

**2025-0006** Public Hearing and Request for Conditional Use Recommendation - File No. PCU2024-0012 - for Ms. Danielle's Daycare, an in-home daycare for up to 12 children at 2557 John R Rd., Parcel No. 15-25-301-028, located on the east side of John Rd. between Auburn and Hamlin Rds.; Danielle and Mario lafrate, Applicants

*(Staff Report dated 1/8/2025, Applicant's Letter, Site Plan and Floor Plan, Application, Environmental Impact Statement, Photos and Public Hearing Notice had been placed on file and by reference became a part of the record hereof.)*

*Chairperson Brnabic introduced this item and noted that it is a request for conditional use recommendation for Ms. Danielle's Daycare, an in-home daycare for up to 12 children at 2557 John R Road, located on the east side of John R between Auburn and Hamlin. She invited applicants Danielle and Mario lafrate to the presenter's table, and asked for the staff report.*

*Mr. McLeod explained that this request is for a conditional use which is a recommendation to City Council for a State-Licensed Residential Facility, how it is technically termed within the Ordinance, for the purposes of a child daycare to allow up to 12 children. He showed an aerial photo of the site and surrounding area, and noted that the site is approximately 2.3 acres and is situated amongst other diverse uses. He explained that directly to the north is single family residential, but to the south and east is a place of worship. He noted that the daycare operating hours defined within the application will generally be 7:30 a.m. to 5:00 p.m.*

*He mentioned that the site currently operates as a daycare with fewer children, at the lesser license that the State offers. He noted the outdoor activity and defined play area on the applicant's site plan, and stated that the application notes that they go for walks throughout the entire site. He explained that R-4 zoning allows for different types of non-residential uses subject to conditional use approval, and places of worship and daycare facilities or State-licensed residential facilities of this size and nature are among those allowed uses.*

*Mr. McLeod mentioned that there was some question as to whether this is a conditional use or a rezoning, and stressed that this is a conditional use which is a use contemplated within the district. He stated that this is a matter of whether or not the use and context of the site itself, size and operation fits into the overall context of the area, and is not a rezoning of the property to any other designation. He noted that the property will stay one-family residential even if the conditional use is ultimately approved by Planning Commission and City Council.*

*He mentioned that this is a flag-shaped lot with a long driveway, and he pointed out the designated parking area on the site plan where drop off and pickups occur. He mentioned that one of the items of concern typically for a daycare within a residential setting is how drop off and pickups occur, and commented that there can often be conflict if all parents get there at the same time and it is a short driveway; and he noted that the site lends itself relatively well to drop off and pickups. He added that in terms of a designated play area, that is usually a*

point of contention in subdivision settings, and noted that there is single family residential in a subdivision setting directly to the north and he suggested that this can be discussed further as part of the Planning Commission deliberation. He pointed out that there is a large wooded area that sits not only on adjacent properties to the north but on the site itself, and added that the Commission can discuss whether additional screening or separation is necessary in this particular instance. He pointed out that the home sits near the middle of the site with designated pickup and drop-off areas occurring just to the north, noted the play area, and stated that the remainder of the site becomes the walking areas. He mentioned that the applicant noted that outdoor play times will generally be 10:30 a.m. to noon for the riding of tricycles and things on the driveway.

Mr. McLeod stated that the applicant provided a floor plan that showed how the different areas of the home will be used for the daycare, and noted that the daycare is a part of the resident's home and it is not being converted to a full-blown commercial or daycare use. He stressed that the intention and purpose of the ordinance is to see that the use is designed, constructed and operated so it will be harmonious and appropriate in appearance for the existing and planned character of the area, will be served adequately by essential services and public facilities, will not be detrimental or hazardous or disturbing to future neighboring land uses, and will not create additional requirements at public cost when the use is in operation.

Chairperson Brnabic asked the applicants if they had anything to add.

Ms. Iafrate clarified that her proposed hours have changed recently to 8:00 a.m. to 5:00 p.m. Monday through Friday, and stated that she is not open on the weekends. She explained that her window for children to be dropped off is narrowed down from 8:00 to 9:00 a.m., with pickup 4:00 p.m. to 5:00 p.m. She stated that children play outside for approximately 45 minutes daily, with times a little bit longer in the summer. She commented that the children like riding the tricycles, scooters and bikes on the driveway. She noted that they also will visit the chicken coop, walk through the woods, and just nature walk around the property. She said the children's favorite activity is to ride around in the circular driveway with their bikes and tricycles. She pointed out that while they are outside, the school next to their property is also out for recess those children can be heard as well.

She explained that right now she cares for four families with a total of six children, and four cars come in the morning and four cars come in the afternoon. She stated that she is requesting this not to make a huge profit and doesn't necessarily want to have 12 kids. She said that she had 12 kids in a group daycare in their previous home and it was a lot, but it was fun. She said that she has a small waiting list for infants and she can only have two infants under 18 months without a helper. She explained that she is looking for a helper and then she can fill one of those infant spots. She stated that she also has a parent who is pregnant that has two other children at her daycare right now, and if that parent is not able to bring that child in August, she would have to find somewhere else for her infant to go until she had room.

Ms. Iafrate noted that she and her husband and children have lived in

*Rochester Hills for almost five years and she had the in-home daycare in Clinton Township for 15 years. She explained that the clientele she had at that location are now turning over and she had to advertise for the first time in five years, and now has a wait list.*

*Chairperson Brnabic asked to confirm the outdoor time of 10:30 a.m. to noon, and asked whether the outdoor time all occurs on the asphalt circle or if that time included backyard and front yard time.*

*Ms. Iafrate responded that sometimes they do not go in the front yard at all, and will be in the backyard for Easter egg hunts, searching for rocks, looking at squirrels and finding ducks in the pond. She commented that they really like the front yard for bicycles and trikes. She stated that in the summer they may go out at 10:45 a.m., and noted that she serves lunch at noon so they have to be inside by about 11:45 a.m. She commented that it fluctuates depending on the infants' schedule and what she is cooking for lunch.*

*Chairperson Brnabic noted that as this is a conditional use request it requires a public hearing, and stated that she had three emails received regarding this request which will remain a part of the record. She noted that two people have filled out a speaker's card. She added that a third email was received in support of the increase to 12 children from Erin Pruitt. She opened the public hearing and stated that commenters had three minutes to speak, and noted that all questions would be answered together after everyone had an opportunity to speak.*

*John Przybysz, 3120 Primrose Dr., stated that he believes this would set a precedent, and commented that he has seen enough developments in the city to see that it affects neighbors very much. He noted that Goddard School on Auburn is fenced to stop people from abducting children, and asked if the applicant would be putting up a fence. He asked if Mr. Hooper's employment with Iafrate Construction could be a conflict of interest.*

*Chad Castle, 1057 Chesapeake, stated that they are the second house from John R on Chesapeake and selected that lot because there was a residence behind them and it was a very quiet piece of property to purchase. He expressed concern that they share 72 feet with the property behind and noted that when the children play in the circle in the summer it gets noisy. He commented that they run their business out of their home and cannot have their windows or doorwalls open during that time of day. He commented that it will be very noisy and could impact the sale of their property in the future. He pointed out that the adjacent school is not in session in the summer. He asked if there was a way to help with the noise by possibly relocating the play area.*

*Nancy Berner, 1069 Chesapeake, stated that she is the third house on Chesapeake and also hears the noise. She commented that her concern is lights coming in and out of the circle drive and that cars going in and out will drive by three backyards. She said that limiting times for pickup and dropoff will cause a backup on John R because the driveway is not wide enough for two cars. She said that they paid a premium for this lot and asked if there would be additional play structures built, or if a sign would be installed. She asked what a*

*prospective buyer for her property would see looking out her backyard and that it will devalue her home, and noted that is a big concern.*

*Thomas Yazbeck, 1707 Devonwood, stated that he supports this as he likes the idea of people operating businesses from their homes. He commented that while he does not live near this property and can understand that people have concerns, homes are places where one lives and a daycare is like a temporary home where kids stay. He commented that it is about the next generation and he thinks that it is really cool that there is a cool little daycare in the neighborhood. He stated that he lives on a court and there are children playing outside and dogs barking all of the time. He commented that this is such a small impact.*

*Seeing no one else wishing to speak, Chairperson Brnabic closed the public hearing. She responded to Mr. Przybysz's question regarding whether a daycare would be able to be permitted in any residential area noting that up to 12 children is permitted in any residential area. She explained that when it includes seven to 12 children it becomes a conditional use that the Planning Commission reviews and then moves on to City Council for final approval. She stated that after that, the State will oversee it unless the City becomes aware of a major problem. She noted noise concerns and asked whether there would be anywhere that playtime could be moved.*

*Ms. Iafrate responded that they considered fencing an area toward the back of the property, but noted that what draws a lot of families to them is that they have a huge lot to explore and are not confined to a 600 square foot play area. She added that this is when they came up with the idea to just fence off the pond. She pointed out that they have a natural border of trees and brush. She commented that they could try to incorporate more time like picnics in the back and less time in the driveway area, and noted that the kids would really miss playing in the circular drive.*

*Chairperson Brnabic asked if there were any backups on John R and if any were expected if they added vehicles.*

*Ms. Iafrate responded that when they enroll families they ask that if a car is coming out that they go down to the next street and turn around and wait to come into the driveway. She added that she does not think that it will be five cars as she has one family that she is trying to accommodate and one infant on the waiting list, and noted that her helper will come before hours and leave after hours.*

*Chairperson Brnabic asked if they plan any future advertisements.*

*Ms. Iafrate responded that she does not advertise unless she is really low on the numbers, and advertised once with their transition from their Clinton Township house to here about two years ago. She stated that she will not be putting up any signs as they are private people and do not want everyone to know that they have an in-home daycare for safety. She commented that she rarely hears that anyone had to go past because someone was in the driveway as there is a place to pull off on the grass.*

*Chairperson Brnabic asked if any additional structures were planned.*

*Ms. lafrate responded that no construction was planned; she explained that she has a little playhouse, slide and jungle gym, and explained that anything over 30 inches requires an area with rubber mulch and she has no plans for a large play structure. She commented that she leans more toward activities like looking for a special rock or observing ducks in the pond.*

*Chairperson Brnabic noted that any headlights coming in would be brief and adding another few cars should not be that bothersome.*

*Ms. lafrate commented that the lights coming in and out are probably their own. She explained that her husband is up by five and goes to the gym in the morning, goes to middle school for a drop-off and she goes to the elementary school for a drop-off. She stated that they are an active family with three girls.*

*Mr. Weaver stated that he generally does not have any issues with this and given the property and programming they currently have they are not looking to change any of that. He asked about additional help to be hired.*

*Ms. lafrate responded that she is looking to accommodate one family, and taking one off of the wait list would accommodate a helper. She commented that she is not interested in having twelve kids and is interested in going from six to eight to accommodate two infants. She explained the ages that she can accommodate noting that this would give her more flexibility.*

*Mr. Weaver stated that he respects the neighbors concerns, and noted that the kids enjoy playing outside. He commented that it is only about 45 minutes or so and suggested that there may be a way for the applicant to work with the neighbors and perhaps find some days where the kids can play in the backyard. He asked whether the conditional use would stay with the property over time.*

*Mr. McLeod responded that the conditional use would stay with the property with the caveat that a future owner would have to operate it in the exact same manner. He added that any conditions should be in black and white so as not to be murky.*

*Mr. Weaver stated that he thought it makes sense for them to approve the conditional use based on what has been described and the intent. He added that if someone else moves in as long as they did not go crazy he would be comfortable with it.*

*Chairperson Brnabic asked if it would be considered a violation of the ordinance if the use was approved for this particular owner if they ever moved in the future.*

*Mr. McLeod responded that conditional use approval is typically not relegated to a particular user, you are approving a use and how it is operating, it doesn't matter who the operator is.*

*Ms. Neubauer stated that while she does not want to play attorney, typically it is*

*not relegated to a particular user. She commented that the City's policy in her experience is that the use and operation is approved and not a particular user. She suggested adding conditions as appropriate.*

*Ms. Roediger commented that she thinks it would be dangerous to condition a person as opposed to a use.*

*Ms. Neubauer responded to the comment as to whether Mr. Hooper had a conflict of interest, and stated that neither he nor his business was not gaining anything and he has nothing to do with it. She added that Mr. Hooper has enough integrity to recuse himself. She stated that with respect to headlights, these will be daylight hours and if there are headlights it would probably be for the few winter months. She commented that she has a busy household and her cars are in and out of the driveway all of the time. She noted that she had the opportunity to visit the property and it is a large property and she does not see it being an excessive amount of noise. She suggested that it would be nice and neighborly to discuss things with the neighbors so there is not a weird tension in the area. She pointed out that year after year they have had reports about property value increases in Rochester Hills, and stated that there would be no signs or advertising in the yard, and no additional play structures. She moved the motion in the packet for recommendation of approval.*

*Mr. Hooper seconded the motion and suggested an additional condition be added, limiting the hours of operation to 8:00 a.m. to 5:00 p.m. Monday through Friday.*

*Mr. Struzik stated that providing childcare is important. He noted that his family consists of two working parents and two kids, and commented that he could not live in this community without two working parents. He asked if there were any plans to change the hours in the future.*

*The applicant responded no.*

*Mr. Struzik stated that the least daylight is at December 20 through the end of the December with the sun rising at 8:00 a.m. and setting at 5:00 p.m. He pointed out that the daylight hours match their hours, and stated that it does not pose much of a concern. He added that if people cannot find daycare here they will still drive down John R toward South or Square Lake where there are two large facilities. He noted that those two facilities are much more problematic because of their busy location near intersections. He commented that he has had some not great experiences with childcare in the past and wished he had had more options. He pointed out that the lot is beautifully large, over two acres in size, near Holy Family School and it looks like a special place for a child to receive care. He commented that he walks this area and noise-wise he never knew that there was a daycare there.*

*He stated that the children at Holy Family are loud when they are outside and there will be more noise coming from that school than this property. He mentioned that he works from home and experiences more noise typically coming from John R, and pointed out that there is also a fire station nearby. He suggested that if this is approved that any issues from the sidewalk be*

*monitored and corrected, noting that there are tall bushes and quite a few driveways in the area. He commented that perhaps some plantings could be added and the applicant could be mindful of where they hold activities; however, he would point out that this is a two-acre property and most of the privacy that the neighbors on Chesapeake with 0.3 acre lots have is because of being adjacent to this large lot.*

*Mr. Hetrick stated that he read the applicant's letter and it shows that they truly love what they do. He asked how long they have been in business in Rochester Hills.*

*Ms. lafrate responded it has been almost five years.*

*Mr. Hetrick asked how many times in the past five years have they had people complain about noise or lights.*

*Ms. lafrate responded none.*

*Mr. Hetrick stated that he fully supports what was said and suggested that they talk to the neighbors. He noted that they already confirmed no additional play structures as it would be a liability issue, and pointed out that they already have a waiting list. He asked about property values and stated that he would be interested in knowing if daycares in homes have created any drop in property values.*

*Mr. McLeod responded that Assessing staff were consulted and while they did not have a specific study or set of numbers for daycare, a number of years ago a study was conducted on the impact on assessed values of places of worship or schools being located against residential and they found that neither one of those non-residential types uses within a residential district have had an impact property values, with the one caveat that an actual bus turnaround area may impact an adjacent home's value.*

*Mr. Hetrick asked if they will be required to fence the property completely.*

*Ms. lafrate responded that her representative at the State stated that as long as the pond was fenced in with the natural barrier of trees and brush they do not need a fence. She commented that she feels very safe at home for her and the children.*

*Mr. Hooper noted that his previous employer was named lafrate as a coincidence and he has no financial interest in this daycare facility or their home whatsoever. He commented that nothing ties him to the applicant other than they live in the same community. He stated that he has nothing to do with this property at all and will not recuse himself from voting on it. He noted that the proposed conditional use in his opinion has very minimal impact and suggested that what would have more of an impact is if the property were redeveloped and split into four or five homes which would back directly up to the neighbors. He added that each of those homes could install a gym or swingset in the backyard which is not the case here. He pointed out that this is minimal impact for children who will be outside for what appears to be 45 minutes to an our at best*

*Monday through Friday, whereas a residential home would have impact seven days a week.*

*Chairperson Brnabic restated the motion, noting the added condition and called for a roll call vote. After the vote, she announced that the motion passed unanimously.*

*Mr. McLeod noted that the target date for the recommendation to go to City Council would be at the January 27 meeting.*

**A motion was made by Neubauer, seconded by Hooper, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:**

**Aye** 9 - Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Hetrick, Struzik and Weaver

**Resolved**, 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.
  
4. Hours of operation are limited to 8:00 a.m. to 5:00 p.m. Monday through Friday.