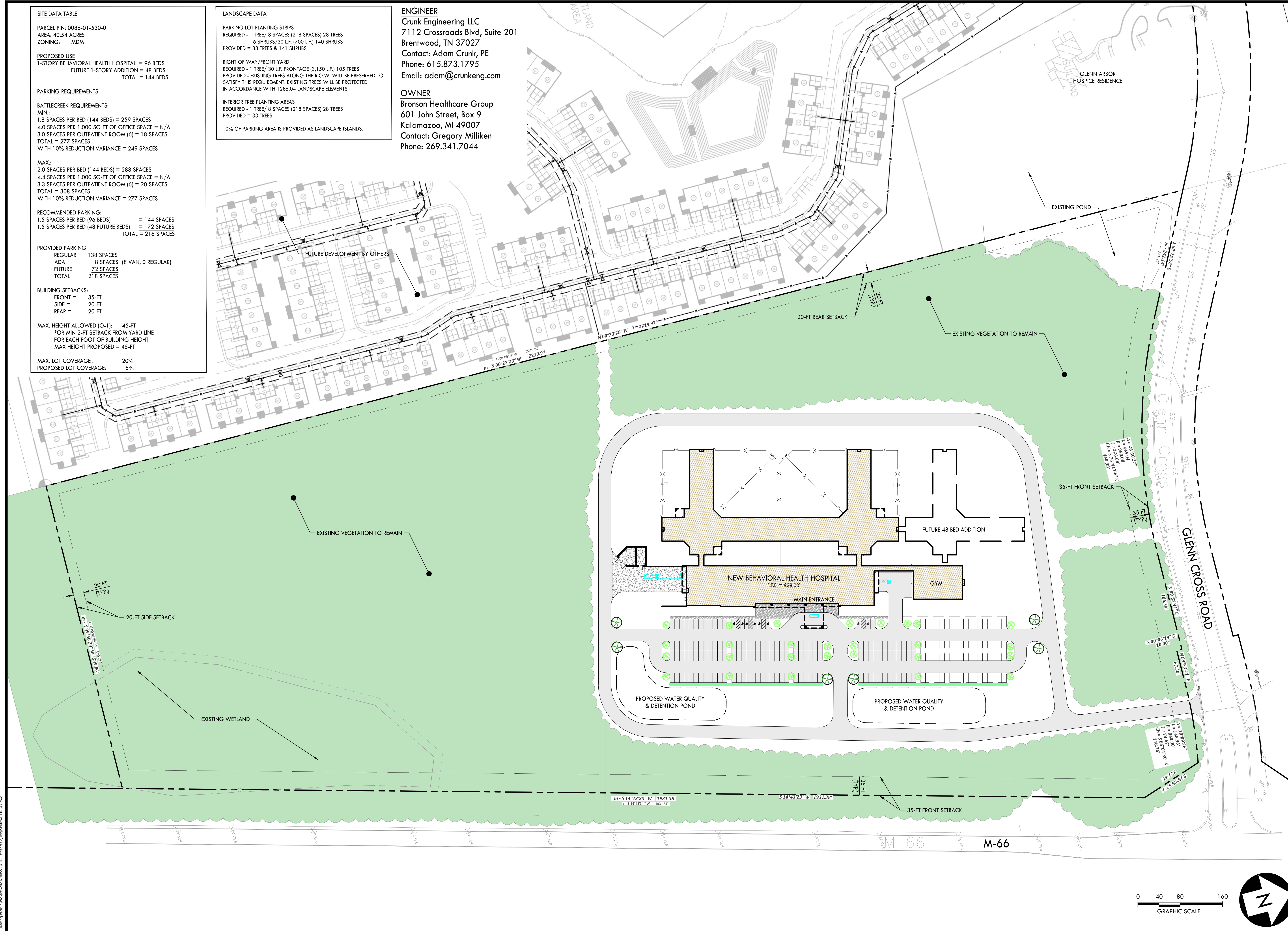
Date

SITE DATA TABLE	
PARCEL PIN: 0086-01-530-0	
AREA: 40.54 ACRES	
ZONING: MDM	
PROPOSED USE	
1-STORY BEHAVIORAL HEALTH HOSPITAL	= 96 BEDS
FUTURE 1-STORY ADDITION	= 48 BEDS
TOTAL	= 144 BEDS
PARKING REQUIREMENTS	
BATTLECREEK REQUIREMENTS:	
MIN.:	
1.8 SPACES PER BED (144 BEDS)	= 259 SPACES
4.0 SPACES PER 1,000 SQ-FT OF OFFICE SPACE = N/A	
3.0 SPACES PER OUTPATIENT ROOM (6) = 18 SPACES	
TOTAL	= 277 SPACES
WITH 10% REDUCTION VARIANCE	= 249 SPACES
MAX.:	
2.0 SPACES PER BED (144 BEDS)	= 288 SPACES
4.4 SPACES PER 1,000 SQ-FT OF OFFICE SPACE = N/A	
3.3 SPACES PER OUTPATIENT ROOM (6) = 20 SPACES	
TOTAL	= 308 SPACES
WITH 10% REDUCTION VARIANCE	= 277 SPACES
RECOMMENDED PARKING:	
1.5 SPACES PER BED (96 BEDS)	= 144 SPACES
1.5 SPACES PER BED (48 FUTURE BEDS)	= 72 SPACES
TOTAL	= 216 SPACES
PROVIDED PARKING	
REGULAR	138 SPACES
ADA	8 SPACES (8 VAN, 0 REGULAR)
FUTURE	72 SPACES
TOTAL	218 SPACES
BUILDING SETBACKS:	
FRONT	= 35-FT
SIDE	= 20-FT
REAR	= 20-FT
MAX. HEIGHT ALLOWED (O-1):	
45-FT	
*OR MIN 2-FT SETBACK FROM YARD LINE	
FOR EACH FOOT OF BUILDING HEIGHT	
MAX HEIGHT PROPOSED	= 45-FT
MAX. LOT COVERAGE:	
20%	
PROPOSED LOT COVERAGE:	5%

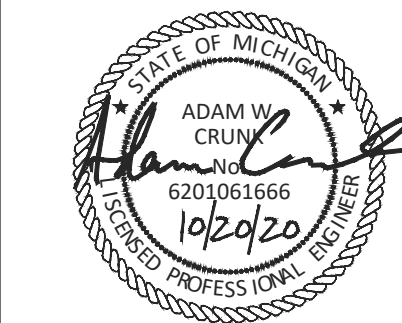
LANDSCAPE DATA	
PARKING LOT PLANTING STRIPS	
REQUIRED - 1 TREE/ 8 SPACES (218 SPACES) 28 TREES	
6 SHRUBS/30 L.F. (700 L.F.) 140 SHRUBS	
PROVIDED = 33 TREES & 141 SHRUBS	
RIGHT OF WAY/FRONT YARD	
REQUIRED - 1 TREE/ 30 L.F. FRONTAGE (3,150 L.F.) 105 TREES	
PROVIDED - EXISTING TREES ALONG THE R.O.W. WILL BE PRESERVED TO SATISFY THIS REQUIREMENT. EXISTING TREES WILL BE PROTECTED IN ACCORDANCE WITH 1285.04 LANDSCAPE ELEMENTS.	
INTERIOR TREE PLANTING AREAS	
REQUIRED - 1 TREE/ 8 SPACES (218 SPACES) 28 TREES	
PROVIDED = 33 TREES	
10% OF PARKING AREA IS PROVIDED AS LANDSCAPE ISLANDS.	

ENGINEER
Crunk Engineering LLC
7112 Crossroads Blvd, Suite 201
Brentwood, TN 37027
Contact: Adam Crunk, PE
Phone: 615.873.1795
Email: adam@crunkeng.com

OWNER
Bronson Healthcare Group
601 John Street, Box 9
Kalamazoo, MI 49007
Contact: Gregory Milliken
Phone: 269.341.7044



CRUNK ENGINEERING LLC
7112 CROSSROADS BOULEVARD
SUITE 201
BRENTWOOD, TN 37027
(615) 873-1795
WWW.CRUNKENG.COM



NEW BEHAVIORAL HEALTH CENTER
BRONSON HEALTHCARE
GLENN CROSS ROAD / BATTLE CREEK, MI / 49014

REVISIONS	DATE	
No.		
10/20/2020		20055

C1.0
OVERALL LAYOUT
PLAN

SITE DATA TABLE

PARCEL PIN: 0086-01-530-0
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*OR MIN 2-FT SETBACK FROM YARD LINE
FOR EACH FOOT OF BUILDING HEIGHT
MAX HEIGHT PROPOSED = 45-FT

MAX. LOT COVERAGE: 20%
PROPOSED LOT COVERAGE: 5%

LANDSCAPE DATA

PARKING LOT PLANTING STRIPS
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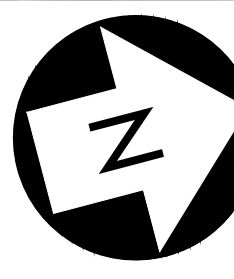
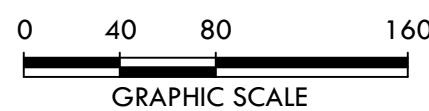
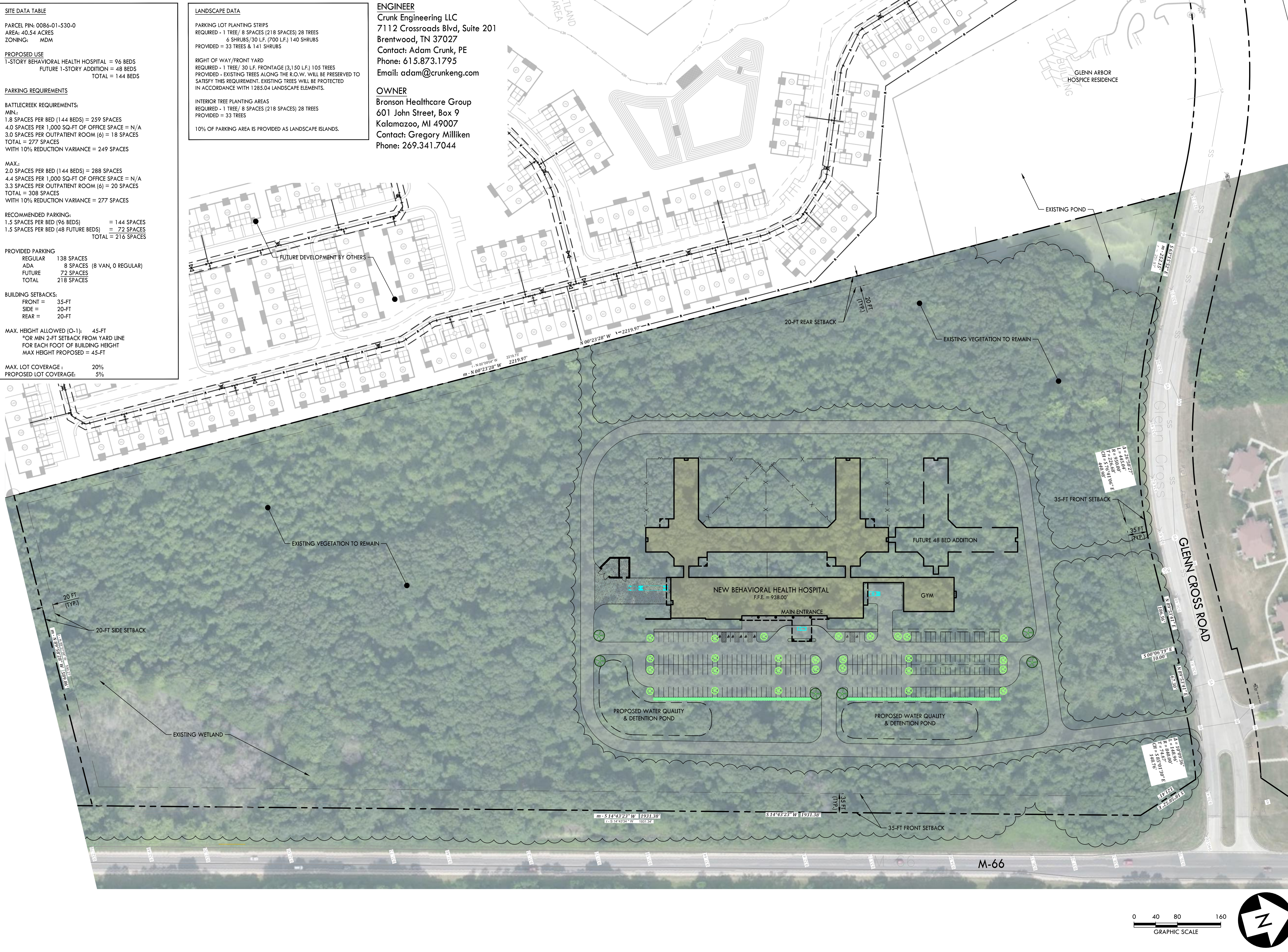
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10% OF PARKING AREA IS PROVIDED AS LANDSCAPE ISLANDS.

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ENGINEERING
CRUNK

STENGEL+HILL
ARCHITECTURE

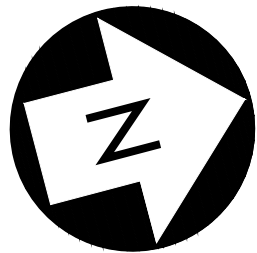
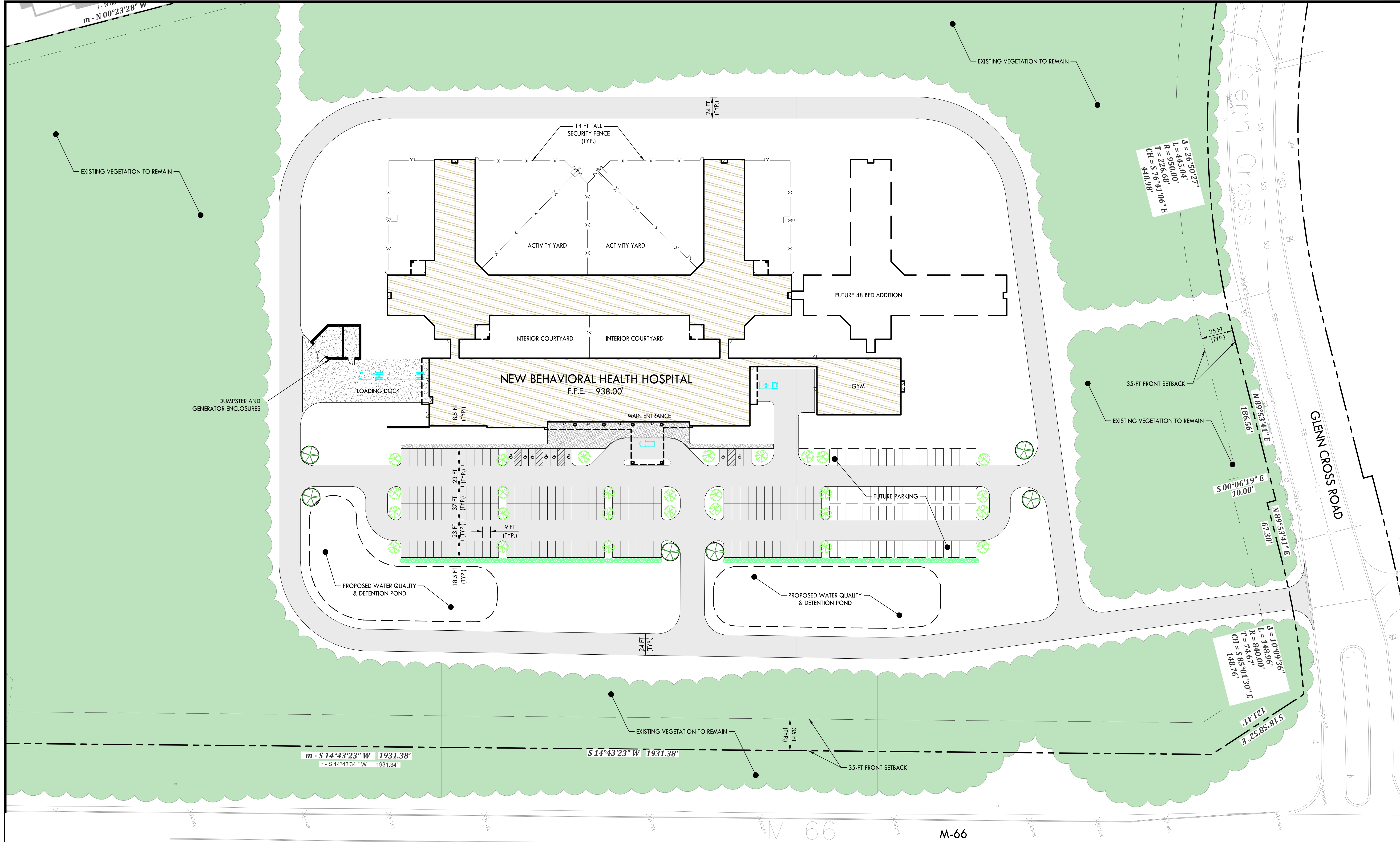
STATE OF MICHIGAN
ADAM W. CRUNK
6201061666
10/20/20
LICENSED PROFESSIONAL ENGINEER

NEW BEHAVIORAL HEALTH CENTER
BRONSON HEALTHCARE
GLENN CROSS ROAD / BATTLE CREEK, MI / 49014

REVISIONS	No.	DATE

10/20/2020 20055

C1.0
OVERALL LAYOUT
PLAN



CRUNK ENGINEERING LLC
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SUITE 201
BRENTWOOD, TN 37027
(615) 873-1795
WWW.CRUNKENG.COM

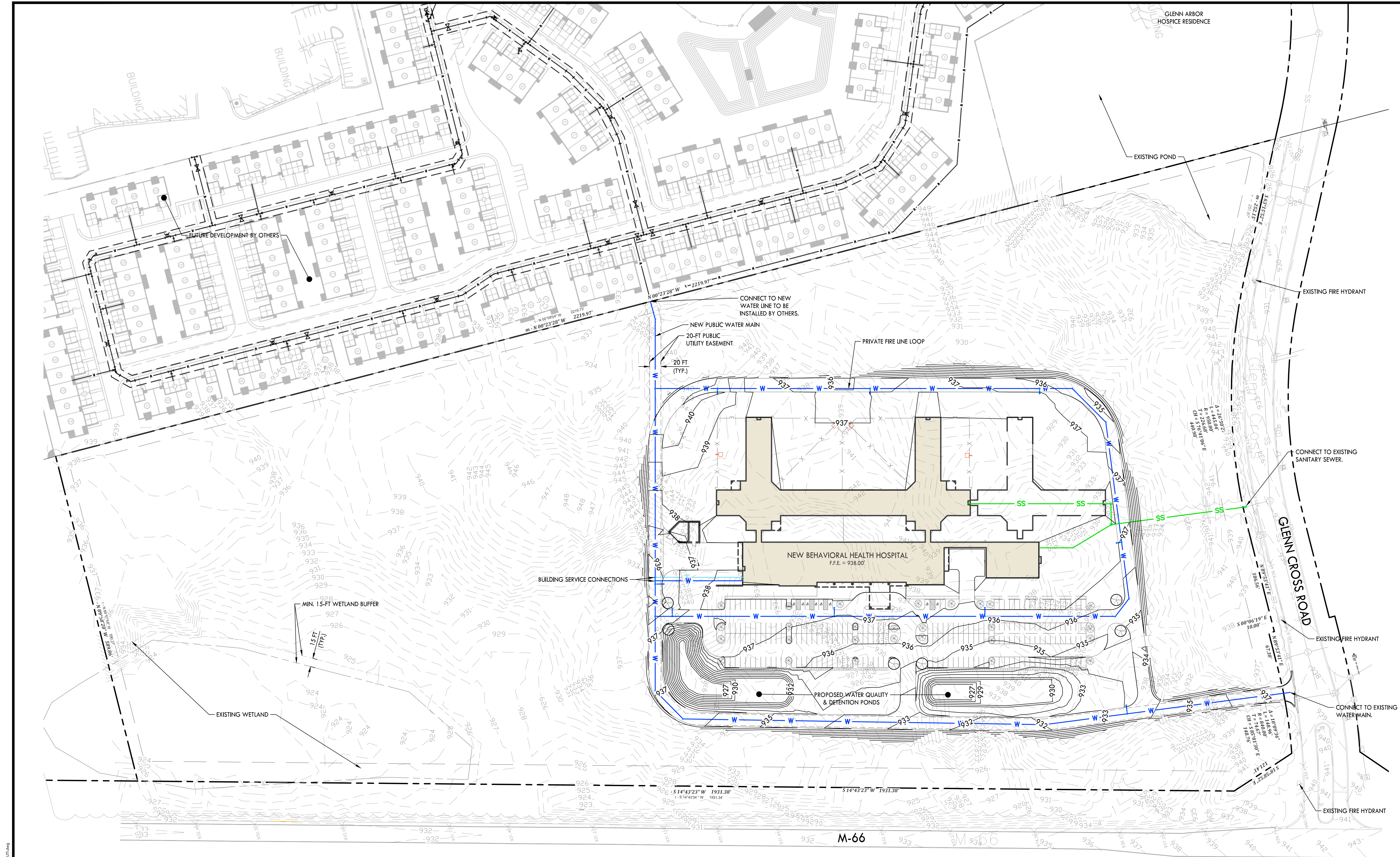
NEW BEHAVIORAL HEALTH CENTER
BRONSON HEALTHCARE
GLENN CROSS ROAD / BATTLE CREEK, MI / 49014

REVISIONS	No.	DATE


C1.1


DETAILED LAYOUT
PLAN

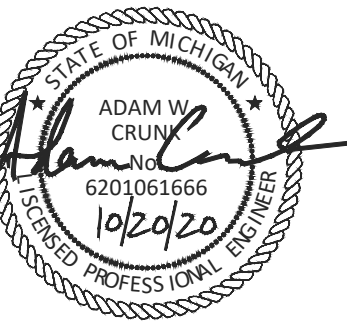
Crunk Engineering LLC
7112 Crossroads Boulevard
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Brentwood, TN 37027
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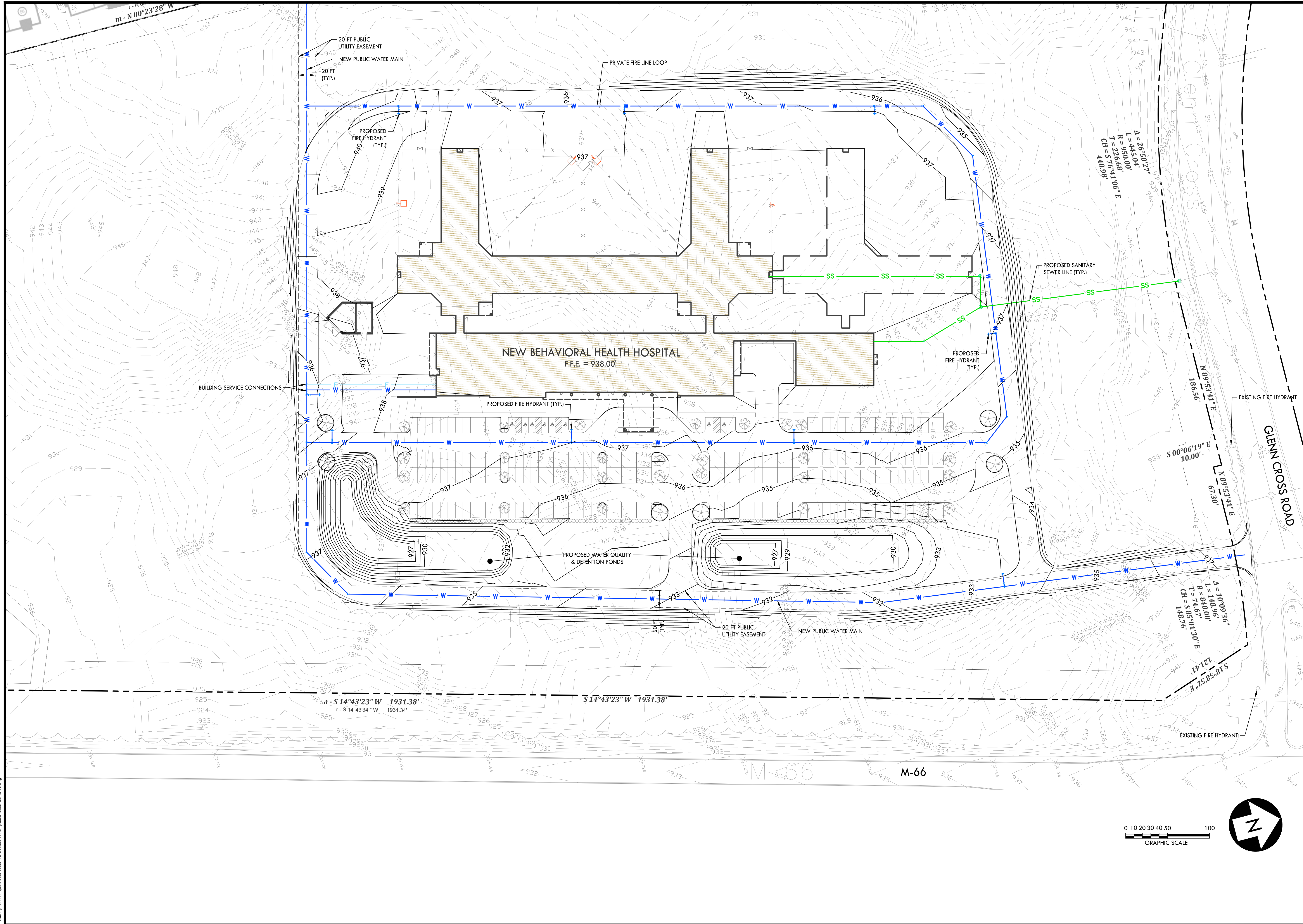
NEW BEHAVIORAL HEALTH CENTER
BRONSON HEALTHCARE
GLENN CROSS ROAD / BATTLE CREEK, MI / 49014

REVISIONS	No.	DATE


10/20/202020055


C2.0

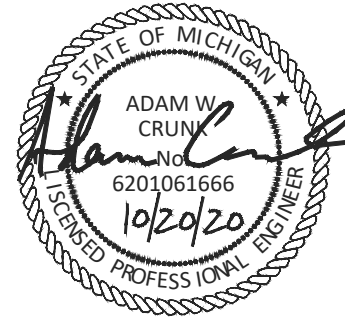
OVERALL GRADING
& UTILITY PLAN



CRUNK ENGINEERING LLC
7112 CROSSROADS BOULEVARD
SUITE 201
BRENTWOOD, TN 37027
(615) 873-1795
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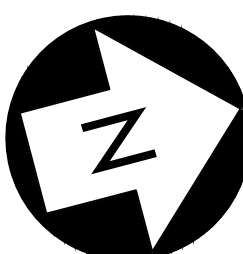




NEW BEHAVIORAL HEALTH CENTER
BRONSON HEALTHCARE
GLENN CROSS ROAD / BATTLE CREEK, MI / 49014

REVISIONS	No.	DATE

0 10 20 30 40 50 100
GRAPHIC SCALE



C2.1
DETAILED GRADING
& UTILITY PLAN

10/20/2020 20055

October 20, 2020



City of Battle Creek Planning
10 North Division Street
Battle Creek, Michigan 49014
(269) 966-3355

**RE: New Behavioral Health Center
Glenn Cross Road, Battle Creek, MI 49014
SUP Application
Parking Study Letter**

To whom it may concern,

On behalf of our client and the current property owner, we are submitting a SUP Application for a new 144 bed behavioral health hospital located at Glenn Cross Road, Battle Creek, MI. Ninety (96) beds are to be initially constructed with the potential addition of 48 beds to be constructed in the future.

The Battle Creek minimum parking requirement for a hospital is 1.8 spaces per bed, 4 spaces per 1,000 sq-ft of UFA, 2 spaces per exam or outpatient procedure/operating room plus 1 space per room for employee, which would result in a minimum of 277 parking spaces to be provided. With an administrative 10% reduction in required parking, the minimum required parking total would be 249 spaces.

Our client has built many behavioral health hospitals in different locations across the country and this minimum required parking far exceeds the needs of the proposed facility. There are several distinctions between an acute care medical facility and an inpatient behavioral health hospital that have a significant effect on the parking demand:

- The typical length of stay for a behavioral health patient is 7-10 days
- Visitors for these patients are limited-often patients have no visitors during the course of their stay.
- Patients typically do not drive themselves to the facility and rarely have a vehicle parked on site during their stay for treatment.
- Parking demands are generally related to staff and professionals treating patients.

A parking study was performed for a project of similar scope to the proposed project, which is located in Moreland Township, Pennsylvania. The following is a summary of the findings of this study:

- The project is an existing 95 bed behavioral health hospital that will be expanded to 191 beds. The study was performed by Traffic Planning and Design, Inc.
- The study took place on 3 separate days to evaluate the current parking demand.
- Based on those counts, the existing parking demand was determined to be 1.23 spaces per bed.
- The recommended parking supply rate for the proposed addition for this facility was determined to be 1.23 spaces per bed.

The following is a summary of information supporting the requested reduction in required parking:

- The proposed Hospital is a very similar facility with many of the same treatments and patient functions that the hospital in Moreland Township has.
- Our client has also recently help construct an 88-bed hospital in Chattanooga, TN that is parked at a ratio of 1.5 spaces per bed. This has proven to be adequate.

To be conservative, the proposed project is providing 1.5 spaces per bed, with 146 spaces to serve the ninety (96) beds that are to be initially constructed, as well as 72 spaces to be constructed in the future to serve the potential 48 bed addition.

We believe there is sufficient evidence for a similar project that results in a parking space count provided that is well over the recommendations for this specific facility. If you have any questions or need additional information please do not hesitate to contact me at adam@crunkeng.com or 615-873-1795.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam Crunk". The signature is fluid and cursive, with the first name "Adam" and last name "Crunk" clearly distinguishable.

Adam Crunk, PE
Crunk Engineering LLC

LEGAL DESCRIPTION

The Land referred to in this commitment is described as follows:

Land situated in the City of Battle Creek, Calhoun County, Michigan:

Part of West 1/2 of Southeast 1/4 of Section 36, Town 2 South, Range 8 West; Beginning at the South 1/4 post of said Section 36; thence North 00 degrees 09 minutes 04 seconds West along the North-South 1/4 line a distance of 2219.73 feet; thence Easterly along the Southerly line of Glenn Cross Road, the following courses: South 63 degrees 15 minutes 52 seconds East 251.97 feet; thence along an arc to the left a distance of 445.04 feet with a radius of 950 feet and the chord bearing South 76 degrees 41 minutes 06 seconds East 440.98 feet; thence North 89 degrees 53 minutes 41 seconds East 186.56; thence South 00 degrees 06 minutes 19 seconds East 10 feet; thence North 89 degrees 53 minutes 41 seconds East 67.30 feet; thence Easterly along an arc to right a distance of 146.96 feet with a radius of 840 feet and the chord bearing South 85 degrees 01 minutes 30 seconds East 148.76 feet; thence South 18 degrees 18 minutes 52 seconds East 121.41 feet; thence South 14 degrees 43 minutes 34 seconds West along the Westerly line of M-66 Right of Way 1931.24 feet; thence North 89 degrees 57 minutes 58 seconds West along the South line of said Section, a distance of 590.27 feet to Point of Beginning.

TOGETHER WITH a non-exclusive easement dated February 14, 1995, recorded February 16, 1995 in Liber 1788, page 692, which easement was re-recorded to include the legal description for Exhibit B ("Benefited Parcel"), February 21, 1995 in Liber 1789, page 1, described as follows:

Commencing at the West 1/4 corner of Section 36, Town 2 South, Range 8 West; thence South 00 degrees 09 minutes 04 seconds East 1775 feet to the point of beginning; thence North 38 degrees 31 minutes 36 seconds East 243.22 feet to the Southerly right of way line of Glenn Cross Road; thence North 89 degrees 53 minutes 41 seconds East 47.95 feet along the Southerly right of way line of Glenn Cross Road; thence South 38 degrees 31 minutes 36 seconds West to a point on the centerline of Capital Avenue 47.95 feet from the point of beginning; thence North 00 degrees 09 minutes 04 seconds West on the centerline of Capital Avenue to the point of beginning; excluding therefrom any portion of the property that lies within the right of way of Capital Avenue.

13-0086-01-530-0

1788-683

**DECLARATION
OF
COVENANTS AND RESTRICTIONS**

STATE OF MICHIGAN
CALHOUN COUNTY
RECORDED

RECITALS:

1. **BATTLE CREEK HEALTH SYSTEMS**, a Michigan non-profit ("Developer"), whose address is 300 North Ave., Battle Creek, MI. 49017, is the owner and developer of the property described on Schedule 1 attached ("Property").

16 FEB 95 9:46 A.M.
CLERK - REGISTER OF DEEDS

2. Developer desires to create and establish certain conditions, covenants and restrictions to govern and control the use, occupancy, ownership and title of the Property, all to facilitate its development of the Property and the development of adjoining lands owned by **GLENN CROSS PRESERVE LIMITED PARTNERSHIP** ("Partnership").

3. The Partnership is the owner of adjoining lands and has given valuable consideration for the rights it acquires hereunder, and the restrictions below shall not be deemed to apply to other lands owned by the Partnership in the area or adjacent to the Property, except as set forth below.

IN CONSIDERATION OF THE ABOVE, DEVELOPER HEREBY IMPOSES UPON AND SUBJECTS THE TITLE, USE, OCCUPANCY AND OWNERSHIP OF THE PROPERTY TO THE FOLLOWING, CONDITIONS, COVENANTS AND RESTRICTIONS:

ARTICLE I.
BENEFITTED PARCEL

These restrictions are imposed upon the Property for the benefit of the lands ("Benefitted Parcel") described on Schedule 2 attached. Should any person, firm or corporation violate or attempt to violate any of the restrictions below, it shall be lawful for any person or persons owning any of the Benefitted Parcel to prosecute any proceedings at law and/or in equity against such violator to enjoin such violations and/or recover damages for same.

ARTICLE II.
RESTRICTIONS ON USE

Section 1. Prohibited Uses: None of the following uses shall be permitted on the Property:

Any heavy industrial use; truck terminals; landfills; agricultural uses; mobile, manufactured or modular home parks; recreational vehicle parks; salvage, recycling or junk yards; or petroleum, chemical, or hazardous material storage areas.

1788 PAGE 683

Section 2. Effect of Restrictions:

The above restrictions in Section 1 shall run with the land and be binding upon all the parties and persons hereinafter claiming any title to the Property. By acquiring any interest in

some or all of the Property, a party so acquiring such interest agrees to be bound by all of the terms, provisions, and limitations of these restrictions as they exist on the date such interest is acquired and as they may be properly amended from time to time thereafter.

ARTICLE III. **MISCELLANEOUS**

Section 1. The invalidity or enforceability of any provision of these Restrictions will not operate to invalidate any other provision of these Restrictions.

Section 2. These restrictions may be amended only upon the written agreement of all of the owners of the Property and the Benefitted Parcel.

The undersigned have executed this Declaration as of the 8 day of February, 1995.

Executed in our presence:

BATTLE CREEK HEALTH SYSTEMS

Charles E. Etelson
Charles E. Etelson, Executive Assistant
George Mikitarion
George Mikitarion, VP.

By: Stephen L. Abbott
Stephen L. Abbott
Its: President & C.E.O.

STATE OF MICHIGAN
COUNTY OF CALHOUN

The foregoing document was acknowledged before me on 8th day of February, 1995, on behalf of Battle Creek Health Systems, a Michigan non-profit corporation, by Stephen L. Abbott, its President & C.E.O.

Dolly Ann Teixeira

Notary Public for Calhoun County, MI.
My Comm. Expires: 2-26-97

Prepared by: Nelson Karre
Vandervoort, Cooke, McFee,
Christ, Carpenter & Fisher, P.C.
312 Old Kent Bank Bld.
Battle Creek, MI 49017
(616) 965-1291

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LIBER 1788 PAGE 684



Battle Creek City Planning Commission

Staff report for the October 28, 2020 meeting

To: Planning Commissioners

From: Glenn Perian, Senior Planner

Subject: Petition S02-2020, a request for a special use permit for 5725 Beckley Road, Parcel #0075-00-720-0, to allow the conversion of the old Macy's Department Store to indoor self-storage.

Summary

A petition from Star Battle Creek LLC, 900 Linden Ave., Rochester, New York 14625, requesting a Special Use Permit to allow indoor self-storage in a C-6 "Major Highway Interchange Business District" at property located at 5725 Beckley Road, Parcel # 0075-00-720-0.

Background/Property Information

The subject parcel is 8.04 acres in size and located northwest of the intersection of Beckley Rd and M-66. The parcel was previously occupied by the Macy's Department Store, an anchor tenant of the Lakeview Square Mall, and includes 507 parking spaces. The building has been vacant for more than three years.





Front (south) and side (west) view



The property was purchased in the spring of this year, and the new owner, the applicant of this special use permit request, is looking to redevelop this property for climate controlled self-storage.

The climate controlled self-storage would occupy most of the old Macy's building and would be located entirely within the existing building. Hours of operation would be 6am to 10pm, Sunday thru Saturday, and staffed by 1-2 employees between the hours of 9:30AM- 6:00PM which is similar with commercial uses allowed at this building and in this zoning district. The proposed facility will include indoor drive through loading and unloading lanes and the exact number of units will be determined by architectural plans that will be completed pending approval of the special use permit.

Along with the proposed indoor self-storage units and indoor loading and unloading, the applicant is proposing to offer the sale of the usual packing and storage materials (boxes, tape etc.). Pending approval of the special use permit, the applicant is required to submit official plans for the entire project to the City for review to ensure the development complies with all required codes including building, electrical, mechanical, etc. and permits will be required by the City before any alterations take place.

Applicable Ordinance Provisions

The special use permit application is requested pursuant to Planning and Zoning Code Chapter 1290-01(b)(21) which allows for "mini-warehouse developments on a site of not less than two acres". For this application, all other elements of the request comply with the zoning district in which the parcel is placed, and therefore the special use permit is only required for the self-storage portion of the project.

The Planning Commission has recently addressed a conditional rezoning request for the former Toys-R-Us property on Beckley. In that instance, in addition to wanting to use the property for self-storage, the applicant was seeking to allow outdoor storage and display which is not allowed in the C-6 zoning district. Rather than requiring the applicant to go through two separate processes, including a special use permit and a zoning ordinance amendment that would change the limitation of outdoor storage and display, staff recommended a conditional rezoning as it would be specific to that property and their specific request, and was the most efficient means of approval. In this case, no outdoor storage or display is being requested so only a Special Use Permit is required for approval for the “mini-warehouse development” being proposed.

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 Enquirer on October 13, 2020 (Tues.) and notices of the public hearing were also sent by regular mail to 18 owners and occupants of properties located within 300 feet of the subject parcel. To date, the Planning Department has not received any comments for or in opposition to this request.

Neighborhood Outreach

This Applicant has not attended any NPC meetings as ALL NPC meetings have been cancelled due to the COVID-19 outbreak. Currently, staff is not aware of a date when NPC meetings will resume.

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 a portion of this building for self-storage 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 “Regional Commercial” as it is located along a major corridor that supports a high volume of local and regional traffic and will provide a variety of commercial tenants and amenities for local and regional customers. Furthermore, it is meant to allow high intensity uses and the largest scale of development.

Goals in the Master Plan include the adjusting 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. National market changes have resulted in large scale retail becoming largely obsolete, and the request as submitted allows for adaptive reuse and rehab of a large parcel/regional mall that has had difficulty with occupancy.

(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 self-storage will be interior and self-contained, and appear similar as other commercial spaces in the vicinity. The approval would prompt building rehab and improvements that would improve and put into use that part of a largely vacant mall. There will be very little structural changes made to the building to accommodate this use, and the storage units that will be located within the building are modular in nature and can be easily removed if at some point the property owner wanted to consider a different use.

(c) The use of this property will not be hazardous or disturbing to existing or future neighboring uses as it would likely generate less traffic than if the entire building were occupied as originally constructed, and of similar hours of operation as other uses allowed in the zoning district.

(d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole as a vacant large anchor tenant in the struggling Lakeview Square Mall will be renovated and activated with new tenants.

(e) Traffic is not anticipated to significantly increase as a result of the proposed use, in fact, traffic should be significantly reduced from the previous Macy’s tenant, and the mall area should be able to accommodate the expected traffic generated from this use. 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. Any noise associated with the use will be the result of typical activities found in a typical regional mall setting.

(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 S02-2020, a request for a special use permit for 5725 Beckley Road, Parcel #0075-00-720-0, to allow the conversion of the former Macy's Department Store to indoor self-storage with the following conditions:

- 1. Individual storage units will be accessed from inside the building. Storage units shall not include any dwelling units, home occupations, medical/recreational marihuana, or any other use not allowed in the C-6 zoning district.**
- 2. Any changes to the parking lot beyond sealcoating, filling potholes, and restriping in the same manner as what is existing, will require the submittal and approval of a site plan as outlined in Ch. 1294.**
- 3. Prior to any landscaping maintenance at/near the structure and/or parking lot, a landscape plan that shows existing landscaping, a list of maintenance items for the existing landscaping, and proposed plantings in/around the structure and parking lot shall be submitted to the Planning Division for review and approval to ensure the amount and quality of landscaping remains equal to or better than what is existing.**
- 4. 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 changes contrary to that which is included on the application would require review and approval by the Planning Commission and City Commission.**
- 5. All necessary approvals, including site plan review 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.**
- 6. 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 City or his or her agent. Such a certificate shall state that the new occupancy complies with Building and Zoning Codes.**
- 7. 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:

- Special Use Permit petition Form and Supplemental Information (Petition #S2-20)



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

SPECIAL USE PERMIT Application

Petition No. _____

Date Received: _____

APPLICANT

NAME: Star Battle Creek, LLC

ADDRESS: 900 Linden Ave., Rochester, NY 14625

PHONE: (561) 500-1000 ext. 3 FAX: _____

EMAIL: matt@starmism.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: _____

5725 Beckley Rd., Battle Creek, MI 49015

Current use of the property: Empty Commercial Building

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

102,072 Sq. Ft. Commercial Building approximately 38 years old.

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.

Unknown

PROJECT DESCRIPTION

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

Indoor Climate Controlled Self-Storage Facility.

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

Rental of self-storage units along with sale of packing and storage materials (i.e. boxes and tape).

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? Zero and 1-2 employees will be added. Hours for employees

will be approximately 9:30 AM-6:00 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. None.

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:

6:00 AM-10:00 PM and the use will be long term.

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 structure of the building will be maintained as it currently is. Outdoor improvements will be minimal and done in order to return the property to a well maintained asset to the community.

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

☐ Yes ☒ No

Our rental of storage units and sale of accompanying materials is aligned with the commercial nature of the surrounding properties and surrounding area.

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

Our rental of storage units involves no use of any materials, equipment or activities that are detrimental to the health, safety or welfare of persons or properties. Storage of hazardous materials is not permitted in our facilities.

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

The property has been vacant for over 3 years. We will be returning the property to a viable commercial property that provides a service to the community.

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

☐ Yes ☒ No

Our use involves minimal demands on public facilities and services and far less than the previous use by Macy's.

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

Our use produces minimal traffic as our average daily visits from new and returning customers is approximately 7-10.

Our units are all indoors so there is minimal if any noise coming from our facilities. There is not smoke, fumes or glare from our use.

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.

Matthew Parrinello, General Counsel

Name

September 25, 2020

Date

RE: Special Use Permit_Former Macy's (5725 Beckley Road)

Deborah Taylor <DTaylor@smartdesignarchitecture.com>

Wed 10/21/2020 2:36 PM

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

Cc: Glenn F. Perian <GFPerian@battlecreekmi.gov>; Ted Filer <ted@starmsm.com>; Scott Cresswell <scottc@starmsm.com>; Edwin Smart <esmart@smartdesignarchitecture.com>

Hi Chris,

Below in **red** are STAR's responses to your follow-up questions. Please let us know if you need anything else.

Thank you,
Deb

- Of the total 102,030 s.f., what amount of s.f. will be used for self storage, and what is the s.f. left unused (between the mall entrance and the self storage? Will the area that will be unoccupied be walled off to the self storage portion of the building? **The entire space (102,030 SF) will be used for self-storage, minus the auxiliary areas like the office and drive thru lane. STAR constructs their facilities in Phases; Phase 1 is currently shown on the plans we submitted. Phase 2 will be developed in the near future based on the rental commitments in Phase 1. STAR utilizes the data gathered from customers in Phase 1 (popular or necessary unit sizes) to determine the specific sizes of the Phase 2 units. The area planned for Phase 2 will not be accessible by customers until such time as Phase 2 is fully built out and open for business. Steel overhead doors will be located at the ends of the corridors between the units. These overhead doors will remain locked, and accessible only as required by staff. When Phase 2 construction is complete, those overhead door will be relocated to new storage units and the corridors will be open to the entire space.**
- How many total storage units will be provided? **There are roughly 300 units planned for Phase 1 and approximately 300 +/- considered for Phase 2 depending on the unit sizes that STAR determines should be installed.**
- Are the rooftop air handling units existing? If existing, what are the dimensions of what is there (including height) and what are the dimensions of the proposed roof top units? **There are no traditional rooftop air handling units planned. There is an existing penthouse on the roof that houses the existing mechanical equipment (central plant system). STAR had the existing equipment inspected and serviced by a local HVAC contractor to ensure that the existing system is in good operational condition and will not be required to be modified.**
- The app notes that the facade will receive fresh paint. It is currently unpainted brick. Does the proposal include painting the brick? If so, is the purple color shown on the submission set, the proposed color? **The Company Background and Proposed Improvements Information section of the application is a general overview of STAR's operations. The entire façade will remain red brick, unpainted. The color of the prints may appear to be purple, however the existing red brick façade will remain. STAR will add the "Extra Storage Space" trademark signage and possibly some trim (around the doors) in the trademark colors.**
- Can you provide any details as to air handling efforts to address exhaust from the vehicles within the structure? **Emissions are so minimal that mitigation efforts are not typically required based on**

their previous projects. The drive thru, or more precisely the drive in, typically only sees 1 car at a time, around 2-3 times spaced out over the entire day. The drive in is intended for loading/unloading for a short period of time. The entire space is climate controlled so there is no need for vehicles to idle. If necessary, STAR can install exhaust fans to mitigate the minimal exhaust.

Deborah Taylor

Project Manager

smartDESIGN Architecture, pllc

a: 56 Harvester Ave, Batavia, NY

p: 716-983-1860

The smartDESIGN Architecture office is open!

We continue to take precautions for in-person meetings and site visits, including social distancing and wearing masks. For the time being, we ask that you wear a mask when visiting our office. If you don't have one, we will happily provide you with an SDA logo face mask. That's right, we have pandemic swag!

Cyber-crime and wire fraud are real. If ever contacted by us to wire transfer payment, please telephone our main office (585-345-4067) for confirmation before sending.


From: Christine M. Zuzga <CMZuzga@battlecreekmi.gov>
Sent: Tuesday, October 20, 2020 10:44 AM
To: Deborah Taylor <DTaylor@smartdesignarchitecture.com>
Cc: Glenn F. Perian <GFPerian@battlecreekmi.gov>
Subject: Re: Special Use Permit_Former Macy's (5725 Beckley Road)

Hi Deborah,

We are working on the staff report for the special use permit and have a few questions:

- Of the total 102,030 s.f., what amount of s.f. will be used for self storage, and what is the s.f. left unused (between the mall entrance and the self storage? Will the area that will be unoccupied be walled off to the self storage portion of the building?
- How many total storage units will be provided?
- Are the rooftop air handling units existing? If existing, what are the dimensions of what is there (including height) and what are the dimensions of the proposed roof top units?
- The app notes that the facade will receive fresh paint. It is currently unpainted brick. Does the proposal include painting the brick? If so, is the purple color shown on the submission set, the proposed color?
- Can you provide any details as to air handling efforts to address exhaust from the vehicles within the structure?

Thanks, Chris

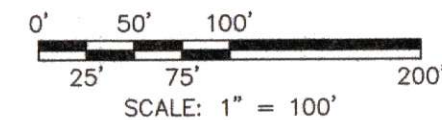
 cmzuzga

Description of the Project

- **Section A** **ALTA/NSPS Land Title Survey**
- **Section B** **Legal Description of the Property and
List of Deed Restrictions**
- **Section C** **Company Background and
Proposed Improvements Information**

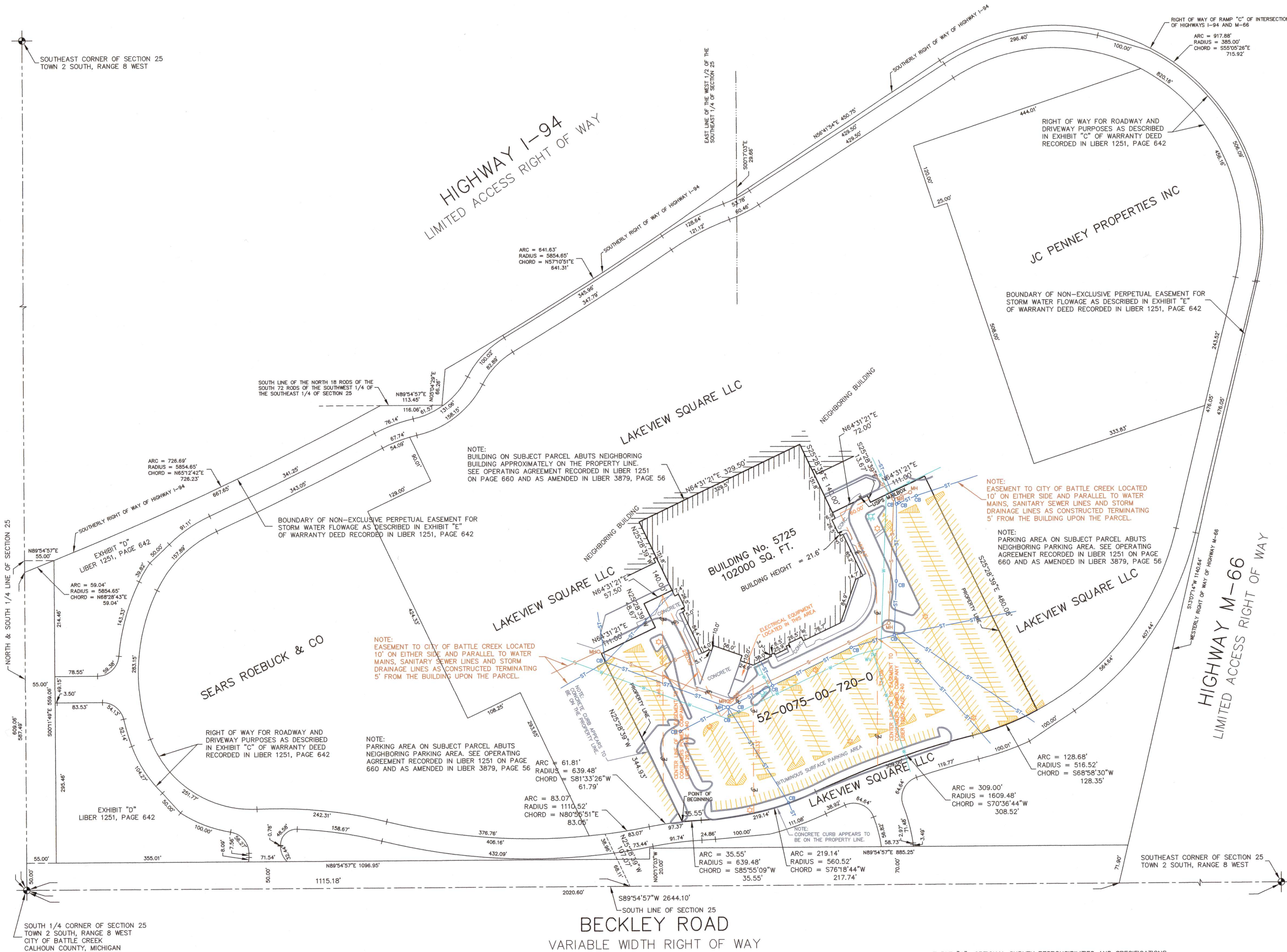
Section A

**ALTA/NSPS
LAND TITLE SURVEY**



- LEGEND**
- MANHOLE
 - CATCH BASIN
 - WATER VALVE
 - FIRE HYDRANT
 - LIGHT POLE
 - WATER LINE
 - SANITARY SEWER LINE
 - STORM DRAINAGE LINE
 - NOT TO SCALE

RIVERSIDE DRIVE
120' RIGHT OF WAY



DESCRIPTION:

LAND SITUATED IN THE STATE OF MICHIGAN, COUNTY OF CALHOUN, CITY OF BATTLE CREEK.

PARCEL 1:

ALL THAT PART OF THE SOUTHEAST 1/4 OF SECTION 25, TOWN 2 SOUTH, RANGE 8 WEST, BATTLE CREEK TOWNSHIP, CALHOUN COUNTY, MICHIGAN, DESCRIBE AS: COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION; THENCE N89°54'57"E, 1115.18 FEET ALONG THE SOUTH LINE OF SAID SECTION; THENCE N25°28'39"W, 107.07 FEET; THENCE EASTERLY 83.07 FEET ON A 1110.52 FOOT RADIUS CURVE TO THE LEFT THE CHORD OF WHICH BEARS N80°55'51"E, 83.05 FEET; THENCE EASTERLY 61.82 FEET ON A 639.48 FOOT RADIUS CURVE TO THE RIGHT THE CHORD OF WHICH BEARS N81°33'26"E, 61.79 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE N25°28'39"W, 344.93 FEET; THENCE N64°31'21"E, 111.0 FEET; THENCE NORTH 25°28'39"W, 48.67 FEET; THENCE N64°31'21"E, 57.5 FEET; THENCE N25°28'39"W, 140.0 FEET; THENCE N64°31'21"E, 329.50 FEET; THENCE S25°28'39"E, 140.0 FEET; THENCE N64°31'21"E, 72.0 FEET; THENCE S25°28'39"E, 13.67 FEET; THENCE 64°31'21"E, 111.0 FEET; THENCE S25°38'39"E, 480.08 FEET; THENCE SOUTHWESTERLY 128.69 FEET ON A 516.52 FOOT RADIUS CURVE TO THE RIGHT THE CHORD OF WHICH BEARS S68°58'30"W, 128.35 FEET; THENCE SOUTHWESTERLY 309.0 FEET ON A 1609.48 FOOT RADIUS CURVE TO THE LEFT THE CHORD OF WHICH BEARS S70°36'44"W, 308.52 FEET; THENCE WESTERLY 219.14 FEET ON A 560.52 FOOT RADIUS CURVE TO THE RIGHT THE CHORD OF WHICH BEARS S76°18'44"W, 217.74 FEET; THENCE WESTERLY 35.56 FEET ON A 639.48 FOOT RADIUS CURVE TO THE LEFT OF THE CHORD WHICH BEARS S85°55'10"W, 35.55 FEET TO THE PLACE OF BEGINNING.

PARCEL 2:

TOGETHER WITH NON-EXCLUSIVE EASEMENTS FOR INGRESS, EGRESS AND ACCESS, DISPOSAL OF STORM SEWER, AND STORM WATER FLOWAGE PURPOSES AS DISCLOSED BY WARRANTY DEED RECORDED IN LIBER 1251, PAGE 642.

TITLE COMMITMENT NO. 131017864NTS Revision 1

SURVEYOR'S CERTIFICATE:

TO 5725 BECKLEY ROAD LLC AND CHICAGO TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 7A, 7B1, 7C, 8, 9, 13, 14, 16, AND 17 OF TABLE A THEREOF. THE FIELD WORK COMPLETED ON JANUARY 11, 2018.

DATE OF PLAT OR MAP: JANUARY 12, 2018

ROBERT R. CARR P.S. 20704



FLOOD ZONE CLASSIFICATION:

THE PROPERTY DESCRIBED ON THIS SURVEY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ON FLOOD INSURANCE RATE MAP NO. 0193C, WITH A DATE OF IDENTIFICATION OF APRIL 4, 2011 FOR COMMUNITY NUMBER 260051, IN CALHOUN COUNTY, STATE OF MICHIGAN, WHICH IS THE CURRENT FLOOD INSURANCE RAGE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

- TABLE "A": OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS
- THE SUBJECT PARCEL IS LOCATED AT: 5725 BECKLEY ROAD, BATTLE CREEK MI, 49015
 - SEE FLOOD ZONE CLASSIFICATION.
 - THE SUBJECT PARCEL CONTAINS 8.04 ACRES
 - AS SHOWN
 - AS SHOWN
 - AS SHOWN
 - AS SHOWN
 - THE SUBJECT PARCEL CONTAINS 507 PARKING SPACES INCLUDING 8 MARKED HANDICAP ACCESSIBLE PARKING SPACES
 - OWNERS OF ADJOINING PROPERTIES AS SHOWN
 - AS SHOWN
 - THERE IS NO EVIDENCE OF RECENT EARTH MOVING WORK.
 - THERE ARE NO KNOWN PROPOSED CHANGES IN STREET RIGHT OF WAY LINE.

CLIENT			
5725 BECKLEY ROAD LLC			
JOB NO	SCALE	DRAWN BY	DATE
18-9375	1" = 100'	RWM	JANUARY 12, 2018
ALTA/NSPS LAND TITLE SURVEY			

NOTE: THIS DRAWING IS VALID ONLY IF IT CONTAINS THE SURVEYOR'S ORIGINAL SIGNATURE AND EMBOSSED SEAL.

ROBERT R. CARR P.S. NO. 20704

CARR & ASSOCIATES, LLC
LAND SURVEYING
306 West Columbia
Battle Creek, Michigan 49015
(269) 963-7778

Section B

**LEGAL DESCRIPTION
OF THE PROPERTY
AND
LIST OF DEED RESTRICTIONS**

EXHIBIT A**(Legal Description of Property)**

For APN/Parcel ID: 0075-00-720-0

Land Situated in the State of Michigan, County of Calhoun, City of Battle Creek.

Parcel 1:

All that part of the "Southeast 1/4 of Section 25, Town 2 South, Range 8 West, Township (now City) of Battle Creek, Calhoun County, Michigan, described as: Commencing at the South 1/4 corner of said Section; thence North 89° 54' 57" East 1,115.18 feet along the South line of said Section; thence North 25° 28' 39" West 107.07 feet; thence Easterly 83.07 feet on a 1,110.52 foot radius curve to the Left the chord of which bears North 80° 55' 51" East 83.05 feet; thence Easterly 61.82 feet on a 639.48 foot radius curve to the Right the chord of which bears North 81° 33' 26" East 61.79 feet to the place of beginning of this description; thence North 25° 28' 39" West 344.93 feet; thence North 64° 31' 21" East 111.0 feet; thence North 25° 28' 39" West 48.67 feet; thence North 64° 31' 21" East 57.5 feet; thence North 25° 28' 39" West 140.0 feet; thence North 64° 31' 21" East 329.50 feet; thence South 25° 28' 39" East 140.0 feet; thence North 64° 31' 21" East 72.0 feet; thence South 25° 28' 39" East 13.67 feet; thence North 64° 31' 21" East 111.0 feet; thence South 25° 28' 39" East 480.08 feet; thence Southwesterly 128.69 feet on a 516.52 foot radius curve to the Right the chord of which bears South 68° 58' 30" West 128.35 feet; thence Southwesterly 309.0 feet on a 1,609.48 foot radius curve to the Left the chord of which bears South 70° 36' 44" West 308.52 feet; thence Westerly 219.14 feet on a 560.52 foot radius curve to the Right the chord of which bears South 76° 18' 44" West 217.74 feet; thence Westerly 35.56 feet on a 639.48 foot radius curve to the Left the chord of which bears South 85° 55' 10" West 35.55 feet to the place of beginning.

**SCHEDULE B, PART II
EXCEPTIONS**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.
2.
 - a. Rights or claims of parties in possession not shown by the Public Records.
 - b. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete survey of the Land.
 - c. Easements or claims of easements not shown by the Public Records and existing water, mineral, oil and exploration rights.
 - d. Any lien, or right to a lien, for services, labor, or material, heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
 - e. Any and all oil, gas, mineral, mining rights and/or reservations thereof.
 - f. Taxes or special assessments which are not shown as existing liens by the Public Records.
3. Assignment and Assumption Agreement recorded in [Liber 2885, page 212](#).
4. Term, provisions and conditions of Warranty Deed recorded in [Liber 1251, page 642](#).
5. Operating Agreement recorded in [Liber 1251, page 660](#) and First Amendment to Operating Agreement recorded in [Liber 3879, page 56](#).
6. Easement in favor of Consumers Power Company recorded in [Liber 1262, page 240](#).
7. Dedication/Easement Grant in favor of the City of Battle Creek recorded in [Liber 1304, page 323](#).
8. Terms, conditions and provisions of the Covenant Deed recorded on January 25, 2018 in [Liber 4203, Page 880](#).
9. Taxes and/or assessments which become a lien or become due and payable subsequent to the effective date herein.

END OF SCHEDULE B, PART II

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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COMPANY BACKGROUND AND PROPOSED IMPROVEMENTS INFORMATION

STAR BATTLE CREEK, LLC

900 Linden Ave.
Rochester, NY 14625

Our company vision is to take vacated/distressed retail stores/big boxes and repurpose them as a modern, efficient and safe place for people and businesses to store their property.

All of our projects are upgraded to bring them back to first class condition.

Depending on each property's needs we conduct the following improvements:

Façade: Façade upgrades (new signs and fresh paint) to make the building recognizable as a first-class storage facility as opposed to a building out of business.

Parking Areas: All potholes are filled and all deteriorating areas are fixed. If needed, we seal coat and stripe areas. Once the defects are corrected and the areas are brought up to a first-class condition, we will maintain said first-class condition year-round.

Exterior Lighting: We will upgrade the exterior lights to new code compliant LED lighting.

Landscaping: Upgrades to landscaping including but not limited to removing all current dead areas, providing new areas, if necessary, and maintaining the landscaping year-round to make sure our outside appearance is as good as our inside appearance.

Access: Our management company, see below, staffs the building from 8AM-8PM. We will install a state-of-the-art security system with keypad access control and security cameras (both on the interior and exterior).

Traffic Flow: Our customer traffic impact on our surrounding neighbors and access corridors will be virtually nonexistent. We anticipate between new customers, leaving customers and revisit customers there will be approximately 200-250 cars per month.

Property Management: Our properties are managed by either Extra Space or Cubesmart. Both Extra Space and Cubesmart, are NYSE publicly traded company with over 1500 locations each throughout the United States. Both are well-known brands that operate on a first-class basis both in managing the business and maintaining the property. In our agreements with Extra Space/Cubesmart we are responsible for all property maintenance so neither company defers any maintenance. We are not a hands-off owner as we work with and monitor the property on a daily basis.

We have little traffic, no crowds, no noise, no garbage and no peak hours of operation.

The building is transformed from a vacant eyesore into a well maintained, secure, safe, operational and vibrant asset to the community. Neighbors and municipalities will see an immediate benefit from our conversion.

We currently have self-storage facilities in:

Lockport, NY—Neighbors with shared parking lot with Walmart

Rochester, NY

Lycoming, PA—Located in Lycoming Mall

Saginaw, MI

Youngstown, OH—Neighbors with shared parking lot with Giant Eagle

Current conversion projects in:

Battle Creek, MI—Located in Lakeview Square Mall

Delavan, WI—Located in Delavan Plaza

Elgin, IL—Located in Leslie Oaks Business Center

Pittsford, NY

Fort Gratiot, MI

Waterloo, IA

Our current forecast provides for us to open up to 16 self-storage facilities each year.

We look forward to being an asset to the community.

STAR - Battle Creek, Michigan Self Storage

5725 Beckley Road
Battle Creek, Michigan 49015

CODE SUMMARY

NAME OF PROJECT: BATTLE CREEK, MI SELF-STORAGE FACILITY
ADDRESS: 5725 BECKLEY ROAD, BATTLE CREEK, MICHIGAN 49015
PROPOSED USE: S-1 - STORAGE (MODERATE HAZARD) FROM M - MERCANTILE
OWNERS: STAR BATTLE CREEK, MI LLC
CODE ENFORCEMENT: CITY OF BATTLE CREEK
ZONING ENFORCEMENT: CITY OF BATTLE CREEK
ZONING DISTRICT: C6 – COMMERCIAL

APPLICABLE BUILDING CODES

BUILDING CODE: 2015 MICHIGAN BUILDING CODE
PLUMBING CODE: 2015 MICHIGAN PLUMBING CODE
ELECTRICAL CODE: 2017 NATIONAL ELECTRICAL CODE - NFPA 70
MECHANICAL CODE: 2015 MICHIGAN MECHANICAL CODE
FIRE PROTECTION: 2015 INTERNATIONAL FIRE CODE
ENERGY CODE: 2015 MICHIGAN ENERGY CODE (2015 IECC)
ACCESSIBILITY CODE: 2010 ADA STANDARDS, ICC/ANSI A117.1-2009 STANDARD & CHAPTER 11 OF 2015 MICHIGAN BUILDING CODE
EXISTING: 2015 MICHIGAN REHABILITATION CODE

LEAD DESIGN PROFESSIONAL

EDWIN E. SMART, ARCHITECT
smartDESIGN ARCHITECTURE, PLLC
DESIGNER: ARCHITECTURAL FIRM: smartDESIGN ARCHITECTURE, PLLC NAME: EDWIN E. SMART TELEPHONE #: 585.345.4067

BUILDING DATA

CONSTRUCTION TYPE: 2B
SPRINKLERED: YES
STANDPIPES: YES
BUILDING HEIGHT: 21'-0"
STORIES: 1
TOTAL BUILDING AREA: 102,030SF
GROSS RENOVATION AREA: 102,030SF

EXIT REQUIREMENTS

S-1 - STORAGE OCCUPANT LOAD FACTOR 500 GROSS S.F./OCCUPANT

AREA:	OCCUPANT LOAD:	EXITS (REQ'D)	EXITS (PROVIDED)	EXIT ACCESS TRAVEL DISTANCE (ALLOWED/ ACTUAL)
102,030 GROSS SF IN WORK AREA	102,030 /500 = 205			
TOTAL OCCUPANT LOAD	205	2	3	400 FT. MAX ALLOWED TBD FT. MAX ACTUAL

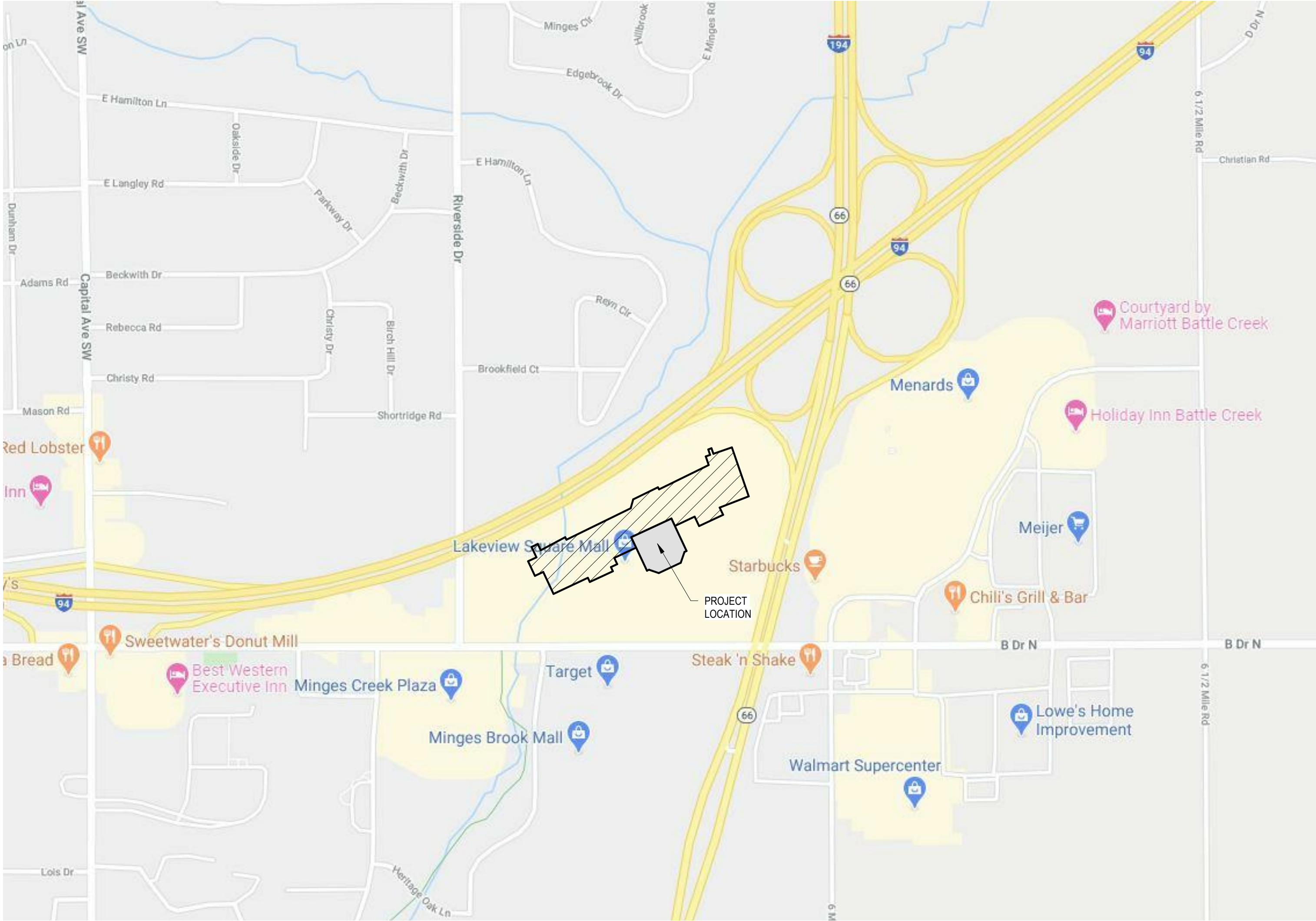
EXIT WIDTH

ROOM:	OCCUPANT LOAD:	EGRESS WIDTH REQUIRED:
		STAIRS (REQ'D/PROVIDED) 2 W/ SPRINKLER
		DOOR (ALLOWED/PROVIDED) 15 W/ SPRINKLER
ENTIRE SPACE	205	N/A
		30.75" (REQ'D) / 648"*(PROVIDED)

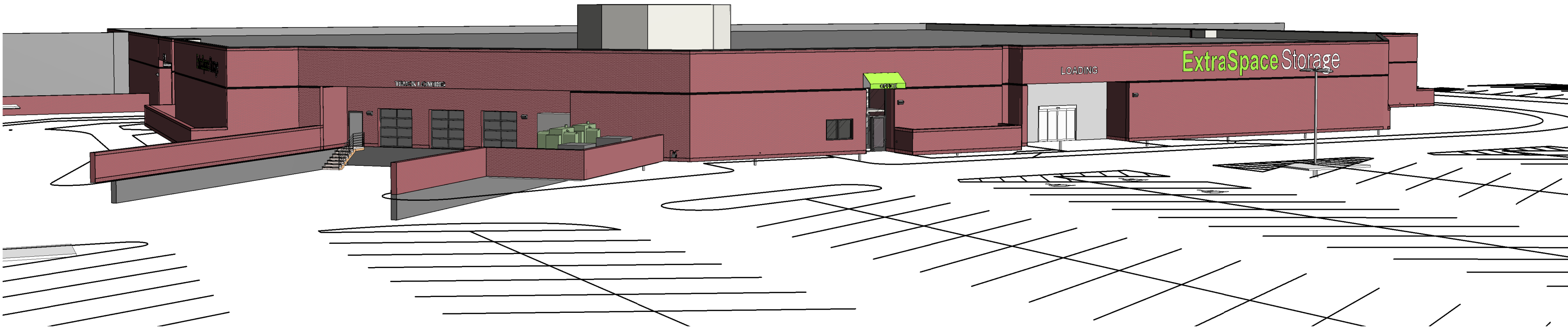
PLUMBING FIXTURE REQUIREMENTS

S-1 - STORAGE

WATER CLOSETS	URINALS	LAVATORIES	DRINKING FOUNTAINS	OTHER
OCCUPANT (205)		OCCUPANT (206)		
1 PER 100		1 PER 100	1 PER 1000	1 SERVICE SINK
3 (REQ'D) / 18 (PROVIDED)	5 (PROVIDED)	3 (REQ'D) / 15 (PROVIDED)	1 (REQ'D) / 2 (PROVIDED)	1 (REQ'D) / 1 (PROVIDED)



1 SITE MAP
1 1/2" = 1'-0"



2 OVERALL PRESPECTIVE

SHEET INDEX

GENERAL
G001 COVER SHEET
ARCHITECTURAL
A002 ARCHITECTURAL SITE PLAN
A001 SITE PLAN (REFERENCE ONLY)
A101 FLOOR PLAN
A201 EXTERIOR ELEVATIONS

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STAR - Battle Creek, Michigan Self Storage
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Battle Creek, Michigan 49015

PRELIMINARY
NOT FOR
CONSTRUCTION

revision schedule

no.	description	date
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> drawing information

project #: 20-025C
date: 09.24.2020
drawn by: MSM
checked by: EES
scale: As indicated

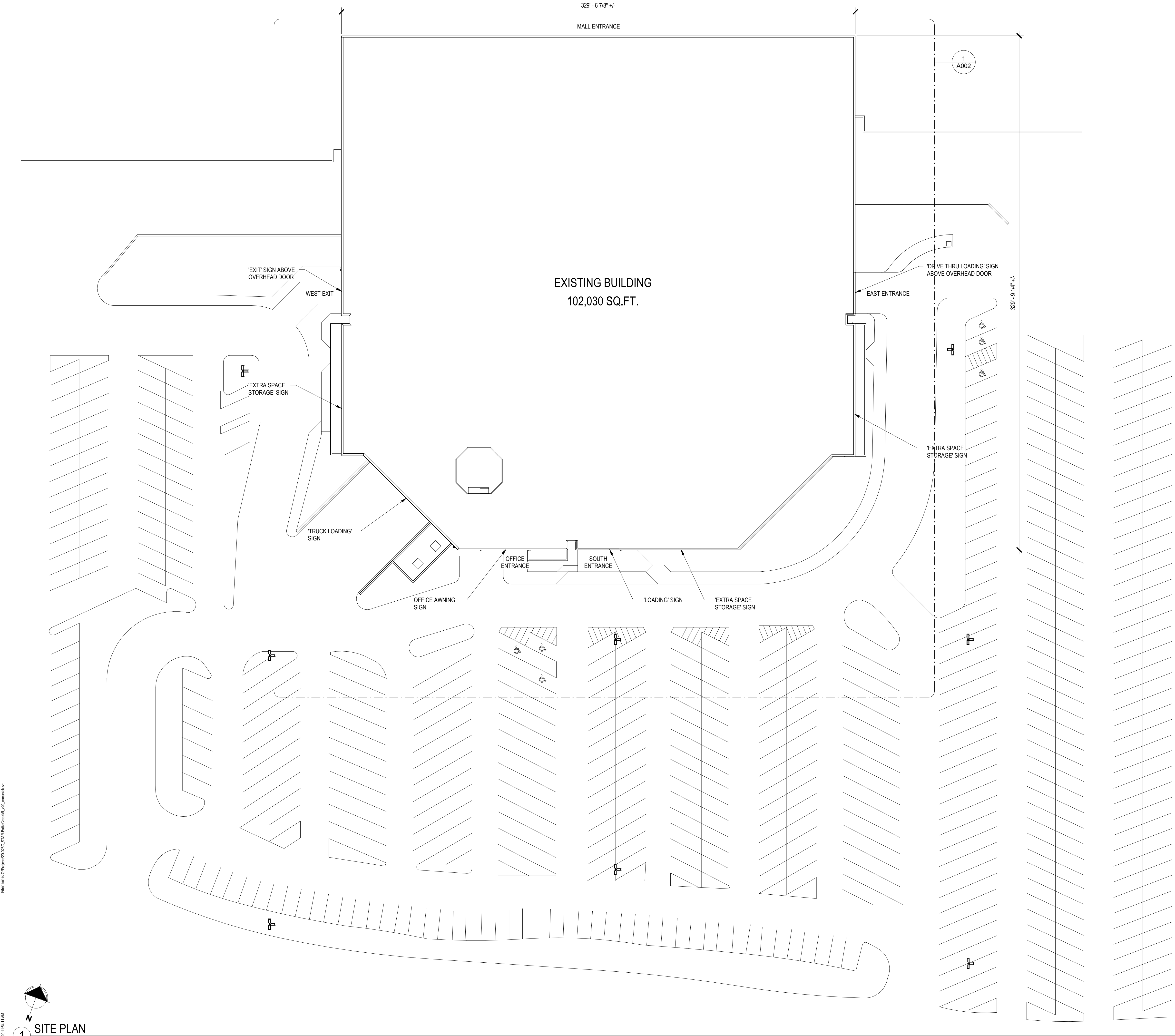
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COVER SHEET

G001

sheet number



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revision schedule		
no.	description	date

> drawing information

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date: 09.24.2020
drawn by: MSM
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> sheet name

SITE PLAN
(REFERENCE ONLY)

A001

sheet number

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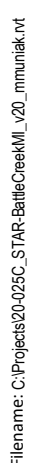
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no.	description	date

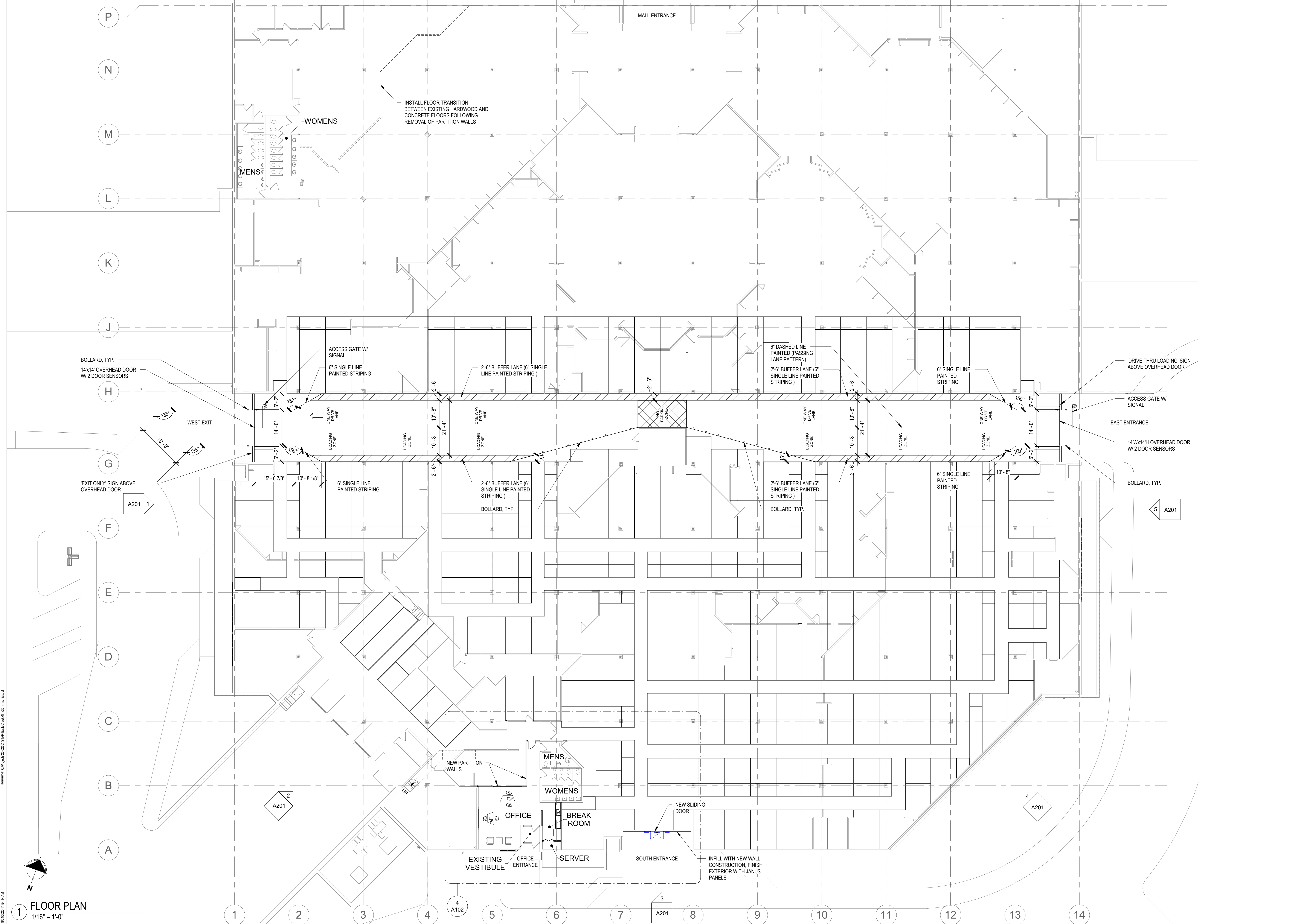
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drawn by: -
checked by: -
scale: 1" = 20'-0"

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ARCHITECTURAL SITE PLAN

A002
sheet number





1 FLOOR PLAN
1/16" = 1'-0"

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CONSTRUCTION

revision schedule		
no.	description	date

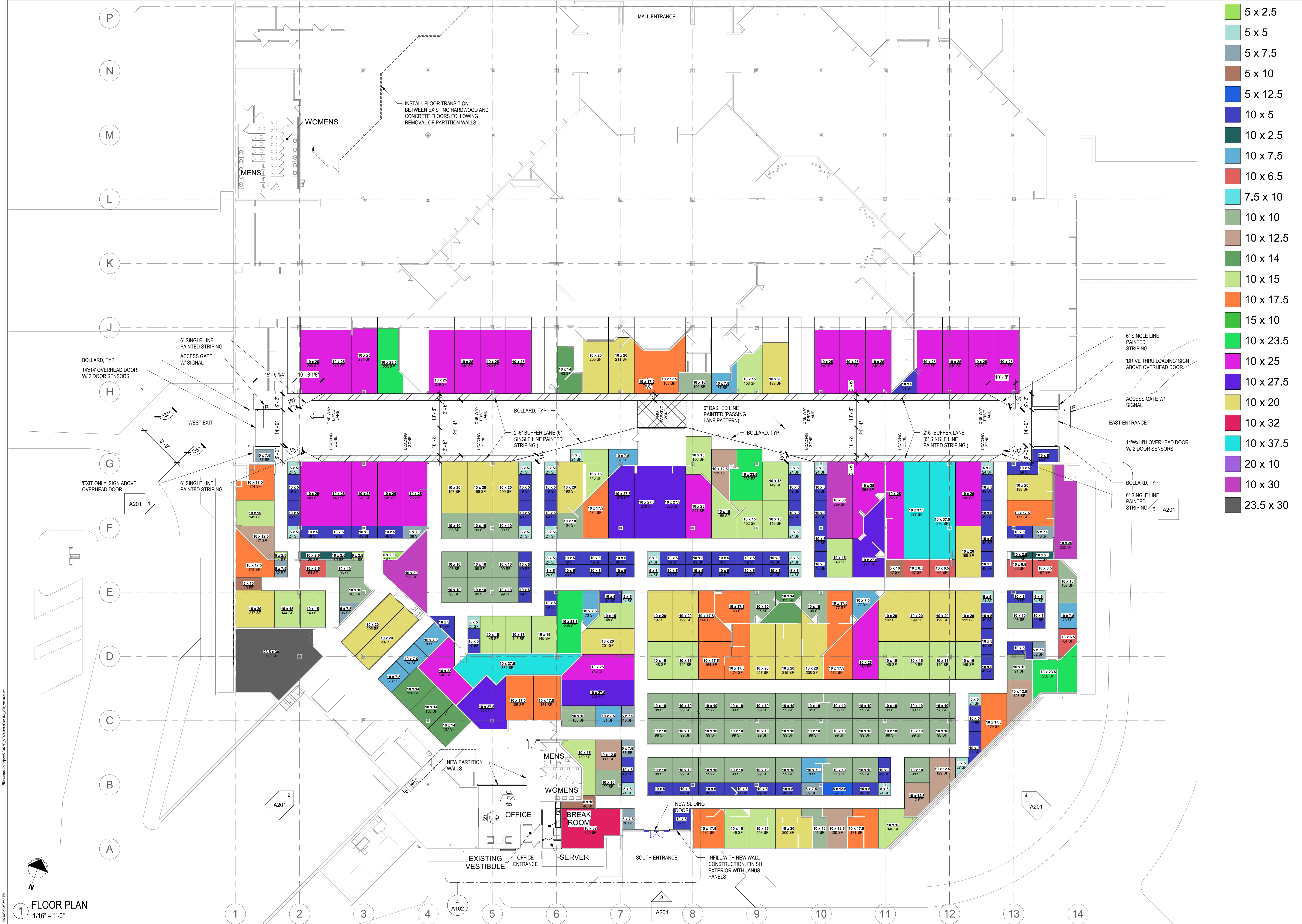
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project #: 20-025C
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drawn by: MSM
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scale: As indicated
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> sheet name

FLOOR PLAN

A101
sheet number



- 5 x 2.5
- 5 x 5
- 5 x 7.5
- 5 x 10
- 5 x 12.5
- 10 x 5
- 10 x 2.5
- 10 x 7.5
- 10 x 6.5
- 7.5 x 10
- 10 x 10
- 10 x 12.5
- 10 x 14
- 10 x 15
- 10 x 17.5
- 15 x 10
- 10 x 23.5
- 10 x 25
- 10 x 27.5
- 10 x 20
- 10 x 32
- 10 x 37.5
- 20 x 10
- 10 x 30
- 23.5 x 30

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> sheet name

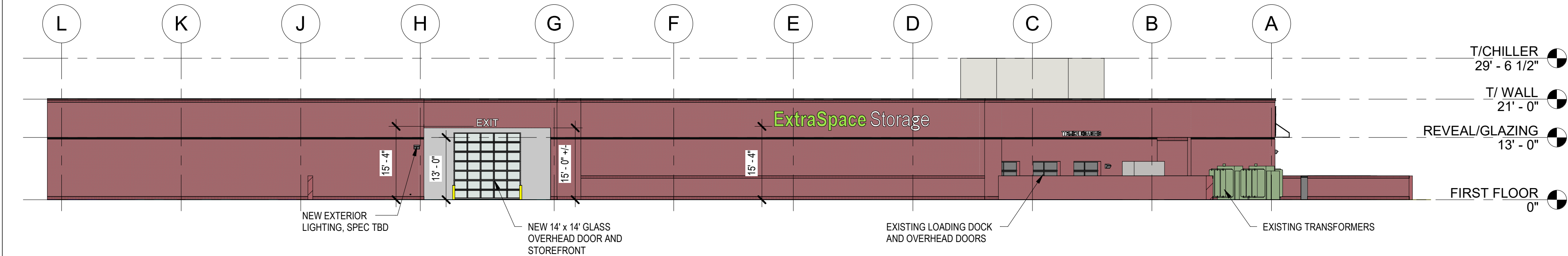
FLOOR PLAN

A101

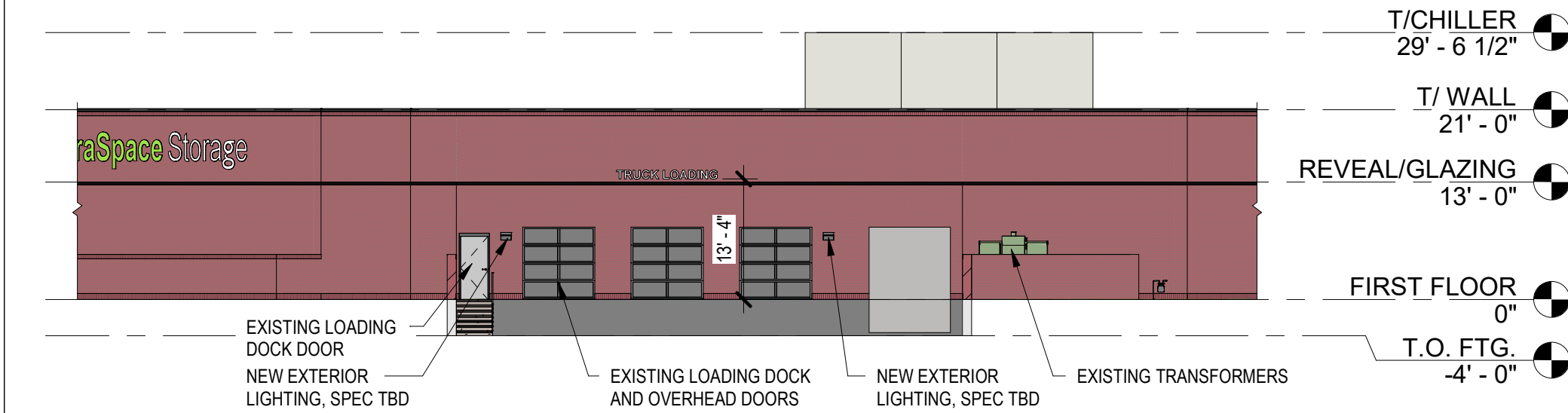
sheet number

1 FLOOR PLAN
1/16" = 1'-0"

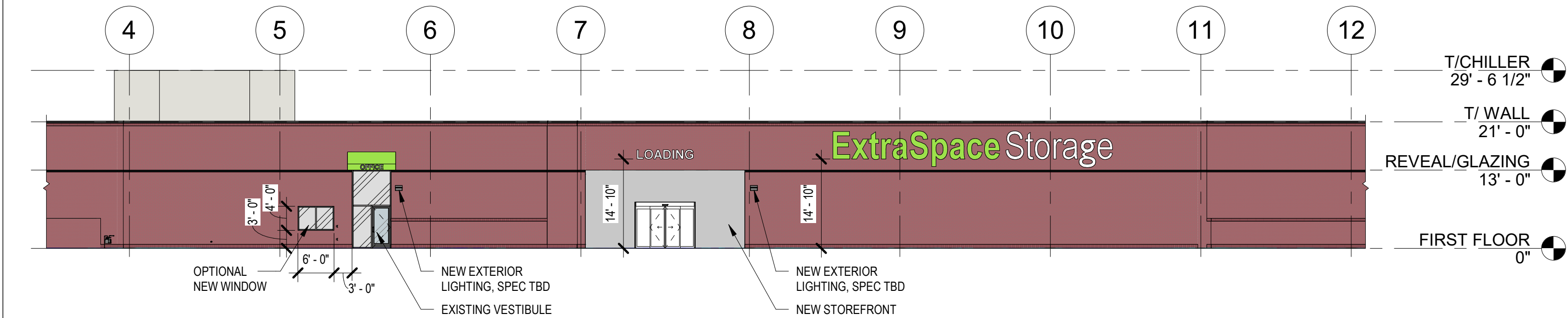
1/16" = 1'-0"



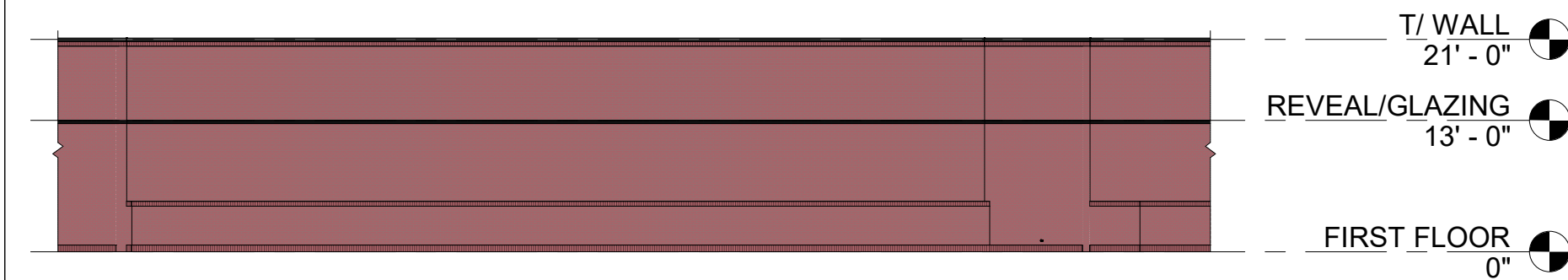
1 PROPOSED WEST ELEVATION
1/16" = 1'-0"



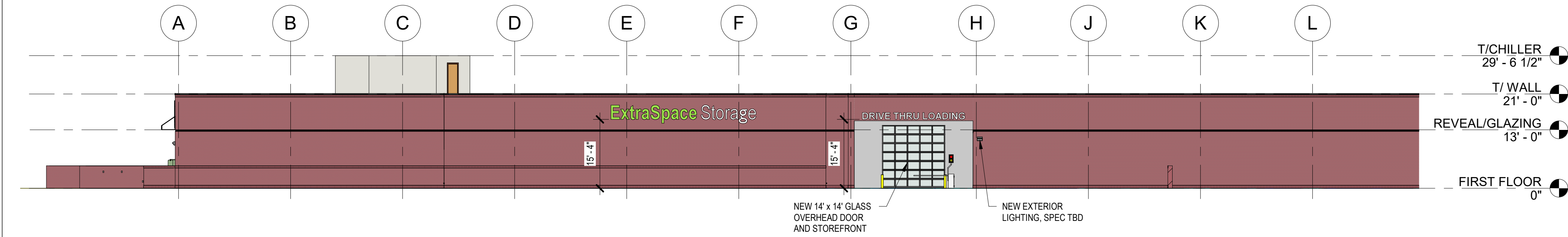
2 PROPOSED SOUTHWEST ELEVATION
1/16" = 1'-0"



3 PROPOSED SOUTH ELEVATION
1/16" = 1'-0"



4 PROPOSED SOUTHEAST ELEVATION
1/16" = 1'-0"



5 PROPOSED EAST ELEVATION
1/16" = 1'-0"

GENERAL NOTES:

- A. ALL GLAZING TO BE G1 UNLESS NOTED OTHERWISE. FOR STOREFRONT / WINDOW ELEVATIONS SEE SHEET A601 AND A602 IN DRAWING SET.
B. SIGNAGE PROVIDED AND INSTALLED BY VENDOR. SIGNAGE INSTALLATION DETAILS BY SIGN VENDOR.
C. PAINT UTILITY PANELS/METER BOXES ON/AROUND BUILDING, IF REQUIRED, COLOR TO MATCH WALL FINISH. CONFIRM REQUIREMENTS WITH UTILITY.

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EXTERIOR
ELEVATIONS

A201
sheet number



Battle Creek City Planning Commission

Staff report for the October 28, 2020 meeting

To: Planning Commissioners

From: Christine M. Zuzga, AICP, Planning Manager

Subject: A-01-20 Zoning Ordinance and Map Amendment

Summary

A public hearing to consider the adoption of an updated and reformatted **Zoning Ordinance and Map (ZOMA) for the City of Battle Creek**. The proposed ordinance provides updated definitions, combines zoning districts that have historically functioned the same, updates the list of permitted and special uses for each district, allows for mixed commercial and residential used in structures along core commercial corridors, and corrects several legal nonconforming issues. The zoning ordinance has re-formatted to make it easier to read and utilize in electronic and printed format. In addition a revised zoning map is being proposed to reflect the updated zoning districts proposed by the ordinance and correct legal nonconforming issues. Draft ordinance and map found here: www.battlecreekmi.gov/planning under Current Projects.

Background

In 2006, State enacted planning and zoning legislation was consolidated into the Michigan Zoning Enabling Act of 2006 (MZEA), as amended, and the Michigan Planning Enabling Act of 2006 (MPEA), as amended, which provides the framework for local units of government to plan for, and regulate, the development of land.

The original City and Village and Zoning Act was enacted in 1921, with the first City of Battle Creek Zoning Ordinance and Map being adopted in 1924. Over the last 96 years, there have been a few major updates, with the last being in 1974. The bulk of the current ordinance remains from this update, and when the City annexed the Township, certain portions of the Township ordinance was incorporated into the City zoning.

Over time, there have been sections updated in the ordinance for various issues and to address the 2006 MZEA and MPEA, however there remains a number of inconsistencies in the existing code and regulations that are unclear or difficult to enforce. Many of these have not been addressed prior to this point because in many situations, different terms or regulations are addressed in

multiple locations, and these types of fixes require a large scale revision to the code. Staff has been maintaining a list of these minor, yet bothersome, provisions that were in need of update and/or clarification.

While the City has adopted significant revisions to fencing, parking, site plan review, and landscaping chapters in the past five years, with the recent adoption of the 2018 Master Plan, it is important to bring the rest of the ordinance up to par with the goals, objectives and future land use map identified in this plan. The zoning ordinance is one of the most important tools to implement the goals and objectives of the master plan, and as such the MPEA and MZEA require the zoning ordinance to be in alignment with the master plan. One example of this is the proposed change in zoning for corridors leading into downtown (i.e. Capital SW, Capital NE, Main Street, Michigan Avenue, and North Avenue). The current ordinance only allows for mixed use development (residential and commercial on the same property and/or in the same building) in the downtown area; all other zoning districts have very clear division between residential and commercial uses. The master plan, based on research and analysis of existing conditions and review of sound planning principles, calls for changing the zoning of corridors leading into downtown to a Neighborhood Commercial zoning district and allowing a mix of uses so that properties can be used for their highest and best uses, all while remaining compatible with the adjacent residential neighborhoods. For new infill development in these areas and in downtown, the code establishes a Form Based Code, which focuses on design, form, and massing of a structure, with use being the secondary consideration, and supports walkable, mixed-use neighborhoods in yet to be developed and infill sites throughout the city.

Lastly, with a full revision of the ordinance, it is important to ensure that the new zoning ordinance appropriately addresses subsequent revisions to the enabling legislation and case law decisions relative to land use regulations. There have been the occasional revisions to the MZEA and/or the MPEA since 2006 that clarifies requirements (site plan review, zoning board of appeals, etc.) and those that further regulate how cities can address certain land uses (i.e. biofuel production facilities, wireless communication towers). Additionally, there are case law decisions that further defines or clarifies statute and local ordinances.

With the above updates being necessary, the intent was to compile zoning requirements as succinctly as possible rather than address the same issue in multiple places, organize the document in a way that is most helpful for users in the community by putting definitions, districts, and development standards together and in the beginning, and by incorporating graphics, charts, and diagrams to provide a second means of displaying the information.

Process

As a Redevelopment Ready Certified community, the City was fortunate to receive a \$25,000 grant from the Michigan Economic Development Corporation for technical assistance for the preparation of the draft ordinance and map. After the issuance of a public RFP and review of proposals, McKenna Associates, Inc. was selected and a contract approved by the City Commission at their May 21, 2019 meeting.

At the start of the project, McKenna performed a diagnostic review of the current zoning ordinance to determine issues that needed to be addressed, and also performed a review of Zoning Board of

Appeal decisions to determine if there were any particular codes that were problematic. They also incorporated staff findings of current zoning ordinance and map deficiencies.

A press release announcing the project, including process, community engagement opportunities, and anticipated outcomes, was created and sent to the news, radio, and print media as well as placed on social media in July 2019. A flyer was sent to each NPC providing information as to how they can take part in the update. All correspondence included information on the public charrette, how to access project details, and how the community could get involved.

A three day public charrette was held in October, 2019 that was open to the public to attend. A charrette is a rather intensive series of planning meetings where the community is deeply involved with the planning process, and different plans and ideas are vetted. During the charrette, three targeted site visit walking tours were held to elicit input into the vision of corridors leading into the downtown. In addition to charrette details being included with engagement efforts above, invitations were direct mailed to fifty individuals who live and/or own businesses along the corridors.

A technical committee was established and included representatives from the Planning Commission, Zoning Board of Appeals, Small Business Development Director, Deputy City Attorney, Code Compliance Manager, and Planning staff. Multiple meetings were held between fall 2019 and March 2020 to evaluate the organization of the ordinance, land use chart / zoning district allowances, and the zoning ordinance map.

Work on the update between McKenna, Planning staff, and the technical committee continued through the end of February. Planning staff and McKenna met via zoom weekly during the shut down thru the end of April when furloughs started.

At the end of August work picked back up on the ordinance and map. The draft ordinance and map has been on the Planning webpage for a few weeks, and significant notices published in the Battle Creek Enquirer (9/9) as well as the Shoppers Guide (9/10). A press release was sent by our Communications Manager that included the links to both the ordinance and the map. The September Keeping You Informed focuses on the zoning project, and I also participated in a radio interview with Tim Collins at WBCK. Additionally, a direct mail to a group referred by Senior Services was sent to try and elicit their interest in the project. Up until late last week, Planning staff repeated thorough reviews of the ordinance and map for quality control purposes.

Outcome

The end result is an ordinance that is clear and concise, free of redundancy and inconsistency, that meets the master plan and sub-area plan, as well as case law and the state planning and zoning. Very few regulatory changes are being made to the code. Rather, most of the changes center around providing some flexibility in how we regulate uses, particularly along older commercial corridors.

It is staffs opinion that the draft zoning ordinance and map supports and promotes the goals and objectives of the Master Plan, and meets the objectives established at the start of the project, outlined herein, and recommend the Planning Commission recommend adoption to the City Commission.



CITY OF BATTLE CREEK

COMMUNITY SERVICES DEPARTMENT – PLANNING AND ZONING

Planning Commission

2021 Meeting Dates & Deadline Calendar

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</u>
January 27, 2021	December 30, 2020
February 24, 2021	January 29, 2021
March 24, 2021	February 26, 2021
April 28, 2021	April 2, 2021
May 26, 2021	April 30, 2021
June 23, 2021	May 28, 2021
July 28, 2021	July 2, 2021
August 25, 2021	July 30, 2021
September 22, 2021	August 27, 2021
October 27, 2021	October 1, 2021
*November 17, 2021	October 22, 2021
*December 15, 2021	November 19, 2021

*Note: Alternate meeting dates for November & December due to conflict with holidays.