



## Department of Planning and Economic Development

Staff Report to the Planning Commission

August 15, 2023

### Primrose School

<b>REQUEST</b>	Conditional Use Recommendation Site Plan Approval Tree Removal Permit
<b>APPLICANT</b>	Becky Klein, PEA Group 58105 Van Dyke Road Washington Township MI, 49094
<b>LOCATION</b>	East side of Rochester Rd. and north of Eddington Blvd., Parcel No. 15-23-301-018 (no address assigned at this time)
<b>PROJECT NO.</b>	JNRNB2022-0010 (PCU2023-0005, PSP2023-0009 and PTP2023-0007)
<b>PARCEL NO.</b>	70-15-23-301-018
<b>ZONING</b>	R-4 One Family Residential with an FB Flex Business Overlay
<b>STAFF</b>	Chris McLeod, AICP, Planning Manager

### Summary

The applicant is proposing a 13,586 square foot building with extensive outdoor play areas for child care purposes on the 3.59 acre site. The site is located on the east side of Rochester Road, north of Eddington Boulevard. Nursery Schools, Day Nurseries, and Child Care Centers in the R-4 One Family Residential District are a conditional use and it should be noted that the applicant is not utilizing the FB Flex Business Overlay District for this particular proposal. The proposed child care building will be primarily one (1) story in height with the exception of the main entrance area that will have a two (2) story appearance. Pursuant to the Planning Commission's direction at the last meeting, the applicants have revised the proposed facades to be primarily decorative brick and stone. The building will be serviced by a total of approximately 51 parking spaces. Other site improvements include increased pedestrian connectivity throughout the site, the completion of the vehicular cross connection from Eddington Blvd. to the Cedar Valley residential development to the north, stormwater retention facilities and extensive landscaping. The site plans submitted indicate a potential future development area on the north side of the site.



	Zoning	Existing Land Use	Future Land Use
Site	R-4 One Family Residential District with FB Flex Business Overlay	Vacant	Commercial Residential Flex-2
North	R-4 One Family Residential District with FB Flex Business Overlay and NB Neighborhood Business District with FB Flex Business Overlay	Utility corridor and Fifth Third Bank	Commercial Residential Flex-2
South	R-4 One Family Residential District with FB Flex Business Overlay	Eddington Blvd (right of way) and First State Bank	Commercial Residential Flex-2
East	R-4 One Family Residential District with FB Flex Business Overlay and R-4 One Family Residential District	Single Family Residential	Commercial Residential Flex-2 and Residential 4
West	R-4 One Family Residential District (across Rochester Road)	Single Family Residential (across Rochester Road)	Residential 4 (across Rochester Road)

The applicant is requesting approval to erect fencing surrounding the proposed stormwater detention basin on the east side of the site. The Zoning Ordinance indicates that basins should be designed to avoid the use of fencing, but that the Planning Commission has the ability to approve such fencing dependent on location and design. The applicant is proposing a decorative wrought iron fence around the basin that will tie into the fencing being proposed for the outdoor play areas. The applicant has indicated that the fencing is required for insurance purposes pursuant to the proposed use. The stormwater detention basin will also include the required landscaping treatments per Ordinance.

Finally, the applicant is proposing to plant a significant portion of the eastern property line plantings on City property. This was allowed previously with the FB District developments immediately to the south. If approved, the applicant will be required to provide the appropriate planting and maintenance agreements during engineering review, as may be required by the City.

## General Requirements for Conditional Uses

Per Section 138-2.302 of the Zoning Ordinance, there are five areas of consideration for the Planning Commission for the discretionary decision of a conditional use. Each of the criterion are listed below in italics, followed by staff comments on the proposed conditional use's compliance with each.

1. *Will promote the intent and purpose of (the Ordinance).* The R-4 One Family Residential District supports this type of use. In addition, while the FB Overlay District is not being utilized in this particular case, the presence of the FB Overlay District and the City's Master Land Use Plan support the property being developed in a nonresidential or mixed use fashion.
2. *Will be designed, constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole.* The proposed building and associated site improvements will be constructed in a manner that is consistent with the other developments in the area. At the direction of the Planning Commission at their last meeting, the applicants have provided revised elevations that show the building being constructed nearly entirely of brick.
3. *Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.* The site plan has been reviewed by City Staff and has now been approved by all

departments.

4. *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.* There will be no detrimental, hazardous or disturbing activity to the existing or future neighboring uses, persons, property or to the public welfare. The proposed structure is located in a manner that maximizes distance to the residential properties to the east and screening has been provided pursuant to Zoning Ordinance requirements. In addition, the applicant has proposed hours of operation that do not include nights or weekends which will likely limit potential impacts to any abutting properties. Finally, the applicant has provided revised/additional landscaping along the eastern property line to further limit potential impacts to residents to the east.
5. *Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.* There do not appear to be any additional requirements at a public cost for public facilities and services that would be detrimental to the economic welfare of the community.

## **Specific Requirements for Nursery Schools, Day Nurseries and Child Care Centers**

---

- A. *Such facilities shall be located on major thoroughfares with an existing or proposed right-of-way of 120 feet. Additionally, the facility shall be on a corner lot or shall directly abut nonresidential zoning on at least one side, and such zoning shall be on the same side of the major thoroughfare.* The site is located on Rochester Road which has a right of way of at least 120 feet and the site abuts nonresidential developed properties via the FB District to the south.
- B. *Hours of operation shall not exceed 15 hours a day with closing time of not later than 9:00 p.m.* The proposed hours of operation are 6:30 a.m. to 6:30 p.m.
- C. *All parking and child dropoff areas shall be in the side or rear yard only. This requirement may be waived when an existing building that has front yard parking or circulation is being occupied by a nursery school, day nursery, or child care center.* The applicant has indicated that “drop offs” require a parent to walk the child into the facility, therefore “drop offs” will require each parent to park in a dedicated parking space located to the north of the building.
- D. *Outdoor play areas shall be in the side or rear yard in the amount required by the Licensing Rules for Child Care Centers as set forth by the State of Michigan.* The dedicated fenced in play areas are located to the south and east of the building. In addition, at the last Planning Commission meeting, the Planning Commission requested that the applicant provide details on the nature and extent of playground equipment. With the revised submittal, the applicant has provided typical playground structure information.
- E. *Parking, dropoff, and play areas shall be screened in a manner deemed sufficient by the Planning Commission to achieve the objective of screening and controlling noise levels.* The site plan proposes screening for the entire site along the eastern property line in accordance with the City’s level “D” buffering requirements. In addition, the play areas specifically will be fenced with a decorative aluminum wrought iron fence along with a series of Hetz Columnar and Sea Green Junipers and other deciduous tree plantings. At the last Planning Commission meeting, the Planning Commission requested additional/more substantial plantings along the eastern property line in an effort to help shield potential light pollution. The applicant has

provided revised landscaping plans that propose (in addition to the existing vegetation on the property line) 6 foot tall Spartan Columnar Junipers and 8-10 foot high Norway Spruces. The plans also note that the trees can be shifted to fill voids with existing trees to create a dense buffer.

- F. *Any trash receptacle shall be screened with a six-foot-high obscuring fence or wall, with evergreen screening provided on the three sides of the enclosure without access gates. The site plan proposes a decorative masonry dumpster wall enclosure with Hetz Columnar Junipers.*
- G. *Lighting shall be shielded downward so as not to become a nuisance to abutting property. The applicant has provided a photometric plan for the site in compliance with City requirements.*
- H. *Front, side and rear elevations of the building shall be provided to ensure that the use will have the appearance and character of residences in the vicinity. If there are no residences within 200 feet, in making a determination on the compatibility of such uses, the following architectural features shall be reviewed:*
  - 1. *Roof pitch, overhang, and drainage.*
  - 2. *Window sills and other window features.*
  - 3. *Facade treatment (both material and appearance).*
  - 4. *Entrance features.*
  - 5. *Heating exhaust devices.*
  - 6. *Penthouses or similar mechanical rooftop features shall be prohibited unless completely screened from adjacent properties and the adjacent public right-of-way.*

The applicant has provided elevations for all facades of the building that include windows, doorways, awnings, stone masonry, and siding. At the last Planning Commission meeting the Planning Commission requested that the amount of masonry material on each façade be increased. The applicant has provided revised elevations that depict essentially full masonry on each façade. The one exception is the turret at the front entrance of the building; that remains siding. In regard to the revised façade it may be appropriate to add a “crown” type molding along the top of the façade.

- I. *Signs shall meet the requirements of Chapter 134 of the City's Code of Ordinances. The site plans are noted indicating that signs are a part of a separate review and all codes and ordinances shall be complied with.*
- J. *The facility shall comply with applicable state licensing requirements and regulations. The proposed conditions of the motion indicate the use shall obtain, operate and comply with all State licensing and requirements for child care facilities.*
- K. *Any other conditions which the Planning Commission and City Council deem necessary to ensure that the residential character of the neighborhood shall be maintained.*

## **Tree Removal Permit**

---

The applicant has provided a tree survey that indicates a total of 34 trees onsite initially qualified as regulated trees. Of those, a total of 14 regulated trees and 5 specimen trees are proposed to be

removed. The site plan proposes to plant a total of eleven (11) 3” caliper deciduous trees and 9 – 8’ tall evergreen trees. The applicant is also proposing to pay into the City’s Tree Fund, the equivalent of 16 trees.

## Staff Recommendations

Department	Comments & Waivers/Modifications	Recommendation
Planning	Provide “crown” type molding along top of each façade.	Approval
Fire		Approval
Building		Approval
Assessing		Approval
Engineering	Land improvement permit will be necessary.	Approval
Engineering (Traffic)		Approval
Engineering (Legal)		Approval
Parks & NR		Approval

The conditional use public hearing was held at the last Planning Commission meeting and public comments were heard at that time. Since the meeting City Staff has had discussions with several additional residents at the counter. Those comments were generally in regard to whether there is a need for additional development and traffic.

## Review Process

The conditional use and site plan process includes a number of reviews at Administrative, Planning Commission and City Council levels. The Conditional Use process requires review and recommendation by the Planning Commission and review and approval by City Council. The site plan review and Tree Removal Permit require Planning Commission action. After Site Plan, Tree Removal Permit and Conditional Use approval, full engineering and construction plans are reviewed administratively.

## Motion to Recommend Conditional Use Approval

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. PCU2023-0005 (Primrose School), the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow a child day care facility on the parcel 70-15-23-301-018 (S. Rochester Road), based on plans received by the Planning Department on July 25, 2023, with the following findings.

### ***Findings***

1. The use will promote the intent and purpose of the Zoning Ordinance.
2. The site has been designed and is proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.
3. The proposal will have a positive impact on the community as a whole and the surrounding area by further offering child day care options along with additional job opportunities.
4. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.
5. The proposed development will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
6. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

### ***Conditions***

1. City Council approval of the Conditional Use.
2. The use shall remain consistent with the facts and information presented to the City as a part of the applicant's application and at the public hearing (as may be amended by this motion).
3. That the use obtain, operate and comply with all State licensing and requirements pertinent to child care facilities.
4. If, in the determination of City staff, the intensity of the operation changes or increases, in terms of traffic, queuing, noise, hours, lighting, odor, or other aspects that may cause adverse off-site impact, City staff may require and order the conditional use approval to be remanded to the Planning Commission and City Council as necessary for re-examination of the conditional use approval and conditions for possible revocation, modification or supplementation.

## Motion to Approve Site Plan

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. PSP2023-0009 (Primrose School), the Planning Commission **approves** the **Site Plan**, based on plans received by the Planning Department on July 25, 2023, with the following findings and subject to the following conditions.

### ***Findings***

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City Ordinances, standards, and requirements, can be met subject to the conditions noted below.
2. The proposed project will be accessed from the cross connection with Eddington Boulevard and have access to the traffic signal at S. Rochester Road, thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets. In addition, the site will also provide additional cross connections with the development to the north.
3. Off-street parking areas have been designed to avoid common traffic problems and promote customer safety.
4. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
5. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.

6. The location of the stormwater detention basin fencing is appropriate given the proposed use of the site.

### **Conditions**

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff including all comments noted on the site plans and staff reports contained within the Planning Commission packets (as may be amended by this motion).
2. Provide appropriate planting and maintenance agreements for plantings on City property as may be necessary.
3. Provide a landscaping bond in the amount of \$144,147.25 based on the cost estimate for landscaping and irrigation (as adjusted reflecting the updated landscaping plans), plus inspection fees, as further adjusted as necessary by staff prior to temporary grade certification being issued by Engineering.

## **Motion to Approve a Tree Removal Permit**

---

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of File No. PSP2023-0009 (Primrose School) the Planning Commission **grants a Tree Removal Permit (PTP2023-0007)**, based on plans received by the Planning Department on July 25, 2023, with the following findings and subject to the following conditions:

### **Findings**

1. The proposed removal and replacement of regulated trees is in conformance with the City's Tree Conservation Ordinance.
2. The applicant is proposing to remove 14 regulated trees and 5 specimen trees, and provide 20 replacement trees, and plant an overall total of 101 trees (replacement plus required trees) onsite.

### **Conditions**

1. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.
  2. Provide payment, equal to the current required fee for replacement trees, along with any additional fees associated with such, into the City's Tree Fund for the remaining 16 trees identified on the site plan.
-