

**City of Rochester Hills  
Department of Planning and Economic Development**

**STAFF REPORT TO THE PLANNING COMMISSION  
December 7, 2010**

<b>Conditional Land Use Recommendation Miss Rita's Day Care</b>	
<b>APPLICANT</b>	Rita Smith 3508 Summit Ridge Rochester Hills, MI 48306
<b>LOCATION</b>	South of Dutton, West of Adams
<b>PARCEL NO.</b>	15-06-200-009
<b>FILE NO.</b>	10-007
<b>ZONING</b>	R-2 (One Family Residential) District
<b>STAFF</b>	Derek Delacourt, Deputy Director
<b>REQUEST</b>	<b>Conditional Land Use Recommendation</b>

**SUMMARY**

The proposal is to provide in-home day care for up to 12 children at 3508 Summit Ridge, south of Dutton and west of Adams. In-home day care operations for more than six children may be permitted in the R-2 zoning district (One Family Residential) per Section 138-4.300 of the Zoning Ordinance, subject to the standards for a Conditional Land Use listed in Section 138-2.302. Final approval is by City Council following a recommendation from the Planning Commission. The operation must be licensed by the State.

In addition to the Home Occupation requirements, the following regulations of Section 138-4.440 apply to all state licensed residential facilities. State licensed residential facilities with more than 6 but not more than 12 children include group child day care homes and adult foster care small group homes.

1. Licensing. In accordance with applicable state laws, all state licensed residential facilities shall be registered with or licensed by the State of Michigan and shall comply with applicable standards for such facilities.

*The State of Michigan requires that the applicant submit applicable City permits with the application for licensing prior to receiving the license to operate a day care facility.*

2. Separation Requirements. New state licensed residential facilities with 7 or more residents shall be located a minimum of 1,500 feet from any other state licensed residential facility with 7 or more residents.

*Per the applicant, there are no other residential facilities registered, licensed or on file with the State of Michigan that fall within these guidelines, and no CLUs have been administered through Staff.*

3. Compatibility with Neighborhood. 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 is it located.

*According to the applicant, the proposed daycare will be housed in an existing residence within the approved Neighborhood Association guidelines.*

4. Group Child Day Care Homes. In addition to the preceding subsection, the following regulations shall apply to all group childcare homes (with 6-12 children), as defined in the Ordinance.
  - a. Outdoor Play Area. A minimum of 150 square feet of outdoor play area shall be provided and maintained per child at the licensed capacity of the day care home, provided that the overall play area shall not be less than 1,500 square feet. The play area shall be located in the rear yard area of the group day care home premises and shall be suitable fenced and screened.

*The play area will be 1,800+ square feet, as required for 12 children, and will be screened with landscaping and trees.*

- b. The proposed day care will also fall within the guidelines providing that adequate areas shall be provided for employee and resident parking and pick-up/drop-off of children or adults in a manner that minimizes pedestrian-vehicle conflicts and allows maneuvers without affecting traffic flow on the public street.

*The applicant states that the pick-up and drop-off area minimizes pedestrian-vehicle conflicts without affecting traffic flow on the public street and can elaborate at the meeting, if necessary. The applicant estimates four-five cars dropping off and picking up children during the hours of 7-8 a.m. and 4-5 p.m. There will not be additional employees/parking.*

**The specific action requested by the applicant for consideration by the Planning Commission is a Conditional Land Use recommendation to City Council.**

The discretionary decision for a Conditional Land Use should be based on the following findings:

1. Will promote the intent and purpose of the Zoning Ordinance.
  - *In-home child care centers having more than 7 children are permitted in the R-2 district as Conditional Uses subject to findings.*
2. 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.
  - *The day care center will be within an existing, enclosed home and naturally screened outdoor play area, maintaining the residential character of the neighborhood.*
3. 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.
  - *Staff does not believe there will be an increase in demand for police or fire protection. There is adequate room for drop off; however, there will be an increase in traffic during the morning and evening drop off/pick up times.*

Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.

- *The hours of operation do not exceed 12 hours a day, with an opening of 7:00 a.m. and a closing time of 5:00 p.m. It will not be open in the summer or any school or holiday breaks, as the daycare will be run on the Rochester Hills School calendar since most of the children are teacher's children. The daycare will be located in the walk-out basement of an existing residence.*
4. Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
    - *There are no additional public costs.*

If the Planning Commission feels that the proposed project is in accordance with the general requirements for a Conditional Land Use, staff recommends that the Planning Commission recommend to City Council **approval** of the Conditional Land Use for City File No. 10-007, Miss Rita's Day Care, based on the following findings and subject to the following conditions:

**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 10-007 (Miss Rita's Day Care), the Planning Commission **recommends** to City Council **approval** of the **Conditional Land Use**, based on plans and information dated received by the Planning Department on November 4, 2010, with the following findings.

Findings:

1. The 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 development 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 be not detrimental, hazardous, or unreasonably disturbing to existing land uses, persons, property, or the public welfare.
5. The 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.

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Attachments: Plot Plan dated received by the Planning Department November 4, 2010, prepared by applicant; aerial view of home and yard; letter from applicant dated November 1, 2010; EIS dated received November 3, 2010; Notice of Public Hearing.

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