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**The Ordinance Committee will meet at the Dexter Senior Center at  
6:00 pm to review and discuss goals for sign regulations.**

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Village of Dexter  
Planning Commission  
Monday, July 7, 2014 at 7:30 pm  
7720 Ann Arbor Street  
Dexter Senior Center

**AGENDA**

- I. **Roll Call:** Matt Kowalski, Chair      Thomas Phillips      Molly Robinson, Vice-Chair  
                  James Smith                    Marni Schmid            Mary Kimmel  
                  Scott Stewart                    Joe Semifero-Ex Officio      Tom Stoner
- II. **Action on minutes from** – June 2, 2014 - Regular Meeting minutes
- III. **Approval of agenda**
- IV. **Public Hearing(s)**
- A. Zoning Ordinance Amendment 2014-02: Public hearing to consider amendments to Section 8.11 Special Land Use Specific Requirements, and to Section 10.02 Permitted Principal Uses in the R-1A and R-1B One-Family Zoning District of the Village Zoning Ordinance.
- V. **Pre-Arranged Citizen Participation** – None  
*Limit to those who pre-arrange participation before 5:00 pm Monday the week preceding the meeting (10-minute limit).*
- VI. **Reports of Officers**
- A. Chairman Report – Matt Kowalski  
B. Planning Commissioners and Council Ex officio Reports  
C. Community Development Office Reports – M. Aniol
- VII. **Citizens Wishing to Address the Commission**  
*This area is intended for those in the audience not listed on the agenda that wish to speak. (5-minute time limit for individuals and 10-minutes for groups)*
- VIII. **Old Business**
- A. None
- VIII. **New Business**
- A. **Goals for Sign Regulations** – Discussion and possible action to recommend goals for sign regulations to the Village Council.
- B. **Zoning Ordinance Amendment 2014-02** – Discussion and possible action to recommend approval of amendments to Section 8.11 Special Land Use Specific Requirements, and to Section 10.02 Permitted Principal Uses in the R-1A and R-1B One-Family Zoning District to the Village Council.
- C. **Off-Street Parking at 2555 Bishop Cr W** – Discussion and possible action to approve a request from the Community Development Manager to exercise its authority to permit parking within the required front yard setback, in accordance with Section 5.01, sub-section A of the Village Zoning Ordinance.
- D. **Election of Officers**
- X. **Proposed business for next agenda**
- A. Aug 4, 2014
- XI. **Citizens wishing to address the Commission**

*This area is intended for those in the audience not listed on the agenda that wish to speak. (5-minute time limit for individuals and 10-minutes for groups)*

**XII. Adjournment**

**XIII. Communications – None**

Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the Village Office at (734) 426-8303, at least forty-eight hours prior to the meeting. Village staff will be please to make the necessary arrangements.

DEXTER VILLAGE PLANNING COMMISSION

Monday, June 2, 2014

Regular Meeting

The meeting was called to order at 7:30 p.m. by Chair Kowalski at the Dexter Senior Center, 7720 Ann Arbor Street.

**Present:** Kowalski, Smith, Schmid, Semifero, Kimmel

**Absent:** Stewart, Phillips

Robinson arrives at 7:40 pm

**Approval of Minutes**

-Moved Smith, support Schmid to approve the Regular Meeting minutes for May 5, 2014.

Voice vote: Unanimous          Motion Carried

**Approval of Agenda**

-Moved Smith support Schmid to approve the Agenda as presented.

Voice vote: Unanimous          Motion Carried

**Public Hearings**-none

**Pre-Arranged Citizen Participation**-none

**Reports of Officers-**

- A. Chairman Report Kowalski-please look at road repair for Grand and Hudson
- B. Planning Commissioners Reports: Ex-Officio Semifero briefly states that Council went through the budget, an agreement was reached with the Union and staff, and Trustee Carson and Ex-Officio are finalizing the road budget, maintenance and summer/fall project and the possible need to increase the road millage. Request from Chair Kowalski to look at Grand and Hudson Streets for repair. Commissioner Smith asked about money for storm water repair for both sides of the road on Forest Street.
- C. Commissioner Schmid mentions next Arts, Culture and Heritage Committee meeting on June 19, 2014 and the troll is being installed on the path.
- D. Community Development Office Report: Michelle Aniol, Community Development Manager Report in packet:
  1. Received complaints from residents at Victoria Condominiums that the grass had not been mowed, inspection conducted, and a letter went out.
  2. Council adopted a resolution accepting the CIP for 2014-2019 at the May 12<sup>th</sup> meeting.
  3. Approved re-zoning for 7394 Dexter-Ann Arbor and 7390 Dexter-Ann Arbor at the May 27<sup>th</sup> Village Council meeting.
  4. ZBA update included in packet.
  5. Tree Board update: Gino from Arbor Care Tree Surgeons identified stressed trees in different locations, two trees dedicated for Mill Creek Park and next year more trees will be planted in Huron Farms.
  6. Redevelopment update: Professor and real estate developer Peter Allen has been working with U of M students on a study that provides an opportunity to take a priority redevelopment site in your downtown and have a fairly detailed feasibility analysis completed, as well as assist in accomplishing some of the criteria in Best Practice five (RRSites).
  7. 3<sup>rd</sup> Quarter Report is in packet
  8. Still a number of vacant lots in Westridge.

**Citizens Wishing to Address the Commission**-none

**Old Business**-none

**New Business**

**A. Ordinance Revisions**

Discussion and possible action regarding revisions/amendments to the Zoning Ordinance, including Article 7 Signs, Exterior Lighting and Article 6, Landscaping.

Commission Comments:

1. You can do a complete overhaul and look at issues and goals
2. Technical work is where all the time comes in
3. We want to get it done-not in pieces, based on time to be able to do revisions
4. We need to use a consultant
5. Should keep it in-house to do small things
6. The committee looked the Birmingham sign ordinance
7. Readers of the ordinance find it difficult to understand
8. Looked at it a second time- took pictures of signs
9. Committee decided to get goals and objectives approved by Village Council for direction
10. Could we work with a consultant for a price to move forward
11. Get committee to meet-do you want them to go to Council first
12. Bring to Planning Commission first
13. Planning Commission will give feedback and can be more focused
14. Will we ever be able to satisfy everyone
15. There are definitely parts that will be able to be adaptable and look at signs that ZBA granted
16. Look at adopting a format to use for future updates with consistency; we don't have to update everything at once.
17. Codes are tricky, the second bullet point about adding a Sign Master Plan-we don't want people going to ZBA every time they want a change
18. How do you get to the point of where we can tell people this is the maximum of what you can have unless it is a true hardship
19. We have a strip mall and downtown-how do you write a sign ordinance for both types of locations and businesses
20. We will always have people who want something different
21. Do we look at a form base code
22. Look at physical development of an area
23. Not sure where we're at as far as discussion or vote
24. Will we see information on Oil drilling or fracking; Planning Commission will be looking at it

**Proposed Business for Next Agenda**

- A. Ordinance Revisions-Article 7-Signs; Goals and Objectives
- B. Morning Star Day Care
- C. Update on drilling and fracking

**Citizens Wishing To Address the Commission-none**

**Adjournment**

-Move Smith support Robinson to adjourn at 8:30 p.m.

Respectfully submitted,

Brenda Tuscano  
Recording Secretary

Filing Approved \_\_\_\_\_, 14



## VILLAGE OF DEXTER – COMMUNITY DEVELOPMENT OFFICE

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

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### Memorandum

**To:** Planning Commission  
Donna Dettling, Village Manager

**From:** Michelle Aniol, Community Development Manager

**Re:** Report

**Date:** July 7, 2014

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#### **BITS N PIZZA UPDATE**

According to Jim Chaconas' office, the owners of the Bits N Pizza property have decided to go in a different direction. That is the explanation I received upon asking why the "for sale" sign had been removed. An email has been sent to the property owner too.

#### **BROAD STREET REDEVLEOPMENT UPDATE**

- Jim Clarke and Tim Loughrin of Robertson Brothers visited the Village on Thurs, June 5<sup>th</sup>. They toured the downtown, Mill Creek Park, Mill Creek Terrace (Schulz development) and 3045 Broad Street. They expressed interest in the both the Schulz development and the redevelopment of 3045 Broad Street, and requested additional information including, a community profile and studies that have been conducted. Additionally, they commented that the Blossom/Dunlavy property, along with the Forest Street properties, which the Village purchased, really help make the project more attractive to a developer. Stay tuned.
- Jim Houk is scheduled to present the redevelopment concepts for 3045 Broad Street, as part of an additional study the DDA requested and approved, as its meeting on June 19<sup>th</sup>. As a reminder, the Scope of Services includes the following tasks:

##### Work Step Two:

- 1) Refine estimates for public infrastructure requirements to serve site and develop rationale for a developer/village cost share arrangement. This task will also explore any available grant assistance or funding options for required infrastructure.
- 2) Review Existing sanitary sewer and water infrastructure in the vicinity of the project and confirm capacity and permit constraints.
- 3) Meet with Village Council and DDA representatives to discuss infrastructure costs and any potential incentive available for redevelopment.
- 4) Revised economic analysis as required.

##### Work Step Three:

- 1) Revise a conceptual site plan to include the addition of the adjoining property to the southeast along Grand Street (a/k/a Blossom/Dunlavy property). Expanding the site plan study to include adjacent property will help determine the feasibility of jointly marketing both properties together for redevelopment.
- 2) Meet with the DDA to review site plan study and discuss next steps in moving forward with a potential sale of public/private partnership to redevelop the property.
- 3) Refine site plan or design standards as required.
- 4) Revise economic analysis as required.

Prior scheduling Mr. Houk's presentation, staff and representatives from the DDA and Village Council met with Mr. Houk and Rhett Gronevelt on May 20<sup>th</sup> to go over the content of the report. At that meeting many questions were asked, such as:

- *Who would we market this housing type too?*

- Do we know what cohort(s) (demographically speaking) want to live in Downtown Dexter?
- How much are the different cohorts willing to pay in rent or mortgage to live in downtown Dexter?
- If we don't know this information, how can we expect to engage a developer/partner?
- Do we have a viable project if the DTE site is not removed?

It was fairly obvious to all in attendance that if the Village/DDA doesn't have answers to these questions, we would be hard pressed to move forward with a Public Input Process or an RFP for a Developer.

As a result, staff was directed to research state programs that could assist us in getting these answers. Here are two very viable options:

1. **RRC Baseline Assessment Study:** The MEDC is working with Wayne State University to evaluate the efficacy of the RRC program. The underlying goal of this project is to establish a baseline of information that can be revisited again in three years and then analyze changes, trends, etc. We are scheduled to meet with a Wayne State student on June 26<sup>th</sup>.
2. **RRSite Development Feasibility Study:** The RRSite Development Feasibility Study is conducted by a group of multidisciplinary students from the University of Michigan under the guidance of professor and real estate developer Peter Allen. The Study provides an opportunity to take a priority redevelopment site in your downtown and have a fairly detailed feasibility analysis completed, as well as assist in accomplishing some of the criteria in Best Practice (RRSites). A copy of a report done for Allegan is included in your packet.

I have submitted the 3045 Broad Street Redevelopment Project for an RRSite Development Feasibility Study. There is no cost for this study.

3. **Target Market Analysis.** The Michigan State Housing Development Authority (MSHDA) offers a grant program designed to facilitate place-based planning activities. A residential Target Market Analysis (TMA) identified a community/neighborhood's potential demand by 1) demographic group and 2) various types/models. This type of study starts at the regional/county level and drills down to the local/neighborhood level. As such, MSHDA heavily weights applications to encourage communities to coordinate and submit joint applications. In other words, because a residential TMA can cost between \$20,000 and \$30,000, and because all TMA's start data collection at the regional/county level, MSHDA will only provide funding assistance when two or more communities with Downtown Districts jointly submit an application.

After speaking with MSHDA officials, I contacted Nathan Voght at Washtenaw County. He has/is contacting other communities, such as the Cities of Ypsilanti, Saline, Chelsea and Manchester to determine if they would be interested in participating in a joint grant application. The grant funding is a 1:1 match. So if the TMA cost is \$20,000, MSHDA would cover \$10,000 and the remaining \$10,000 would be split between however many communities participate, thus reducing our cost considerably. Enclosed you will find information regarding this grant funding opportunity.

I plan to ask the DDA to consider participating in a joint TMA application at its July meeting.

#### **HORSESHOE PARK**

The survey of Horseshoe Park has been completed and when overlaid onto an aerial photo (attached) you can see, a significant portion of the "park" is located within the First Street Road Right-of-Way. I anticipate asking the Village Council to consider vacating First Street at a meeting in July.

#### **VICTORIA CONDOMINIUM UPDATE**

I spoke with the Village Attorney late Friday afternoon (June 13<sup>th</sup>) and again on Monday (June 16<sup>th</sup>). He recommended a few amendments to the Development Agreement for Dexter Crossing, primarily dealing with Victoria Dr, (e.g. private road, no parking and the enforcement thereof, area plan and zoning requirements, utilities and the existing foundations). Deputy Homes submitted revised documents last week, along with the engineering report regarding the viability of the existing foundations. All documents have been reviewed and are ready to be presented to the Village Council at its meeting on July 14<sup>th</sup>.





## VILLAGE OF DEXTER – COMMUNITY DEVELOPMENT OFFICE

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### Memorandum

To: Planning Commission  
Donna Dettling, Village Manager

From: Michelle Aniol, Community Development Manager

Re: Public Hearing - Zoning Ordinance Amendments to Articles 8 and 10

Date: July 7, 2014

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#### BACKGROUND

An existing family day care home received final zoning compliance in 2008. The Village Zoning Ordinance defines a family day care home as:

*"A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year."*

The homeowner/care provider of the above referenced facility desires to increase the number of children she can care for to 12. In doing so, the classification/use would become a group day care home, which is defined in the Village Zoning Ordinance as:

*"A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year."*

While researching the approval process for this change of use, it was discovered that a family day care home is a **permitted principal use** in the R-1A/R-1B One Family and R-3, Multiple Family Districts. However, a family day care home is also listed as a **special land use** with site and/or use standards in Section 8.11 Special Land Use Specific Requirements. A use that is permitted by right cannot be subject to special use approval. Therefore, the ordinance needs to be amended to eliminate a family day care home as a special use.

To complicate this situation, a group day care home is listed as a **special land use** in Section 8.11, but the use is not listed as a **principal permitted or special use** in any zoning district in the Village. Although this is more than likely just an oversight, it does present a problem since the above referenced homeowner/care provider cannot get licensing through the State to become a group day care home without demonstrating she has zoning approval from the Village. At this point, zoning approval cannot be granted. Therefore, the ordinance needs to be amended to resolve this issue.

Additionally, the ordinance does not identify the district in which a group foster care or family group home would be permitted by right or special use, but is listed as a special use in Section 8.11. A group foster care or family care home is defined in the Village Zoning Ordinance as:

*"A private home in which more than 4, but fewer than 7 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.70, are provide care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian."*

Again, the ordinance needs to be amended to resolve this issue.

### **ZONING ENABLING ACT**

Section 206 of PA 110 of 2006 (the Michigan Zoning Enabling Act), as amended, sets forth the provisions by which communities can regulate family or group child care homes, and group foster care or family group homes. According to the sub-section 1:

*"A state licensed residential facility **shall** be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones and is not subject to a special use or conditional use permit or procedure different from those required for other dwellings of similar density in the same zone.*

The MZEA defines a state licensed facility as:

*"A structure constructed for residential purposes that is, licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer individuals under 24-hour supervision or care."*

A group day care home **is not** considered a state licensed residential facility, but a group foster care or family group home **is** considered state licensed residential facilities.

The Act qualifies this provision by prefacing it with the phrase, *except as otherwise provided in subsection 2* and subsection 2 pertains to state licensed adult foster care facilities and treatment facilities for persons released from or assigned to adult correctional institutions.

Upon further reading of the Act, a family child care home is not subject to special use approval by a county or township (sub-section 3) because this use is considered a residential use of property.

In sub-section 4, the Act also states that for a county or township, a group child care home **shall** be issued a special use permit if it meets the following standards:

- a) Is not located closer than 1,500 feet to any of the following:
  - i. Another licensed group child care home.
  - ii. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act (PA 218 of 1979, as amended).
  - iii. A facility offering substance abuse treatment and rehabilitation services to 7 or more people licensed under article 6 of the public health code (PA 368 of 1978, as amended).

- iv. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
- b) Has appropriate fencing for the safety of the children in the group child care home, as determined by the local unit of government.
- c) Maintains the property consistent with the visible characteristics of the neighborhood.
- d) Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.
- e) Meets regulations, if any, governing signs used to identify the group child care home.
- f) Meets regulations, if any, requiring a group home operator to provide off-street parking accommodations for his or her employees.

The Act does not mention cities or villages until sub-section 5, where it states, "for a city/village, a group child care home may be issued a special use permit."

### FINDINGS

One of the key differences in the application of the special use regulations is the use of the word "**shall**" and the word "**may**". The word "**shall**" is mandatory, while the word "**may**" is permissive (Section 2.01.C of the Village Ordinance). When applied to this situation, for a county/township, in zoning districts where residential dwellings are permitted, the ordinance **must** allow a family day care home. For a county/township, a group day care home must be issued a special use permit, conditional use permit, or other similar permit if the group child care home meets all of the standards cited herein. However, a city/village has the **discretion** to allow a group day care home by right or regulate it through special use approval. Neither a county/township or a city/village can require a special use approval for a group foster care or family group home because 1) a group foster care or family group home is a state licensed residential facility that provides residential services for 6 or fewer individuals under 24-hour supervision or care, and 2) state licensed residential uses **must** be considered a residential use of property and cannot be treated differently from other dwellings in the same zoning district.

In researching the ordinances of similarly sized communities (both cities and villages), I discovered that if a city/village required a special use permit, the standards they prescribed often mirrored the standards set forth by the state in sub-section 4 (above), along with other requirements, such as state licensing, lot area, outdoor recreation area, fencing, signage and ingress/egress. I also discovered these same communities have outdated definitions and regulations, or their regulations were contradictory, in much the same way as Dexter's regulations.

The other fact to keep in mind is that the sections of the ordinance that are proposed for amendments were created back in 1995, when the Village had a new ordinance prepared. These same sections were not updated when the Zoning Enabling Act went into effect in 2006.

A table that identifies the difference between a child care organization that is considered a state licensed residential facility and a child care organization that is licensed by the state is provided at the end of this memo.

### PROPOSED AMENDMENT(S)

To rectify this situation, the Planning Commission is asked to consider the following amendments to the Dexter Zoning Ordinance:

- Delete §8.11, sub-section A.17, 20 and 21 regarding family day care homes and foster family homes, group foster care homes and group day care homes.

- Delete §8.11, sub-section B.17, 20 and 21 regarding family day care homes and foster family homes, group foster care homes and group day care homes.
- Amend §10.02 Permitted Principal Uses in the R-1A and R-1B One Family Zoning District to add group day care home as sub-section E, with the following 5 site development standards:
  - 1) Group day care homes shall have a minimum lot area of one half acre (21,780 square feet).
  - 2) An on-site drive shall be provided for drop off/loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public street
  - 3) There shall be a fenced, contiguous open space with a minimum area of 5,000 square feet provided on the same premises as the group day care home. The required open space shall not be located within a required front yard
  - 4) A minimum of thirty-five (35) square feet of indoor play area shall be provided for each child. Indoor play area shall be computed exclusive of hallways, bathrooms, reception and office areas, kitchens, storage areas and closets, basements, except those which are finished and have dual means of egress, and areas used exclusively for rest or sleep
  - 5) A minimum of one hundred and fifty (150) square feet of outdoor play area for each child. The total outdoor play area shall have a total minimum area of not less than five thousand (5000) square feet and be fenced and screened with landscaping on the exterior side of the fence
- Amend §10.02 Permitted Principal Uses in the R-1A and R-1B One Family Zoning District to add group foster care home, as sub-section F, with the following 10 site development standards:
  - 1) Shall not exceed twenty-two (22) residents including resident counselors.
  - 2) Act 287, Public Acts of Michigan, 1972.
  - 3) All applicable Dexter Village and Washtenaw County codes and ordinances.
  - 4) Be so constructed, arranged, and maintained as to provide adequately for the health and safety and welfare of all occupants.
  - 5) The atmosphere and routine shall be such that a resident may spend the majority of his non-sleeping hours outside his bedroom.
  - 6) A toilet, lavatory and bathing or showering facility shall be provided for each six (6) persons. At least one (1) toilet and lavatory shall be provided on each floor having resident bedrooms.
  - 7) A toilet, lavatory and bathing or showering facility shall be provided for each six (6) persons. At least one (1) toilet and lavatory shall be provided on each floor having resident bedrooms.
  - 8) Provide distinct living and sleeping areas. All areas shall be well lighted, heated and ventilated.
  - 9) Provide a living and dayroom area which affords privacy for use by resident and his visitors.
  - 10) The living and sleeping areas for each resident shall not be in noncontiguous wings, units or buildings.

Alternatively, the Planning Commission may decide that a group day care home should be a special land use. If the Commission decides to make a group day care home a special use,

Section 8.11, sub-sections A. 21, and B. 21 would not be deleted, and Section 10.03, Special Uses (in the R-1A and R-1B One Family Residential Districts) would be amended to add a group day care home as a special use, preferably with the same site development standards cited above, rather than Section 10.02.

A copy of the proposed full text amendments, as well as the potential alternative accompanies this memo. Furthermore, additional zoning amendments will be proposed in the coming months regarding to further clarify State Licensed Residential Facilities for consistency with State Law.

#### **CRITERIA FOR AMENDMENT TO THE ZONING ORDINANCE TEXT**

Section 23.07 sets forth the following criteria which the Planning Commission and Village Council must consider when weighing the appropriateness of an amendment to the text, standards and regulations of the Zoning Ordinance:

- A. Documentation has been provided from Village Staff or the Board of Zoning Appeals indicating problems and conflicts in implementation of specific sections of the Ordinance.
- B. Reference materials, planning and zoning publications, information gained at seminars or experiences of other communities demonstrate improved techniques to deal with certain zoning issues, or that the Village's standards are outdated.
- C. The Village Attorney recommends an amendment to respond to significant case law.
- D. The amendment would promote implementation of the goals and objectives of the Village's Master Plan.
- E. Other factors deemed appropriate by the Planning Commission and Village Council.

#### **ACTION REQUESTED**

Following the public hearing on the proposed amendments, please provide a recommendation to Council or postpone for more information.

#### Suggested Motions

Per Section 23.06, Criteria for Amendment to the Zoning Ordinance Text and the Public Hearing held by the Planning Commission on July 7, 2014, the Planning Commission **recommends** that the Village Council amend the ordinance as follows:

- Delete Section 8.11 Special Land Use Specific Requirements, sub-sections A.17, 20 and 21 regarding family day care homes and foster family homes, group foster care homes and group day care homes, and
- Delete Section 8.11 Special Land Use Specific Requirements, sub-section B.17, 20 and 21 regarding family day care homes and foster family homes, group foster care homes and group day care homes, and
- Amended Section 10.02 Permitted Principal Uses in the R-1A and R-1B One Family Zoning District to add Group foster care homes and Group day care homes as principal permitted uses with specific site development standards cited herein.

OR

Per Section 23.06, Criteria for Amendment to the Zoning Ordinance Text and the Public Hearing held by the Planning Commission on July 7, 2014, the Planning Commission **recommends** that the Village Council amend the Zoning Ordinance, as follows:

- Delete Section 8.11 Special Land Use Specific Requirements, sub-sections A.17 and 20 regarding family day care homes and foster family homes, group foster care homes and family care homes, but not A.21 group day care homes, and
- Delete sub-section B.17 and 20 regarding family day care homes and foster family homes, group foster care homes and family care homes, but not B.21 group day care homes, and
- Amended Section 10.02 Permitted Principal Uses in the R-1A and R-1B One Family Zoning District to add family day care homes and foster family homes, group foster care homes and family care homes as permitted principal uses, and
- Amended Section 10.03 Special Uses in the R-1A and R-1B One Family Zoning District to add group day care homes as special uses with specific site development standards cited herein.

OR

Based on the information presented at the meeting and July 7, 2014 Public Hearing the Planning Commission moves to **postpone** the recommendation for the proposed amendments to Articles 8 and 10 regarding family day care homes and foster family homes, group foster care homes and group day care homes until \_\_\_\_\_ **(DATE)** \_\_\_\_\_ to allow more time for the following:

1. \_\_\_\_\_
2. \_\_\_\_\_

Please feel free to contact me prior to the meeting if you have any questions.

Thank you.

Section 2.02 Definitions:	VILLAGE REGULATIONS			STATE LICENSED RESIDENTIAL FACILITY	Comments
	District	Permitted Principle	SLU		
<p><b>Care or organization:</b> A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:</p>					
<p><b>Child care center or day care center:</b> A facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility, which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.</p>	R-3, Multiple Family PB, Professional Business	Yes Yes	No No	No	The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop in center. "Child care center" or "day care center" does not include a Sunday school, a vacation bible school or a religious instructional class that is conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services. <u>No amendments are needed at this time.</u>
<p><b>Family foster care or family home:</b> A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.</p>	R-1A/R-1B, One Family Res R-3 Multiple Family Res	Yes Yes	Yes Yes	Yes	Use cannot be both principal permitted and a special use, plus this use cannot be regulated as a SLU in any district. <u>Amendment needed.</u>
<p><b>Group foster care or family group home:</b> A private home licensed by the Michigan Department of Social Services in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.</p>	Defined, but not listed in any district district.		Yes	Yes	This use requires special use approval, but isn't permitted in any district. However, this use cannot be regulated as a special use in any district. <u>Amendment needed.</u>
<p><b>Family day care home:</b> A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year.</p>	R-1A/R-1B, One Family Res R-3 Multiple Family Res	Yes Yes	Yes Yes	No	Use cannot be both principal permitted and a special use. <u>Amendment needed.</u>
<p><b>Group day care home:</b> A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.</p>	Defined, but not listed in any zoning district.		Yes	No	This use requires special use approval, but isn't permitted in any district. <u>Amendment needed.</u>





## VILLAGE OF DEXTER – COMMUNITY DEVELOPMENT OFFICE

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

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### Memorandum

**To:** Planning Commission  
Donna Dettling, Village Manager

**From:** Michelle Aniol, Community Development Manager

**Re:** Request to Permit Off-Street Parking within the Required Front Yard Setback

**Date:** July 7, 2014

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As you will recall, MC3, a leading innovator in medical device design and development, purchased the former ReCellular property at 2555 Bishop Circle, with the intent of moving its operations from Ann Arbor. I recently met with Allison Bishop, Property Manager, A. R. Brouwer to discuss MC3's plans for the site.

According to Ms. Bishop, MC3 plans to incubate startup companies in its business accelerator, and provide shared access to MC3's broad array of technical capabilities. As these start-ups outgrow MC3's accelerator, not only do they become potential tenants for the Park, but they become part of MC3's supply chain.

To implement this plan and showcase the site as a premier research and development facility, MC3 envisions a number of improvements to the property and building. These improvements would include a pronounced glass entrance lobby and vestibule on the south side of the building (facing Bishop Cir W) to welcome visitors and guests. In addition, significant improvements would be completed to site landscaping, as well as the parking lots to improve pedestrian access. The façade and building improvements, combined with the landscaping and parking lot improvements would not only improve the appearance of the building, but they would also improve the entrance and image of the entire Dexter Business Research Park.

The above referenced site and building improvements would be reviewed administratively, in accordance with Section 21.06 of the Zoning Ordinance. However, the proposed parking lot improvements would result in the lot encroaching approximately 11 feet into the required front yard. According to Section 5.01, sub-section A, off-street parking spaces may be located within a non-required side or rear yard and within the rear yard setback unless otherwise provided in the Ordinance. Off-street parking shall not be permitted within a front yard unless permitted by the Planning Commission.

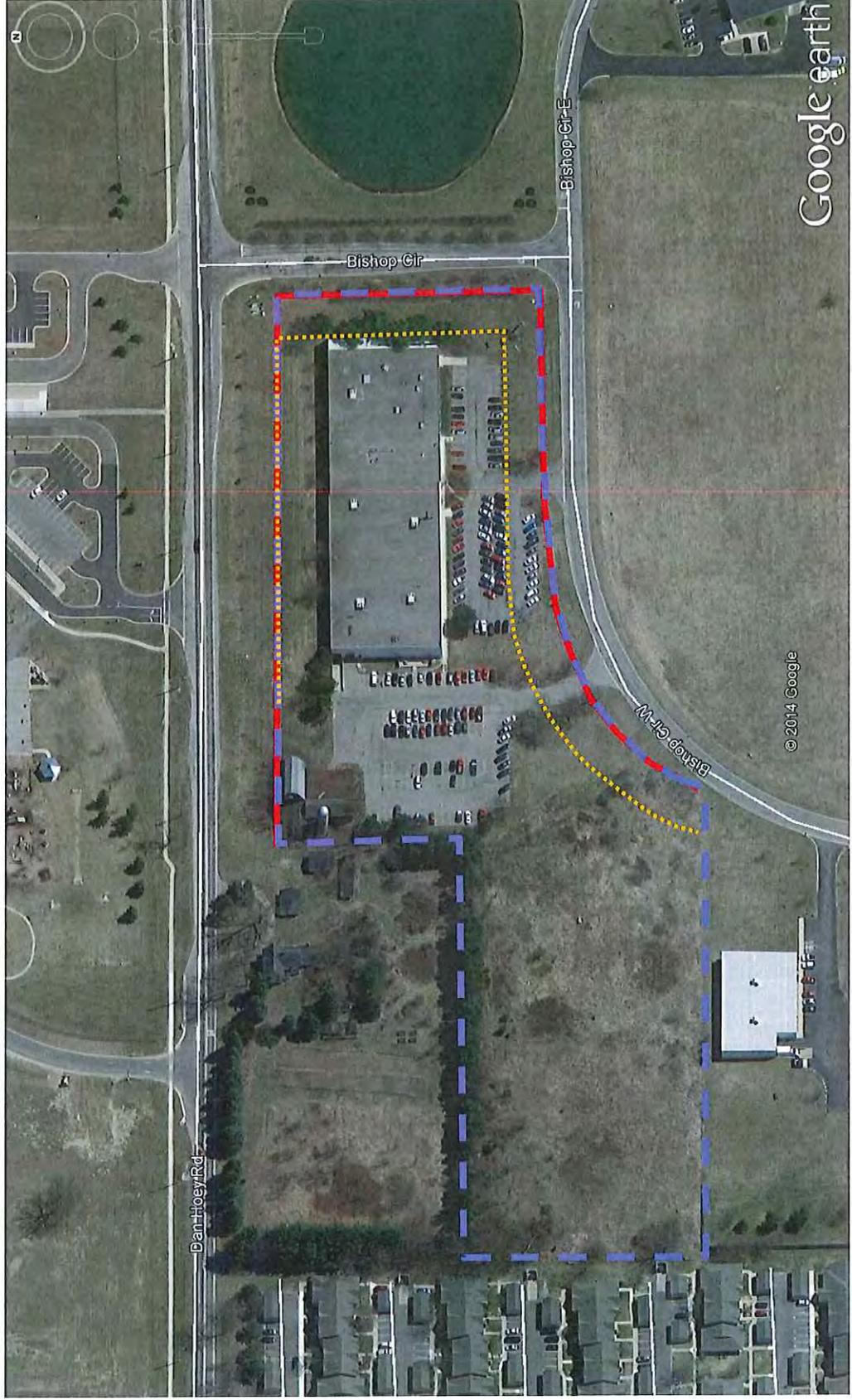
### Background

A review of the development history for this property verified that the original parking lot was approved and constructed in the late 1980's. The current village zoning ordinance, with the restriction on off-street parking in the required front yard, wasn't established until 1995, when the village adopted an entire new zoning ordinance.

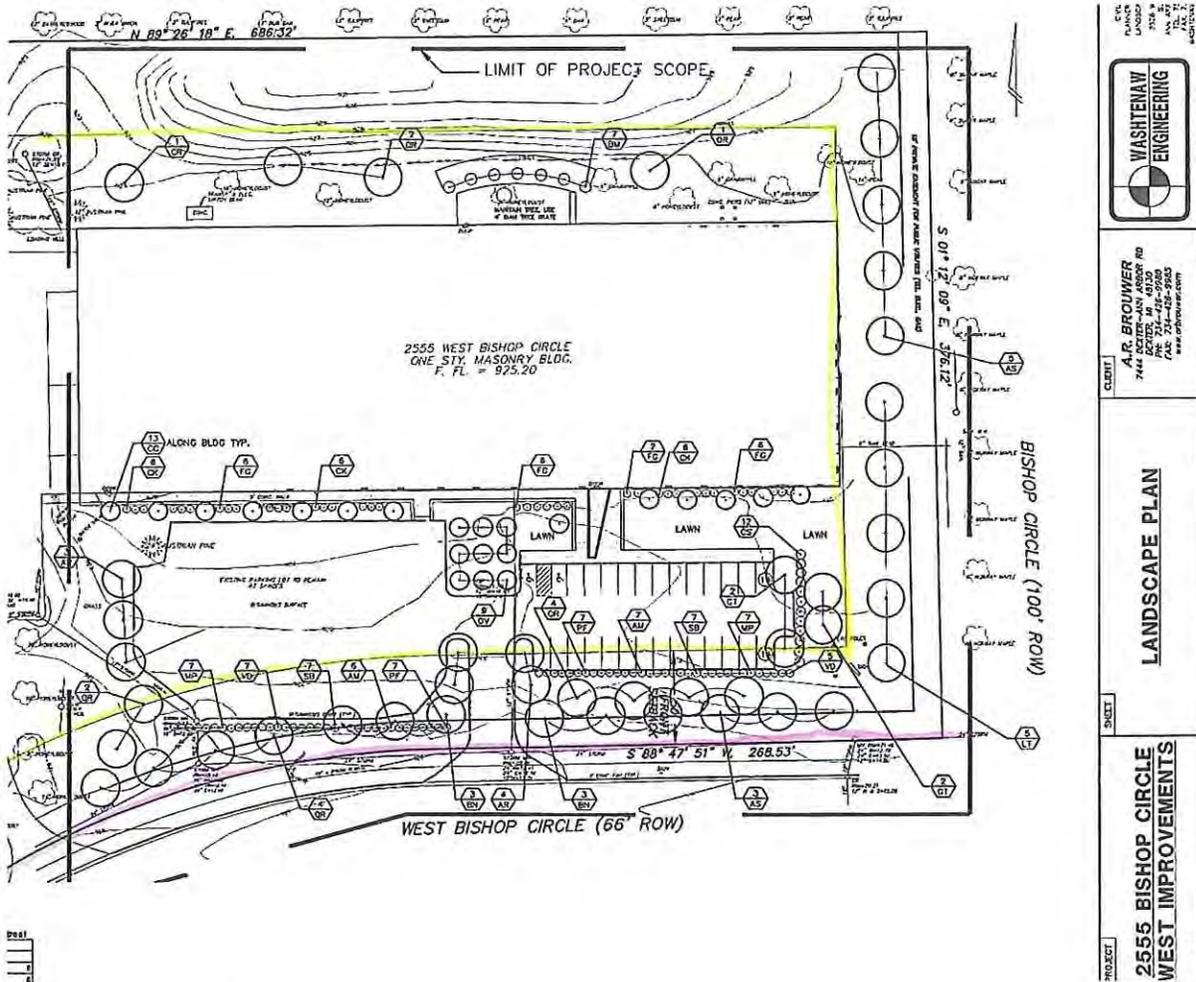
An expansion of off-street parking at the facility was approved (administratively) in 1999. A note on the final zoning compliance application states:

"New parking lot was installed prior to application/permit issuance. Although current zoning ordinance does not permit parking in the front yard setback, 1) the lot is already built, 2) the additional parking is desperately needed by Pilot (Industries), and 3) additional landscaping will be provided to screen the parking."

The subject site has 3 front yards; 1) Dan Hoey Rd, 2) Bishop Circle and 3) Bishop Circle W. As you can see from the aerial photo below, a portion of the parking lot is located within the front yard setback (along Bishop Cr W), but that portion of the parking lot, adjacent to the right, is not currently located within the front yard setback. The proposed vestibule would require the portion that is not currently located in the front yard setback to encroach approximately 11 feet into the front yard. The dashed purple line identifies the property boundary; the dashed red line identifies the road right-of-way; and the dotted yellow line demonstrates the location of the front yard setback.



Currently, the existing parking lots are not adequately screened from Bishop Circle W. With the proposed landscaping improvements, both parking lots would be screened from Bishop Circle W, as shown in the concept plan below.



CLIENT A.R. BROUWER 744 BOWEN RD BOZEMAN, MT 59717 PH: 406-552-0989 FAX: 406-552-0988 WWW.ARWASHTENAW.COM	
SHEET <b>LANDSCAPE PLAN</b>	
PROJECT <b>2555 BISHOP CIRCLE                  WEST IMPROVEMENTS</b>	

**Action requested**

Following a review of the information provided the Planning Commission is asked to exercise its authority to permit off-street parking in the front yard, along Bishop Circle W, at 2555 Bishop Circle W.

Suggested motions

Based on the authority vested to the Planning Commission in Section 5.01, sub-section A of the Village Zoning Ordinance, and the information provided to the Planning Commission by the Community Development Manager on July 7, 2014, the Planning Commission (APPROVES/DENIES) the request to permit off-street parking within the front yard setback, along Bishop Circle W, for 2555 Bishop Circle W, subject to the following:

- 1) Landscaping shall be provided in accordance with Article VI of the Village Ordinance.

OR

Based on the information provided by the Community Development Manager at the July 7, 2014 Planning Commission meeting, the Planning Commission moves to **(POSTPONE)** the request to allow off-street parking to be located within the require front yard along Bishop Circle W for property at 2555 Bishop Circle W until **(DATE)** to allow the CDM more time to address the following:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Please let me know if you have any questions or comments.

Thank you.