



**City of Ypsilanti**

Community & Economic Development Department

**March 18, 2020**

**Staff Review of Special Use Application  
Little Miracles Day Care Center  
1226 S Congress**

## **GENERAL INFORMATION**

<b>Applicant:</b>	Tera Yates Little Miracles Day Care Center 1226 S Congress Ypsilanti, MI 48197
<b>Project:</b>	1226 S Congress – Group Childcare Home
<b>Application Date:</b>	February 6, 2020
<b>Location:</b>	1226 S Congress
<b>Zoning:</b>	R-1
<b>Action Requested:</b>	Special Use Permit and Limited Site Plan Approval
<b>Staff Recommendation:</b>	Approval with Conditions

## **PROJECT AND SITE DESCRIPTION**

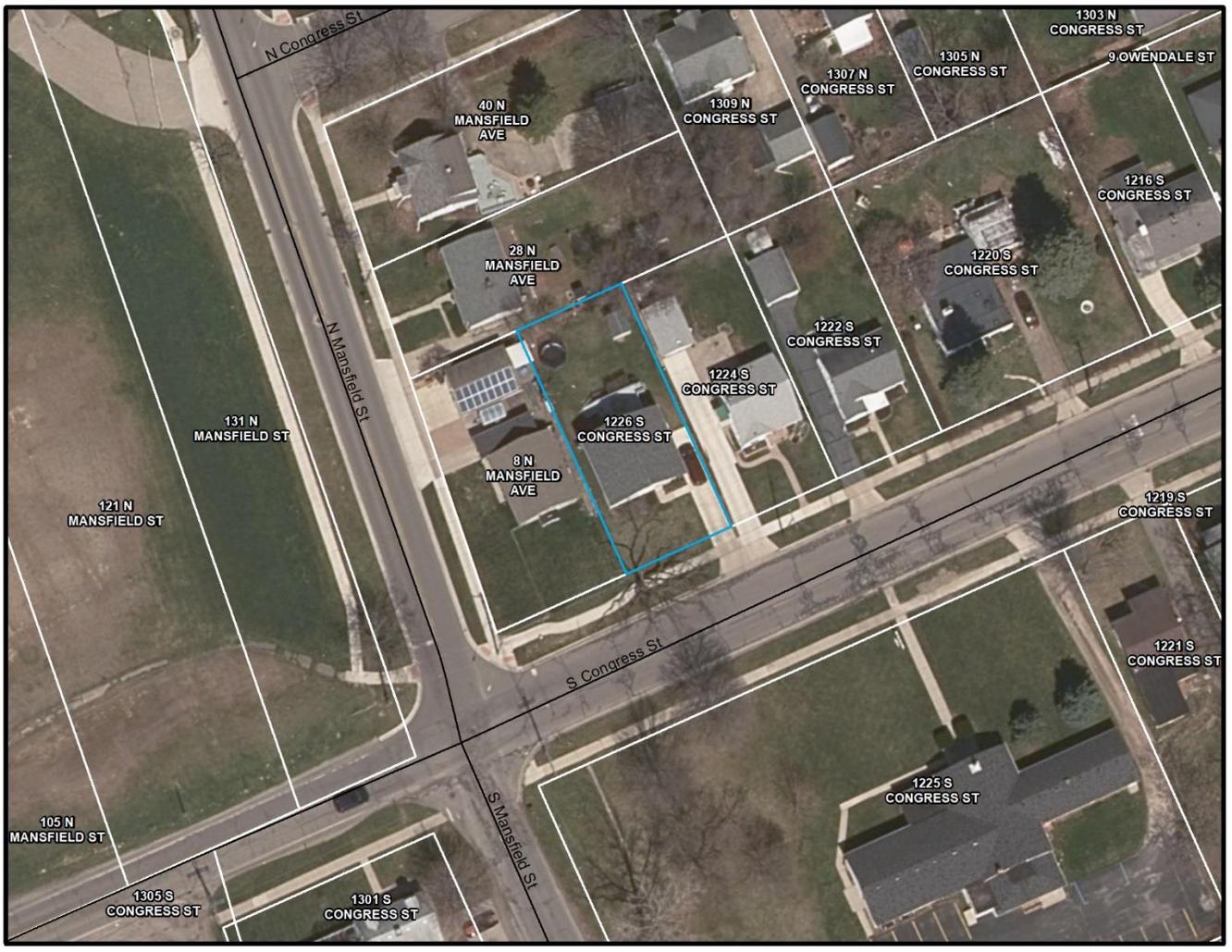
The application includes parcel 11-11-40-307-008, a 0.133-acre property that fronts on the north side of S Congress, one property east of N Mansfield. The property includes an ~816 square foot house. The rear yard is partially enclosed by wood and chain-link fencing. The application is for a Special Use Permit to operate a child care facility on the property.

Zoned **R-1- Single Family Residential**, which allows for a Group Child Care Home as a special use. Per Sec.122-421 and is subject to Section 122-521:

*(a) all child care centers and group day care homes must be registered with licensed by the state department of social services and must comply with the minimum state standards for such facilities; and*

*(b) the square footage of outdoor recreation area required by the Building Code and licensing agency must be provided in the rear, side, or street side yard. Such outdoor space must be fenced and screened from any adjacent lot. The square footage requirement for outdoor play area in a group child care home is 600 square feet.*

**Figure 1: Site Aerial (2015 Imagery)**



**Figure 2: 1226 S Congress, facing northwest (March 2020)**



**Figure 3: 1226 S Congress, facing northeast (March 2020)**



**Table 1: Land Use and Zoning of Surrounding Area**

	<b>LAND USE</b>	<b>ZONING</b>
<b>NORTH</b>	Single family residential	R-1
<b>EAST</b>	Single family residential	R-1
<b>SOUTH</b>	Church	R-1
<b>WEST</b>	Single family residential	R-1

**SPECIAL USE: CRITERIA AND REVIEW §122-324(b)**

(1) *The proposed use conforms with all the provisions and requirements of this chapter, including site plan or sketch plan review standards, as applicable, and the applicable site development standards for the specific use, as well as the spirit and intent of this chapter and the Master Plan. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and the zoning of the land. Height, location and size of buildings shall be compatible with uses and buildings on adjacent properties. The intensity of the proposed use, such as volume, frequency and times of operation, and its compatibility shall be considered. If nonconformities are present, all reasonable effort has been made to eliminate them.*

**COMMENTS:** The location, scale, and intensity of the proposed is compatible with adjacent uses and the zoning of the land. Height, location and size of buildings are compatible with uses and buildings on adjacent properties.

(2) *The proposed use shall promote the use of land in a socially and economically sustainable manner and shall not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or public welfare. Noise, odor, smoke and potential contamination of air, soil and water and its potential effect on neighboring uses, persons and property, as well as public welfare, shall be considered.*

**COMMENTS:** The proposed use is not anticipated to be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property, or public welfare. Noise, odor, smoke and potential contamination of air, soil and water is not anticipated.

(3) *The proposed special land use shall be designed, constructed, operated and maintained to assure long-term compatibility with surrounding land uses. Consideration shall be given to the placement, bulk, and height of structures; materials used in construction; location and screening of parking areas, driveways, outdoor storage areas, outdoor activity areas, and mechanical equipment; nature of landscaping and fencing; and hours of operation.*

**COMMENTS:** The proposed special use is compatible with the surrounding land uses.

(4) *The proposed special land use shall not present unreasonable adverse impacts on the transportation system. Consideration shall be given to the estimated pedestrian, bicycle and vehicular traffic generated by such use, access to transit, proximity to major thoroughfares, proximity to intersections, required vehicular turning movements, and provisions for pedestrian and bicycle traffic.*

**COMMENTS:** None are anticipated.

(5) *The proposed use shall not create additional requirements at public cost for public facilities and services that will be detrimental to the economic sustainability of the community.*

**COMMENTS:** None are anticipated.

**CONDITIONS OF APPROVAL §122-326**

*"Reasonable conditions may be required in conjunction with an approval. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to conserve natural*

*resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed must do all of the following:*

- (1) Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being.*
- (2) Be related to the valid exercise of police power and purposes which are affected by the proposed use or activity.*
- (3) Be necessary to meet the intent and purposes of this chapter, be related to standards established in this chapter, and be necessary to ensure compliance with those standards."*

**Items to be addressed:**

1. Applicant to verify that the trampoline will be removed.

**LIMITED SITE PLAN: CRITERIA AND REVIEW §122-311**

**STANDING §122-311(a)**

The applicant is legally eligible to apply for site plan review, and all required information has been provided.

**REQUIREMENTS §122-311(b)**

"The proposed site plan conforms with all the provisions and requirements, as well as the spirit and intent of this chapter and the Master Plan. The proposed development will meet all the regulations of the zoning district in which it is located."

**Items to be Addressed:** None.

**BUILDING LOCATION AND SITE ARRANGEMENT §122-311(c)**

*"All elements of the site plan shall be harmoniously and efficiently organized in relation to the character of the proposed use, the size and type of lot, the size and type of buildings, and the character of the adjoining property. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter."*

The building is oriented towards S Congress Street. Height and setbacks are compatible with the surrounding lots. State law requires at least 600 square feet of play area for Group Child Care facilities. This property well exceeds that with over 2,000 square feet in the rear yard. The property does include a trampoline, which could be considered a safety hazard.

**Items to be Addressed:** None.

1. Applicant to verify that the trampoline will be removed.

## **SITE ACCESS, TRAFFIC, AND PARKING**

**§122-311(d)**

*"With respect to vehicular and pedestrian circulation on the site, including walkways, interior drives, and parking; circulation shall to the extent possible create potential cross-and joint-access to adjacent parcels and the existing block layout. Special attention shall be given to the location, number and spacing of ingress and egress points; general interior circulation including turnaround areas; adequate provisions for delivery of services (trash removal, school buses, mail and parcel delivery); separation of pedestrian and vehicular traffic; avoidance of building corners next to access drives; identification of addresses; storage of plowed snow; and arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of the proposed buildings and structures, neighboring properties, pedestrian and bicyclist safety, access to transit and flow of traffic on adjacent streets. All buildings or groups of buildings shall be so arranged as to permit adequate access by emergency vehicles as required by the city building code."*

The site has driveway access from S Congress Street. There is on-street parking available on both sides of S Congress. There are numerous sidewalks in the area.

**Items to be Addressed:** None.

## **SCREENING**

**§122-311(h)**

*"The site plan shall provide reasonable visual and sound privacy for all dwelling units on or adjacent to the property. Fences, walls, barriers, and landscaping shall be used, as appropriate, for protection and enhancement of the property. All outdoor storage of materials, loading and unloading areas, and refuse containers shall be screened or located so as not to be a nuisance. Outdoor lighting shall be shielded so as to not adversely affect neighboring properties or traffic on adjacent streets."*

- Child care group homes require outdoor recreation space to be fenced and screened from any adjacent lot per §122-521.
- Current fencing includes a wood shadowbox fence along the rear west property boundary, and a chain link fence on the east property boundary. The north property boundary appears to have heavy vegetation, but not a fence.

**Items to be Addressed:**

1. The applicant must screen the two chain-link fenced areas; either by
  - a. Replacing the chain-link fence with an opaque fence, or
  - b. Planting coniferous trees or shrubs along the fence to achieve an 80% opacity.

## **MASTER PLAN CONSIDERATIONS**

**§122-311(k)**

*"An objective of site plan review shall be to protect and promote public health, safety, sustainability and general welfare. It is also the intent of site plan review to improve the quality of existing developments as they are expanded, contracted, or redeveloped in keeping with sound site development standards of this chapter and city master plan."*

**Diversity is our strength.** This special use does not introduce or accommodate new economic, racial, or other diversity; however, it does sustain the existing economic diversity of the City and provides a needed service to the neighborhood.

**Anyone, no matter what age or income, can find a place to call home in Ypsilanti.** This special use provides additional childcare opportunities within the city.

**STAFF RECOMMENDATIONS: SPECIAL USE**

Staff recommends the Planning Commission approve the Special Use Permit for the group child care home with the following findings and conditions:

Findings: The application is substantially in compliance with §122-324(b).

Conditions: Special use approval shall be subject to approval of site plan.

**STAFF RECOMMENDATIONS: LIMITED SITE PLAN**

Staff recommends the Planning Commission approve the site plan for the group child care home at 1226 S Congress with the following findings, and conditions:

Findings:

The application substantially complies with §122-310.

Conditions:

1. Child care centers and group day care homes must be registered by the State of Michigan Licensing and Regulatory Affairs and must comply with the minimum state standard for such facilities, including a minimum 600 square foot outdoor recreation area in the rear, side, or street side yard.
2. Such outdoor recreation area must be properly fenced and screened from any adjacent lot per §122-521.
3. Building must meet Building Code requirements.

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Scott E. Slagor  
Preservation Planner, Community & Economic Development Department

CC: File  
Applicant - Tera Yates