

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

**STAFF REPORT TO THE PLANNING COMMISSION
October 5, 2010**

Conditional Land Use Recommendation Buttons & Bows Day Care	
APPLICANTS	Diane Kapanka and Kristen Parker 28 Montmorency Rochester Hills, MI 48307
LOCATION	Northwest Corner of Rochester Rd. and Montmorency (south of Hamlin, west of Rochester Rd.)
PARCEL NO.	15-27-276-025
FILE NO.	10-006
ZONING	R-1 (One Family Residential) District
STAFF	Derek Delacourt, Deputy Director
REQUEST	Conditional Land Use Recommendation

SUMMARY

The proposal is to provide in-home day care for up to 12 children at 28 Montmorency; west of Rochester Road, south of Hamlin. In-home day care operations for more than six children may be permitted in the R-1 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 residents 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.

There are no other residential facilities registered, licensed or on file with the State of Michigan that fall within these guidelines.

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. The only change to the property will be the structure of the fence to be built pending approval by the City.

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.

In her September 10, 2010 letter, the applicant has attached a fence plan, which meets the requirements for the Neighborhood Association and City requirements. It will be a four-foot, chain link fence with natural (landscaped) borders. The play area will be 1,800 square feet, as required for 12 children.

- 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 subject site is at the end of the subdivision with ample driveway and parking off of Montmorency. 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-1 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 screened outdoor play area, maintaining the residential character of the neighborhood. The fence will be shielded by natural landscaping, and there is additional landscaping on the east and west sides of the property. Per the applicant, the operation is allowed by the Neighborhood Association.*
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. The home is at the end of the street next to Rochester Road and 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. *Rochester Road is on one side of the proposed day care.*

- *The hours of operation do not exceed 12 hours a day, with a closing time of 5:30 p.m. The play area will be screened with an obscuring four-foot fence.*

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. 10-006, based on the following findings and subject to the following conditions:

MOTION by _____, seconded by _____, in the matter of City File No. 10-006 (Buttons and Bows 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 13, 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.

Attachments: Fixture Floor Plan dated received by the Planning Department September 13, 2010, prepared by applicant; aerial view of home and yard; letter from applicant dated September 10, 2010; EIS dated received September 13, 2010; Building and Use Restrictions for Juengel Orchards Subdivision; Notice of Public Hearing.
