

To: City Council  
From: Lynn Drake-Batts  
Re: Zoning Ordinance Text Amendment 214  
Date: March 1, 2006

I'm hoping that most of you were able to watch the hearings on the daycare issue. If you listen or read the final comments from the planning commission you will get the sense that most of the comments from the citizens were negative. That is far from the case.

Per Paul Bratto, 975 neighbors of group daycare providers were notified of the public hearings. Several hundred people showed up supporting group daycare while only three people came and spoke against the issue. I'm hoping that you get copies of all the emails and letters which came to our group. Once again there were only a handful of letters against. Most of those letters came from one household.

The majority of the planning commissioners announced they were against all daycare before the first hearing. Holding hearings made no difference in the decisions of those sitting on the planning commission. The zota which has been presented for approval is written in a way that won't allow in home day care to exist in our community.

Mr. Vleck included in his motion that "It has been demonstrated by public input, letters and phones that family and group day care homes do have a negative impact on the neighboring property owners." Since Mr. Vleck and I came away with two opposing opinions I urge you to watch the tapes and form your own opinion. With almost 100 child and adult foster homes in Troy, out of the dozens of neighbors who showed up only two or three voiced negative opinions. Statistically less than one percent does not constitute a majority.

One of my biggest concerns is if the city restricts these types of daycares then they will simply operate without getting the state permits. The State of Michigan does a good job at setting requirements for these types of use. Let them continue to do their job!

The planning department sent a memo dated December 7, 2005 which outlined some changes to the ordinance proposed by the planning commission. I agree with all their proposed changes.

1. Eliminate fenced or screened play areas. Every neighborhood has its own rules about whether or not it allows fences. I do not believe the city has access to all neighborhood rules and regulations. What if a city employee tells a citizen they have to erect this fence and then it turns out they aren't allowed in their neighborhood? Where does the liability fall? Last I ask you, would you like to live next to a 6' fence? This is excessive and putting up a chain link fence will not do anything to eliminate any sound or enhance property values.

Not all daycare homes use their back yards as a place for the kids to play. The provider I used when my son was young had a morning and afternoon park. Many senior citizens would come out and greet them as they passed by their homes.

2. Eliminate registering with the City Clerk. The state as already taken this role. What if a person buying a house checks with the city clerk to see if there is a daycare in the neighborhood before buying the house? The city clerk tells them there are no group child care homes mistakenly. Is the city at risk for this error? If a citizen wants to know where the homes are at they can look at the State of Michigan's website to determine this information for themselves. With about 100 foster, group and family daycares the city may need additional staff to track these. Is there money in the 2006 budget for this?
3. Eliminate inspection and code requirements. All buildings in Troy are required to have inspections. Adding this language is redundant. Does the city have the staff to inspect these buildings? If so, where will the funding come from to handle this requirement? Since the state is already inspecting the homes, why do they need to be reinspected by city staff?
4. Eliminate keeping all daycares and foster homes at least 1500 feet away from each other. This concept came from the existing state law. If one looks at the map prepared by the planning department dated 12/1/05 you will see the state has not adhered to this law. If this zota goes into effect who is going to decide who can stay open and who has to close? The location of family day cares is made by the state not our community. If a family day care is given permission to open up next door to a group day care does the first one have to close down? The ordinance provides for a public hearing on every group daycare home. Can't the neighbors make these decisions for themselves?

My comments on the addition to the zota present by Mr. Vleck are as follows:

10.25.02 E Should be eliminated see item 1 above.

H Does the city really want more curb cuts on our main roads?

10.30.1 A. The size of the homeowner's lot has been added to reduce the number of neighborhoods this is allowed. There was no valid reason for putting this in the ordinance other than disallowing them in most neighborhoods. The same applies to a 20' side yard. Children don't generally play in a side yard so I see no reason for this to be a part of the ordinance.

H Same as H in 10.25.02

J See 1 above.

K see 2 above.

M see 4 above

I urge you to watch all the tapes of planning commission's hearings. The words and actions of the planning commissioners will speak for themselves. Mark Miller representing the city took a neutral position and offered up a neutral solution which is fair to all concerned. Having lived in Troy most of my life I feel the zota passed onto council is outdated and out of step with the rest of society. If we are truly the city of tomorrow today we need changes in our ordinance that reflect how families are living today.

By temporarily allowing group day care in the city by decrees of city council precedence has been set which allows you to Grandfather all existing daycares that are currently servicing our community. Especially in light of fact that many of these group homes have been operating for decades. My suggestion is to allow the existing daycares to continue operating and as new ones open up then they should go through the process as contained herein.

Thank you for time and consideration.