



Department of Planning and Economic Development

Staff Report to the Planning Commission

May 16, 2014

Johnston Day Care	
REQUEST	Conditional Land Use Recommendation
APPLICANT	Danielle Johnston 2869 Hartline Rochester Hills, MI 48309
LOCATION	2869 Hartline (North of Auburn, between Crooks and Livernois)
FILE NO.	14-007
PARCEL NO.	15-28-453-100
ZONING	R-4, One Family Residential
STAFF	Jim Breuckman, AICP, Manager of Planning

In this Report:

Summary.....	1
General Requirements for Conditional Land Uses (Section 138-2.302).....	2
Conditional Land Use Motion.....	3

Summary

The proposal is to provide a group child care home for up to 12 children at 2869 Hartline, north of Auburn between Crooks and Livernois. The applicant is currently licensed by the State of Michigan for a Family Child Care Home and she would like to provide a Group Child Care Home with an increase in 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, subject to the standards for a Conditional Land use listed in Section 138-2.300. Final approval is by City Council following a recommendation from the Planning Commission and this operation must then be licensed by the State.

Specific Requirements of Section 138-4.439

The proposed group child day care home must comply with the standards listed in Section 138-4.439, which are as follows:

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. The applicant will have to provide a copy of her approved license once approved by the State.

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

According to the applicant, the proposed group child care home will be housed in an existing residence, and maintained in accordance within the approved neighborhood guidelines and maintained. The applicant is currently licensed by the State as a family child care home (0-6 children) and the City is not aware of any issues with the current operation.

4. Group Child Day Care Homes. In addition to the preceding subsection, the following regulations shall apply to all group child care 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 home premises and shall be suitably fenced and screened.

The play area in the back yard is over 1,500 square feet and is entirely fenced in.

- 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's home has a U-shaped driveway which is large enough for multiple parked cars, while still allowing other cars to drive all the way through one side to the other. The two entrances/exits should provide for safe and easy drop-offs and pick-ups with no disruption to traffic on the street.

General Requirements for Conditional Land Uses (Section 138-2.302)

There are five areas of consideration for the Planning Commission to regard in the discretionary decision of a conditional land use. They are:

1. Will promote the intent and purpose of (the Ordinance).
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.
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.

4. Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
5. Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

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 approval to City Council of the Conditional Land Use for City File No. 14-007, Johnston Day Care, based on the following findings.

Conditional Land Use Motion

MOTION by _____, seconded by _____, 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 findings.

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.

Attachments: *Letter of Intent, dated April 14, 2014 aerial map, floor plans.*
