

# Wexford Joint Planning Commission

% Cherry Grove Township  
4830 E. M-55  
Cadillac, Michigan 49601

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June 14, 2023

## STAFF REPORT SLUP-2023-02

### 1. Application

Applicant:	Bednarick, Ashley 5481 E 28 Rd Cadillac, Michigan 49601
Owner(s):	SAME AS APPLICANT
Site Address,	SAME AS APPLICANT
And Proposed Location	Parcel ID# 2210-01-3102 Selma Township
Zoned:	RR Rural Residential District
Site Plan:	N/A

### 2. Development Proposal

- 2.1 Property Description – Parcel ID#2210-01-3102 – Selma Township  
E 330 FT OF S 1/2 OF E 495 FT OF E 1/2 OF SW 1/4 10 A M/L SEL. SEC. 1  
T22N R10W -CAPS
- 2.2 Action Report – The Applicant is requesting a Special Land Use Permit to have a Childcare Facility between 7 and 14 children. This Applicant has been through the process with the Joint Planning Commission two years ago in another township (Cherry Grove – SLUP 2021-03). She has moved to a much larger property and larger house in Selma Township, located in the Rural Residential Zoning District.

2.3 This SLUP falls into the category of WJPZ Ordinance, Section 3703 – Special Uses, and Subsection FF, which states, “Child Day Care Services [623312] which are less than 3,000 square feet of interior floor area.” This home is 1,856 square feet of floor area, and qualifies under the zoning ordinance.

2.4 Current Narrative:

1. The Applicant filled out an application and submitted same application on April 21, 2023.
  2. The WJPZ Ordinance calls for a Detailed Site Plan with all Special Use Permits as per Article 8605. Information Required in Application, section 2.a, which states, “A detailed site plan as specified in Section 9406 of this Ordinance.” However, though it states in Article 9402.A states, “Every application for a zoning permit shall include a site plan, drawn according to the specifications of this article. The administrator shall review the site plan prior to issuing a zoning permit, OR the administrator shall transmit the site plan to the Commission for their review.” Note the “OR” in the ordinance, because Article 9402, Subsection D states, “Notwithstanding subsection B above, the administrator may review and approve, approve with conditions, or deny site plans for the following: 1. Any accessory uses not exceeding 50 (fifty) percent of all existing building footprints, incidental to an existing use in conformance with this Ordinance that does not require a variance, and the site plan demonstrates that the proposed building or use conforms with all requirements of this ordinance.”
  3. **As a State regulated Child Care Facility, the State of Michigan through its Department of Licensing and Regulatory Affairs, this facility would not be subject to a detailed site plan because all internal inspections are done by the state agency. **The WJPC would only be approving the Special Land Use Application.** Since this is an already built dwelling that is regulated by state agency, the requirements for detailed site plans are waved by the administrator. The state laws below will detail the regulations.**
3. Special Use Specific Standards per Group Child Care Homes  
A. (excerpt) PA 110 of 2006 – Michigan Zoning Enabling Act:  
**125.3206 Residential use of property; adult foster care facilities; family or group child care homes.**  
(4) For a county or township, a group child care home **shall be issued a special use permit, conditional use permit, or other similar permit if the group child care home meets all of the following standards:**
- (a) Is located not closer than 1,500 feet to any of the following:
    - (i) Another licensed group child care home.  
**A search of: <https://childcaresearch.apps.lara.state.mi.us/> did NOT list another group child care home within 1, 500 feet of the applicant’s proposed location.**

(ii) An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

**A search of: <https://adultfostercare.apps.lara.state.mi.us/> did NOT list an adult foster care small group home within 1,500 feet of the applicant's proposed location.**

(iii) A facility offering substance use disorder services to 7 or more people that is licensed under part 62 of the public health code, 1978 PA 368, MCL 333.6230 to 333.6251. Michigan Compiled Laws Complete Through PA 20 of 2021

**Upon visiting: <https://www.michigan.gov/statelicenseresearch/0,4671,7-180-24786-81658--,00.html> there was no ability to perform a localized search to confirm that there was not a facility offering substance use disorder services to 7 or more people. LARA was contacted via phone and a message of inquiry was left regarding this standard. An email requesting the same was sent to: [bchs-statelicensing@michigan.gov](mailto:bchs-statelicensing@michigan.gov)**

(iv) A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.

**A search of: <https://www.michigan.gov/corrections/> did not indicate that a community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections existed within 1,500 feet of the proposed location.**

(b) Has appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government. In Home Child Care Facilities in the state of Michigan do not require fencing.

**The Wexford Joint Zoning Ordinance lists no 'specific' fencing requirements pertaining to the safety of children in a group child care home.**

(c) Maintains the property consistent with the visible characteristics of the neighborhood.

**Exhibit-A [2210-01-3102] (pages 3) is in an RR Residential District in Selma Township (see photos) – staff believes that the subject property is 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.

**The applicant has been advised that the hours of operation cannot exceed 16 hours during a 24-hour period. Staff does NOT recommend limiting hours of operation of the group child care home between the hours of 10 pm and 6 am.**

(e) Meets regulations, if any, governing signs used by a group child care home to identify itself.

**The applicant has been advised that compliance with the Wexford Joint Zoning Ordinance sign regulations applicable in the RR Residential District is mandatory.**

(f) Meets regulations, if any, requiring a group child care home operator to provide off-street parking accommodations for his or her employees.

**The Wexford Joint Zoning Ordinance has no ‘specific’ regulations related to a group child care home requiring off-street parking. Staff performed a personal site inspection and observed 5 parked vehicles with room for at least 4-6 more without encroaching into the road right-of-way.**

#### 4. Standards for Special Use Permit with Staff Comments and Recommendations

4.1 According to WJZO Article 8609 – The following standards shall be used by the Planning Commission to review Special Use Permits.

1. Is the use reasonable and designed to protect the health, safety, and welfare of the community?

***Staff Comment and Recommendations:*** *The proposed site plan incorporates the natural wooded and vegetative state of the area to almost totally hide the proposed development as Child Care Facility. If all other State regulatory entities offer approval, then the use should not present any health, safety, or welfare issues.*

2. Is the use consistent with the intent and purpose of the district?

***Staff Comment and Recommendations:*** *The use is listed as a ‘special’ use in the subject zoning district. Any ‘concerns’ should be mitigated through the review and approval process by the Wexford Joint Planning Commission.*

3. Is the use compatible with adjacent land uses?

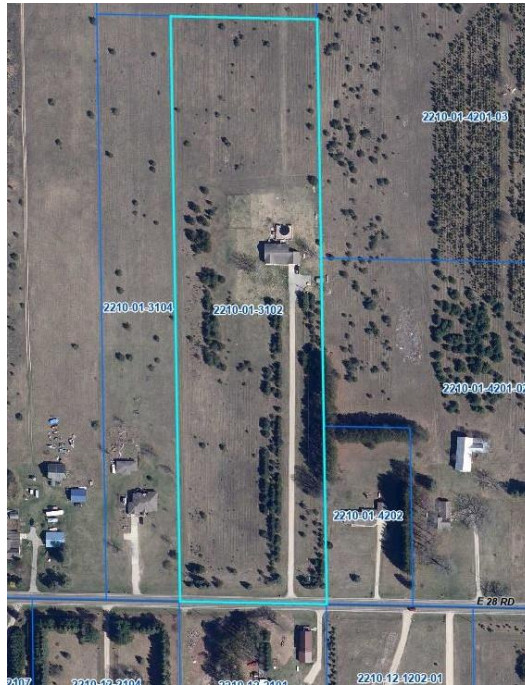
***Staff Comment and Recommendations:*** *In Michigan, Zoning must be based on a plan (part of the Master Plan). The uses (both Permitted and Special) that are listed in the Rural Residential District (Article 37 of the Wexford Joint Zoning Ordinance) in which this property is located are contemplated as being compatible when and if certain provisions are complied with. The site plan, statements of the applicant, and special use process for the requested use are to be reviewed for compatibility.*

4. Is the use designed to ensure that the public services and facilities are capable of accommodating increased loads caused by the land use or activity?

***Staff Comments and Recommendations:*** *The increased impact will be mitigated and sustained totally on the site.*

***The applicant has adequately demonstrated their intent to comply with applicable provisions of Article 10, General Regulations.***

**Exhibit-A [2210-01-3102] Below**





**Staff Recommendations:**

**1. Staff recommends a finding that the applicant has demonstrated compliance with the mandatory provisions as listed in the Michigan Zoning Enabling Act, PA 110 of 2006 and has or will demonstrate compliance with the discretionary standards and all other provisions of the Wexford Joint Zoning Ordinance. Accordingly, staff recommends approval of the requested special use permit to operate a Group Child Care Home at 5481 28 Road, Cadillac, Michigan 49601 as requested.**

Respectfully submitted for planning commission consideration,

A handwritten signature in black ink, appearing to read "D. G. T. ...", written over a white background.

**Zoning Administrator**