



Resolution NO. 224

A Resolution to adopt Ordinance 09-2018 that conditionally rezones 315 W. Columbia, parcel #4780-09-066-0, to allow a mixed use development that includes a 42-unit residential building, pursuant to M.C.L. 125.3405.

**BATTLE CREEK, MICHIGAN - 9/18/2018**

**Resolved by the Commission of the City of Battle Creek:**

Section 1. An Ordinance to conditionally rezone 315 W. Columbia, parcel #4780-09-066-0, to allow a mixed use development that includes a 42-unit residential building as outlined in the application and development plan. The conditional rezoning is requested pursuant to M.C.L. 125.3405.

Section 2. Should any section, clause or phrase of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 3. All ordinances or parts of ordinance in conflict with any of the provisions of this Ordinance are hereby repealed, saving any prosecution, criminal or administrative appeal pending on, or violation cited on or before the effective date of this ordinance, which shall remain subject to the ordinance provision existing at the time of the alleged violation.

Section 4. Except as otherwise provided by law, this Ordinance shall take effect seven (7) days from the date of its publication, in accordance with the provisions of Section 401 of the Michigan Zoning Enabling Act.

I, Victoria Houser, City Clerk of the City of Battle Creek, hereby certify the above and foregoing is a true and correct copy of a Resolution adopted by the Battle Creek City Commission at a Regular meeting held on September 18, 2018.

*Victoria L. Houser*  
Victoria Houser

Battle Creek City Commission  
9/18/2018

**Action Summary**

**Staff Member:** Christine M. Zuzga, AICP, Planning Mgr

**Department:** Planning

**SUMMARY**

A Resolution to adopt Ordinance 09-2018 that conditionally rezones 315 W. Columbia, parcel #4780-09-066-0, to allow a mixed use development that includes a 42-unit residential building, pursuant to M.C.L. 125.3405.

**BUDGETARY CONSIDERATIONS**

The conditional rezoning of this parcel allows for the redevelopment of a significant commercial property along a major corridor thereby allowing for productive use of the property that contributes to the tax base.

**HISTORY, BACKGROUND and DISCUSSION**

The subject site is located on W. Columbia on the north shore of Gogua Lake. The parcels is 2.79 acres in size and is improved with parking and a 7,597 s.f. restaurant building that was built in 1962.

The proposed use of the property consists of a 3,900 s.f. restaurant, a 42 unit apartment complex, and new parking lot. Both uses are proposed at the south end of the parcel, along the lake frontage. The boat docks will remain and capacity will not be expanded. The application (attached) contains an early design example to show massing and location.

The residential component will be rental units - a mix of studio, one, two, and three bedroom units. The project will be privately funded; the units will be market rate with higher end finishes, but price point and final style will be determined based on an ongoing market study.

The property is zoned C3 Intensive Business District, which allows a variety of office and retail uses as well as used car sales, farm implement sales, and auto repair facilities. Surrounding properties are zoned the same as well as R3B Multi-Family and R1B Single Family.

The restaurant is allowed by current zoning, the residential component is not. The conditional rezoning will allow the mix of uses at the lakefront, and the underlying zoning of C3 will still allow development along Columbia Avenue which allows the property owner to maximize the use of the site.

## **DISCUSSION OF THE ISSUE**

### **POSITIONS**

The current property owner and the developer presented their proposal to NPC #10 at their 07/23/18 meeting for a 42 unit apartment complex on that site. Unfortunately the NPC did not have a quorum and were not able to take action on the request. Concerns were raised at the meeting relative to traffic, need for rental housing, and aesthetics of the area.

The request was reviewed by the City Economic Development Team which includes representative from the City Manager's office, Department of Public Works, Economic Development Fund, Planning, and Inspections, and all were supportive of the proposed redevelopment of the property.

A public hearing was held at the August 22, 2018 Planning Commission meeting, with ten persons who spoke, all of which had questions or concerns about the project, mainly related to the use of the lake, traffic generated by the apartments, ingress/egress, potential noise, and quality of the proposed apartments.

At this same meeting, the Planning Commission reviewed the staff report (attached) and request pursuant to statute and case law, based on the proposed use as it relates to the surrounding zoning and land uses, existing infrastructure, and most importantly consistency with the Comprehensive Plan. The Planning Commission unanimously recommended approval to the City Commission the conditional rezoning, based on the following findings:

- The Future Land Use map of the 2018 Master Plan designates this and surrounding parcels as Neighborhood Commercial. The purpose of Neighborhood Commercial, as outlined in the plan, is to allow mixed use (residential and commercial) that support one another, and serve as the hub of activity and socialization at the neighborhood level. This district is meant to include lower multi-story buildings that are well connected to its surroundings, which is consistent with the plans submitted by the applicant.
- Goals in the Master Plan include 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. Additionally, the plan outlines the need to revitalize existing commercial corridors into vibrant successful business districts. The Columbia Avenue sub-area plan of the Master Plan encourages a mixed use district in this area of the lake, allowing for commercial and high density residential.
- The approval of the conditional rezoning only applies to the use, and improvements made to the site will be required to come into compliance with current development standards including site plan review approval, parking, screening (when applicable), ingress/egress, and landscaping. The proposed use is less intensive than those uses allowed by the current zoning of C-3 Intensive Business District.
- Columbia Avenue can accommodate high levels of traffic and the ability to review ingress and egress to this property and general area allows for opportunities for improvement for the area.
- The existing infrastructure, including the size and availability of public water and sanitary sewer support the proposed project. Additionally, the applicant has agreed to a stormwater easement through the property that will result in improved stormwater management for this section of the corridor.
- 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.

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## ATTACHMENTS:

File Name	Description
<input type="checkbox"/> <a href="#">Z0318_315Columbia_Mixed_UseSTAFF_REPORTandAPP.pdf</a>	315 W. Columbia Cond Rzn Staff Report and App