

C) Letter from A. Grassi, dated May 20, 2014 re: Danielle's Day Care

NEW BUSINESS

2014-0173 Public Hearing and request for a Conditional Land Use Recommendation - City File No. 14-007 - Danielle's Day Care, to permit a group home child care center with up to 12 children, located at 2869 Hartline Dr., north of Auburn between Crooks and Livernois, Parcel No. 15-28-453-100, zoned R-4, One-Family Residential, Danielle Johnston, Applicant

(Reference: Staff Report prepared by James Breuckman, dated May 16, 2014 and associated documents had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Danielle Johnston, 2869 Hartline, Rochester Hills, MI 48309.

Ms. Johnston introduced herself, and stated that she was applying for a Conditional Land Use (CLU) to expand her day care from six children to up to 12 children.

Mr. Breuckman advised that going from six to 12 children for a day care required a CLU permit. There were some specific requirements in the Ordinance that applied, and those were listed in the Staff Report. Some were yes or no answers as to whether or not the requirements could be met, such as the licensing by the State and the separation requirements. The third criteria regarded compatibility with the neighborhood. It stated, "Any State licensed residential facility and the property included therewith shall be maintained in a manner consistent with the visible characteristics of the neighborhood in which it was located." Mr. Breuckman acknowledged that going to 12 children could bring in more traffic to the site, but the house was not being expanded and was proposed to remain as it existed. Staff was not aware of any issues with the current operation. There had been no complaints, and it had been operating in a quiet manner.

Mr. Breuckman further advised that there were some specific requirements for the outdoor play area, and that there should be an adequate area for drop-off and pick-up. The lot had enough area for the play area in the backyard, and the site had a u-shaped driveway for at least six or seven cars at one time. There were general requirements for CLUs, which were also listed in the Staff Report. He read, "Will promote the intent and purpose of the Ordinance; will be designed, constructed, operated, maintained and managed so as to be compatible, harmonious

and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole; will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, refuse disposal or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service; will not be detrimental, hazardous or disturbing to existing or future neighboring land uses, persons, property or the public welfare; and it will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.” The key one was whether it would be detrimental to the neighborhood. There was no increased drain on public facilities. Mr. Breuckman pointed out that there was a motion in the packet, should the Commissioners be amenable to recommending approval of the CLU, and he said he would be happy to answer any questions.

Chairperson Boswell asked Ms. Johnston if she would like to add anything. Ms. Johnston said that she had brought three neighbors who were in support of the expansion of her day care. One lived right next door and shared a fence; one lived two houses down; and one was kiddy corner to her. They were home during the day, and they knew there was not a lot of noise, and there would not be more noise. She added that there should be very little traffic. The families that came to her now had one child, and they wanted to expand their families, so she needed to expand her day care to make room for them. She advised that she was only open from 7:30 a.m. to 5:30 p.m., and most of the families were gone by 4:00 p.m. She stressed that it was a quiet day care and asked if there were any other questions.

Mr. Yukon asked how many providers worked with Ms. Johnston. Ms. Johnston said that currently, it was just her, and once she was licensed for 12, she would hire an assistant. Mr. Yukon asked if there would be 12 children at all times, or if they would come and go during the day. Ms. Johnston asked that children come for eight hours a day. There might be only six kids on certain days. Mr. Yukon had noticed that Ms. Johnson would use the finished basement. He asked Staff about the permissible egress for safety.

Mr. Breuckman said that it was really a Building Code issue, and Staff would defer to the Building Department and also to what the State would require. It was not regulated through zoning, so he was not really sure.

Mr. Yukon asked if the windows for egress were allowable. Mr. Breuckman said that he did not know.

Ms. Johnston responded that she had already had an inspection for a license for six, and it had passed the State requirements regarding the egress. Mr. Breuckman suggested that if Mr. Yukon was concerned, they could add a condition of approval that the day care operation complied with all State and Building Code requirements. Mr. Yukon agreed, because if part of the day care was in the basement and there was a problem and they had to get out, he would be concerned. Ms. Johnston noted that the children were three years and under, and they could all use the egress to get out. They practiced using it. Mr. Yukon asked the height of the window from the floor, and Ms. Johnston said it was about 2 ½ feet, although she had not measured it.

When he drove by Ms. Johnston's house, Mr. Yukon noticed that there was a chain link fence. He asked if that was for the outside area. He also noticed a grill and he asked if that was cordoned off. Ms. Johnson clarified that they separated the fence into two parts, so the children could not go on the sides of the house, because then they would be out of her sight. There were two fences, and one section held the grill and landscaping stones, which they would be getting rid of. There was a lock on the gate, so there was no access for the children to the grill area.

Mr. Yukon questioned how they would frame the condition for the egress. Mr. Breuckman said that when there were issues inside of a building, they would typically be regulated by the Building Code. He suggested that the condition state that the day care must meet State licensing requirements and any Building Code requirements. Mr. Yukon said that he would be in support of that condition.

Mr. Hetrick agreed that he would also support the condition. He asked Mr. Breuckman about facilities, such as bathrooms, when going from six to 12 children, and if the State licensing required any upgrades for those. Mr. Breuckman was not sure. Ms. Johnston said that there was essentially the same set of rules. She advised that there were three bathrooms. She talked with her licensing agent, who said that the hardest part was getting approved by the City, and after that, the process was fairly easy. If the State was not going to allow something for her current day care, they would not allow it for the expanded license. Mr. Hetrick asked how long she had been operating the day care, and Ms. Johnston answered two-and-a-half years. Mr. Hetrick had noticed a kennel in the yard, and he asked if that was separated also. Ms. Johnston

advised that they had gotten rid of the kennel. They planned to lay sod there and make it the barbeque area.

Mr. Schroeder considered that 12 children was a lot of kids, and he did not feel it was a relatively big space. He only saw one bathroom on the plan. Ms. Johnston said that there were two upstairs and one on the main floor. Mr. Schroeder asked if the children would have to go upstairs to the bedroom area to use the bathrooms. Ms. Johnston said that they would only use two of the bathrooms; the kids would not use her master bathroom. She agreed that some of the kids did go upstairs. She had an open balcony, and she could see the bathroom door upstairs. Mr. Schroeder assumed the children took naps, and he asked if there were pads on the floor. Ms. Johnston confirmed that there were rest mats per licensed regulations. Mr. Schroeder clarified that the basement was not damp. Ms. Johnston stated that it was not, and that it was carpeted and dry walled. Mr. Schroeder said that he noticed stairs going to the garage. Ms. Johnston said that the stairway went up, and there was a separate door to the garage. Someone could go right out into the main living area. There were three exits on the main living area - the sliding door, the front door and the garage door. The downstairs just happened to go right up to the garage door. She also had a fire ladder on the second floor, so children could climb down if they had to.

Mr. Hooper referenced the letter from the neighbor. He assumed that it was not one of the neighbors present. Ms. Johnston agreed, and said that the letter writer owned the house to the north of Ms. Johnston, but she had never met her, and she did not live there. It was a rental property. Ms. Johnston spoke with the tenant who lived there, and she was in support of the day care. The owner had not lived there for at least six years.

Chairperson Boswell advised that a Conditional Land Use request called for a Public Hearing, which he then opened at 7:17 p.m.

Sandra Marino, 2875 Hartline, Rochester Hills, MI 48309. *Ms. Marino stated that she lived right next door to Ms. Johnston. She had seen her with the children outside, and they were very well supervised. It was not a noisy situation. In fact, a lot of laughter was heard, which she thought was very pleasant. There was not a lot of traffic added by the day care, and she did not expect that there would be a lot more with the expansion. Ms. Marino said that she really admired Ms. Johnston for the work she did with the children. She was excellent, and if Ms. Marino had a young child, she would want Ms. Johnston to take of her child. Ms. Marino stated that she had no objection, and she reiterated that she lived right next door. She*

agreed that Ms. Johnston should be allowed to expand.

Annmarie McCaslin, 2887 Hartline Dr., Rochester Hills, MI 48309.

Ms. McCaslin said that she was just present to say that she totally agreed with Ms. Marino. Ms. Johnston was excellent with the children. They did not scream and carry on, and there was always laughter. Ms. McCaslin was in her backyard a lot, and she felt that Ms. Johnston deserved to expand if that was what she would like to do.

Seeing no one else coming forward, Chairperson Boswell closed the Public Hearing at 7:18 p.m.

Mr. Reece asked Mr. Breuckman what the upper limit would be for the number of children Ms. Johnston could have in her home. Mr. Breuckman advised that it was 12. There were two levels that the State set. One was 1-6 and the other was 7-12. Once there were more than 12 children, it would not be a home-based business any longer.

Hearing no further discussion, Mr. Hetrick moved the following, seconded by Mr. Schroeder.

MOTION by Hetrick, seconded by Schroeder, in the matter of City File No. 14-007 (Johnston Day Care) the Planning Commission **recommends** to City Council **approval** of the **conditional land use**, based on plans dated received by the Planning Department on April 11, 2014, with the following six (6) findings and the following one (1) condition:

Findings

1. *The proposed use is consistent with the intent and purpose of the Zoning Ordinance in general, and of Section 138-4.300 in particular.*
2. *The proposed use has been designed to be compatible, harmonious and appropriate with the existing character of the general vicinity and adjacent uses of land.*
3. *The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.*
4. *The development should not be detrimental, hazardous or unreasonably disturbing to existing land uses, persons, property or*

the public welfare.

5. *The proposed development does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*
6. *Off-street parking areas have been designed to avoid common traffic problems and promote safety.*

Condition:

1. *The applicant must comply with all State licensing and Building Code regulations.*

Mr. Hooper stated that he was in support, and that it was very impressive that Ms. Johnston's neighbors supported her. He said that it was great to hear a testimony, and it was not too common these days. He wished her good luck.

A motion was made by Hetrick, seconded by Schroeder, that this matter be Recommended for Approval to the City Council Regular Meeting,. The motion carried by the following vote:

Aye 8 - Boswell, Brnabic, Dettloff, Hetrick, Hooper, Reece, Schroeder and Yukon

Absent 1 - Kaltsounis

Chairperson Boswell stated for the record that the motion had passed unanimously.

2006-0226

Public Hearing and request for Preliminary Planned Unit Development and Conceptual Site Plan Recommendation - City File No. 03-009 - Enclaves of Rochester Hills, a proposed 26-unit residential development on two parcels totaling approximately 30 acres, located on the east side of Rochester Road, north of Tienken (north of Cross Creek Sub), zoned R-E, Residential Estate, Parcel Nos. 15-02-177-001 and 15-02-102-023, TJ Realvest, LLC, applicant.

(Reference: Staff Report prepared by James Breuckman, dated May 16, 2014 and Preliminary PUD Plans had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Tom Cooney, TJ Realvest, LLC, 54153 Deer Ridge Ct., Rochester, MI 48307 and Ralph Nunez, Design Team Ltd., 975 E. Maple Rd., Suite 210, Birmingham, MI 48009.