

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of October 3, 2017

**SUBJECT: Rainbow Child Care Site Plan for City Council Approval and Special Exception Use
(2600 Nixon)
File No. SP17-005 and SEU17-001**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Rainbow Child Care Site Plan.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions) and, therefore, approves the Rainbow Child Care Special Exception Use for a maximum of 130 children.

STAFF RECOMMENDATION

Staff recommends that this petition be **approved**, because, the development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land; comply with local, state and federal laws and regulations; would not cause a public or private nuisance; and would not have a detrimental effect on public health, safety or welfare.

Staff recommends the special exception use be **approved** because the proposed use is of such location, size and character as to be compatible with the zoning district in which the site is situated; and the location and size of the proposed use, its nature and intensity, the site layout and access, and effect of the proposed use on public services would not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood.

LOCATION

The site is located on the east side of Nixon Road, west of Clague School and just north of Bluett Drive (Northeast Area, Mallett's Creek Watershed).

DESCRIPTION OF PETITION

The petitioner seeks site plan and special exception use approval for construction of a 10,782 square foot single-story building for use as a day care for children. The parcel is 86,747 square

foot in size and zoned R1C (Single-Family District). Child care centers are allowed with special exception use approval by Section 5:10.12(2)(d) of the Zoning Ordinance. The existing building (former church) will be demolished. The existing parking lot will be modified to meet current landscaping, stormwater and dimensional requirements. The modified parking lot will contain 38 parking spaces and will continue to be accessed from the private drive to Clague School. The petitioner has obtained an access easement for use of this drive. There will be no new curb cuts on Nixon Road.

Storm water management will be provided in an underground storm water detention system on the west side of the parcel between the proposed building and the sidewalk along Nixon. The soils on the site are not conducive to infiltration so the water will be discharged to the City Storm water system at a much reduced rate than existing. Three bioretention islands will be added to the parking lot for a total of 1,515 square feet. Currently no storm water treatment exists for the site.

There are three landmark trees located on the site. The site plan indicates two will be removed for construction of the building or site elements such as detention. All landmark trees removed will be mitigated in excess of what is required by City Code. The petitioner will plant a total 22 trees (55 caliper inches), 10 trees (19 caliper inches) are required on the site for landmark tree mitigation. Mitigation trees planted are White Pine and White Spruce and will be planted to provide additional screening along the southern boundary adjacent to the single-family homes. In addition to mitigation trees, additional trees and shrubs will be added to the site and along Nixon Road and Clague Drive resulting in an additional 33 trees (not including landmark tree mitigation) to be planted on the site.

The facility will be used for day care of children mainly Monday through Friday between 7:00 am and 6:00 pm. A maximum of 130 kids will be permitted according to the Special Exception Use Application submitted by the applicant.

The estimated cost of construction is \$1,271,000.

SPECIAL EXCEPTION USE STANDARDS

The Planning Commission, in arriving at its decision relative to any application for a special exception, shall apply the following standards per Section 5:104(3). The standard is provided in bold, the petitioner's response is provided in regular type, and staff comments, if any, are provided in italics.

(a) The proposed use or uses shall be of such location, size and character as to be compatible with the appropriate and orderly development of the zoning district and adjacent zoning districts in which the site is situated. In applying this standard, the Planning Commission shall consider whether the proposed use:

1. Will be consistent with the general objectives of the City Master Plan;

By use of infiltration ponds for treatment of storm water prior to detention and treatment by the KSI system, reuse of as much of the existing pavement and approaches as possible, this development is built with the maintenance of the environment in mind. The structure will be a "well built" facility designed to "fit in" with the surrounding setting.

2. Will be designed, constructed, operated, and maintained in a manner that is compatible with the existing and planned character of the general vicinity;

The business that will operate here is one that relies on appearing to be of the utmost in safety and reliability as it is the caretaker of the most precious of their client's belongings. The facility is stately in appearance to invoke a feeling of comfort and endurance.

3. Will be consistent with the general character of the neighborhood considering population density, design, scale and bulk; and the intensity and character of activity;

It is located near the Clague Middle School so its business will be one already ensued in the area. The structure that it will replace, a church, is of similar activity and therefore will not introduce a new activity to the area. The hours of operation are such that peak hours of operation will not detract from the surrounding area's quiet times.

4. Will not be detrimental to the use, peaceful enjoyment, economic value or development of neighboring property, or the neighborhood area in general;

This business only operates during peak business hours and should not interfere with the peaceful enjoyment of property in any way. It is a well-built structure that should only add to the surrounding neighborhood as a part of the community.

5. Will not have a detrimental effect on the natural environment.

Care in design of the site has been taken to minimize the removal of both natural and existing man-made features thereby minimizing any impact on the environment.

(b) The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use or uses, the assembly of persons in connection therewith, and the effect of the proposed use on public services and facilities, will not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood. In applying this standard the Planning Commission shall consider, at minimum:

6. The location of and access to off-street parking and the safe provisions for pedestrian traffic;

Sufficient off-street parking has been supplied to ensure that off-site parking should not be an issue. The roadway that will serve this site (Clague Street) is not an artery for residential traffic. Walks along the entire length of the parking area will provide safe and easy access to the facility.

7. The relationship of the proposed use to main traffic thoroughfares and to streets and road intersections;

The entrances to the facility are by way of two full size approaches onto Clague Street and thence to Nixon Road (a main artery for the area) which is already used for school traffic.

The increase in traffic during peak hours should be restricted to the hours of 8 am to 10 am and 4 pm to 6pm.

8. Vehicular turning movements in relationship to traffic flow routes;

Clague Street should act as a stacking area for traffic entering onto Nixon Road minimizing traffic back-up. There is also access to Bluett Drive from Clague Street allowing for bi-directional ingress and egress to the subject property. Nixon Road and Bluett Drive are both two lane roads that should facility access by turns into traffic with a minimum of disruption to existing traffic on these roads.

9. The intensity and character of traffic and parking conditions on the site, and in the general area;

The general area will see peak levels of traffic at a fixed morning and evening times due the Clague Middle School traffic. The proposed facility should offer little interference traffic with this fixed time traffic as the peak hours for the proposed facility are not at a fixed time, but spread out over four hours of a day. The site has been designed with more parking than required for the proposed facility and, therefore, off-site parking should not be necessary. There are no near-by residential streets or parking areas that would attract client use for parking.

10. The requirements for additional public services and facilities which will be created by the proposed use will not be detrimental to the social and economic welfare of the community.

This is a replacement of an existing facility which will offer limited hours of operation and an increase in activity during peak hours of general activity. There will be an increase in need for garbage removal and sanitary sewer services, but not at a rate that would offer significant increase to the community. Since the hours of operation are not during peak social hours, this should not be an issue for the community.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	School access drive	R1C (Single-Family)
EAST	Public School (Clague)	PL (Public Land)
SOUTH	Single-Family Residential	R1C (Single-Family)
WEST	Multiple-Family Residential	R3 (Townhouse Dwelling)

COMPARISON CHART

	EXISTING	PROPOSED	REQUIRED
Zoning	R1C Single-Family District	R1C Single-Family District	R1C Single-Family District
Gross Lot Area	1.99 Acres (86,747 sq ft)	1.99 Acres (86,747 sq ft)	7,200 sq ft MIN
Front	100 ft	95 ft	25 ft
	20 ft (south) 82 ft (north)	30 ft (South) 77 ft (North)	5 ft
	260 ft	220 ft	30 ft MIN
Height	Approx. 16ft	27 ft	30 ft
Parking - Automobiles	63 spaces	38 total spaces	24 MIN
Parking – Bicycles	N/A	2 spaces Class B	2 space MIN Class B

PLANNING BACKGROUND

The 2009 City Master Plan: Land Use Element identifies this site in the Northeast Area as a Single and Two-Family use. The Land Use Element does encourage mixed uses adjacent to neighborhoods when the uses are compatible with residential.

STAFF COMMENTS

Planning – The proposed use is consistent with the single-family zoning district and is consistent with the adjacent land uses of residential and public school. The use of the existing Clague Drives results in no additional curb cuts to Nixon Road. The petitioner has also provided an excess of landscaping with evergreen trees along the southern boundary to help screen the new building and playground from the adjacent single-family neighborhood.

Per requirements of the Citizen Participation Ordinance, the petitioner mailed out postcards to all residents within 500 feet. While not required, the petitioner also held a neighborhood meeting to present the project and gather feedback from the neighboring residents. As a result of that meeting, additional landscaping was added to help buffer the project from the adjacent houses.

As mentioned in the Master Plan, the City should encourage the preservation of mixed uses that are compatible to adjacent residential neighborhoods. .Allowing this low intensity day care use to locate adjacent to neighborhoods increases the opportunity for nearby residents to walk or bike to the use. In addition, this site is well served by public transit.

Prepared by Matt Kowalski
Reviewed by Brett Lenart
9/28/17

Rainbow Child Care Site Plan and Special Exception Use
Page 6

Attachments: Zoning and Parcel Map
Aerial Photo
Site Plan
Elevations

C:

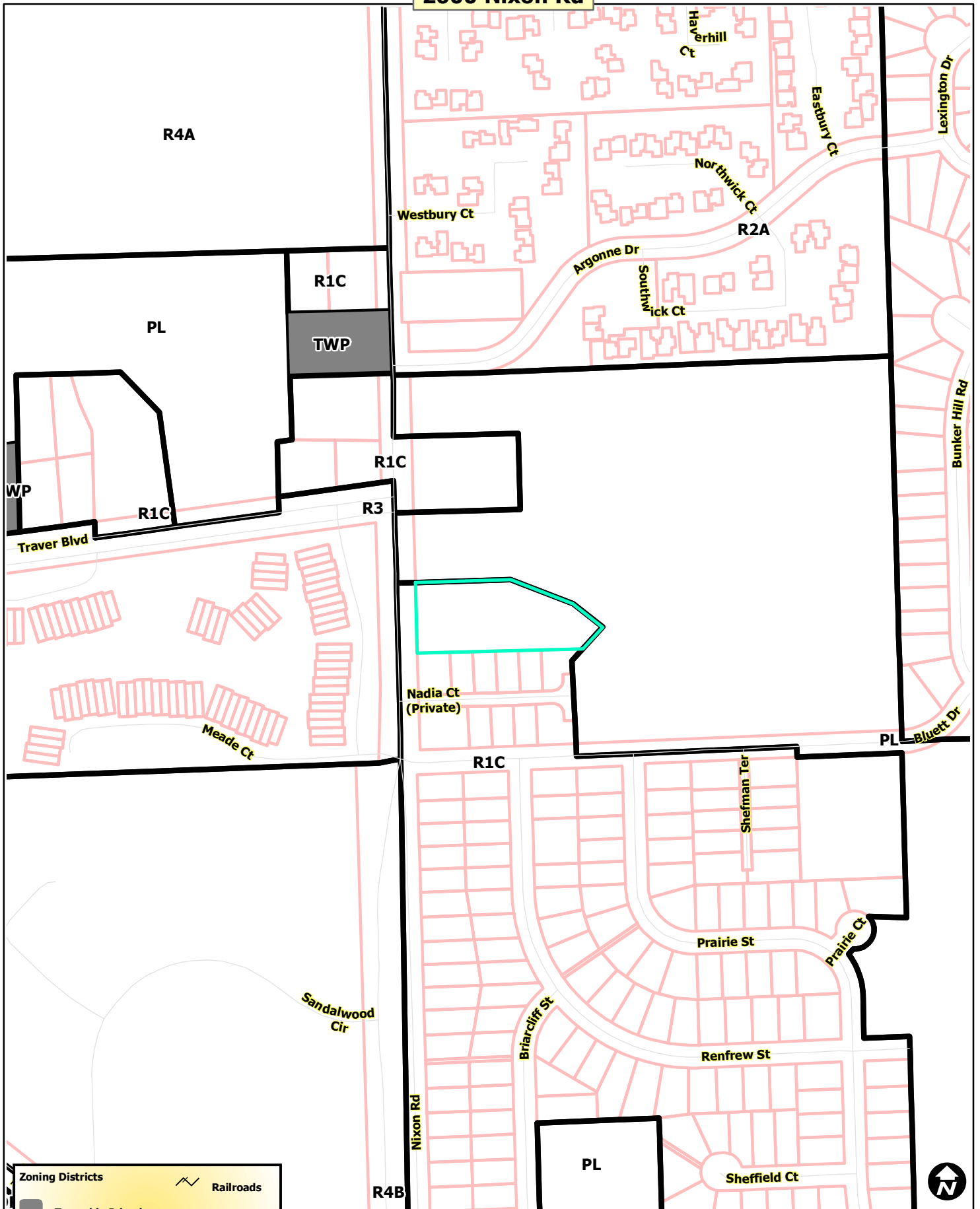
Civil Engineer: Alexander Orman
Orman Engineering, LLC
5476 Vivian Lane
Waterford, MI 48327

Petitioner: Reed Fenton
Rainbow Rascals MI-Ann Arbor Nixon LLC
1732 Crooks Road
Troy, MI 48084

Owner: Reed Fenton
Rainbow Rascals MI-Ann Arbor Nixon LLC
1732 Crooks Road
Troy, MI 48084

Systems Planning
File Nos. SEU17-001

2600 Nixon Rd



	Zoning Districts		Railroads
	Township Islands		Tax Parcels
	City Zoning Districts		Huron River



Map date 12/16/2016
 Any aerial imagery is circa 2015
 unless otherwise noted
 Terms of use: www.a2gov.org/terms

2600 Nixon Rd

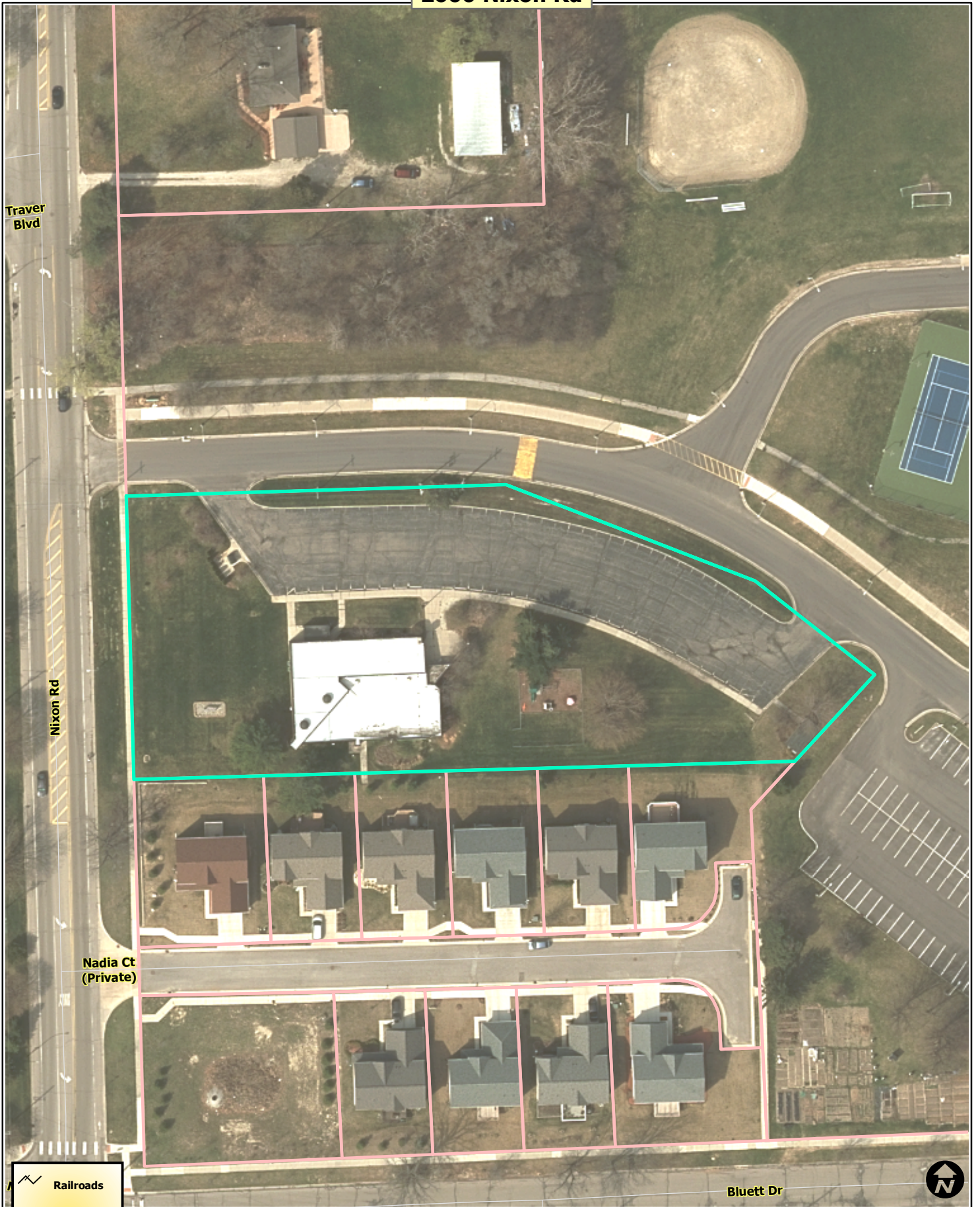





- Railroads
- Tax Parcels
- Huron River



Map date 12/16/2016
Any aerial imagery is circa 2015
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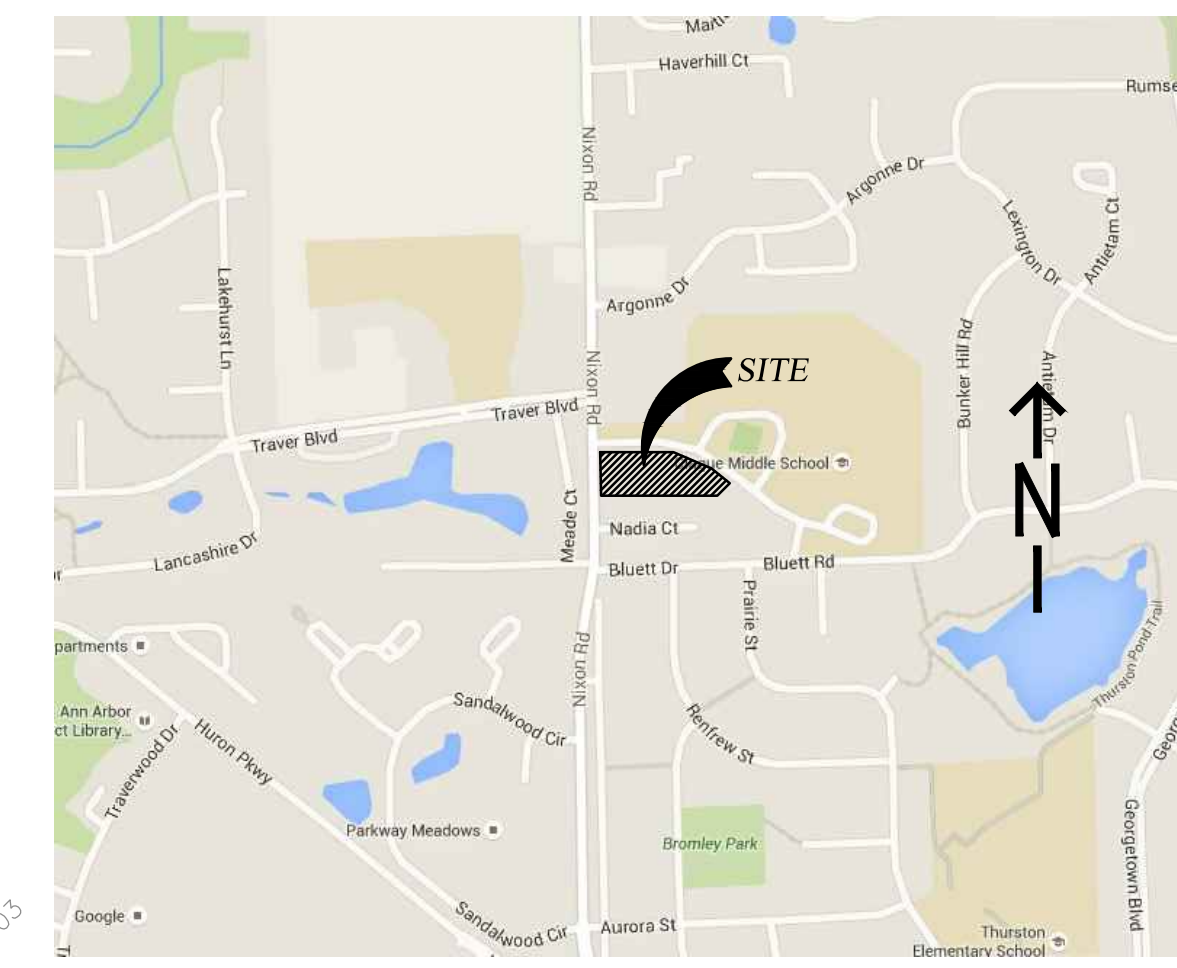
2600 Nixon Rd



-  Railroads
-  Tax Parcels
-  Huron River



Map date 12/16/2016
Any aerial imagery is circa 2015
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LOCATION MAP

N.T.S.

FIRE DEPARTMENT NOTE:

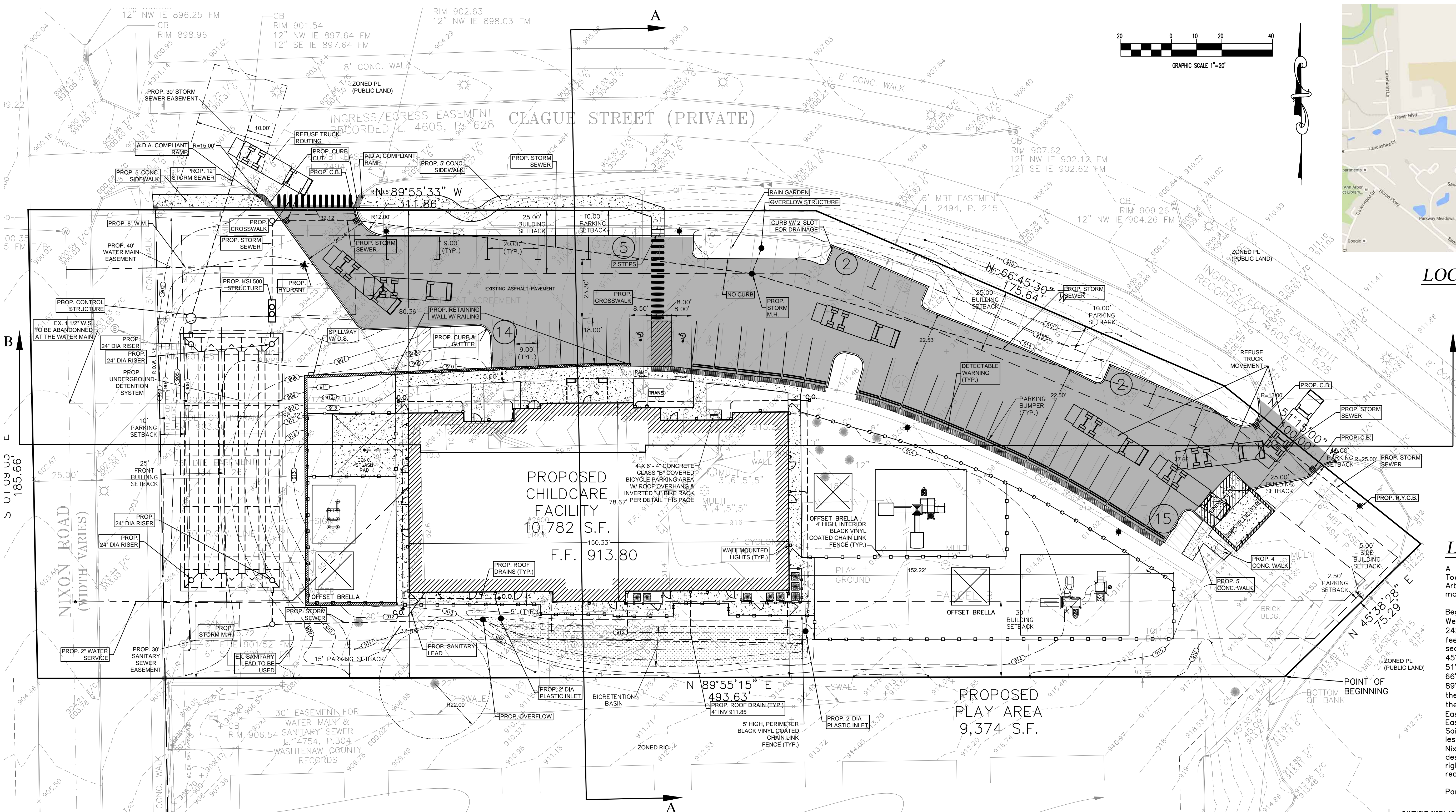
- STORAGE AREA FOR CONSTRUCTION MATERIALS SHALL NOT INTERFERE WITH FIRE/EMERGENCY SITE ACCESS.
- HYDRANTS PROVIDING PROTECTION COVERAGE FOR THE BUILDING SHALL BE IN SERVICE AND APPROVED BY BOTH PLANNING AND FIRE DEPARTMENT BEFORE FIRE DEPARTMENT WILL SUPPORT PERMIT ISSUANCE FOR NEW CONSTRUCTION PHASE AND BEFORE COMBUSTIBLE MATERIALS ARE PLACED ON THE JOB SITE
- HYDRANTS SHALL BE IN SERVICE DURING CONSTRUCTION
- KNOX BOX SHALL BE MOUNTED ON AN EXTERIOR LOCATION OF THE BUILDING FOR EMERGENCY ACCESS

LEGAL DESCRIPTION

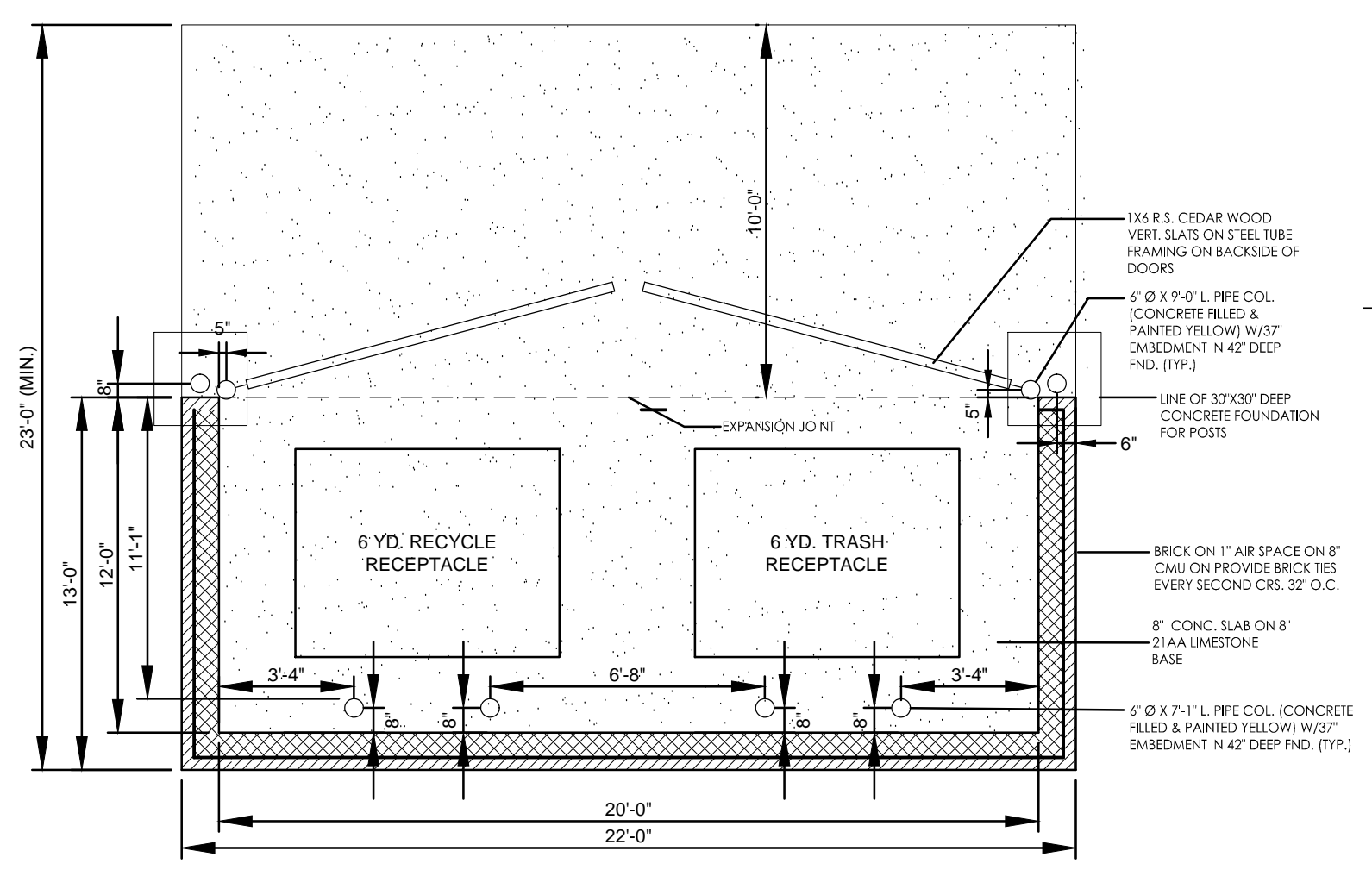
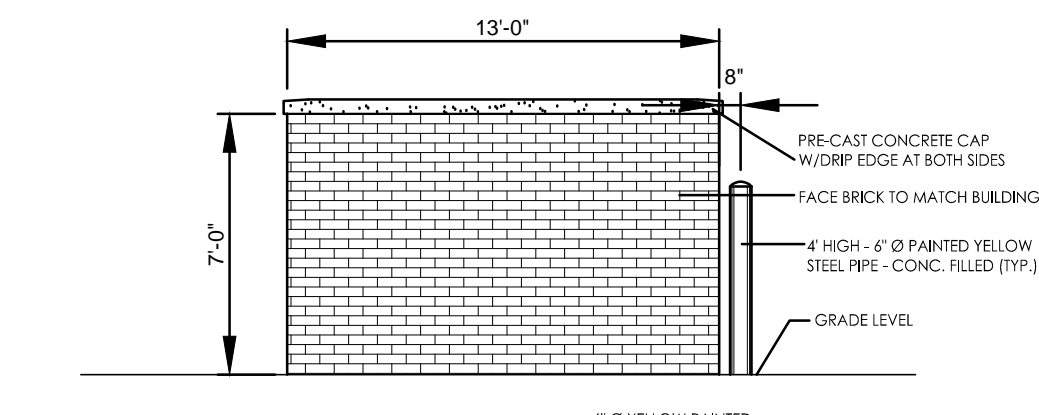
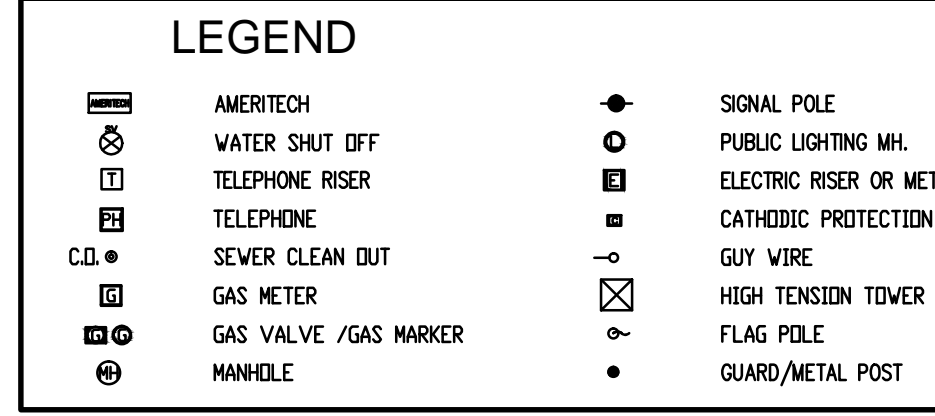
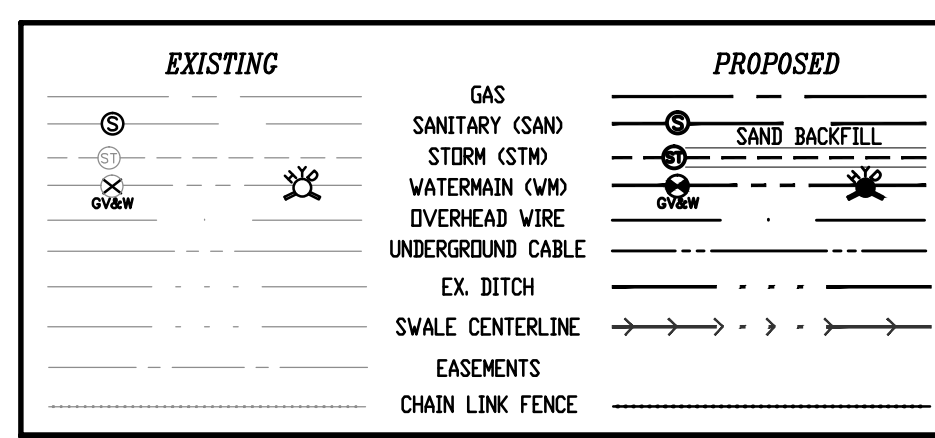
A part of the Northeast 1/4 OF SECTION 15, Township 2 South, Range 6 East, City of Ann Arbor, Washtenaw County, Michigan, being more particularly described as:

Beginning at a point distant South 87°57'47" West, 855.74 feet, North 01°06'00" West, 242.17 feet AND North 45°38'28" East, 45.09 feet from the East 1/4 Corner if said section 15; thence continuing North 45°38'28" East 75.29 feet; thence North 51°15'00" West 100.00 feet; thence North 66°45'30" West 175.64 feet; thence North 89°55'33" West 311.86 feet to a point on the centerline of Nixon Road (width varies); thence along said centerline South 01°09'03" East 185.66 feet; thence North 89°55'15" East 493.63 feet to the Point of Beginning. Said parcel contains 1.99 acres, more or less, and is subject to right of way for Nixon Road over the Westerly 50' of above described parcel, and is subject to any other rights of way, easements and restrictions of record.

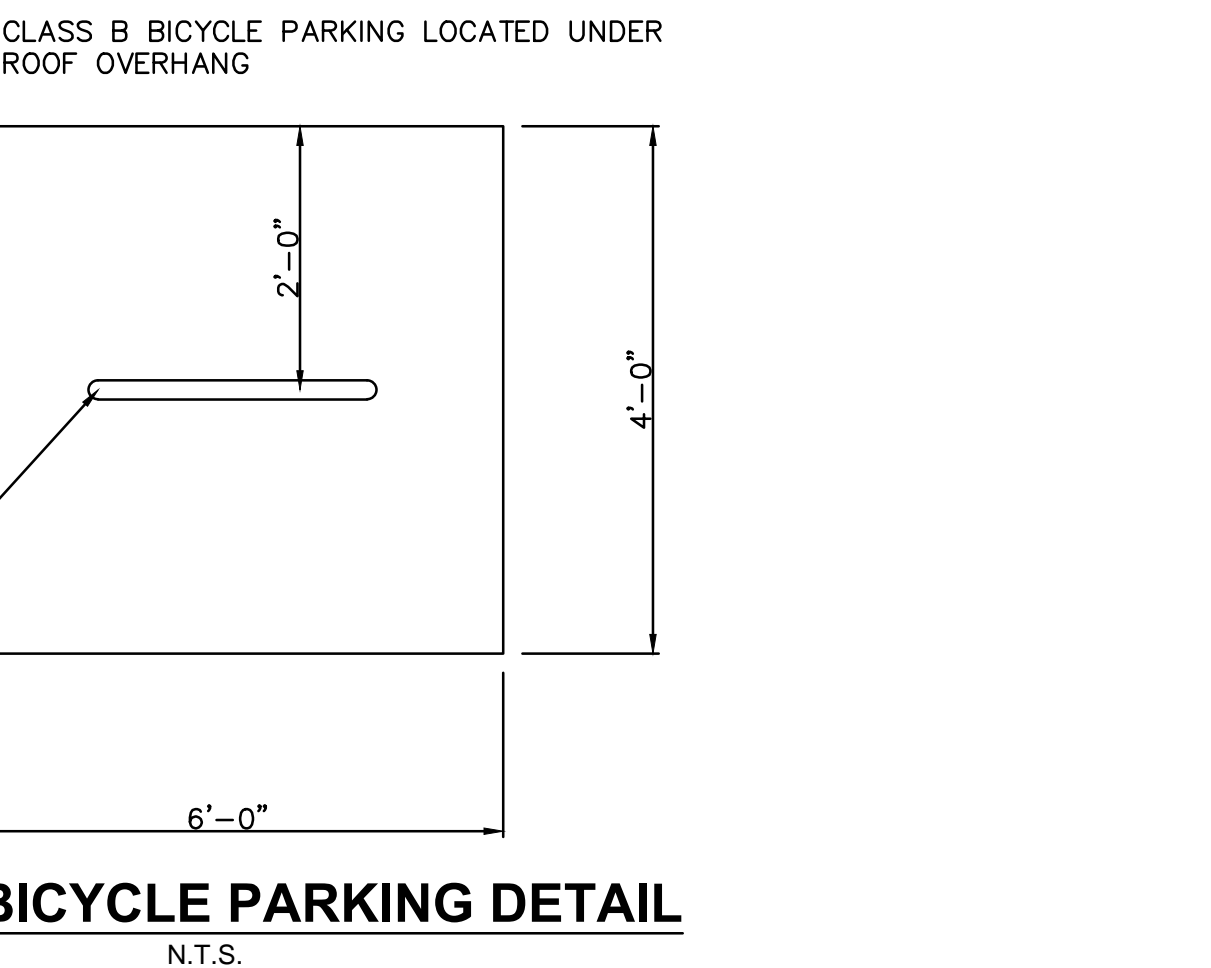
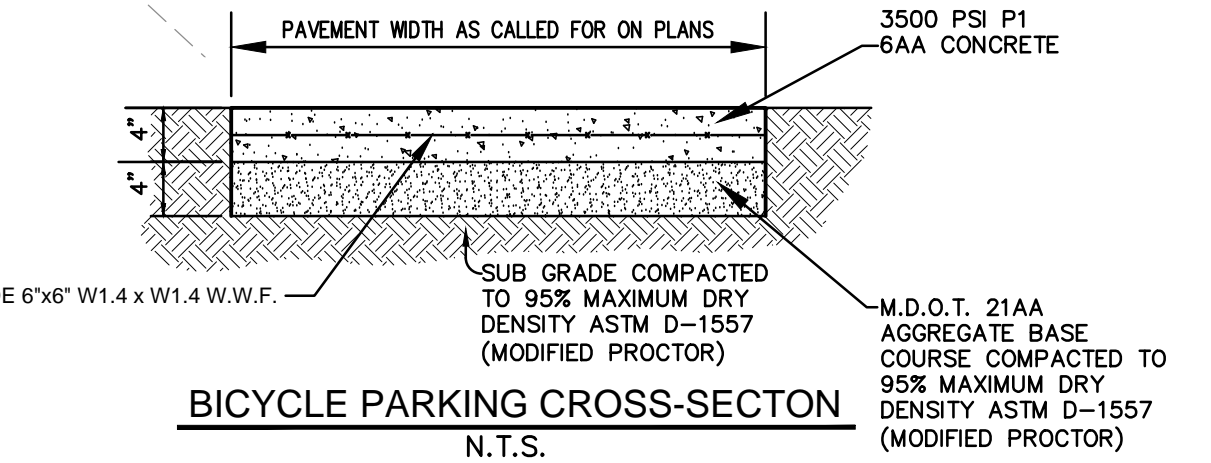
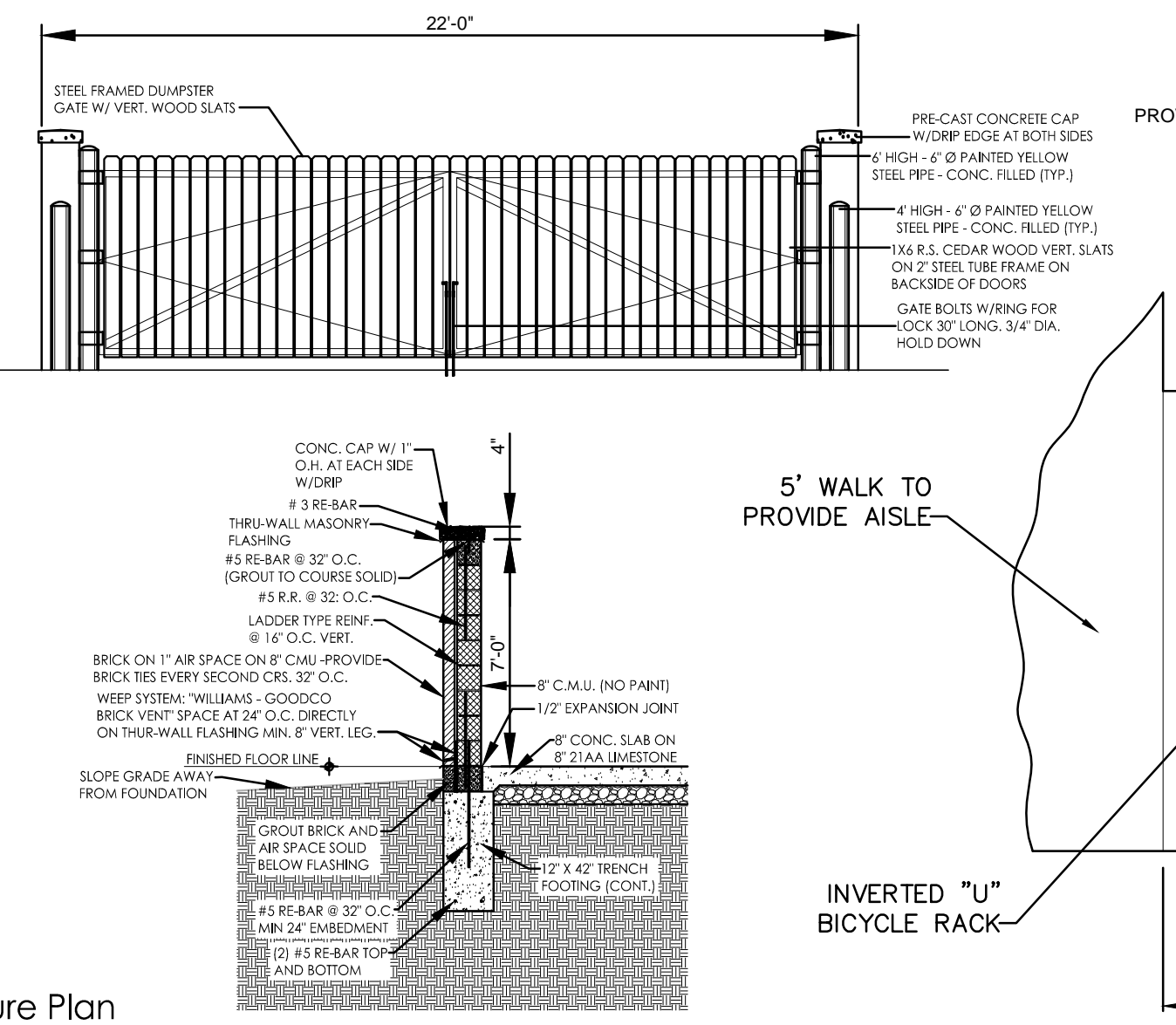
Parcel ID#: 09-09-15-100-036



NOTE:
 IT IS THE BUSINESS PRACTICE OF RAINBOW RASCALS NOT TO ALLOW CHILDREN TO BE DROPPED OFF WITHOUT THE PARENT/GUARDIAN ENTERING THE ESTABLISHMENT AND SIGNING IN OR SIGNING OUT THE CHILD FOR EACH VISIT. THEREFORE, NO FACILITIES FOR SUCH ACTION HAS BEEN PROVIDED INCLUDING FOR NON-PERSONAL VEHICLES WHICH WOULD NEED TO PARK AND WAIT ON THE SIGNING IN PROCESS LIKE ALL OTHER VEHICLES.



NOTE: SEE SHEET SP-2 FOR CROSS SECTIONS A-A & B-B.
NOTE: TREE REMOVAL AND REPLACEMENT IS SHOWN ON THE LANDSCAPING PLANS.



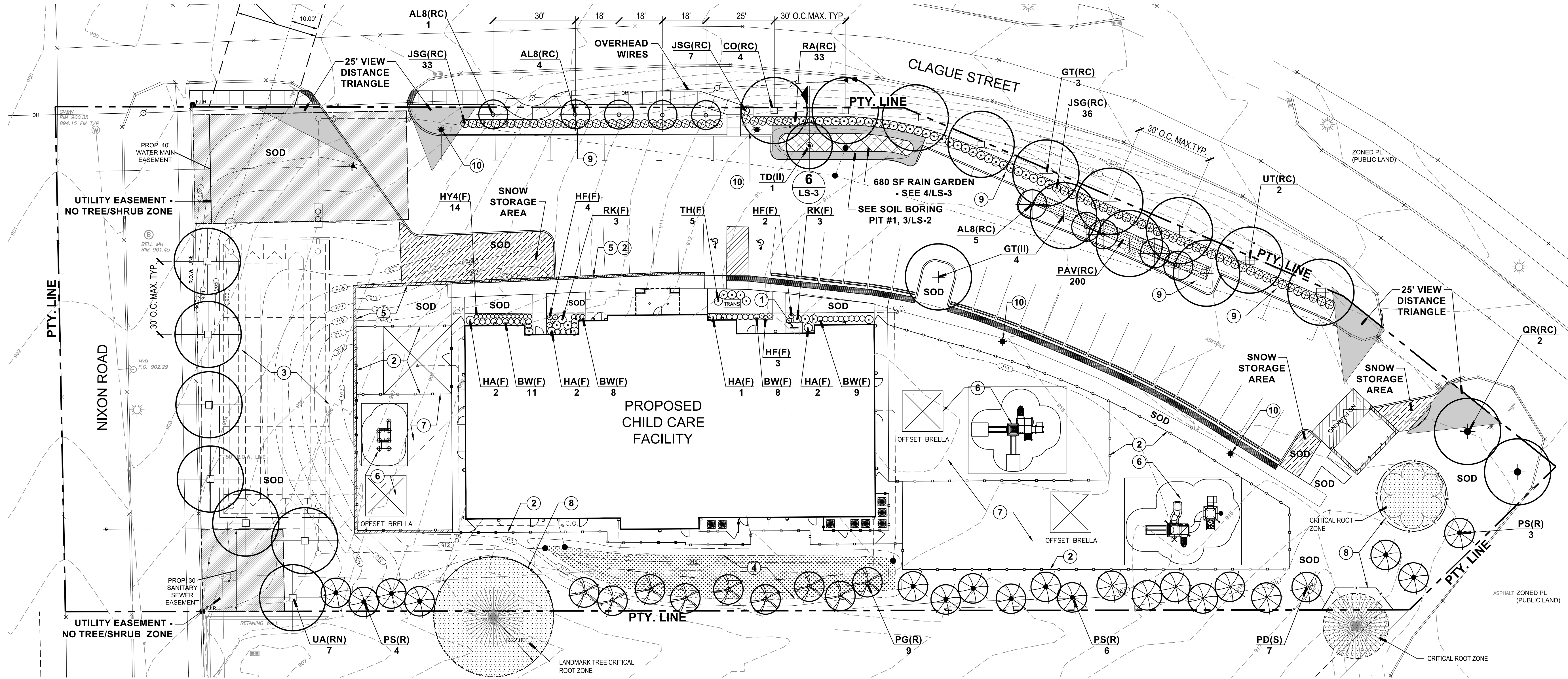
REVISIONS

Date	Description
09-22-17	REV. SITE PLAN PER CITY
09-13-17	REV. SITE PLAN PER CITY
08-21-17	REV. SITE PLAN PER CITY
06-30-17	REV. SITE PLAN PER CITY



Date	Description
09.22.17	REVISED SITE PLAN PER CITY
09.13.17	REVISED SITE PLAN PER CITY
08.21.17	REVISED SITE PLAN PER CITY
06.30.17	REVISED SITE PLAN PER CITY
01.30.17	SPA
12.12.16	SPA

Designed by: Drawn by:
K.W. K.M.W.
Approved by: Date:
K.W. 12-12-2016
Scale:
1" = 20'
Job No.: Sheet:



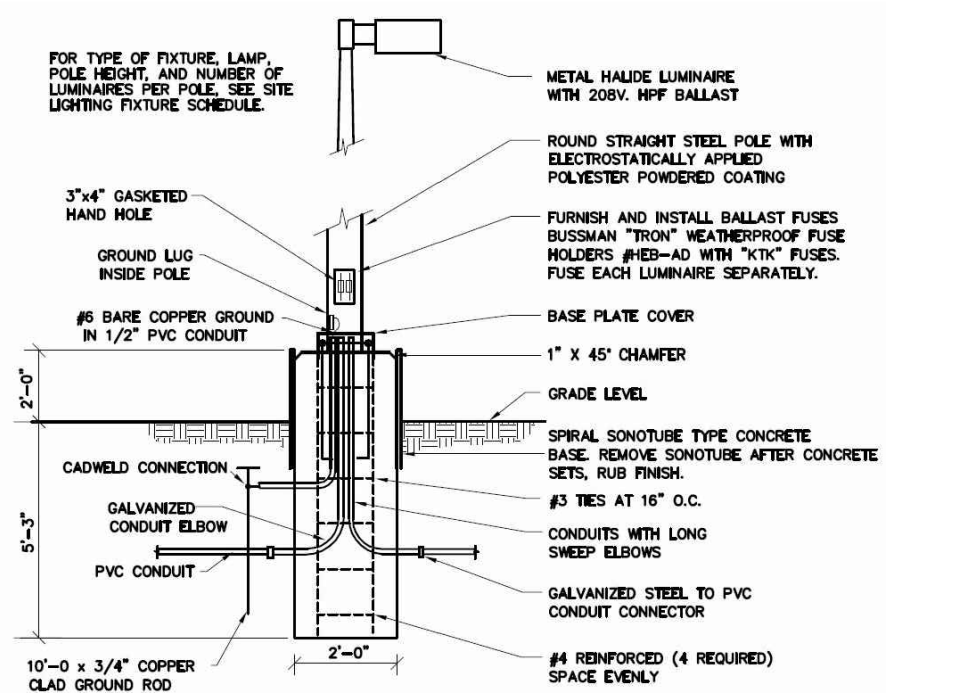
1 **SITE PLANTING PLAN**
LS-2 SCALE 1" = 20' NORTH

CITY OF ANN ARBOR LANDSCAPE NOTES:

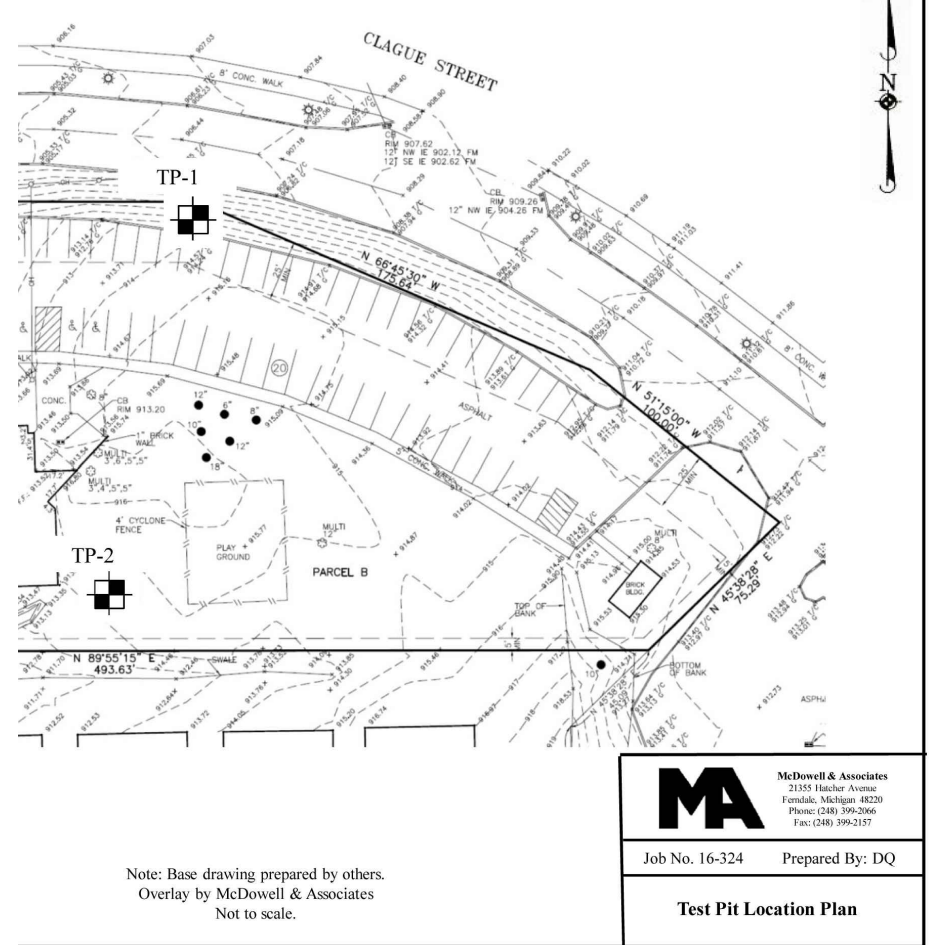
- SNOW SHALL NOT BE PUSHED ON TO INTERIOR LANDSCAPE ISLANDS UNLESS THOSE AREAS HAVE BEEN DESIGNATED FOR SNOW STORAGE.
- APPLICATIONS OF FERTILIZERS, BEYOND THE INITIAL TOPSOIL AND SEEDING, SHALL BE A FERTILIZER WITH CONTAINING NO PHOSPHORUS.

PLANT MIX

EXCAVATE PLANT BEDS TO DEPTH SHOWN ON DETAILS - DISPOSE OF SPOILS OFF SITE.
PLANTING BEDS TO RECEIVE MIXTURE OF 70% LOAM TOPSOIL, 10% COMPOST, 20% SAND;
ADDITIONALLY - HAND TILL INTO EVERY 150 SQ. FT. BED AREA:
(1) 6 CU. FT. BALE ORGANIC COMPOST
(1) 40 LB BAG COMPOSTED POULTRY MANURE "CHICK MAGIC" 5-3-2 WWW.CHICKMAGIC.NET (262)495-6220
(1) 5 LB BAG SHEMINS 13-13-13 MULTI PURPOSE FERTILIZER
HAND TILL INTO BED TO MINIMUM DEPTH OF 12"



2 LIGHT POLE DETAIL
NOT TO SCALE

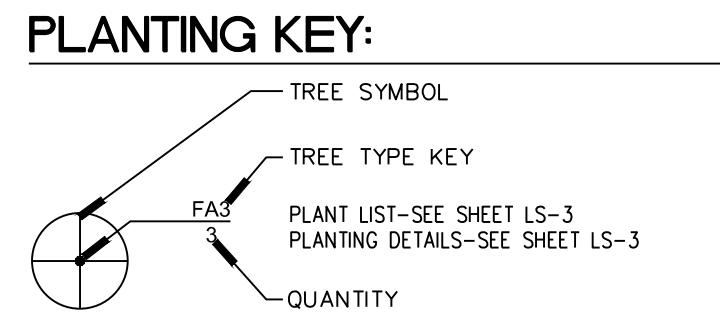


3 SOILS REPORT - TEST PIT LOG 1
NOT TO SCALE

Soil Stratigraphy:		Pipe Installation #1	
0" - 10"	Moist dark brown clayey topsoil (fill)	Soil Depth:	N/A
10" - 18"	Moist dark brown silty clay with traces of sand, gravel and topsoil (fill)	Inner Pipe Dia.:	N/A
18" - 3'	Moist brown to variegated silty clay with traces of sand and gravel	Outer Pipe Dia.:	N/A
		Embedment:	N/A
		Stick-up:	N/A
Soil Stratigraphy:		Pipe Installation #2	
		Soil Depth:	N/A
		Inner Pipe Dia.:	N/A
		Outer Pipe Dia.:	N/A
		Embedment:	N/A
		Stick-up:	N/A
		Pipe Distance:	N/A
		Groundwater Depth:	N/A

GENERAL PLANTING NOTES:

- ALL TREES TO HAVE CLAY OR LOAM BALLS, TREES WITH SAND BALLS WILL BE REJECTED.
- ALL SINGLE STEM SHADE TREES TO HAVE STRAIGHT TRUNKS AND SYMMETRICAL CROWNS.
- ALL SINGLE TRUNK SHADE TREES TO HAVE A CENTRAL LEADER, TREES WITH FORKED OR IRREGULAR TRUNKS WILL NOT BE ACCEPTED.
- ALL MULTI-STEM TREES SHALL BE HEAVILY BRANCHED AND HAVE SYMMETRICAL CROWNS, ONE SIDED TREES OR THOSE WITH THIN OR OPEN CROWNS SHALL NOT BE ACCEPTED.
- ALL EVERGREEN TREES SHALL BE HEAVILY BRANCHED AND FULL TO THE GROUND, SYMMETRICAL IN SHAPE AND NOT SHEARED FOR THE LAST FIVE GROWING SEASONS.
- NO MACHINERY IS TO BE USED WITHIN THE DROPLINE OF EXISTING TREES, HAND GRADE ALL LAWN AREAS WITHIN DROPLINE OF EXISTING TREES.
- ALL TREE LOCATIONS SHALL BE STAKED BY LANDSCAPE CONTRACTOR AND ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF THE PLANT MATERIAL.
- IT IS MANDATORY THAT POSITIVE DRAINAGE IS PROVIDED AWAY FROM ALL BUILDINGS, WALKS AND PAVED AREAS.
- ALL PLANTING BEDS SHALL RECEIVE SHREDED BARK MULCH, SEE PLANTING DETAILS FOR DEPTHS.
- SEE SPECIFICATIONS FOR ADDITIONAL COMMENTS, REQUIREMENTS, PLANTING PROCEDURES AND WARRANTY STANDARDS.



NOTE KEY:

- BICYCLE PARKING AREA - SEE CIVIL PLANS
- FENCE / RAILING - SEE CIVIL PLANS
- UNDERGROUND DETENTION AREA - SEE CIVIL PLANS
- BIORETENTION BASIN AREA / SOILS - SEE "SOILS DESCRIPTION" ON SP-2
- WALL - SEE CIVIL PLANS
- PLAYGROUND STRUCTURE
- SAFETY SURFACING IN PLAYGROUND AREA
- TREE PROTECTION FENCE - SEE 2/LS-1
- CONTINUOUS MULCH BED
- LIGHT POLE - SEE 2/LS-2

NOTES:

- NO PLANTINGS SHALL BE INSTALLED WITHIN 15' OF A FIRE HYDRANT.
- BIKE RACKS - BIKE PARKING IS PROVIDED AT THE EAST BUILDING ENTRANCE

CRITICAL ROOT ZONE (CRZ) = 1 RADIAL FOOT PER CALIPER INCH AT DBH (IE 14" TREE = 14'R CRZ)

MULCH:

MULCH TO BE DOUBLE SHREDED HARDWOOD BARK MULCH
NO GROUND WOOD PALLETTE MULCH PERMITTED

LAWNS:

ALL PROPOSED LAWN AREAS TO BE IRRIGATED SOD.

TOPSOIL:

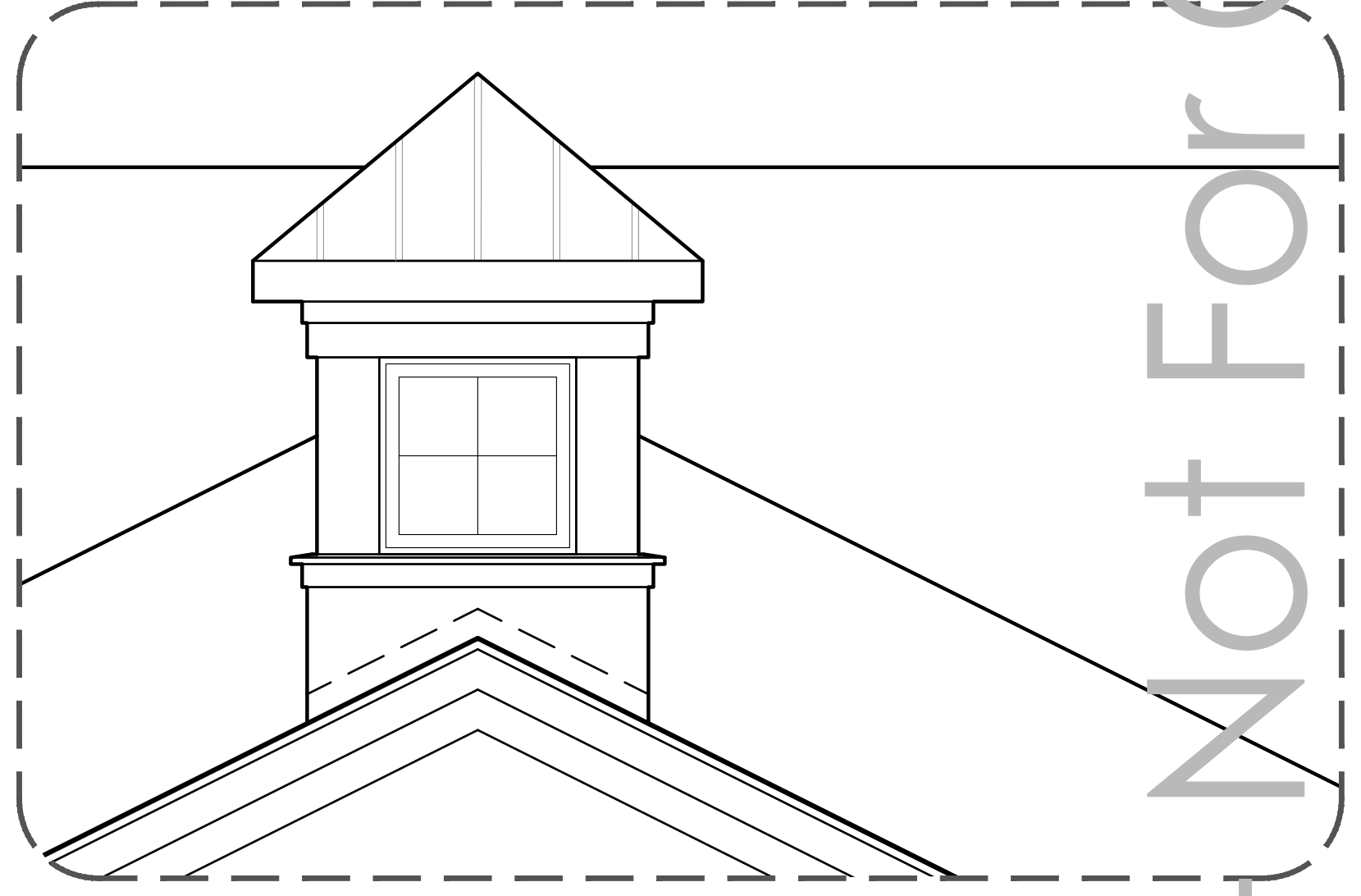
CONTRACTOR TO TILL OR DISK SUBGRADE TO 6" DEPTH AND INSTALL 4" COMPACTED DEPTH TOPSOIL IN ALL LAWN AREAS - FROM ONSITE STOCKPILE OR PROVIDED TO COMPLETE THE PROJECT



248 477 3690 TEL
WWW.KW-LA.COM
33203 BIDDESTONE LANE, FARMINGTON HILLS, MI 48334



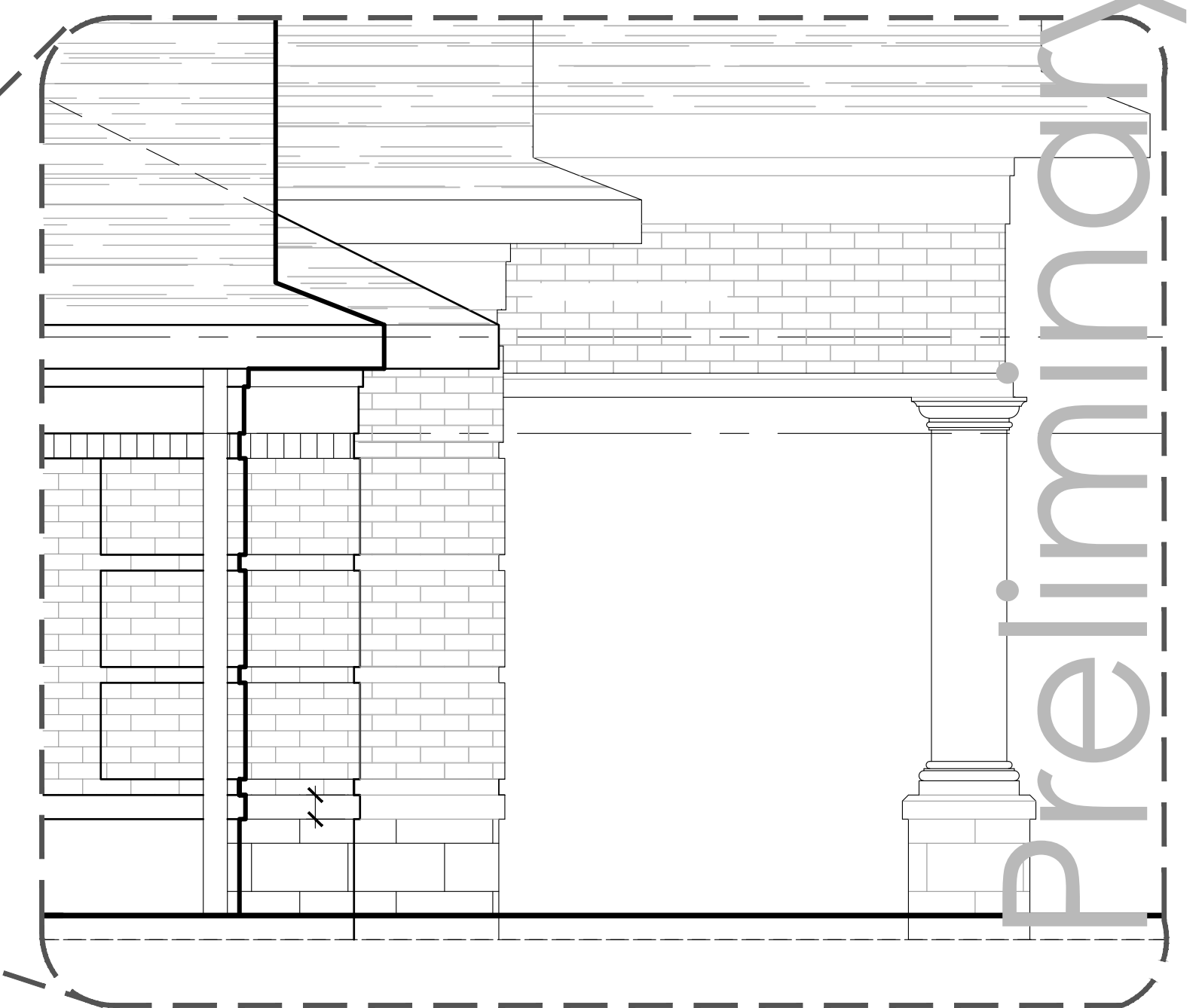
Front Elevation
 Scale: 3/16" = 1'-0"



Enlarged Cupola Elevation
 Scale: 1/2" = 1'-0"



Left Side Elevation
 Scale: 3/16" = 1'-0"



Typ. Enlarged Elevation
 Scale: 1/2" = 1'-0"

Preliminary - Not For Construction

krieger klatt
 ARCHITECTS
 architecture interiors consulting
 1412 East Eleven Mile Road, Royal Oak, MI 48067
 Phone: 248.414.9275 Fax: 248.414.9275 Web: kriegerklatt.com

Client:
 Rainbow Child Care Center
 1732 Crooks Rd
 Troy, MI 48084

Project:
 Prototype

Issued:

Date	Review

Seal:

Note:
 Do not scale drawings. Use calculated dimensions only. Verify existing conditions in field.

North Arrow:

Sheet Title:

Exterior Elevations

Scale:
 As Noted

Project Number:
 ##-###

Sheet Number:

A.200

Preliminary - Not For Construction

krieger klatt
ARCHITECTS
architecture interiors consulting
1412 East Eleven Mile Road, Royal Oak, MI 48067
Phone: 248.414.9270 Fax: 248.414.9275 Web: kriegerklatt.com

Client:
Rainbow Child Care Center
1732 Crooks Rd
Troy, MI 48084

Project:
Prototype

Issued:

Date	Review

Seal:

Note:
Do not scale drawings. Use
calculated dimensions only.
Verify existing conditions in field.

North Arrow:

Sheet Title:

Exterior
Elevations

Scale:

As Noted

Project Number:

##-###

Sheet Number:

A.201



Rear Elevation
Scale: 3/16" = 1'-0"



Right Side Elevation
Scale: 3/16" = 1'-0"