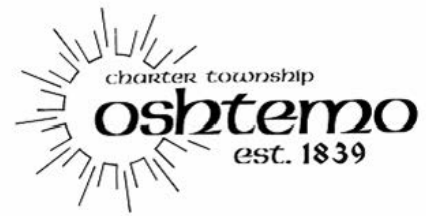


June 6th, 2018



Meeting Date: June 14th, 2018

To: Oshtemo Township Planning Commission

From: Ben Clark, Zoning Administrator

Applicant: Mable Schmidt

Owner: Daniel and Michelle Saigh

Property: 5350 Crimson Lane

Zoning: R-2: Residence District

Request: Special exception use permission to expand a *family daycare* to a *group daycare*.

Section(s): 22.404: Group daycare homes in the R-2 zoning district; 60.000: Special Exception Uses

Project Name: Schmidt Group Daycare Request

OVERVIEW

The applicant has maintained a state-licensed family daycare home, which allows up to six non-resident children on-site for less than 24 hours a day, for the past 14 years. Recently a relative approached the applicant, asking if they could accept their child into the daycare service. Per the Township Zoning Ordinance as well as state statute, this addition of one child would elevate the existing daycare from a family facility, which is permitted by right in the subject zoning district, to a *group daycare*, which requires special exception use permission from the Township as well as additional licensing requirements from the State. Before the State will accept this facility as a group daycare home, however, Oshtemo Township, the local jurisdiction having authority, must approve of the requested modification of use. While the applicant only seeks to add one child at this time, the Planning Commission should note that the group daycare home designation would allow the applicant to care for 12 children by default, unless expressly restricted by this body.

The subject property is located on an approximately 0.3-acre lot at the corner of Mandalay Drive and Crimson Lane in the Burgundy Manor subdivision, which is between Drake Road and US-131, north of KL Avenue. The existing daycare is maintained in an approximately 1,500 square foot single family home on the property, which also has an approximately 2,700 square foot fenced off yard/play area that fronts on Mandalay Drive.

GENERAL ZONING COMPLIANCE

Section 19.402 of the Oshtemo Township Zoning Ordinance outlines the special standards, in addition to the typical special exception use considerations discussed later in this report, that any agricultural or residentially-zoned property must satisfy in order to operate as a group daycare home:

a. Outside play area is appropriately fenced for the safety of the children.

Township staff has evaluated the property and have confirmed that the play area adjacent to Mandalay Drive is completely secured by a wooden privacy fence.

b. The residential character of the property shall be preserved and maintained. Any building must be compatible in size, height, external design, landscaping, and surrounding open space as other residential building in area.

In it's current configuration, there was no indication that the residence at this property was being operated as a daycare. Any of the play items visible in the side yard from the street would not be out of place in any residential setting.

c. Operation may not exceed 16 hours of operation during a 24-hour period.

The applicant has stated that her hours of operation are typically from 5:00 am to 6:00 pm, well within the allowances of the Zoning Ordinance.

d. No signs are permitted.

No signs are present at the subject property.

e. One parking space, in accordance with SECTION 68, shall be provided for each non-resident employee working on site at any one time.

The applicant has stated that there are no, nor will there be, any off-site employees.

Section 60.100 of the Zoning Ordinance provides additional review criteria for consideration when deliberating a Special Exception Use request.

A. Is the proposed use compatible with the other uses expressly permitted within the R-2: Residence zoning district?

Intended to be operated from and accessory to an existing dwelling, if managed appropriately, group daycare homes can be and often are harmoniously integrated into low to medium density residential settings such as those found in the R-2 district.

B. Will the proposed use be detrimental or injurious to the use or development of adjacent properties or to the general public?

Generally speaking, adherence with the requirements of section 19.402 of the Zoning Ordinance should ensure that the group daycare home does not have a negative impact on adjacent properties or the general public.

C. Will the proposed use promote the public health, safety, and welfare of the community?

Given that the applicant intends to add only one child to their daycare which is already operating, staff do not anticipate any compromise of the public health, safety, and welfare of the community.

D. Will the proposed use encourage the use of the land in accordance with its character and adaptability?

Staff have no concerns that the addition of one child to the daycare facility will compromise the use of the land in accordance with its character and adaptability.

RECOMMENDATION

Staff have determined that all criteria of section 19.402 of the Zoning Ordinance are currently being met with the operation of the family daycare home, and that they can easily be maintained with the addition of one child. Staff recommends approval of the request to operate a group daycare home from the subject property, but also suggests the following conditions be attached:

1. All restrictions listed in section 19.402 of the Zoning Ordinance shall continue to be observed.
2. The applicant be restricted to seven children on-site at any given time.
3. Staff recently noted that the State of Michigan's Statewide License Detail website shows that the applicant's license to operate lapsed on June 4th of this year. Prior to activating the group daycare home use, the applicant shall provide the Township with proof of licensure in good standing with the State.

Respectfully Submitted,



Ben Clark
Zoning Administrator

Attachments:

- Application
- Aerial property map
- Applicant-supplied materials
- Licensing documents



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
 Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS _____

PLANNING & ZONING APPLICATION

Applicant Name : Mable Schmidt

Company _____

Address 5350 Crimsin Lane
Kal, mi 49009

E-mail lady_lamb58@yahoo.com

Telephone (269) 398-1196 Fax _____

Interest in Property _____

OWNER*: _____

Name _____

Address _____

Email _____

Phone & Fax _____

(*If different from the Applicant)

Oshtemo Charter Township
 7275 W MAIN ST
 KALAMAZOO, MI 49009
 Phone : 269-375-4260
 OSHEMOTOWNSHIP.ORG

Received From: SCHMIDT
 Date: 04/27/2018 Time: 9:52:01 AM
 Receipt: 141266
 Cashier: LPOTOK

ITEM REFERENCE	AMOUNT
1085 SPECIAL EXCEPTION USE	
SPECIAL EXCEPTION USE	\$400.00
<hr/>	
SUB-TOTAL	\$400.00
<hr/>	
Total Tendered:	\$400.00
ORDER #: 43375846	
Credit Card Type Visa	
CC Processing Fee	\$12.00
CREDIT CARD XXXXXXXXXXXXXXX8278	
Grand Total:	\$412.00
<hr/>	
Change:	\$0.00

Signature _____

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- | | |
|--|---|
| <input type="checkbox"/> Planning Escrow-1042 | <input type="checkbox"/> Land Division-1090 |
| <input type="checkbox"/> Site Plan Review-1088 | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input type="checkbox"/> Administrative Site Plan Review-1086 | <input type="checkbox"/> Rezoning-1091 |
| <input checked="" type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082 |
| <input type="checkbox"/> Zoning Variance-1092 | <input type="checkbox"/> Text Amendment-1081 |
| <input type="checkbox"/> Site Condominium-1084 | <input type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Accessory Building Review-1083 | <input type="checkbox"/> Other: _____ |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): i am a Licenced Daycare Provider
for 14 years now. Currently I'm Licensed for a Family Daycare home (less kids)
My Niece would like to enroll her new baby. State requires me to change
from family to Group Daycare in order to take anymore children.

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

PARCEL NUMBER: 3905-

24-220-110

ADDRESS OF PROPERTY:

5350 Crinson

PRESENT USE OF THE PROPERTY:

Residential

PRESENT ZONING

R-2

SIZE OF PROPERTY

0.3 acres

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)

Address(es)

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

Owner's Signature (* If different from Applicant)

Date

MJS

4-20-18

Applicant's Signature

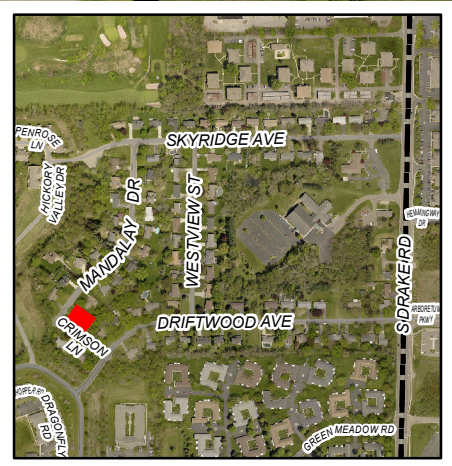
Date



PLEASE ATTACH ALL REQUIRED DOCUMENTS

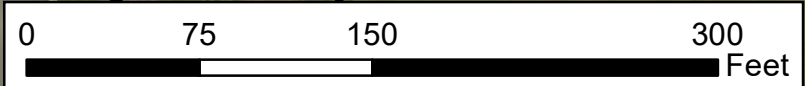
Copies to:
Planning Dir.-1
Applicant -1
Clerk -1
Deputy Clerk, (only if Escrow)
Attorney-1
Assessor -1
Planning Secretary - Original

2

5350 CRIMSON LANE
Aerial Map



-  Other Property Line
-  Subject Property



ZONING APPROVAL FOR GROUP CHILD CARE HOMES

Michigan Department of Licensing and Regulatory Affairs
Bureau of Community and Health Systems

Licensee Name: Made Schmidt

Licensee Address: 5350 (5350) Crimson Lane
Kal, mi 49009

License Type: DG – Group Child Care Home (capacity 7-12 children)

Zoning Authority:

According to the Michigan Zoning Enabling Act, 2006 PA 110, a group child care home located in a county or township shall be issued a special use permit, conditional use permit, or other similar permit if the group child care home meet specific standards. A group child care home located in a city or village may be issued a special use permit, conditional use permit, or other similar permit.

Please complete the lower portion of this form and return this completed form to the licensee/applicant.

If you have any questions or concerns, please contact the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, at 517-284-9730.

Thank you.

- Location is APPROVED by the local zoning authority.
- Location is DISAPPROVED by the local zoning authority.
- City, township or county is unzoned.

Signature of Zoning Authority or
City, Township, County Manager for Unzoned Communities

Date

Telephone Number

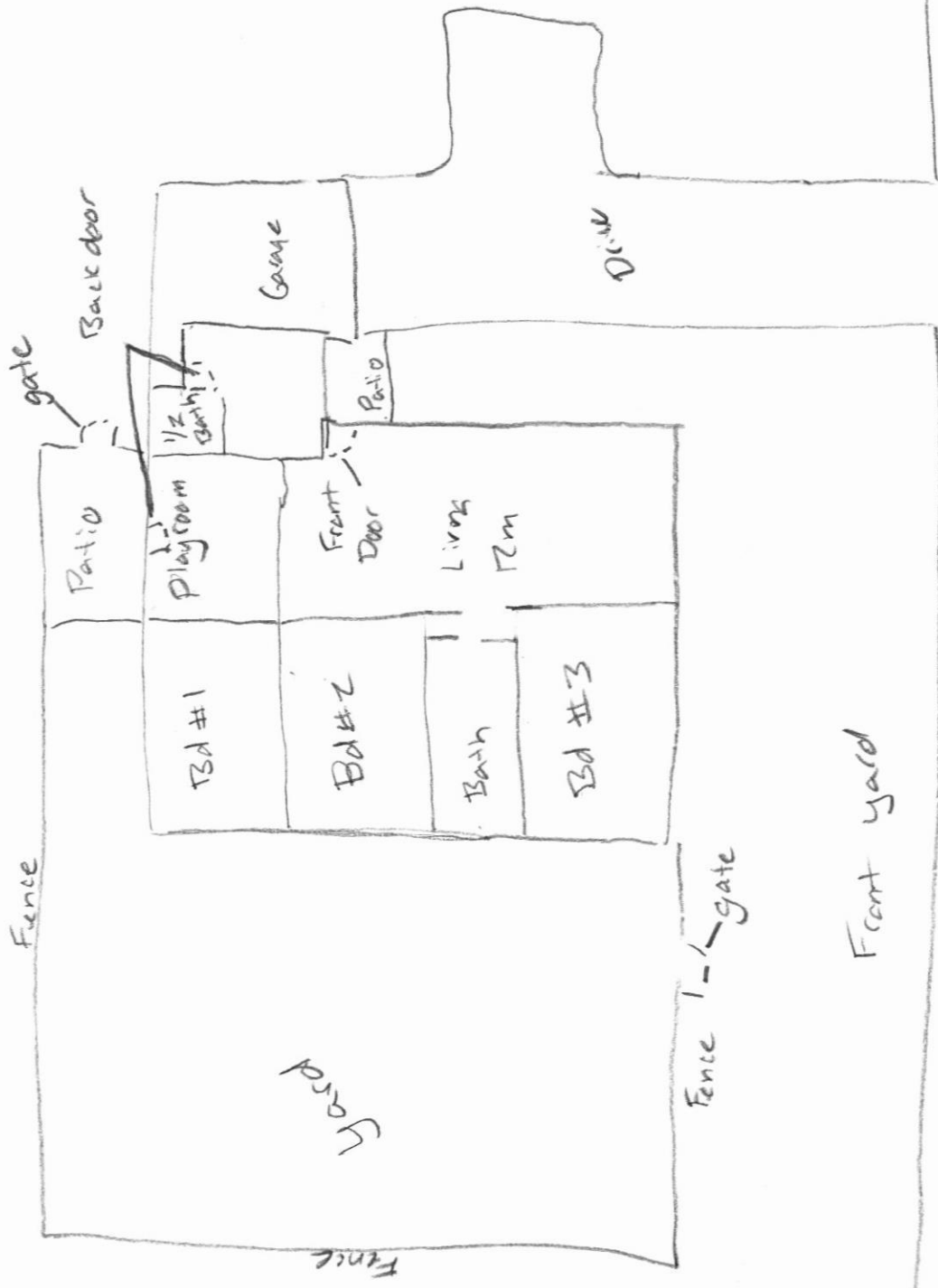
Printed Name of Zoning Authority or
City, Township, County Manager for Unzoned Communities

Jurisdiction (City, Township)

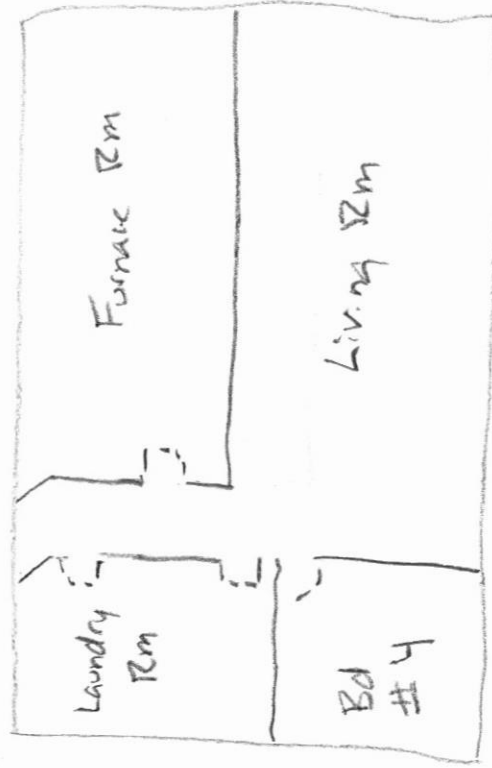
Authority: 1973 PA 116
Completion: Required
Penalty: Applicant cannot be licensed/registered

LARA is an equal opportunity employer/program.

Mandalay



Crimson





RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH CARE SERVICES

MIKE ZIMMER
DIRECTOR

June 5, 2015

Mable Nesbitt
5350 Crimson Lane
Kalamazoo, MI 49009

RE: Application #: DF390377802
Nesbitt, Mable
5350 Crimson Lane
Kalamazoo, MI 49009

Dear Ms. Nesbitt:

Based upon your written statements of compliance with the Family Child Care Home Licensing Rules, your Certificate of Registration will be issued. Your registration number is DF390377802. Your capacity is for not more than 6 unrelated child care children at any one time.

An inspection will occur within the next 90 days. At the inspection, your licensing consultant will assess compliance with the licensing rules, which will include an inspection of your entire home and the equipment you have for the children. It will also include, but will not be limited to, a review of the following information:

- ✓ Children's records.
- ✓ Training records.
- ✓ Required policies and postings.
- ✓ Licensing notebook.

Remember, your Certificate of Registration is valid only at your present address and is nontransferable.

Consultation and technical assistance is available to assist you in maintaining and enhancing your child care program.

Please feel free to contact this office with any questions.

Per MCL 722.113g, this letter must be filed in your licensing notebook.

Sincerely,

A handwritten signature in blue ink that reads "Julia Majka".

Julia Majka, Licensing Consultant
(269) 615-639



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF COMMUNITY AND HEALTH SYSTEMS

MIKE ZIMMER
DIRECTOR

August 31, 2015

Mable Nesbitt
5350 Crimson Lane
Kalamazoo, MI 49009

RE: Registration # DF390377802
Nesbitt, Mable
5350 Crimson Lane
Kalamazoo, MI 49009

Dear Ms. Nesbitt:

This letter is a follow-up to the department's findings regarding the 90 day inspection conducted at your home on 08/31/2015. The purpose of this inspection was to determine compliance with applicable licensing statutes and rules for Family and Group Child Care Homes.

A. Description of Facility

Rooms and levels approved for child care use: The entire main floor is approved for use space. This includes the kitchen, dining room, living room, toy room, and three bedrooms. In the basement the living room and master bedroom are approved for use space.

Areas not approved: In the basement the laundry room is approved only for severe weather and drills. The furnace room is not approved for use.

Ages of children served: Ms. Nesbitt will serve children age's birth through 12 years.

Equipment: Ms. Nesbitt has an adequate amount of toys and learning equipment to accommodate both the ages and number of children served at this child care home.

Proposed days and hours of operation: Ms. Nesbitt will provide care Sunday through Saturday from 12:00 am to 11:59 pm.

Previous or concurrent licenses, including children's foster care: Ms. Nesbitt has been a licensed child care provider since 2009. She was previously licensed for a child care group home and family home at other addresses. She has also previously been

licensed for foster care and is in the process of getting licensed for foster care in her current home.

Exiting information (including second floor and basement): The basement has two exits that include the stairs and a window that is appropriate height and width for exiting. The window has steps permanently secured to the wall.

Outdoor play area description: The outdoor play area is fully fenced and has portable toys as well as a swing set with surfacing underneath.

Additional information:

- Pets? No Yes If yes, describe.
- Hot tubs or spa pool? No Yes If yes, are there appropriate barriers?
- Swimming pool? No Yes If yes, describe pool and barriers.
- Other water hazards? No Yes If yes, describe.
- Fireplace or wood burning stove? No Yes If yes, describe. There is a fireplace in the basement that has proper barriers making it inaccessible to children.
- Fireplace/wood burner in use during child care hours? No Yes If yes, describe barriers to protect children from burns.
- Explain any variances, if any. None

B. Rule/Statutory Violations

This 90-day inspection involved a review of all applicable family child care home administrative rules and statutes. Verification of compliance included direct observations of the physical environment and the program, discussions with the registrant, and a review of the home's records, including children's records. Children's records include child information cards and child in care statements/receipts.

There were no rule violations.

Your facility was found to be in compliance with the requirements of Act No. 116 of the Public Acts of 1973, as amended and the applicable licensing rules.

The department provides technical assistance to meet the licensing requirements and consultation to improve services.

Please contact me with any questions. In the event that I am not available and you need to speak to someone immediately, please contact the local office at (269) 337-5066.

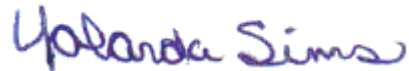
Per MCL 722.113g, this report and any related corrective action plans must be filed in your Licensing Notebook.

Sincerely,



Julia Majka, Licensing Consultant
Bureau of Community and Health Systems
322 E. Stockbridge Ave
Kalamazoo, MI 49001
(269) 615-6039

Approved By:



8/31/2015

Yolanda Sims
Area Manager

Date

Child Care Licensing Search

Department of Licensing and Regulatory Affairs
(/ChildCareSearch/)

Navigation

◀ Back to
Search Results

🔍 New Search
(/ChildCareSearch/)

📄 View Audit
Reports

Statewide Detail for Licensed Child Care Centers and Homes

Facility Information

Facility Name:
SCHMIDT, MABLE

Facility Address:
5350 CRIMSON LANE
KALAMAZOO , MI 49009
Phone: (269) 598-1196

County:
KALAMAZOO

Facility Type:
CHILD CARE FAMILY HOME (CAPACITY 1-6)

Facility Status:
ACTIVE

License Status:
REGISTERED

License Number:
DF390377802

Effective Date:
6/5/2015

Expiration Date:
6/4/2018

Capacity:
6

Period of Operation:
Year Round

Services Offered

Full Day?:
YES

Services Provided:

Licensee Information

Licensee Name:

SCHMIDT, MABLE

Licensee Address:

5350 CRIMSON LANE
KALAMAZOO , MI 49009



Days Open



Sunday: Monday: Tuesday: Wednesday: Thursday: Friday: Saturday:

Audit Reports

The reports on this site are available for downloading or viewing using the [Adobe Acrobat Reader](http://www.adobe.com/products/acrobat/readstep.html) (<http://www.adobe.com/products/acrobat/readstep.html>)

When rule violations have been cited in a report, the licensee is required to submit a corrective action plan. Written corrective action plans that are submitted by the licensee in response to the Department reports are available through the [Freedom of Information of Act](http://www.michigan.gov/lara/0,4601,7-154-35299_63294_63302_28142-47180--,00.html) (http://www.michigan.gov/lara/0,4601,7-154-35299_63294_63302_28142-47180--,00.html)

 [View \(/ChildCareSearch/Home/ViewReport/140877\)](#) |  [Download \(/ChildCareSearch/Home/DownloadReport/140877\)](#) Inspection Report - DF390377802_INSP.pdf - 9/11/2015

 [View \(/ChildCareSearch/Home/ViewReport/139437\)](#) |  [Download \(/ChildCareSearch/Home/DownloadReport/139437\)](#) Original Licensing Study Report - DF390377802_ORIG.pdf - 7/27/2015

- **Original and Renewal Licensing Study Report**

Completed in response to the initial or renewal application for license on Child Care Centers and Group Child Care Homes.

- **Inspection Report**

These reports include Interim, 90 Day, and 10% Sample Inspections.

- Interim Inspections are conducted for Centers and Group Homes at or near the mid-point of the effective dates of the license.
- 90 Day Inspections are completed within 90 days of the issuance date of Family Child Care Home certificate of registration.
- 10% Sample Inspections were renewal inspections conducted on a random 10% sample of Family Child Care Homes due for renewal in each county each year. Beginning in 2017, renewal inspections are conducted on 100% of all Family Child Care Homes due for renewal and they are listed as a Renewal Inspection report.

- **Special Investigation Report**

- Special Investigation Reports are conducted in response to rule related complaints received regarding a facility.

Disclaimer: Licensing and registration records are made available on this website by LARA to provide immediate access to information for the convenience of interested persons. This information is updated once a day. It is the practice of LARA to obtain and verify information from the

original source. All users have the responsibility to determine whether information obtained from this site is still accurate, current, and complete.
LARA assumes no responsibility for any errors or omissions, or for the use of information obtained from this site.

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[Michigan.gov Home \(http://www.michigan.gov/\)](http://www.michigan.gov/)

[BCHS Home \(http://www.michigan.gov/lara/0,4601,7-154-63294---,00.html\)](http://www.michigan.gov/lara/0,4601,7-154-63294---,00.html)

[Contact BCHS \(http://www.michigan.gov/lara/0,4601,7-154-63294_72975---,00.html\)](http://www.michigan.gov/lara/0,4601,7-154-63294_72975---,00.html)

[State Web Sites \(http://www.michigan.gov/som/0,1607,7-192----A,00.html\)](http://www.michigan.gov/som/0,1607,7-192----A,00.html)

[State of Michigan Policies \(http://www.michigan.gov/Policies\)](http://www.michigan.gov/Policies) [Contact](#)

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