

**PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of August 21, 2018**

**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, conditioned on access being provided to the site over Clague Street consistent with the survey included in the Site Plan and any necessary access for emergency vehicle use of the gated approach.

**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 (Unified Development Code, Section 5.29.5 (Special Exceptions) and, therefore, approves the Rainbow Child Care Special Exception Use for a Child Care Center based on the following findings:

1. The proposed use is consistent with the R1C Single-Family Zoning District as a special exception use.
2. The proposed use has adequate access to Nixon Road.

This Special Exception Use approval is based on the following conditions:

1. Access being provided to the site over Clague Street consistent with the survey included in the Site Plan.
2. The Center will support 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 (Northeast Area, Malletts Creek Watershed).

### **UPDATE**

On October 3, 2017, the Planning Commission recommended approval of the Site Plan petition and approved the Special Exception Use for this project. The Site Plan proceeded to City Council on February 5<sup>th</sup>, 2018. At the City Council meeting, the Ann Arbor Public Schools objected to the use of the Clague Drive easement for access to the site. City Council referred the site plan back to City Planning Commission. The developer has presented a survey that shows that the Rainbow Child Care site has an access easement to the western driveway to Clague and not the eastern driveway as shown on the original plan presented to Planning Commission. Since the school system has not authorized use of the eastern drive to date, the plan was modified to prohibit access through this eastern drive approach. A locked gate will be installed so only the western drive to Clague will be used to access the Rainbow Child Care site. Access to the use of this gate, despite likelihood of infrequency, must be attained by the petitioner, or other emergency vehicle turn-around provisions must be provided. Due to the fact that the Special Exception Use approval was previously based on the site plan and findings of two access points with bi-directional traffic on Clague Drive, staff has determined the SEU approval must be reconsidered.

As a result of the changes to circulation on the site, the location of the solid waste enclosure was changed to allow access. In addition, the plan has changes reflective of the Planning Commission direction at the previous meeting. A large multi-stemmed mulberry tree is now shown as being saved. While not a landmark tree the Planning Commission requested the petitioner save the tree for additional screening to the adjacent houses. The area of the bicycle parking has also been increased to allow more room for possible storage of bicycle trailers.

### **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 Chapter 55 (Unified Development Code, Section 5.29.5 (Special Exceptions). 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 children 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 5.29.5.D. 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.

*The revised plan provides a single approach onto Clague Street.*

**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 facilitate access by turns into traffic with a minimum of disruption to existing traffic on these roads.

*Stacking on Clague Drive will be minimal from the Child Care Center, as the survey only demonstrates access to the westernmost drive. Access to the site is not provided via*

*Bluett Drive, as no easement is provided for such access. Consideration of the circulation patterns by the City rely upon the single drive access to Nixon.*

**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	
Setbacks	Front	100 ft	95 ft	25 ft
	Side(s)	20 ft (south) 82 ft (north)	30 ft (South) 77 ft (North)	5 ft
	Rear	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
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## 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 – After City Council referred the plan back to the Planning Commission, the petitioner worked to explore alternate routes to access the site. While the petitioner is entitled to a curb cut directly onto Nixon road, the City’s Traffic Engineer does not recommend that option due to potential safety hazards and conflicts with other traffic along Nixon. Utilizing a shared drive (Clague) even accounting for school traffic in the area, is the best option for access. The City Traffic Engineer did a complete review with the modified access plan, and subsequently has approved the project. Fire and Solid Waste have also reviewed the plan and have approved the current configuration. Planning Staff continues to support the project with the modified access.

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  
8/17/18

Attachments: [Site Plan](#)  
Zoning and Parcel Map  
Aerial Photo

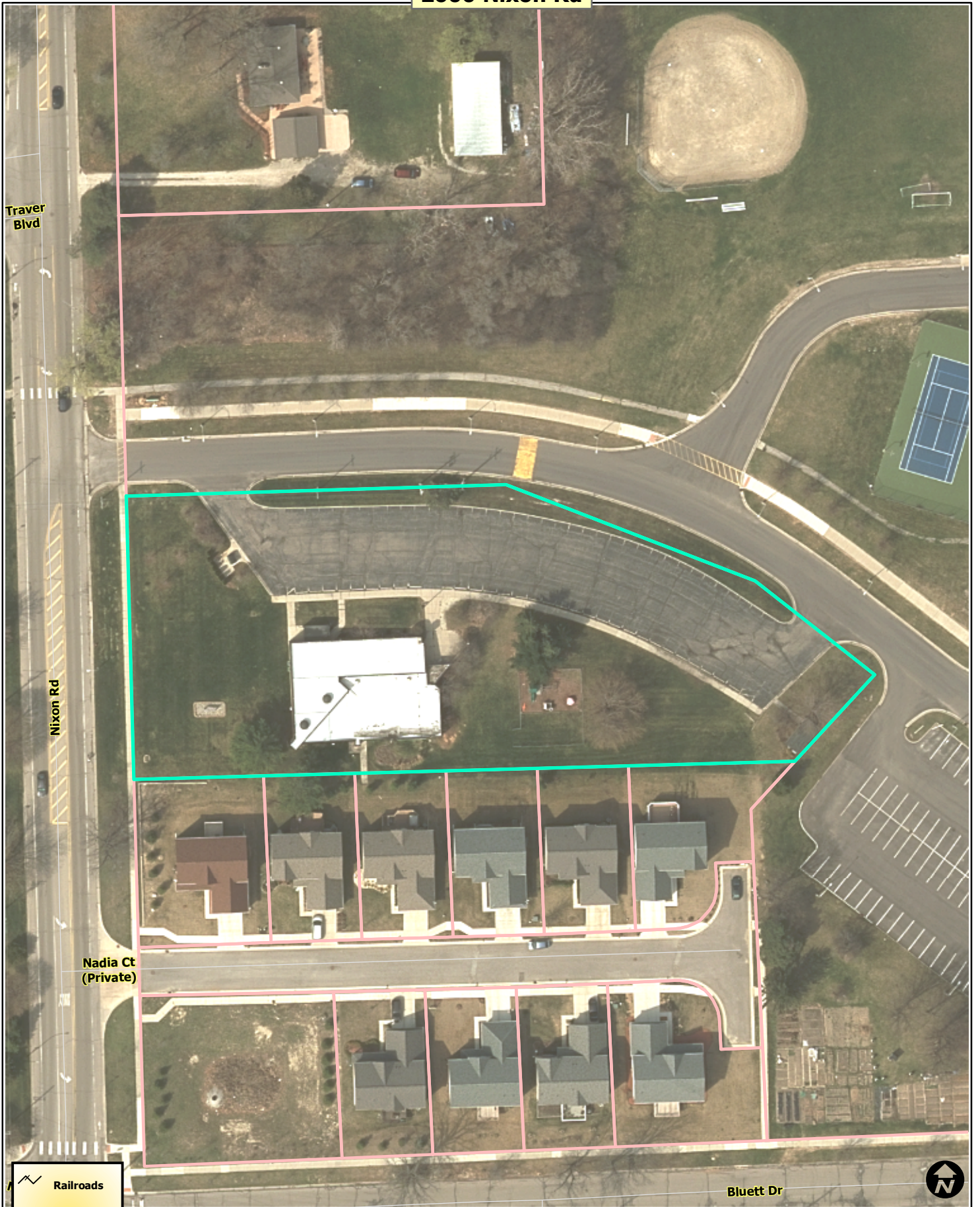
Civil Engineer: Alexander Orman  
Orman Engineering, LLC  
5476 Vivian Lane




Waterford, MI 48327

Petitioner/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



-  Railroads
-  Tax Parcels
-  Huron River






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



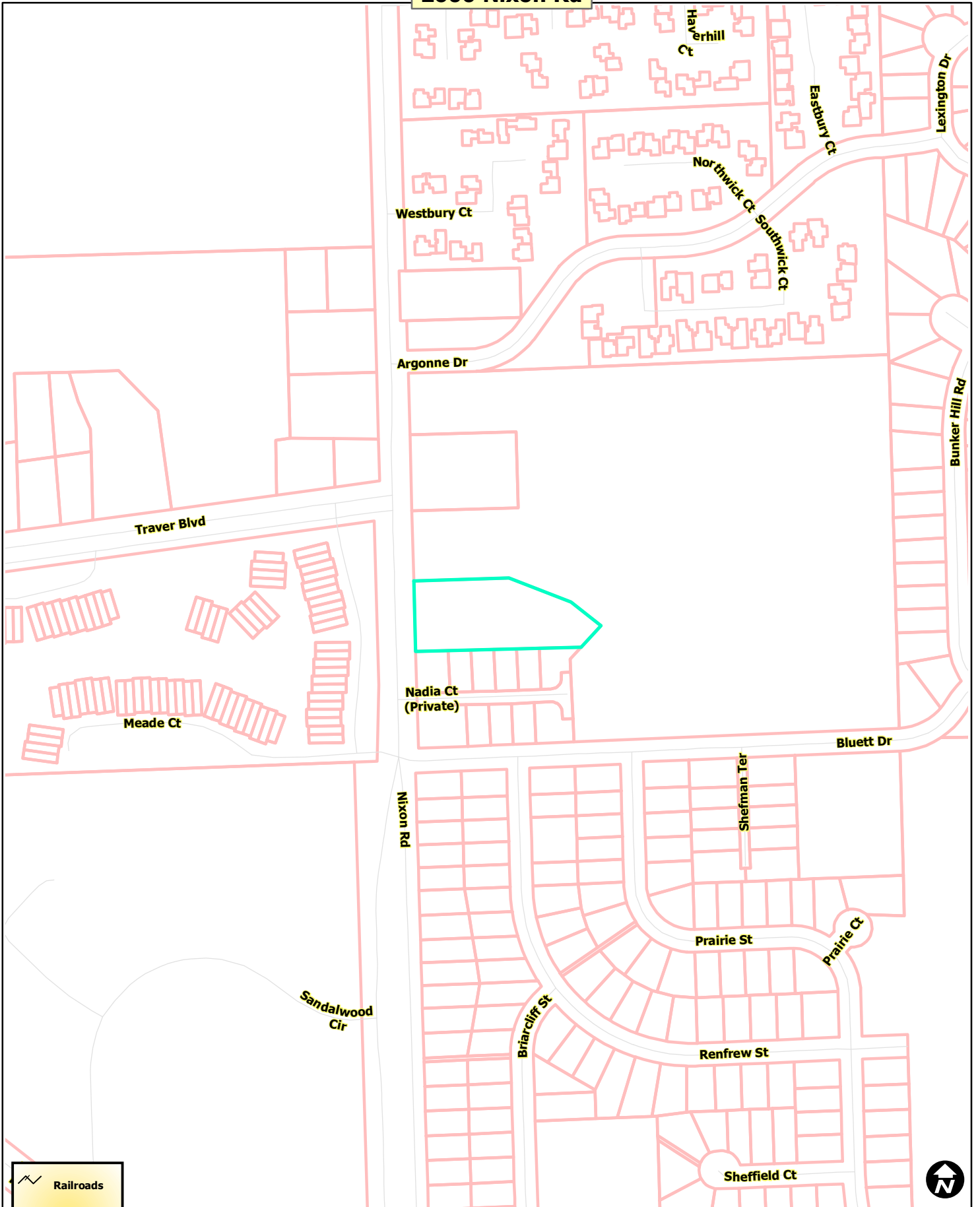
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



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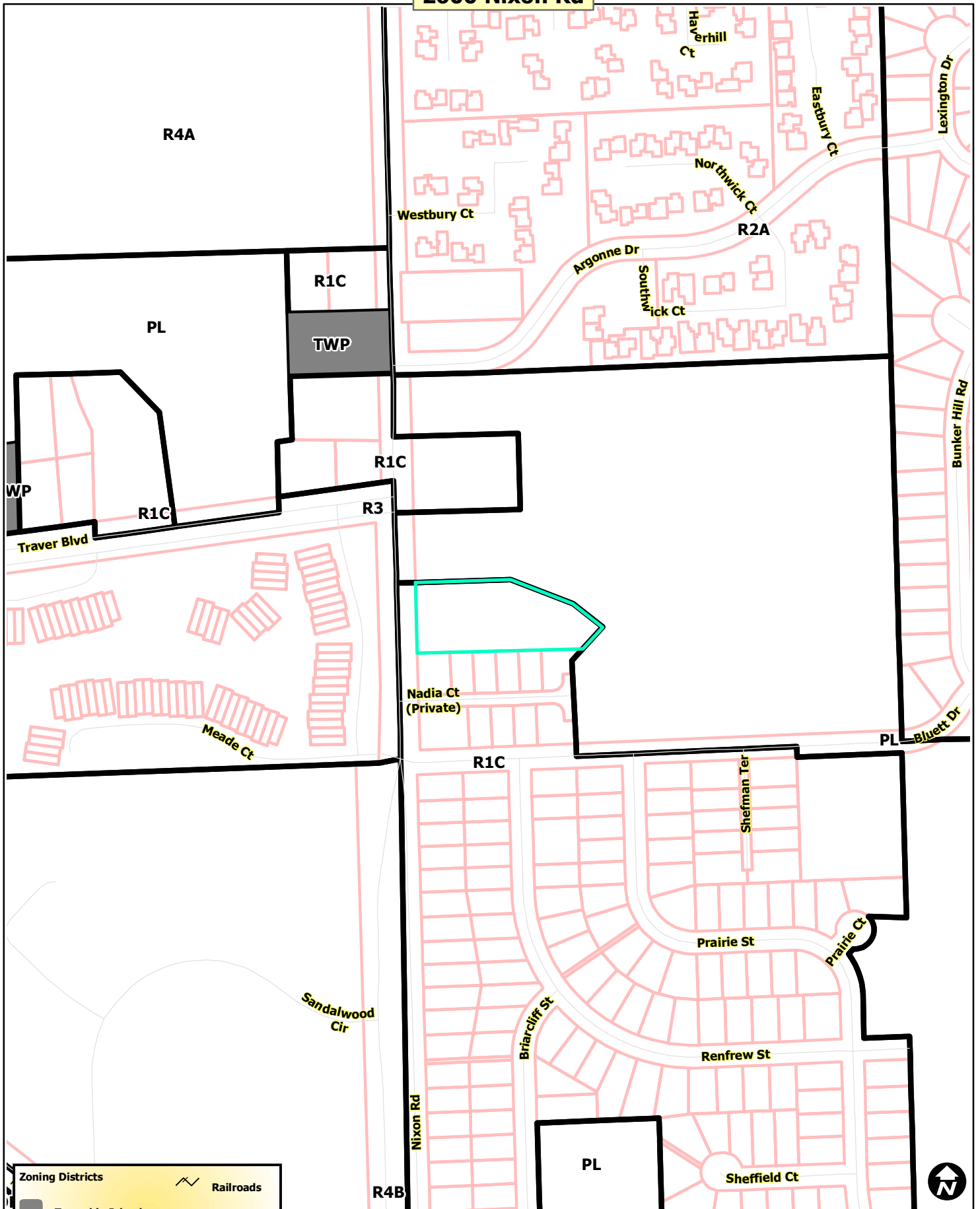
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**2600 Nixon Rd**



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



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