



Department of Planning and Economic Development

Staff Report to the Planning Commission

January 8, 2025

PCU2024-0012

State Licensed Residential Facility 7-12 (Iafate Daycare) Conditional Use

REQUEST	Conditional Use Recommendation
APPLICANT	Danielle and Mario Iafate, 2557 John R Rd., Rochester Hills, MI 48307
LOCATION	2557 John R Rd., located on the east side of John R, between Auburn and Hamlin
FILE NO.	PCU2024-0012
PARCEL NO.	15-25-301-028
ZONING	R-4 One Family Residential
STAFF	Chris McLeod, AICP, Planning Manager

Summary

The applicant has filed for a Conditional Use Permit to allow for a state licensed residential facility for the purposes of operating a child daycare of up to 12 children at the applicant's existing residence. The proposed daycare would be an expansion of the daycare that is currently operated out of the residence at 2557 John R, located on the west side of John R., between Hamlin and Auburn. The current operation provides daycare services to up to seven (7) children. The state license was amended to allow an increase from the original six (6) children to seven (7). Daycare operations of up to 12 children, as requested by the applicant, are regulated pursuant to the City's provisions for state licensed residential facilities for 7-12 persons within the One Family Residential Districts and require a Conditional Use permit, after the Planning Commission makes a recommendation and City Council approval.

Again, the proposed daycare is an expansion of the current daycare operated out of the residence. The proposed use will offer child daycare services to up to 12 children within the residence and will also provide outdoor activities within the yard. The applicant has provided a floor plan of the existing residence showing the living and dining rooms and kitchen space where activities will likely occur. In addition, as a part of the site plan submitted, it is noted that outdoor activities will include time spent riding tricycles in the circle end of the driveway and that children will also be taken on walks around the rear portion of the 2.3-acre property. It is noted that outdoor activities will occur towards the rear of the site, more than 200 feet from John R. The property to the south and east of the residence is owned by a place of worship, and it includes parking and maneuvering areas to the south and open and recreation space to the east. Therefore, there should be no impacts from outdoor daycare activities to that property. To the north, there are 3-4 residences that abut the subject property. These lots are relatively deep and vegetated. This should help reduce and noise impacts from the children's playtime outside. To the west, in front of the residence (between the residence and John R.) there are two (2) residences. Again, these lots are deeper than typical R-4 lots, being approximately 200 feet in depth, and should also have limited impacts from the limited outdoor activities proposed by the daycare.

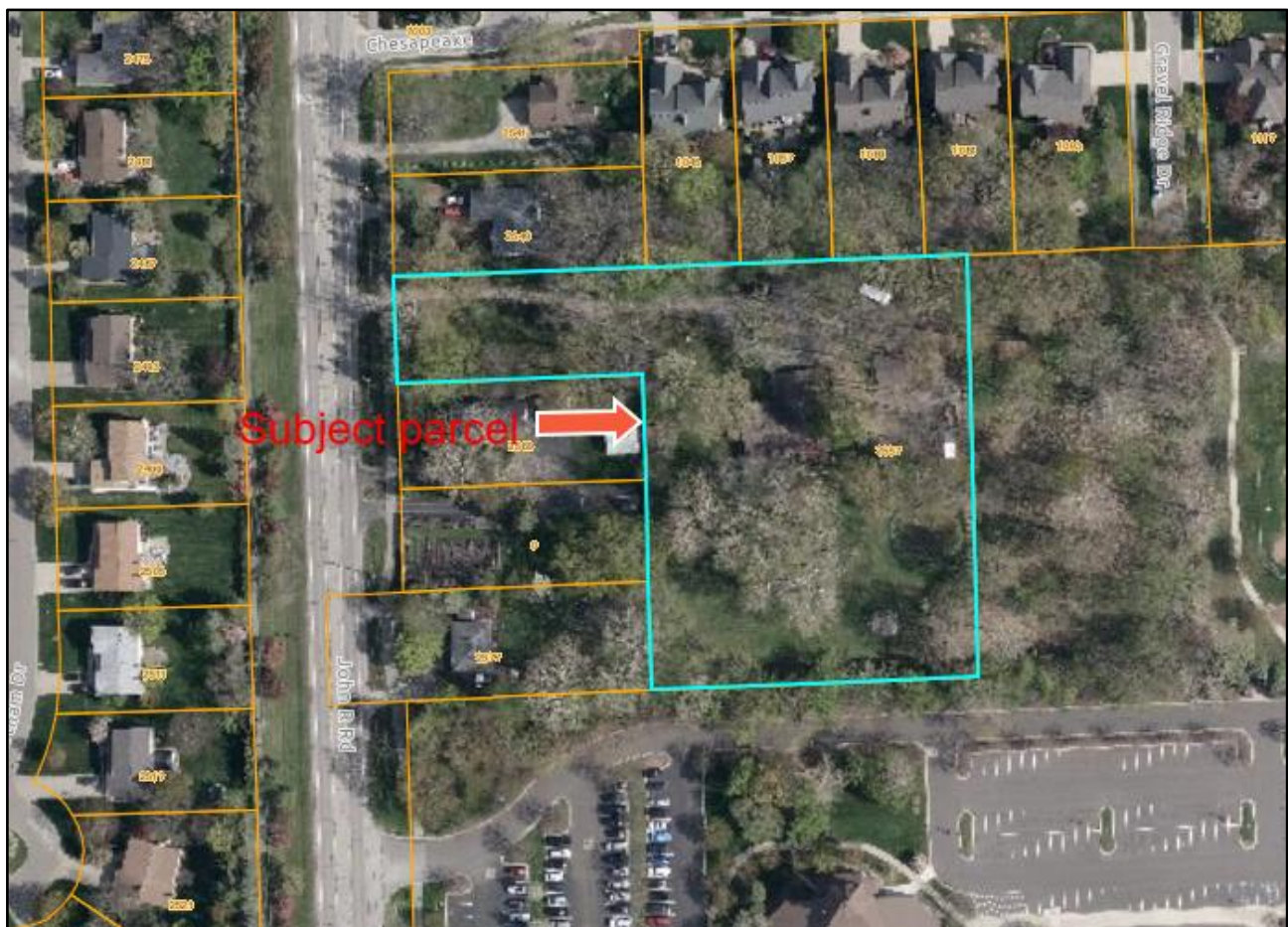
The applicant has approximately fifteen (15) years' experience operating daycares. This includes operation of the current daycare onsite along with a previous daycare of this size and nature in Clinton Township prior to the applicant moving to Rochester Hills. As part of the daily operations, if approved, the daycare would include up to 12 children and as noted in the applicant's letter, the potential of one employee/helper to help maintain proper caregiver/child ratios. The daily programming would include indoor and outdoor activities, including free play, breakfast, reading and singing, recess and a preschool curriculum.

Drop off for children will occur in the areas designated for parking at the end of the residential driveway. The plan notes that there is space for approximately nine (9) vehicles at the end of the driveway, near the house. One of the main issues that typically arise with the review of a daycare facility is the congestion that may be caused by multiple

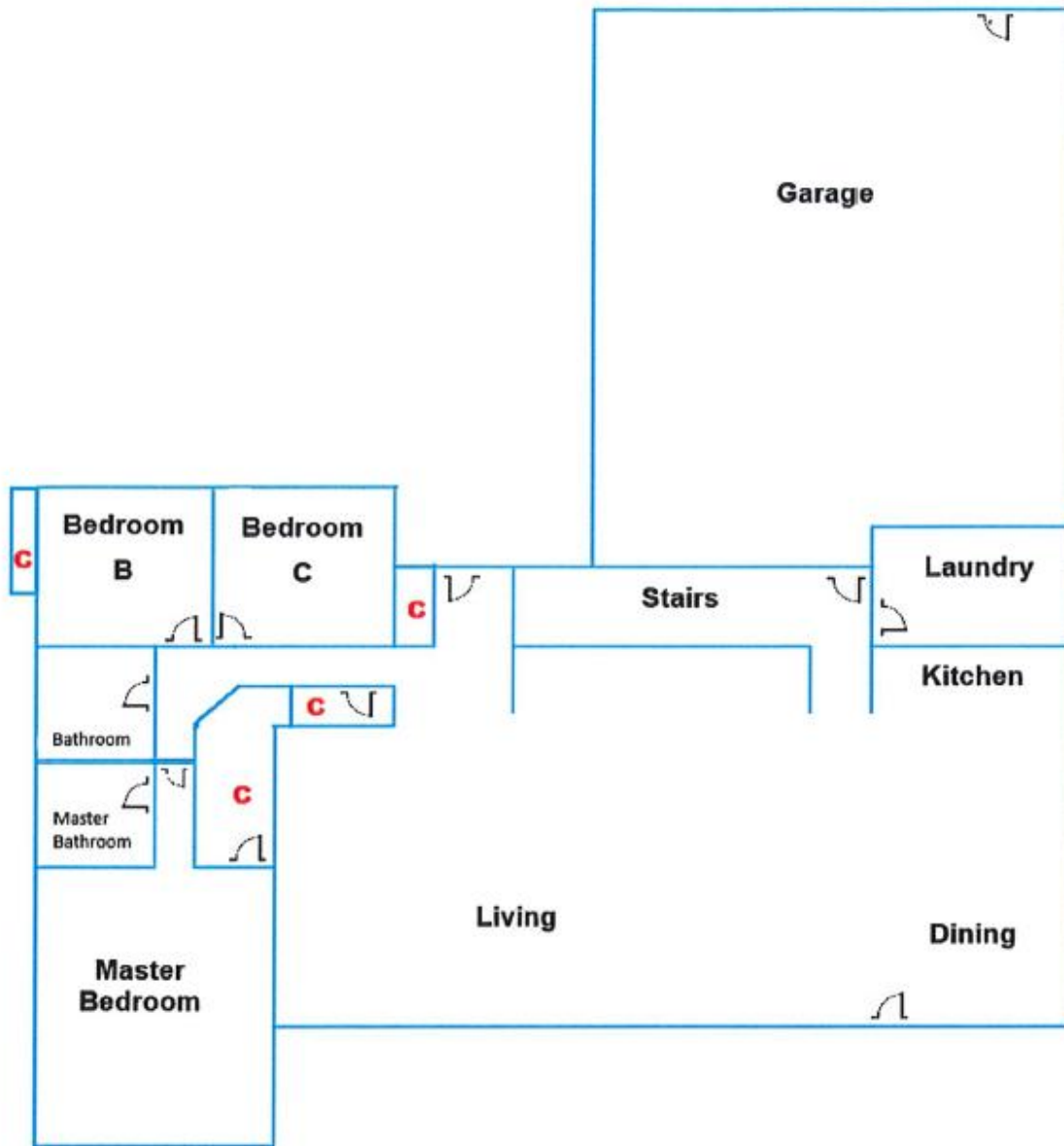
pickups and drop-offs occurring at the same time. The site has a driveway of over 200 feet in length and areas where parking can occur in such an instance without significantly impacting John R. or the site itself.

The proposed hours as noted by the applicant will generally be Monday through Friday 7:30 a.m. – 5:00 p.m. At this time, there are no proposed weekend or nighttime hours. The hours do not appear to be excessive for a daycare type operation. Typically, a daycare's hours may start prior to 7:00 a.m. and extend beyond 6:00 p.m. to account for a parent's typical workday and drivetime. Given the more limited hours proposed as a part of the application, it does not appear that impacts will be extended to surrounding properties. Also, the age of the children, six (6) months – five (5) years, also will limit the potential impacts.

In addition to and as a part of conditional use review, the Zoning Ordinance requires that the use be operated in accordance with all applicable State laws, and that all such facilities be registered and licensed by the State and shall comply with any applicant standards of such licensing. Other requirements such as separation requirements from other such conditional uses are discussed on Page 7 of this report.



Floor Plan



Site Plan



Black Line is Property Line

Red Line = Existing Fence

Blue Line= Gravel Parking for 9 cars

Each day from 10:30 AM to noon, the children ride tricycles around the 2,164 sq. ft. asphalt area.

They also go on daily hikes around the property, learning about insects, pollinators, wildlife, and nature.

Zoning Map **Master Land Use Plan**



- RE One-Family Residential District
- R-1 One-Family Residential District
- R-2 One-Family Residential District
- R-3 One-Family Residential District
- R-4 One-Family Residential District
- RCD One-Family Residential Cluster District
- RM-1 Multiple-Family Residential District
- RMH Manufactured Housing Park District
- NS Neighborhood Business District
- CB Community Business District
- HB Highway Business District
- BD Brooklands District
- O Office District
- I Industrial District
- SP Special Purpose District
- EC Employment Center District
- FB Flex Business Overlay District
- MR Mixed Residential Overlay District
- PUD Overlay



- Estate Residential
- Residential 2
- Residential 2.5
- Residential 3
- Residential 4
- Residential 5
- Mixed Residential Overlay
- Multiple Family
- Residential Office Flex
- Auburn Road Corridor
- Commercial Residential Flex - 2
- Commercial Residential Flex - 3
- Office
- REC Workplace
- REC Technology and Office Image Corridor
- REC Interchange
- Regional Commercial
- Industrial
- Special Purpose
- Park/Public Open Space
- Private Recreation/Open Space

	Zoning	Existing Land Use	Future Land Use
Site	R-4 One Family Residential	Existing residence and daycare of up to 6 children	Residential 3
North	R-4 One Family Residential	Single Family Residences	Residential 3
South	R-4 One Family Residential	St. Mary of the Hills Roman Catholic Church	Residential 3
East	R-4 One Family Residential	St. Mary of the Hills Roman Catholic Church	Residential 3
West	R-4 One Family Residential	Single Family Residences	Residential 3

General Requirements for Conditional Uses

Per *Section 138-2.302* of the Zoning Ordinance, there are five (5) areas of consideration for the Planning Commission for the discretionary decision of a conditional use. Each of the criterion are listed below in italics, followed by staff comments on the proposed conditional use's compliance with each.

Criterion:	Staff Comment:
<p>1 <i>Will promote the intent and purpose of (the Ordinance).</i></p>	<p>The R-4 One Family Residential District supports this type of use when it can be shown that the use is generally consistent with the existing and planned uses in the area and will not be otherwise detrimental. The daycare is proposed to be operated Monday-Friday 7:30 a.m. – 5:00p.m. offering services for those children that are six (6) months to five (5) years of age. The daycare is located on a parcel that is approximately 2.3 acres in size and is abutting by a place of worship on the south and east sides. The daycare abuts six (6) separate residences on the north and west sides. These residences are located on lots that are relatively deep and wooded. The daycare use will offer both indoor and outdoor activities similar to the those that are currently offered for the use at the lower enrollment. The information provided as a part of the application indicates that outdoor activities will be approximately 1.5 hours in the morning in addition to other general daily hikes that occur for outdoor learning. The limited outdoor activity should not have a significant impact on neighboring properties.</p>
<p>2 <i>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.</i></p>	<p>Given the limited maximum occupancy of 12 people for this daycare, the conditional use for a state licensed residential facility for the purposes of running a daycare should not have a significant impact on surrounding properties given the size, nature and intensity of the property.</p>
<p>3 <i>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.</i></p>	<p>The proposed use will maintain the existing residence at this location. The daycare will operate as ancillary use to the residence. In addition, the daycare is already in operation with up to seven (7) children being taken care each day. Daycare operations of up to six (6) children are permissible within the One Family Residential District. The proposal is for an additional five (5) children beyond what the use is currently state licensed for.</p> <p>The site plan provided shows the areas dedicated for parking for pick ups and drop offs. The plan shows the ability to park nine (9) vehicles along the driveway. In addition, the driveway is over 200 feet in length. The combination of length of driveway and dedicated areas for parking should limit any impacts to John R.</p> <p>Also, the subject site has been developed since 1986 based on City records and to the knowledge of the Planning Department, the building has been served adequately by all City services.</p>

		There is no expansion of the building proposed at this time. Therefore, it is Staff's opinion that any demands placed on the public infrastructure are already accounted for by the current use of the site.
4	<i>Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.</i>	In regard to the proposed use, there should be no detrimental, hazardous or disturbing activity to the existing or future neighboring uses, persons, surrounding properties, or to the public welfare based on the proposed state licensed residential facility (daycare). Any intensification or additional outdoor activity should be re-evaluated by City Staff at the time it may be proposed, and may be referred back to the Planning Commission and City Council as appropriate.
5	<i>Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.</i>	There will be no additional requirements at a public cost for public facilities and services that would be detrimental to the economic welfare of the community.

Specific Requirements for State Licensed Residential Facility

1	<u>Licensing.</u> <i>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.</i>	If approved, this will be a condition of approval of the proposed use.
2	<u>Separation Requirements.</u> <i>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, as measured between the nearest points on the property lines of the lots in question. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood or in the City overall.</i>	There are no know state licensed residential facilities within 1,500 feet of the proposed use.
3	<u>Compatibility with Neighborhood.</u> <i>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.</i>	There are no proposed changes to the exterior of the residence and the proposed use will be conducted within the existing residence; therefore, the building should remain in character with the surrounding neighborhood. The outdoor usage will be somewhat limited in time and the number of children, and therefore should not significantly impact the surrounding neighborhood.

4	<p><u>Group Child Day Care Homes.</u> In addition to the preceding subsection, the following regulations shall apply to all group child day care homes (with more than six but fewer than 12 residents), as defined in this ordinance.</p> <p>a. <i>Outdoor Play Area.</i> 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 suitably fenced and screened.</p> <p>b. <i>Pick-Up and Drop-Off.</i> Adequate areas shall be provided for employee and resident parking, and pick-up and 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</p> <p>c. <i>Hours of Operation.</i> Group child day care homes shall not operate more than 16 hours per day.</p>	<p>Based on ordinance requirements, recreation space for up to twelve (12) children would be 1,800 square feet at a minimum. The applicant has noted that the tricycle riding area is in excess of 2,000 square feet and has also indicated that walks/hikes occur throughout the 2.3 acre property.</p> <p>The applicant has noted that there is space for approximately nine (9) vehicles at the end of the driveway. Given the length of driveway there does not appear to be any impact to John R. when multiple vehicles may be coming to the site for drop offs or pickups. The parking area will generally be in use at the start and end of each day. The tricycle area, which abuts the driveway area, is noted as being a midday activity and therefore no conflicts should occur.</p> <p>The hours of operation (7:30 a.m. – 5:00 p.m.) do not exceed the maximum allowable hours of sixteen (16) per days.</p>
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Staff Recommendations

The conditional use was noticed for a public hearing. Staff has not received any substantive comments from abutting property owners. Staff did receive several inquiries as to what was being proposed but those inquiries did not lead to any comments. Based on the application provided, Planning staff generally has no issues with the proposed conditional use request. If the Planning Commission agrees that allowing a state licensed residential facility (daycare) will be harmonious and compatible with the surroundings, below is a motion for approval for your consideration.

Motion to Recommend Approval of a Conditional Use

MOTION by _____, seconded by _____, in the matter of File No. PCU2024-0012 (Iafrate Childcare 7-12 children), the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow for a state licensed residential facility of 7-12 persons, for the purposes of operating a child daycare, based on documents received by the Planning Department on December 12, 2024 with the following findings:

Findings

1. The proposed use will promote the intent and purpose of the Zoning Ordinance.
2. The existing residence and proposed conditional use is proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.
3. The proposed additional enrollment being sought as a part of the conditional use request should provide additional services being sought within the greater Rochester Hills community.
4. The existing residence and proposed use are served adequately by essential public facilities and services, such as roadways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.
5. The existing residence and proposed use should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare as the existing residence is already used as a child daycare of a lesser intensity and the increase to allow up to twelve (12) children should not increase impacts significantly.
6. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Conditions

1. City Council approval of the Conditional Use.
2. That the use must be operated in accordance with all applicable State laws; the use must be registered and licensed by the State and shall comply with any applicant standards of such licensing; and that proof of state registration and licensing must be provided to the City within thirty (30) days of receiving such license.
3. If additional outdoor use areas/times are proposed, if the intensity of the use increases, or if the use becomes otherwise inconsistent to what has been presented as part of this application (etc.), City staff may require and order the conditional use approval to be remanded to the Planning Commission and City Council as necessary for re-examination of the conditional use approval.