



**Minutes of the Special Meeting of the
Cedar Springs Planning Commission**

Monday, October 19, 2015

7:00 p.m.

**Cedar Springs City Hall
66 S. Main St.
Cedar Springs, Michigan**

1. The Meeting was Called to Order by Chairperson **Craig Owen** at 7:00 p.m. The Pledge of Allegiance was recited.

2. ROLL CALL:

Ms. Lisa Atchison	Present
Mr. Dale Bray	Excused
Mrs. Kathy Bremmer	Present
Mr. Clinton Conley	Present
Ms. Sherri Foster	Present
Mr. Jerry Hall	Absent
Mr. Perry Hopkins	Excused
Mr. Mark Laws	Excused
Mr. Craig Owens	Present

3. City Planner **Carmine Avantini** and City Attorney **Jeff Sluggett** were recognized as being in attendance.

4. **Motion by Bremmer, supported by Atchison, to approve the agenda.**

VOTE: 5 – 0, Motion Carried.

5. PUBLIC COMMENTS.

Tony Owen stated he had discussion with the City Manager regarding the exhibits and maps to be provided with the proposed library agreement. He didn't feel the agreement could be signed until he had those exhibits. He also felt the environmental issues should be undertaken by the City.

6. SCHEDULED PUBLIC HEARINGS.

A. **Motion by Atchison, supported by Conley, to open a public hearing on a Special Land Use as requested by Brent and Trish Davenport for property located at 270 West St.**

VOTE: 5 – 0, Motion Carried.

The Public Hearing opened at 7:10 p.m.

1. Staff Comments:

Avantini reviewed his letter dated October 16, 2015. **(Item A)** He stated that what the applicants were proposing – a child care center in an existing dance studio building – would not change the character of the neighborhood. He recommended a copy of the necessary license from the State be on file with the Clerk.

2. Public Comments:

Owner of the proposed child care center, **Trish Davenport**, stated that the initial license was issued for six months and every two years after that. The hours of operation for the center would be from 5:00 a.m. to 9:00 p.m. Monday through Friday, she said.

3. **Motion by Bremmer, supported by Conley, to close the public hearing.**

VOTE: 5 – 0. Motion Carried.

The Public Hearing closed at 7:17 p.m.

7. NEW BUSINESS.

A. **Motion by Atchison, supported by Conley, to approve a Special Land Use for property located at 270 West St. conditional upon continued compliance with the following:**

- **The use shall be registered with the City Clerk’s office and shall continually have on file with the City documentation of a valid license as required by the state.**
- **The facility shall be brought into compliance with all state construction and fire codes pursuant to State Licensing Rules R400.1831 – R400.1835. Documentation of such compliance with state requirements shall be provided.**
- **The site shall comply with sign provisions of Article VII of the City’s Code of Ordinances.**
- **Off-street parking shall be provided for the maximum number of employees on-site at any one time.**
- **The building shall have an appearance which is non-intrusive and consistent in color, materials, roof-line and architecture with the single-family or multiple family residential district in which it is located as determined by the Planning Commission.**
- **Documentation of sufficient indoor classroom, crib or play area meeting state requirements and of approved areas as licensed by the state shall be provided.**
- **There shall be sufficient outdoor play area to meet state regulations. All required outdoor play areas shall be fenced with a four-foot tall fence, provided that no fenced outdoor play area shall be located in a front yard.**
- **There shall be sufficient drop-off parking spaces to allow maneuvers without creating a hazard to traffic flow.**
- **The facility shall operate not more than 16 hours per day**

VOTE: 5 – 0, Motion Carried.

8. OLD BUSINESS.

A. Update on rezoning of City property and portion of former Johnson property to accommodate the Community Building Development Team:

Sluggett stated accommodating the property for the proposed construction projects was a two-step process. The first one involved rezoning the portion of the property currently zoned Industrial to B-3. The CS Manufacturing property that is being donated to the CBDT should also be rezoned with the City property, he said. He explained an aggressive timeline to make this happen. He also explained the CBDT and the Library Board needed to work together to decide what would work for each group. He suggested sitting down with representatives from each group to see what each group wanted and getting it in writing. The second step involved PUD approval. The three phases involved with this process include a pre-application conference, public hearing and City Council approval. A development agreement is also needed to complete the process.

9. **Motion by Bremmer, supported by Atchison, to adjourn.**

VOTE: 5 – 0, Motion Carried.

The Meeting adjourned at 7:35 p.m.

Linda Christensen, City Clerk

Craig Owens, Chairperson

ITEM A



CIB PLANNING

Community Image Builders

October 16, 2015

City of Cedar Springs
PO Box 310
66 S. Main Street
Cedar Springs, MI 49319

Attention: Mr. Thad Taylor, City Manager

Subject: **Special Land Use Review, Davenport Child Care Center, 270 West Street**, located at the northeast corner of West and Spring Streets, zoned R-1, Single Family Residential.

Dear Planning Commissioners:

We have reviewed the above request to allow a child care center to occupy an existing property at 270 West Street. Proposed is the use of an existing dance studio building with associated parking, which is located on-site, and two (2) outdoor play areas. The subject site is zoned R-1, Single Family Residential District, where a "Child care center or day-care center (more than 6 children less than 24 hours per day)" is a special land use in this district.

The opinions in this report are based on a review of the application submitted by the applicant and conformance to City plans and ordinance standards. Please note that the applicant and their design professionals shall be responsible for the accuracy and validity of information presented with the application. In reaching a decision on the application, the Planning Commission should consider our comments along with those from other staff and consultants, additional information provided by the applicant, input provided during the public hearing, and your own findings based on ordinance standards as part of your deliberation.

GENERAL SPECIAL LAND USE REQUIREMENTS

According to *Section 40-571(1), Special land use standards*, of the zoning ordinance, any special land use must adhere to all of the following general standards listed in the Zoning Ordinance:

- a. *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 that such a use will not change the essential character of the area in which it is proposed.*

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The subject property has been utilized as a dance studio for many years and although the day time activity will be greater, night time activity should decrease. In addition, the building and site are constructed to accommodate a large number of children and one time. As a result, the day care center should not change the essential nature of the area.

- b. *Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.*

All existing city services are available to this site.

- c. *Not create excessive additional requirements at public cost for public facilities and services.*

The project should not create excessive additional requirements for public facilities and services.

- d. *Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.*

Although there will be peak drop-off and pick-up times, they should be spread out enough that traffic will not be problematic for the area. Adequate parking is provided on-site and the center will have to remain in compliance with all state licensing requirements. The proposed child care center should therefore not create an excessive amount of traffic, noise, smoke, etc.

- e. *Be consistent with the intent and purpose of the zoning district in which it is proposed to locate such use.*

The subject property is located in the R-1, Single Family Residential District which is "intended to provide for a sound and stable residential environment with its neighborhood-related utilities, facilities, and services. Through this district, relatively low density urban development will be permitted." A child care center can be considered a low-density urban development/neighborhood-related facility and will provide occupancy of a commercial structure, while maintaining the residential character of the area.

SPECIFIC SPECIAL USE REQUIREMENTS

In addition to the general standards for special land use review, *Section 40-458(footnotes)* of the Zoning Ordinance includes specific conditions that apply to *Child Care Facilities*. We have reviewed these conditions as follows:

- (1) *The use shall be registered with the city clerk's office and shall continually have on file with the city documentation of a valid license as required by the state.*

Must remain in compliance.

- (2) Since the state law preempts in this area, the facility shall be brought into compliance with all state construction and fire codes pursuant to State Licensing Rules R400.1831—R400.1835. Documentation of such compliance with state requirements shall be provided.*

Must remain in compliance.

- (3) The site shall comply with the sign provisions of article VII of this chapter, signs.*

Potentially in compliance with submission of a sign permit request.

- (4) Off-street parking shall be provided for the maximum number of employees on-site at any one time.*

Ten (10) parking spots are provided for staff and will be in compliance.

- (5) The building shall have an appearance which is non-intrusive and consistent in color, materials, roof-line, and architecture with the single-family or multiple-family residential district in which it is located, as determined by the planning commission.*

The building is existing and fits into the surrounding residential neighborhood. In compliance.

- (6) Documentation of sufficient indoor classroom, crib, or play area meeting state requirements shall be provided. Documentation of approved areas, as licensed by the state, shall be provided.*

A floor plan has been submitted indicating use of the space and a copy of the state license must be submitted to the City. Potentially in compliance.

- (7) There shall be sufficient outdoor play area to meet state regulations. All required outdoor play areas shall be fenced with a four-foot tall fence, provided that no fenced outdoor play area shall be located in a front yard.*

Two (2) fenced outdoor play areas area provided in the rear yard and will have to meet state requirements. Potentially in compliance.

- (8) There shall be sufficient drop-off parking spaces to allow maneuvers without creating a hazard to traffic flow.*

On-site parking spaces are provided for child drop-offs. In compliance.

(9) The facility shall operate not more than 16 hours per day.

The center will not be open more than 16 hours per day. In compliance.

RECOMMENDATION

Based upon the above discussion, **we recommend that the special land use for the Davenport (Faithful Little Butterflies) Child Care Center be approved, conditioned upon continued compliance with the above conditions and submission of a valid license issued by the state.**

Sincerely,

CIB PLANNING

A handwritten signature in cursive script that reads "Carmine P. Avantini".

Carmine P. Avantini, AICP