

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

**STAFF REPORT TO THE PLANNING COMMISSION
October 4, 2011**

Conditional Land Use Recommendation Pam's Day Care	
APPLICANT	Pamela Prange 3057 Midvale Rochester Hills, MI 48309
LOCATION	South of Auburn, West of Crooks
PARCEL NO.	15-32-202-033
FILE NO.	11-010
ZONING	R-4, One Family Residential District
STAFF	James Breuckman, Manager of Planning
REQUEST	Conditional Land Use Recommendation

SUMMARY

The proposal is to provide in-home day care for up to 12 children at 3057 Midvale, south of Auburn and west of Crooks. The applicant has had a day care for the past 15 years at this location, for up to six children, and would like to increase the number of children. If that was permitted, she would hire a live-in family member to help supervise the children. In-home day care operations for more than six children may be permitted in the R-4 zoning district per Section 138-4.300 of the Zoning Ordinance (Permitted Land Use Table), 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 of Section 138-4.414, 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 within this distance.

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, and maintained in accordance, within the approved neighborhood guidelines and maintained.

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 (12 children would require a minimum of 1,800 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 over 8,000 square feet, much greater than the required 1,800 minimum for 12 children, and will be screened with a chain link fence with gates that are secured.

- 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 facility is located on a lightly populated street, and there is ample driveway space for pick up and drop off without affecting through traffic in the neighborhood. The applicant estimates five to seven cars dropping off and picking up children during the hours of 6:30-7:30 a.m. and 4:30-5-15 p.m. There will not be additional outside 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-4 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, maintaining the residential character of the neighborhood. The site is not surrounded by residential, however. There is a CNC rental business to the north and Rochester American House behind the home to the east.*
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 using the driveway, and there will only be minimal increases 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 6:30 a.m. and a closing time of 5:30 p.m. The daycare will be located in the main level of the home, with plans in the future to use the basement (when additional children are registered). Windows having special emergency ingress and egress will be installed and inspected at that time.*
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 recommends to City Council **approval** of the Conditional Land Use for City File No. 11-010, Pam'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. 11-010 (Pam'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 September 9, 2011, 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.

Attachments: As Built Survey dated 11/3/94; letter from applicant dated received by the Planning Department 9/9/20; aerial view of home and yard; EIS dated received 9/9/11; notice of Public Hearing.
