

# DEXTER TOWNSHIP PLANNING COMMISSION

## Resolution for a Special Land Use Approval

### (15-PC-166) Warm Fuzzies Preschool

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A resolution to grant approval of a Special Land Use for a group day care home submitted by Chelsea Conger, on behalf of Warm Fuzzies Preschool, for property located at 10660 Island Lake, between Dexter-Townhall and King Hill, Section 34 of Dexter Township (D-04-34-100-024).

- 10) WHEREAS, Chelsea Conger, (*the Applicant*), on behalf of Warm Fuzzies Preschool, pursuant to the provisions of the Dexter Township Zoning Ordinance (*Zoning Ordinance*), submitted an application for Special Land Use (15-PC-166) Warm Fuzzies Preschool on May 20, 2015; and
- 20) WHEREAS, the Applicant, pursuant to the provisions of the Zoning Ordinance, submitted an application for Preliminary and Final Site Plan (15-PC-167) Warm Fuzzies Preschool on May 20, 2015; and
- 30) WHEREAS, the Applicant submitted a 9-page site plan on May 20, 2015, with a last revision date of March 26, 2015, prepared by Robert Noe and Quattro Construction; and
- 40) WHEREAS, the Applicant submitted an 11-page site plan on July 3, 2015, with a last revision date of July 1, 2015, prepared and stamped by Robert Noe, an architect licensed in the State of Michigan, and Quatro Construction; and
- 45) WHEREAS, the Applicant submitted an 11-page site plan on July 28, 2015, with a last revision date of July 24, 2015, prepared and stamped by Robert Noe, an architect licensed in the State of Michigan, and Quatro Construction; and
- 50) WHEREAS, the Planning Commission has received reports from Zach Michels (*Dexter Township Director of Planning and Zoning*) dated June 12, 2015, and July 17, 2015; and
- 60) WHEREAS, the Planning Commission has received reports from Matthew Parks (*Township Engineer/OHM Engineering Advisors*) dated June 8, 2015, and July 13, 2015; and
- 70) WHEREAS, the Planning Commission has received reports from Donald Dettling (*Dexter Area Fire Department Fire Inspector*) dated June 9, 2015, and July 7, 2015; and
- 80) WHEREAS, the property is located in a Rural Residential (RR) District; and

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- 90) WHEREAS, §12.01 of the Zoning Ordinance designates “group day care homes” as special land uses in Rural Residential (RR) Districts; and
- 100) WHEREAS, the Dexter Township Planning Commission (*Planning Commission*) held a review of completeness on June 23, 2015, and moved that the Director of Planning and Zoning should set the public hearing date for the special land use after determining the application was substantially complete; and
- 110) WHEREAS, the Planning Commission, at its July 28, 2015, meeting, held a duly-noticed public hearing for Special Land Use (15-PC-166) Warm Fuzzies Preschool and received the following public input: concerns about the use increasing beyond the 12 children proposed, traffic, the use changing to a foster care home, children being able to access the pond, and the impact of noise from the outdoor play area on adjacent properties; and
- 120) WHEREAS, the group day care home will be harmonious with and in accordance with the general principles and objectives of the Township General Development Plan [Master Plan] because:
- a) It would allow for residents to operate a group day care home, in many respects similar to a home occupation, in a manner that does not compromise the rural or residential character of the surrounding area (Economic Development Objective #1, Strategy 1.1);
  - b) It would not conflict with any of the Goals, Objectives, or Strategies of the Master Plan; and
  - c) It is a permitted Special Land Use in the Rural Residential (RR) District.
- 130) WHEREAS, the group day care home will be harmonious with and in accordance with the general objectives, intent, and purposes of the Zoning Ordinance because:
- a) It is considered a residential use by the Zoning Ordinance and the Zoning Enabling Act and is located within a residential district;
  - b) The proposed improvements are consistent with the developmental standards of the Zoning Ordinance;
  - c) It has been designed in a manner that reduces potential negative impacts on the public health, safety, and welfare; and
  - d) It is a permitted Special Land Use in the Rural Residential (RR) District.
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140) WHEREAS, the group day care home 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 general area in which it is proposed, because:

- a) The proposed improvements are generally consistent with the rural, single-family nature of the general vicinity;
- b) The proposed driveway configuration, with one-way driving, should reduce the negative impacts on Island Lake; and
- c) The limited vehicular parking is located in an area that is screened from the side lot lines by buildings and will be more than ninety (90) feet from the front-lot line.

150) WHEREAS, the group day care home will not be hazardous to any person or property, or detrimental or disturbing to the public welfare or to existing or reasonably anticipated future uses in the same general vicinity because:

- a) Hazardous materials will not be stored on the site;
- b) Evergreen trees will be planted along the northern and western sides of the outdoor, fenced-in play area to provide visual and aural buffering for the adjacent properties; and
- c) Privacy fencing will be installed around the outdoor play area to provide visual and aural buffering for adjoining properties.

160) WHEREAS, the group day care home will be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties as follows:

- a) There will be direct access from an existing public road, Island Lake, from the south;
- b) There will be adequate access to and within the site for fire protection;
- c) There will be on-site water and septic systems approved by the Washtenaw County Environmental Health Department (WCEHD);
- d) It is anticipated to generate less than fifty (50) additional trips per day.

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170) WHEREAS, the group day care home will meet the site plan review requirements of Article 6 of the Zoning Ordinance if a site plan approval is granted for (15-PC-167) Warm Fuzzies Preschool; and

180) WHEREAS, the group day care home will conform with all applicable county, state, and federal requirements for that use if it receives a license for a group day care home from the Michigan Department of Licensing and Regulatory Affairs (*LARA*), Children and Adult Licensing Division (*CALD*), and approval from the WCEHD for the on-site septic system; and

190) WHEREAS, the group day care home meets the standards of §16.11 of the Zoning Ordinance for that use, except for the sign standard of §16.11(B)(3), which is no longer applicable following the US Supreme Court Decision in *Reed v Town of Gilbert, Arizona*; and

200) NOW, THEREFORE, BE IT RESOLVED, the Planning Commission, by a majority vote at a duly-noticed, regular meeting, held this 28<sup>th</sup> day of July 2015, ~~GRANTS~~ **DOES NOT GRANT** APPROVAL of the Special Land Use (15-PC-166) Warm Fuzzies Preschool, for property located at 10660 Island Lake, between Dexter-Townhall and King Hill, Section 34 of Dexter Township (D-04-34-100-024), to the Applicant, subject to the conditions listed below:

- a) If the group day care home use is not established within ~~one (1) year~~ eighteen (18) months of this approval, this approval shall become null and void;
- b) If the group day care home use is inactive, whether or not there is an intent to abandon the use, for a period of two (2) consecutive years, this approval shall become null and void;
- c) This approval shall not be effective until a license for a group day care home has been issued by LARA, CALD;
- d) The group day care home license from LARA, CALD, shall be maintained throughout the group day care home use and a current copy shall be supplied to the Township;
- e) This approval shall not be effective until the septic system has been approved for the group day care home by the WCEHD;
- f) This approval shall not be effective until a site plan has been approved for the group day care home by the Planning Commission;

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~~The evergreen tree buffer between the outdoor play area and the surrounding properties shall be maintained in good condition with dead trees replaced;~~

- ~~g) The principal caregivers shall be residents of the parcel;~~
- ~~h) As an alternative to the evergreen buffer tree between the outdoor play area and the surrounding properties, a six (6) foot tall, solid fence ~~may~~ shall be installed along the western and northern sides of the outdoor play area. If the property to the northeast is developed for residential use at a future date, a six (6) foot tall, solid fence shall be installed along the eastern side of the outdoor play area to provide screening to that property;~~
- i) The group day care home will serve children between the ages of one-year old and five-years old. Children that age-out may continue to attend through the end of that summer;
- j) There shall be no weekend child care;
- k) There shall be no holiday, as observed by Dexter Community Schools, child care;
- l) The hours of operation shall be limited to the hours between 7:30 am and 5:00 pm; and
- m) This approval shall not be effective until this Resolution and all its conditions are accepted by the applicant.

Resolution offered by Planning Commissioner EHMAN.

Resolution supported by Planning Commissioner NESTER.

YES = 5 (Burch, ~~Dehring,~~ Ehman, ~~Gajewski,~~ Lewis, Nester, Ruhlig, ~~NONE~~)

NO = 1 (~~Burch, Dehring, Ehman, Gajewski, Lewis, Nester, Ruhlig, NONE~~)

ABSENT = 1 (~~Burch, Dehring, Ehman, Gajewski, Lewis, Nester, Ruhlig, NONE~~)

ABSTAIN = 0 (~~Burch, Dehring, Ehman, Gajewski, Lewis, Nester, Ruhlig, NONE~~)

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The Chair declared the resolution ADOPTED ~~NOT ADOPTED~~.

Date: 28 July 2015

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Tom Lewis, Chair

Date

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Jeff Dehring, Secretary

Date

These findings, conclusions, decisions, and resolution are accepted:

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Chelsea Conger

Date

Warm Fuzzies Preschool, Applicant