



November 2, 2023

Village of Pinckney  
**Planning Commission**  
220 S. Howell  
Pinckney, Michigan 48169

<b>Subject:</b>	<b>Special Use Review</b> Childcare
<b>Applicant:</b>	Julie Amy
<b>Owner:</b>	Community Congregational Church
<b>Location:</b>	125 E. Unadilla Street (Parcel # 4714-23-301-019, 4714-23-301-033 & 4714-23-301-034)
<b>Current Zoning:</b>	R3, High Density Residential Zoning District
<b>Project No.:</b>	P104001

Dear Commission Members:

We have reviewed the proposed development which seeks Special Land Use approval to permit the operation of a childcare business within the Community Congregational Church situated in the R3, High Density Residential District. Our review is guided by the criteria outlined in Sections 152.240 through 152.243 of the Village Zoning Ordinance.

#### 1. **PROJECT BACKGROUND AND SITE DESCRIPTION**

The property spans 1.8 acres and comprises the existing Pinckney Community Congregational Church, a parking lot with a drop off area, and open space located behind the main building. The building is accessible via two entrances: one from Unadilla Street and another from Mill Street, the latter providing off-street parking and drop-off. Additionally, on-street parking is available along Howell, Unadilla, and Mill streets. The primary objective of the applicant is to operate a childcare facility within the existing building and, as stipulated, develop a playground at the rear of the property.

The applicant has submitted an application for a special use permit, which includes the application form, a sketch plan illustrating the proposed playground, and a letter of intent. Additional information provided includes a sketch of the building's interior, a layout plan of the envisioned playground, and documentation confirming the property owner's authorization.

The procedures for granting a special land use request are described in Section 152.241 of the Village Zoning Ordinance. The Planning Commission will conduct a public hearing, review the application, and subsequently decide to either approve, approve with conditions, or deny the special use request.



**2. EXISTING LAND USES, ZONING, AND PLANNED FUTURE LAND USES**

**Table 1: Adjacent Property Existing Land Uses, Zoning Districts, and Future Land Uses**

	Existing Land Use	Zoning District	Future Land Use
<b>North</b>	Kril Indoor Recreation Development	Conditional SBD, Secondary Business District	Multiple Family
<b>East</b>	Single dwelling residential homes	R3, High Density Residential	High Density Residential
<b>South</b>	Pinckney Library	R3, High Density Residential	Central Business District
<b>West</b>	Single dwelling residential homes	R3, High Density Residential	High Density Residential

**Figure 1: Location Map**



### 3. **SPECIAL LAND USE REVIEW**

In accordance with Section 152.240 of the Village Zoning Ordinance, the purpose of the special land use approval process is to provide an opportunity for the Planning Commission to impose necessary conditions to ensure that the special land use is compatible with surrounding uses and aligns with the district's intended purpose. If it is determined that the special land use may generate negative impacts that cannot be reasonably mitigated, the Planning Commission may recommend denial of the special land use to safeguard the health, safety, welfare, and quality of life of Village residents.

#### **A. General Approval Criteria**

According to Section 152.242 of the Village Zoning Ordinance, the Planning Commission must consider the following general criteria when making their findings and decision.

**(1) Compliance with Comprehensive Plan. The special land use shall be consistent with the general goals, objectives and policies of the adopted Village of Pinckney Comprehensive Plan.**

The Future Land Use Map designates this property as High Density Residential, which is consistent with the proposed childcare use, fitting within the planned residential land use of the area.

**(2) Compliance with Zoning District.**

**(a) Special land uses permitted within any district shall be only those listed within the district.**

**(b) The special land use shall be consistent with the purpose of the zoning district in which it will be located.**

**(c) Unless otherwise specified in this chapter, the special land use shall comply with the lot, access, yard, setback and other site design requirements of the zoning district in which it is located.**

(a) Childcare centers are permitted as a special use in the High Density Residential District.

(b) The proposed use aligns with the purpose of the High Density Residential District, which is to encourage a high quality, suitable and safe environment for family life.

(c) The use will be within the existing church building with no building additions proposed. An outdoor playground is proposed in the rear of the lot.

**(3) Compatibility. The special land use shall be designed, constructed, operated and maintained in a manner that is compatible with the essential character, permitted use, enjoyment and value of surrounding property and shall enhance the community as a whole.**

Since no improvements are proposed other than a playground, the special land use is expected to be compatible with the surrounding properties.

**(4) Infrastructure and Services. The special land use shall be adequately served by essential public services and other infrastructures such as roads, emergency services, drainage structures and water and sewage facilities. The proposed use shall not create a need for additional public facilities or services at public cost.**

Adequate parking and access are provided and we assume utilities are available, reducing the potential burden on Village infrastructure and services.

**(5) Traffic. The special land use shall minimize traffic impacts. In determining whether this requirement is met, consideration shall be given to anticipated traffic generation, automobile circulation, access to public roads, relationship to intersections, sight distances, access to off-street parking and pedestrian traffic. Access drives connected to roads under state and county jurisdiction shall comply with applicable road agency standards.**

The proposed access through Mill Street, primarily during church services, is not expected to have a significant impact on traffic in the area.

- (6) ***Environmental Performance. The special land use shall not involve uses, activities, processes, materials, equipment or conditions of operation that may be detrimental to any person or property, or to public health, safety and welfare. In determining whether this requirement is met, consideration shall be given to the production of runoff, traffic, noise, vibration, smoke, fumes, odors, dust, glare and light.***

The proposed activities are primarily indoors and are not expected to pose significant risks to public well-being or the environment.

- (7) ***Natural Resources. The special land use shall minimize impacts on the natural environment. In determining whether this requirement is met, consideration shall be given to scenic views, floodplains, surface waters, wetlands, groundwater recharge areas, woodlands, wildlife habitat and steep slopes.***

The proposed playground design considers the preservation of mature trees and aims to have minimal impacts on the natural environment.

- (8) ***Architecture. The architectural design of all structures, including buildings and signs, shall be compatible with the design and character of structures in the surrounding area. As part of the application, the Planning Commission may require detailed drawings of proposed signs and architectural facades, including full construction elevations and information on exterior materials, colors and detailing.***

No structures, buildings, or signs are proposed. Details of the playground equipment has not been provided for review.

- (9) ***Compliance Required. Uses and structures shall comply with all other provisions of this chapter, including Section 152.240 through Section 152.415 and all other applicable federal, state and local codes and ordinances.***

Compliance with other provisions of the Village Zoning Ordinance, Sections 152.240 through 152.415 will be required. This will include Signs, Landscaping and Screening, and Site Plan Review. A review of these regulations will be part of the site plan review process.

## **B. Specific Approval Criteria**

According to Section 152.243 of the Village Zoning Ordinance, the Planning Commission must consider specific criteria when making their decision.

1. ***Appropriate License with the State of Michigan.***

A copy of the appropriate childcare license from the State of Michigan must be submitted to the Village.

2. ***A minimum of 35 square feet of indoor play area for every licensed child care slot, with the play area not exceeding 25% of the floor area of the building and not including bathrooms, kitchens, closets or storage areas, utility rooms, enclosed porches or similar spaces.***

The proposed total indoor play area exceeds the requirement of 875 square feet (25 childcare slots X 35 square feet). The building's floor plan sketch depicts approximately 1,400 square feet net usable floor area dedicated to the childcare operation including 200 square feet for an office, and approximately 1,200 square feet of classroom spaces for the childcare activities. The childcare area represents less than 25% of the total building's floor area, as estimated from Google Earth views.

3. ***A useable outdoor playground, not located within the front yard, at least 100 square feet for every licensed childcare slot, enclosed by a 4-foot high fence or wall, which may be screened from abutting residential districts by plant material as required by the Planning Commission.***

A site diagram depicts a 55 feet by 70 feet, fenced-in playground area with a proposed play structure, swing set, balance beam, and spring rider. The proposed outdoor playground (3,850 square feet) exceeds the minimum area requirement. However, additional information regarding the type and height of the fence and the materials and finishes of the play equipment must be submitted for review. Consideration should be given to adding a walkway from the building to the play area and screening the play area from adjacent residential homes.

4. ***Hours of operation limited to a maximum of 16 hours within a 24-hour period with activities between the hours of 10:00 pm and 6:00 am shall be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.***

According to the September 25, 2023 letter, the proposed hours of business operation are 6:15 am to 5:30 pm Monday through Friday, which conforms to the requirement. Additionally, drop-off and pick-up times are planned for 6:15 to 9:00 am and 4:00 to 5:30 pm, which will minimize disruption to neighboring residents.

#### **4. SPECIAL LAND USE REQUEST RECOMMENDATION**

We recommend that the Planning Commission approve the special land use request for the childcare business on parcels # 4714-23-301-019, 4714-23-301-033 & 4714-23-301-034 located at 125 Unadilla with the condition that the playground is built within a reasonable timeframe. Additionally, the following information must be submitted for review:

- A copy of the appropriate childcare license from the State of Michigan.
- Detailed information regarding the type and height of the fence as well as the materials and finishes of the play equipment. The Planning Commission may require the addition of a walkway from the building to the play area and vegetative screening around the outside of the fence facing residential properties.

*Lucie Fortin*

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Cc: Julie Amy, Executive Director, For Kids Sake Early Learning Center (forkidssakellc@sbcglobal.net)