

**FINDINGS OF REQUIRED STANDARDS  
AND RESOLUTION OF DENIAL  
KB NURSERY & LANDSCAPE SUPPLIES  
SLU 21-02  
March 16, 2022**

**WHEREAS** an application for Special Land Use Permit for a nursery and landscape yard was filed December 2, 2021 for the premises located at 11757 Whittaker Road (T-20-22-300-010), Section 22, Augusta Charter Township, Washtenaw County, Michigan; and

**WHEREAS** in accordance with Article 14.12 of the Township Zoning Ordinance, the Augusta Township Planning Commission held a public hearing on this matter on January 19, 2022, and public comments were received and considered; and

**WHEREAS** the subject site is zoned AR, Agriculture Residential which allows for commercial, non-farm related nursery or greenhouse uses as a special land use; and

**WHEREAS** a nursery is defined in the Zoning Ordinance (Ordinance) as a space “*where live trees, shrubs, and other plants used for gardening and landscaping are propagated, stored, and/or offered for sale on the premises*” and

**WHEREAS** based on the application for special use and other information filed by the applicant, the proposed use does not appear to be a nursery as defined in the Ordinance and instead is most similar to a landscape supply and contractor yard for the purpose of providing landscape contractor services and for the storage and sale of landscape supplies; and

**WHEREAS** a landscape contractor yard is considered an open-air business that is permitted as a special use in a general commercial zoning district regulated under Section 6.20 and it is not a use allowed in the AR zoning district as a permitted or special land use; and

**WHEREAS** the Planning Commission has reviewed the Special Land Use Permit application for the proposed nursery and landscape supply use as required in accordance with the requirements and standard of Article 4.4 of the Township Zoning Ordinance, and finds the following:

- A. Will be harmonious and in accordance with the general objectives or any specific objectives of the Augusta Charter Township Master Plan.**

The subject property is depicted in the Master Plan as primarily Rural Residential future land use category which coincides with the AR, Agricultural Residential zoning district. The drain located along the north property line is designated Recreation/Open Space. The use of the site as a landscape contractor yard (open-air business) is not a use allowed in the AR zoning district as a permitted or special land use.

*Based on the information provided in the application describing the use and the site plan depicting the storage of landscape materials, the Planning Commission determines that the nursery and landscape supply business cannot be approved and developed in a manner that is harmonious with the Master Plan. Because the proposed use is not a permitted use in the AR district, the members of this Commission consider that the use is not eligible to be considered as a special use under the Ordinance.*

- B. Will 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 will not change the essential character of the area.**

The applicant has provided a preliminary site plan with the special land use application depicting proposed site improvements. The Stierle drain along the north property line contains a stormwater drainage easement under the control of the Washtenaw County Water Resources Commission. The drainage easement appears to encumber the northern 50-60 feet of the property. This is the location where the existing garage and nursery stock are located. Typically, no structures are allowed within the drainage easement. Approval of the location of these structures and placement of materials will be required from the Washtenaw County Water Resources Commission.

The use of the site as a landscape contractor yard (open-air business) is not a use allowed in the AR zoning district as a permitted or special land use.

*The Planning Commission determines that the proposed nursery and landscape supply as proposed in the preliminary site plan can not 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 will change the essential character of the area.*

**C. Will not be hazardous or disturbing to existing or future nearby uses.**

*The Planning Commission determines the nursery and landscape supply will be hazardous or disturbing to existing or future nearby uses based on the noise, traffic, and visibility of the project to immediate and nearby residents and uses, and because it is not a permitted use in the AR district.*

**D. Will be an improvement in relation to property in the immediate vicinity and to the Township as a whole.**

*The Planning Commission determines the nursery and landscape supply is not an improvement in relation to the property in the immediate vicinity and to the Township. The proposed use is not listed in the AR zoning district as a permitted or special land use.*

**E. Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately for any such service or facility.**

Utilities servicing the site have not been evaluated. However, the site is currently and will continue to be served by a well and septic system.

*Since the Planning Commission has determined that the use is not permitted in a zoned AR district and therefore is not appropriate for the property, there is no need to determine whether the site is adequately served by well and septic for the proposed use. In addition, the limited information provided by applicant is not sufficient make such a determination.*

**F. Will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.**

*The Planning Commission determines the nursery and landscape supply, if approved, may create additional public costs associated with anticipated truck traffic to the site that may impact road conditions and needed maintenance.*

**G. Will be consistent with the intent, purposes, and specifications of this Ordinance.**

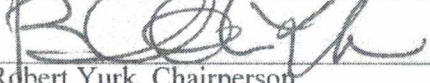
*As presented, the proposed use does not meet the intent, purposes and specifications of the Ordinance. Under the AR, Agriculture Residential zoning district, the proposed landscape contractor (open-air business) use is not allowed as a permitted or special land use. Further, the site plan provided as a supplement to the special land use application demonstrates existing and future site improvements within the Stierle drain easement, landscape material storage areas are located within the required side yard and not 75 feet from neighboring residential properties.*

**NOW THEREFORE BE IT RESOLVED**, that the Augusta Charter Township Planning Commission hereby DENIES SLU 21-02 KB Nursery and Landscape Supply based on the findings stated above.

**ROLL CALL VOTE:**

AYES: Yurk, Wolfspence, Rawlins, Hurd, Hall  
NAYES: None  
ABSENT: None  
ABSTAIN: Bixton

**RESOLUTION DECLARED ADOPTED**

  
Robert Yurk, Chairperson  
Augusta Charter Township Planning Commission

Dated: Mar. 16, 2022

**CERTIFICATE**

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Planning Commission of Augusta Charter Township, County of Washtenaw, State of Michigan at a regular meeting held on the 16 day of March, 2022, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the open meetings act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Dated: 3/16/22

  
Secretary Planning Commission  
Augusta Charter Township