

DATE: March 15, 2006

TO: John Lamerato, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services  
Douglas J. Smith, Real Estate and Development Director  
Mark S. Stimac, Building and Zoning Director  
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM – PUBLIC HEARING – ZONING ORDINANCE  
TEXT AMENDMENT (ZOTA 214) – Article IV and X, Group Child  
Care Homes in the R-1A through R-1E Districts (CONTINUATION)

This memo shall address the following:

- Planning Commission Recommendation.
- State and local laws related to in-home day care.
- Actions and outcomes.
- Intent of memorandum.

City Management has not taken a position on the issue of Group Child Care Homes, based on an understanding that the regulation of Group Child Care Homes within single-family residential neighborhoods is a community values issue. Issues regarding community values should be made by City Council, following consideration of a recommendation by the Planning Commission. City Management has a responsibility to identify options, issues and primary and secondary impacts on the surrounding environment.

### **PLANNING COMMISSION RECOMMENDATION**

At the December 13, 2005 Regular meeting, the Planning Commission approved Resolution # PC-2005-12-197 which recommend that City Council make no changes to Articles IV and X, pertaining to Group Day Care Homes in the R-1A through R-1E Districts.

Furthermore, the Planning Commission resolved that if the current Zoning Ordinance is amended, the City Council should consider a number of provisions related to the regulation of Group Child Care Homes and Family Child Care Homes (see attached checklists).

## **STATE AND LOCAL LAWS RELATED TO IN-HOME DAY CARE**

The City Attorneys Office determined that there is a statutory requirement under the City and Village Zoning Act for cities to permit Family Child Care Homes by right in single-family residential districts. Troy complies with this requirement, as Family Day Care Homes are permitted subject to special conditions in the R-1A through R-1E districts. There is no requirement that cities permit Group Child Care Homes in a single- family residential zoning district.

On November 21, 2005, City Council amended the Zoning Ordinance to permit Group Child Care Homes on a temporary basis and temporarily eliminated the City's obligation to issue ordinance violation notices for the existing Group Child Care Homes (see attached resolution). This temporary approval shall expire 30 days following final action on this item. Existing Zoning Ordinance provisions related to Family Child Care Homes and Group Child Care Homes are attached. Note that the Michigan Department of Human Services is responsible for preparing licensing rules for Family and Group Child Care Homes, which are listed in Admincode R 400.1801. These rules were revised in 2005 and became effective on January 1, 2006. The terms "Family Day Care Homes" and "Group Day Care Homes" were revised to "Family Child Care Homes" and "Group Child Care Homes", respectively, in the code. This memo and the attachments reflect this change by referring to these uses as "Family Child Care Homes" and "Group Child Care Homes".

## **ACTIONS AND OUTCOMES**

A list of potential City Council actions on this item, and corresponding outcomes for each action, are attached.

## **INTENT OF MEMORANDUM**

The goal of this memorandum is to request clear direction from City Council to City Management on how to proceed with this ZOTA. The attached checklists will assist in City Council's review of the potential ZOTA provisions for both Group Child Care Homes and Family Child Care Homes.

If City Council intends to amend the Zoning Ordinance to add additional provisions, City Management requests that they be given the task of drafting the ZOTA language that is to be presented to City Council at a future meeting.

Two resolutions are provided. If City Council determines that no further changes to the Group Child Care Home provisions are desired, Resolution A will repeal the temporary approval of Group Child Care Homes, effective 30 days after the date of the resolution. Resolution B directs City Management to prepare ZOTA for future City Council action.

Attachments:

1. City Council Resolution #2005-11-521 from November 21, 2005, Temporary Approval of Group Child Care Homes.
2. Existing Zoning Ordinance provisions for Family Child Care Homes (Section 10.25.02) and Group Child Care Homes (10.25.05).
3. Attachments Related to Group Day Care Homes:
  - Group Child Care Home Outcomes And Actions
  - Chart: Potential Group Child Care Home Requirements and City Management Concerns.
  - Checklist: Potential City Council Group Child Care Home Provisions.
4. Attachments Related to Family Day Care Homes:
  - Family Child Care Home Outcomes And Actions
  - Chart: Potential Family Child Care Home Requirements and City Management Concerns.
  - Checklist: Potential City Council Family Child Care Home Provisions.
5. Correspondence from residents.
6. City Management memo and attachments dated February 28, 2006.

Prepared by RBS/MFM

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RESOLVED, That the B-1 to B-2 rezoning request, located on the northeast corner of Rochester and Wattles, Section 14, part of parcel 88-20-14-351-056, being 2.7 acres feet in size, is described in the following legal description and illustrated on the attached drawing:

T2N, R11E, SW ¼ of Section 14

Lots 9, 10, and 11, except the west 42 ft. of each lot taken for road, also except the south 27 ft. of Lot 11 taken for road, and also the west ½ of Lot 12, except the south 27 ft. taken for road of Supervisor's Plat No. 22 (Liber 13, page 45 of Oakland County Records). Containing 1.65 ac. of land, more or less, and subject to restrictions and easements of record.

BE IT FINALLY RESOLVED, That the proposed rezoning is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes: All-5  
No: None  
Absent: Beltramini, Howrylak

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**C-4 Zoning Ordinance Text Amendment (ZOTA 214-B) – Article IV and X, Approval of Group Child Care Homes on a Temporary Basis in the R-1A through R-1E Districts**

Resolution #2005-11-521  
Moved by Broomfield  
Seconded by Fleming

RESOLVED, That Article IV (DEFINITIONS) and Article X (ONE FAMILY RESIDENTIAL DISTRICTS) of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 214-B: Temporary Approval of Group Child Care Homes), as recommended by the Planning Commission and City Management.

Yes: All-5  
No: None  
Absent: Beltramini, Howrylak

**POSTPONED ITEMS: No Postponed Items**

The meeting **RECESSED** at 8:40 PM.

The meeting **RECONVENED** at 8:48 PM.

**CONSENT AGENDA:**

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**E-1a Approval of "E" Items NOT Removed for Discussion**

Resolution #2005-11-522  
Moved by Lambert  
Seconded by Broomfield

## Chapter 39 - Zoning Ordinance

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providing accommodation and care for elderly individuals who require 24 hour per day attention or supervision (sometimes involving limited nursing care), but are not bedfast.

(12-13-93)

04.20.47 ENTRANCE RAMP: A roadway connecting a feeder road with a limited access highway and used for access on to such limited access highway.

04.20.49 ERECTED: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

04.20.51 EXIT RAMP: A roadway connecting a limited access highway with a feeder road and used for access from such limited access highway to a feeder road.

04.20.53 ESSENTIAL SERVICES: The erection, construction, alteration or maintenance of public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection with, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

04.20.55 EXCAVATION: Any breaking of ground, except common household gardening and ground care.

04.20.56 FAMILY: One or two persons or parents, with their direct lineal descendents and adopted children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or less persons living on such housekeeping unit shall be considered a separate family for the purposes of this Chapter.

(Renumbered: 08-15-05)

04.20.57 FAMILY DAY CARE HOME: A private residence that the child care provider lives in and cares for up to six unrelated children for more than 4 weeks in a year when the children's parents/guardians are not immediately available.

(Rev: 11-21-05)

04.20.58 FAST FOOD RESTAURANT: An establishment that provides food and beverages to patrons that is primarily designed for over-the-counter sale of ready-to-eat foods and/or beverages from a limited, standardized menu, and which does not have waiter/waitress service at dining tables; and where the food is typically paid for prior to eating. Such facilities may also sell food and beverages through a drive-up or drive-through service window.

(08-15-05)

## Chapter 39 - Zoning Ordinance

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horizontal areas of all floors of the building (including malls, basements, mezzanines, atriums and service areas), as measured from the exterior faces of the exterior walls.

Office Buildings - (Other than medical office buildings) - Measurement of the gross floor area shall be the sum of the horizontal areas of all floors (including basements, service areas, mezzanines, atriums and lobbies), as measured from the exterior faces of the exterior walls. For the purpose of calculating the required parking, usable floor area shall exclude corridors, lobby areas, vertical shafts (elevators, pipe chases, etc.) sanitary facilities, mechanical spaces, and storage areas. In the absence of detailed floor plans, the usable floor area shall be equal to eighty (80) percent of the gross floor area. When detailed floor plans are available, they shall be used for the determination of usable floor area and the parking requirement.

Medical Office Buildings - Measurement of the gross floor area shall be the sum of the horizontal areas of all floors (including basements, service areas, mezzanines, atriums and lobbies), as measured from the exterior faces of the exterior walls. For the purpose of calculating the required parking, usable floor area shall exclude corridors, lobby areas, vertical shafts (elevators, pipe chases, etc.), sanitary facilities, mechanical spaces and storage areas. In the absence of detailed floor plans, the usable floor area of medical office buildings shall be equal to eighty-five (85) percent of the gross floor area. When detailed floor plans are available, they shall be used for the determination of usable floor area and the parking requirement.

04.20.64 FRONTAGE: The term "frontage" means and applies to any portion of a parcel of land abutting, touching, or bordering a street, thoroughfare, or freeway.

(02-03-92)

04.20.65 GARAGE, PRIVATE: An accessory building for parking or storage of not more than the number of vehicles as may be required in connection with the permitted use of the principal structure.

04.20.67 GARAGE, PUBLIC: Any garage other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.

04.20.68 GRADE: The term "grade" shall mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

(Renumbered: 11-21-05)

04.20.69 GROUP CHILD CARE HOME: A private residence that the child care provider lives in and cares for up to 12 unrelated children for more than 4 weeks in a year when the children's parents/guardians are not immediately available.

(11-21-05)

## Chapter 39 - Zoning Ordinance

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- 10.25.00 USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:  
The following uses shall be permitted in all R-1A through R-1E One-Family Detached Residential Districts, subject to the conditions hereinafter imposed for each use.
- 10.25.01 Home Occupations, as defined in Section 04.20.71, subject to the following conditions:
- A) In order to insure compatibility of the subject residential parcel with the surrounding residential area, to maintain the residential character of the area, and to avoid reduction of property values, the following activities or uses shall be prohibited in conjunction with Home Occupations:
    - 1. Signs relating to any occupation or business.
    - 2. Accessory buildings devoted primarily to the subject Home Occupation or Business.
    - 3. Off-street parking area greater than that amount maintained by neighboring dwellings within three hundred (300) feet of the subject site.
    - 4. Outside storage or display of any items related to the subject Home Occupation or Business, and thus not normally incident to a one-family dwelling.
    - 5. Vehicular Traffic characterized by pick-up or delivery of materials, supplies or products, in excess of that normally incident to a one-family dwelling.
- 10.25.02 Family Day Care Homes, as defined in Section 04.20.60, subject to the following conditions:
- A) The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed six (6).
  - B) For each child on the premises a minimum of four hundred (400) square feet of outdoor play area shall be provided, in the rear or side yards of the subject dwelling unit.
  - C) The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall also apply to Family Day Care Homes.
  - D) The resident-operator of the Family Day Care Home shall be licensed in accordance with applicable State Law.
- 10.25.03 Adult Foster Care Facilities, as defined by Section 400.702 (4) of Act 218, of 1979 of the State of Michigan, as provided for by said Act and to the extent exempted from local regulation by Section 400.733 (Sec. 33) thereof, and by Section 3 (b) of Act 207 of 1921 as amended (the Zoning Enabling Act).
- 10.25.04 The City Council may permit the temporary placement of a mobile office unit for lot and home sales on the site of a new residential development, for an initial period of twelve (12) months. A possible six (6) month extension of this approval may be granted by the City Council. Approval of the temporary placement of a mobile sales office unit shall further be subject to the requirements of Chapter 47, Section 6.41-(3) of the City Code.  
(08-08-94)

Chapter 39 - Zoning Ordinance

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10.25.05 Group Childcare Homes, as defined in Section 04.20.69, licensed by the State of Michigan and in operation as of [Date of Approval of ZOTA 214-B by City Council], shall be permitted to continue on a temporary basis not to exceed 30 days after the Troy City Council has had the opportunity to conduct a public hearing and take final action on any proposed revisions to Chapter 39, Article X, related to the regulation of Group Child Care Homes, as set fort in ZOTA 214.

(11-21-05)

10.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

The following uses may be permitted in R-1A through R-1E, One-Family Residential Districts, subject to the conditions hereinafter imposed for each use; and also subject to the review and approval of the use by the Planning Commission. Before approving any such uses, the Planning Commission shall find that:

- A. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall not be detrimental to the orderly development, property values, environment or use of adjacent land and/or Districts.
- B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serves its location.

Planning Commission approval of the Site Plan for such uses is also required. Site Plans for the expansion of such use shall also be subject to the approval of the Planning Commission.

(Rev. 07-10-00)

10.30.01 Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of Section 03.30.00.

10.30.02 Schools:

(A) Public, parochial and other private elementary, intermediate (including junior high and middle) and/or high schools offering courses in general education, including those under the control of the State Superintendent of Education and those which are non- profit corporations in accordance with State Law, subject to the following conditions:

- (1) Private and parochial schools shall be located so as to have at least one (1) property line abutting a Major Thoroughfare or Secondary Thoroughfare, as indicated on the Master Thoroughfare Plan. The frontage on such a thoroughfare shall be at least equal to the minimum frontage required by the applicable Zoning District.
- (2) Sites for such facilities shall have a minimum area of at least five (5) acres, or one (1) acre for each 50 students permitted within the capacity of the proposed establishment, whichever is greater.
- (3) The front side and rear yard setbacks shall be a minimum of fifty (50) feet.

**ATTACHMENTS RELATED TO**  
**GROUP CHILD**  
**CARE HOMES**

## **GROUP CHILD CARE HOME OUTCOMES AND ACTIONS**

City Management identified the following list of outcomes and actions available to City Council on the Group Child Care Homes issue.

### **Scenario #1: City Council supports the Planning Commission recommendation of no change to the existing Group Child Care Home provisions**

- Existing licensed Group Child Care Homes shall be permitted to continue on a temporary basis not to exceed 30 days after final action.
- City Council should pass a resolution deleting the temporary Group Child Care Homes permitted in the Zoning Ordinance, effective 30 days following final action on ZOTA 214.
- Existing licensed Group Child Care Homes will be sent additional notice identifying the violation and giving them 30 days to comply.
- In order to comply existing Group Child Care Homes will need to change their license to Family Child Care Home or keep their existing Group Child Care Home License and certify that they will not care for more than six children or eliminate the child care home facility.

### **Scenario #2: City Council directs staff to develop language for Group Child Care Home provisions based upon Planning Commission alternate recommendations**

- City Council shall determine which provisions to include in the text amendment (see attached check list). Once the provisions are determined, City Management shall create ZOTA language for consideration.
- City Council adopts new language.
- Existing Group Child Care Home license holders will be notified it is necessary to comply with the newly adopted ZOTA.
- If a Group Child Care Home is not in compliance with the dimensional requirements of the Zoning Ordinance, they are required to revise their homes to comply or seek variances from the Board of Zoning Appeals.
- If a Group Child Care Home is successful in acquiring variances or do not need variances they will need to apply for Special Use Approval (if required).
- If a Group Child Care Home obtains Special Use Approval from the Planning Commission (if required), they will need to apply for building permits for a change of occupancy.
- If a Group Child Care Home cannot comply with the building code provisions they will need to modify their homes to comply or apply for a variance from the Building Code Board of Appeals.
- If a Group Child Care Home cannot comply with accessibility requirements they can modify their home to comply or apply to the Barrier Free Design Board at the State of Michigan
- Once all plan review approvals are obtained, a permit will be issued.

- Once any work is completed, and all inspections are approved, a new certificate of occupancy would be issued.
- If a Group Child Care Home cannot comply or are unsuccessful in obtaining approvals or variances they will either need to change their license to Family Child Care Home or keep existing Group Child Care Home License and certify that they will not care for more than six children or eliminate the Group Child Care Home facility.

**POTENTIAL GROUP CHILD CARE HOME REQUIREMENTS AND CITY MANAGEMENT CONCERNS**

	<b>Potential Requirement</b>	<b>Recommended or Mandated By</b>	<b>City Management Remarks</b>
1	To maximize the safety and the privacy and to minimize noise for the neighboring properties, Group Child Care Homes shall be allowed on properties greater than one-half acre in size and having a minimum side yard setback of 20 feet.	Planning Commission	<p>If the intent is to mandate that GCCH must be located on parcels greater than one-half acre in size, the term “only” should be used.</p> <p>The lot size requirement exceeds the minimum lot size requirements in all of the single-family residential zoning districts. 13 of the 20 existing GCCH presently licensed in the City would be unable to meet this requirement.</p> <p>The 20-foot side yard setback requirement exceeds the minimum lot size requirement for all of the single-family residential zoning districts. 15 of the 20 existing GCCH presently licensed in the City would be unable to meet this requirement.</p>
2	The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed twelve (12).	State of Michigan	
3	The resident-operator of the Group Child Care Home shall be licensed in accordance with applicable State Law.	State of Michigan	
4	To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.	Planning Commission	
5	No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.	Planning Commission	

	<b>Potential Requirement</b>	<b>Recommended or Mandated By</b>	<b>City Management Remarks</b>
6	No sign shall be used on the premises to identify the Group Child Care Home.	City of Troy (current Zoning Ordinance requirement)	<i>This is a current Zoning Ordinance requirement.</i>
7	The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01, shall not apply to Group Child Care Homes.	Planning Commission	This should clarify that Section 10.25.01 as related to vehicular traffic does not apply; all other provisions should apply to GCCH.
8	Group Child Care Homes with vehicular access on a major thoroughfare shall be required to have a circular drive or an unobstructed turnaround area to allow for the safe egress of vehicles.	Planning Commission	2 of the 4 GCCH located on a major thoroughfare would be unable to meet this requirement
9	The Planning Director may waive any required site plan information provided it can be determined that the application meets the Group Child Care Home requirements of Section 10.30.10 and the general Special Use Approval standards of Section 03.31.05.	Planning Commission	
10	To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.	Planning Commission	The requirement that Family and Group Child Care Homes require fenced or screened play areas could create equity issues for Group Child Care Homes within homes with deed restrictions or neighborhoods with bylaws prohibiting fences. This would create legal non-conforming structures.

	<b>Potential Requirement</b>	<b>Recommended or Mandated By</b>	<b>City Management Remarks</b>
11	The licensee shall register with the City upon commencing operation and on an annual basis each January thereafter, and the licensed premises shall be subject to a fire and building department inspection and shall provide a smoke detector in all daytime sleeping areas and otherwise comply with applicable building and fire codes.	Planning Commission	<p>The requirement that Group Child Care Homes must register annually with the City seems unreasonable, since they require license renewal with the State of Michigan every two years. Few businesses in the City require annual registration.</p> <p>Since every use in the City must comply with Michigan Building Code requirements, including requirements for fire and building department inspection is unnecessarily repetitive.</p>
12	The applicant shall identify the entrance(s) for drop-offs and pickups. The parking and drop-off areas shall be designed to maximize safety and privacy for the neighboring properties.	Planning Commission	

	<b>Potential Requirement</b>	<b>Recommended or Mandated By</b>	<b>City Management Remarks</b>
13	To prevent the commercialization of residential districts, Group Child Care Homes shall be not be located within 1,000 feet of another state licensed residential facility.	Planning Commission	<p>The requirement that a Group Child Care Home shall not be located within 1,000 feet of another state licensed residential facility would be impossible to meet for 18 of the 20 Group Child Care Homes presently licensed in the City. This would create legal non-conforming structures.</p> <p>The City and Village Zoning Act prohibits a state licensed residential facility within 1,500 feet of another state licensed residential facility, unless permitted by local ordinance.</p>

**CHECKLIST**  
**POTENTIAL CITY COUNCIL GROUP CHILD CARE HOME PROVISIONS**

**10.30.10 Group Child Care Homes, as defined in Section 04.20.69, subject to the following conditions:**

**YES NO**

1.   \_\_\_   \_\_\_    To maximize the safety and the privacy and to minimize noise for the neighboring properties, Group Child Care Homes shall be allowed on properties greater than one-half acre in size and having a minimum side yard setback of 20 feet.
  
2.   \_\_\_   \_\_\_    The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed twelve (12).  
*Current State of Michigan requirement.*
  
3.   \_\_\_   \_\_\_    The resident-operator of the Group Child Care Home shall be licensed in accordance with applicable State Law.  
*Current State of Michigan requirement.*
  
4.   \_\_\_   \_\_\_    To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.
  
5.   \_\_\_   \_\_\_    No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
  
6.   \_\_\_   \_\_\_    No sign shall be used on the premises to identify the Group Child Care Home.  
*Current Zoning Ordinance requirement – no action necessary.*
  
7.   \_\_\_   \_\_\_    The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01, shall not apply to Group Child Care Homes.
  
8.   \_\_\_   \_\_\_    Group Child Care Homes with vehicular access on a major thoroughfare shall be required to have a circular drive or an unobstructed turnaround area to allow for the safe egress of vehicles.
  
9.   \_\_\_   \_\_\_    The Planning Director may waive any required site plan information provided it can be determined that the application meets the Group Child Care Home requirements of Section 10.30.10 and the general Special Use Approval standards of Section 03.31.05.

**YES NO**

10. \_\_\_ \_\_\_ To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.
11. \_\_\_ \_\_\_ The licensee shall register with the City upon commencing operation and on an annual basis each January thereafter, and the licensed premises shall be subject to a fire and building department inspection and shall provide a smoke detector in all daytime sleeping areas and otherwise comply with applicable building and fire codes.
12. \_\_\_ \_\_\_ The applicant shall identify the entrance(s) for drop-offs and pickups. The parking and drop-off areas shall be designed to maximize safety and privacy for the neighboring properties.
13. \_\_\_ \_\_\_ To prevent the commercialization of residential districts, Group Child Care Homes shall be not be located within 1,000 feet of another state licensed residential facility.

**ATTACHMENTS RELATED TO**  
**FAMILY CHILD**  
**CARE HOMES**

## **FAMILY CHILD CARE HOME OUTCOMES AND ACTIONS**

The Planning Commission discussed potential changes to provisions related to Family Child Care Homes. City Management identified the following list of outcomes and actions available to City Council on the Family Child Care Homes issue.

### **Scenario #1: City Council supports the Planning Commission recommendation of no change to the existing Family Child Care Home provisions**

- Existing licensed Family Child Care Homes shall be permitted to continue indefinitely provided they continue to meet State and local requirements.

### **Scenario #2: City Council directs staff to develop language for Family Child Care Home provisions based upon Planning Commission recommendations**

- City Council shall determine which provisions to include in the text amendment (see attached check list). Once the provisions are determined, City Management shall create language for adoption.
- Existing Family Child Care Homes would be legal non-conforming. The new rules would not apply. Existing Family Child Care Home license holders will be sent an additional notice of the newly adopted rules.
- If existing Family Child Care Home license holders are not in compliance with the technical requirements of the Zoning Ordinance, they will be considered legal non-conforming uses or structures subject to the requirements of Section 40.50.00 of the Zoning Ordinance.
- Prospective Family Child Care Homes shall be required to meet all requirements prior to being granted Special Condition Approval.

**POTENTIAL FAMILY CHILD CARE HOME REQUIREMENTS AND CITY MANAGEMENT CONCERNS**

	<b>Potential Requirement</b>	<b>Recommended or Mandated By</b>	<b>City Management Remarks</b>
1	The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed six (6).	State of Michigan (current Zoning Ordinance requirement)	The Michigan Building Code should be changed to permit Family Child Care Homes with up to six children without requiring significant physical improvements to the home. <i>This is a current Zoning Ordinance requirement.</i>
2	The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Family Child Care Homes.	Planning Commission	<i>This is contrary to the current Zoning Ordinance requirement, which requires that FCCH comply with Home Occupation requirements.</i>
3	The resident-operator of the Family Child Care Home shall be licensed in accordance with applicable State Law.	State of Michigan	
4	To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.	Planning Commission	
5	To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.	Planning Commission	This requirement could create equity issues for Group Child Care Homes within homes with deed restrictions or neighborhoods with bylaws prohibiting fences. This would create legal non-conforming structures.
6	No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.	Planning Commission	
7	No sign shall be used on the premises to identify the Family Child Care Home.	City of Troy (current Zoning Ordinance requirement)	<i>This is a current Zoning Ordinance requirement.</i>
8	Family Child Care Homes with vehicular access on a major or secondary thoroughfare shall be required to have a circular drive or an unobstructed turnaround to allow for the safe egress of vehicles.	Planning Commission	

**POTENTIAL CITY COUNCIL FAMILY CHILD CARE HOME PROVISIONS**

**10.25.02 Family Child Care Homes, as defined in Section 04.20.60, subject to the following conditions:**

**YES NO**

1.   The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed six (6).  
*Current Zoning Ordinance requirement – no action necessary.*
2.   The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Family Child Care Homes.  
*Contrary to current Zoning Ordinance requirement.*
3.   The resident-operator of the Family Child Care Home shall be licensed in accordance with applicable State Law.  
*Current State of Michigan requirement.*
4.   To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.
5.   To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.
6.   No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
7.   No sign shall be used on the premises to identify the Family Child Care Home.  
*Current Zoning Ordinance requirement – no action necessary.*
8.   Family Child Care Homes with vehicular access on a major or secondary thoroughfare shall be required to have a circular drive or an unobstructed turnaround to allow for the safe egress of vehicles.

**Paula P Bratto**

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**From:** Cynthia A Stewart  
**Sent:** Tuesday, March 07, 2006 1:42 PM  
**To:** Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)  
**Cc:** Paula P Bratto  
**Subject:** FW: Group Daycare Homes - A rebuttal of a paper submitted to City Council

-----Original Message-----

**From:** Curtis Childs [mailto:cdchilds@msn.com]  
**Sent:** Tuesday, March 07, 2006 1:16 PM  
**Cc:** Cynthia A Stewart  
**Subject:** Group Daycare Homes - A rebuttal of a paper submitted to City Council

**A Rebuttal to the "Analysis of Child Daycare Home problems abstract paper by CJ Chung"**

Group daycare homes have existed in the City of Troy for upwards of 30 years, legally or not. Many group daycare owners contacted the City prior to opening and were told, in so many words, that group daycare homes were allowed. In those 30 years there has not been any complaints filed on a group daycare home by any of their neighbors, until recently. There was one complaint that brought this whole issue out. **One complaint in 30 years!**

The writer of the "abstract" that this paper rebuts states that "However, child care in private homes has caused a lot of problems, mainly due to the fact that homes were not designed for public services." There is no direct evidence of any reported problems in the City of Troy, except for the ONE complaint that brought this whole issue up. The complaint was about one car parking in front of another person's house. Well the streets are public streets and anyone can park anywhere anytime as long as they are not violating the law such as a no parking sign. As far as homes not being designed for public services, I would agree. Homes were designed for families. Families include children and taking care of them. There is no difference in a family or group daycare home and a large family that lives in a home, except for the fact that there is an exchange of money. Do any of the statements in the "abstract" apply if there is a family that has 12 of their own children? Are we going to regulate how many children people can have because of the *possibility* of some of the *alleged* problems?

The writer states "day care homes in the residential zoning area caused problems such as noise, parking, invasion of privacy, traffic, safety, increased city services, lowering property value of neighboring homes, and among others." Again, there are a lot of allegations and no substantiating evidence to support the claims. A recent FOIA of the City of Troy's complaints against daycare homes resulted in ONE being found, but actually it wasn't against the daycare. It was a barking dog complaint. Any home can have barking dog. The complaint wasn't about loud children or any other factor that related to daycare.

Many people would like to try and say that people don't know how to make a complaint. Anyone who works in government knows this is not true. It is the government's job to hear complaints and act on them, which is part of protecting the general welfare of the people. As a police officer I know that people do complain when they feel it necessary. They know how to call the police about neighborhood issues and the police know whether or not it is a police issue or they will redirect the complainant to call the city ordinance offices.

3/8/2006

The writer of the abstract states "Currently, townships and counties can not prohibit licensed group homes. In the case of cities except some cities like Farmington Hills that changed their ordinance in 2005, current State laws do not have the same restrictions [OYC 2005]. That means there are a lot of group day care homes in most cities that have been operated illegally in their homes for years without much attention from the cities." **This true and the reason that many may have been operating without much attention is because they are not a problem.** In addition, why are they legal in townships and counties but not cities? Shouldn't citizens of the City of Troy or the people who work here have all the options of child care available to them that citizens of townships do? Farmington Hills changed their ordinance because they realized that times have changed and group daycare homes are needed. Would they have made the ordinance change if group daycare homes were bad for the City of Farmington Hills? I think not. Livonia changed their ordinance in 1998 to allow group daycare homes and the Livonia Mayor is on record stating that the ordinance change has not had any negative effects on the City of Livonia.

In section 2.1 the writer has a table showing the business hours of home child day care business to be 6am to 10pm. That is not accurate and I question how that data was obtained. Many if not all group daycare homes in Troy close no later than 6pm. The table shows that there is a special license required, is that a bad thing? The table shows a special inspection required, again is that a bad thing? Both are done by the State of Michigan to ensure the safety of the children that are in the care of the home. The table shows that there is a "large" amount of extra city services needed. Where is the proof? I would argue that there are no more services needed than a family that has a few children. Does the trash pickup require an extra trip to the home? NO. The water bills are paid based on usage and I would argue that the water bills of a day care home are no larger than a family with a few children.

In section 2.1 the writer displays a graph showing the percentage of violation by the three types of care. According to the paper "It is explicitly revealed that there have been more accidents in home day care facilities." What the writer doesn't tell you is that currently there are almost 18,000 licensed child care facilities in Michigan and less than 5,000 of those are day care centers, so obviously there will be less accidents since there are far less day care centers. This also points out simple economics of supply and demand. **Obviously, parents prefer their children in home settings. If parents preferred their children in day care centers there would be more of them.**

The writer then goes on to list types of violations that have occurred in day care homes. I am sure that these violations have occurred throughout the State of Michigan but the way these are portrayed makes it seem as though we should eliminate child care altogether. These must be kept in perspective. Is there any place that we can go as a society that has not had negative incidents? The writer, I believe, is a school teacher. With all the recent reporting of teachers having inappropriate or illegal relationships with students should we stop sending our children to school? NO, I think not. There is not a single place in society that has not had a negative incident, even our most sacred areas such as churches have had recent negative incidents.

In section 2.4 the writer states "Inherently homes are de(s)igned and built for protecting privacy. We do not know what is going on inside a house. While, day care centers are designed and built for public use. I believe that is the main reason why there have been so many accidents/violations occurring in family/group day care homes..." Obviously, the writer has not visited a day care center. Many of them are built with very good security and not a lot of area to view in so that they children stay protected. The public cannot just walk right into a day care center. Many places have to "buzz" you in electronically. This is to protect the children.

The writer also states "Homes are located, designed and built to maximize privacy." Earlier in the abstract that was one of the complaints that day care homes are an invasion of privacy. Which one is correct? The writer mentions the criminal record check required for family or group day care home operators. I believe there are also some concerns with teachers and they are doing criminal checks on them as well. Is that a bad thing?

In section 2.5 the writer suggests that many day care homes are using the basement to provide care. How did he obtain this information? It is an unsubstantiated guess, where is the evidence to back up this claim? Even if true the area would have to be

licensed by the State of Michigan prior to using. One of the licensing requirements is two means of egress from the basement, one being the staircase to the upstairs and the other being an egress window or walkout, not just a regular window. The State will not license any area that is not safe for the children.

In section 2.6 the writer points out that DHS states that prior to submitting an application it is 'wise' to contact local zoning authorities to see if operating a group home is allowed in a designated neighborhood. I repeat that many group daycare homes in Troy did that.

The writer then mentions House Bill 4398 and some of the conditions including the 1,500 foot requirement. The writer leaves out the fact that section 206, subsection 8 of House Bill 4398 also includes the following statement in regards to its requirements "**The requirements of this section shall not prevent a local unit of government from issuing a special use permit, conditional use permit, or other similar permit to a licensed or registered group day-care home that does not meet the standards listed under subsection (4)**" Obviously the intent of the Bill is to allow for group daycare homes whenever possible.

In section 2.7 the writer lists "Business noise problems" such as slamming the entrance door, slamming car doors, starting the car, shoveling the snow and when they talk on the phone outside. These "noises" are no different than any other home. I would think most people would complain about snow not being shoveled. It seems to me that someone has to be intentionally listening for these sounds in order to hear them. I cannot tell when my neighbor starts their car or leaves their house.

In section 2.7.2 the writer states "Home owner of the side by side neighbor could not open the window due to eye contacts with strangers; they can easily look into the very deep inside of the house, if the blinds (or curtain) are open." Eye contact can only occur if both people are looking at each other. If someone doesn't want someone looking in their house then they shouldn't open the blinds. Day care homes or not, if blinds are open people may look in. How many times has someone looked inside my front window when they drive or walk down the street? I don't know. I don't stand there and watch, but I am sure it happens. I know that I have looked in homes that have blinds open when I walk or drive past. That is not an invasion of privacy, there can be no expectation of total privacy if the blinds and/or drapes are open.

In section 2.7.4 the writer mentions a maximum of 13 cars. That is the maximum but that is **not** reality. Many group daycare homes have siblings and many have families that are in walking distance. (Statistics have been submitted to City Council)

In section 2.7.5 the writer mentions that most accidents occur in driveways. The writer does not give Troy statistics but sites an insurance companies study. We submitted to the planning commission statistics from the State of Michigan based specifically on Troy traffic. Most of the accidents in Troy were on main or secondary roads not residential and certainly not in driveways.

In section 2.7.8 the writer mentions that property values are lower. Again, there is no direct evidence to support that unsubstantiated claim. The property values in Troy have, according to the City's website "Due to the passage of Proposal A in 1994, Troy homeowners have seen, at most, a 3.2% increase in Taxable Values in any one year, **despite a 7.2% average increase in Market Values**. Family and group daycare homes are scattered throughout the City. The website does not state any exception to areas that have family or group daycare homes. I am aware of a home that sold for at or above market value in Troy that is right next to a group daycare home. Back in 2002 the house at 1919 Atlas sold for \$210,000. Maybe there is more to tell about the writer's home and that may be the reason for the low demand.

There is strong disagreement with section 3.3 of the writer's abstract paper. The minutes from the planning commission may state that some of the commissioners believed that public input and other things demonstrated that group daycare homes have a negative impact

on neighboring property. I would argue that this is not factual, but an opinion. There were a total of four (4) public hearings. For each public hearing almost 1,000 letters were sent out. That is a total of 4,000 letters. There have been complaints I am sure, but many have been from the same person or a few people. Some are multiple complaints from the same person. At the first public hearing on August 9<sup>th</sup>, 2005 there were 36 people that spoke out positively in support of group daycare homes in Troy. There were no negative comments from anyone. At each subsequent public hearing there were always more people in support, there were only 1 or 2 people that spoke out against and they were the same people each time.

In the writers conclusion it is represented that homes are not built for 12 babies. Does the writer know of any daycare home that cares for 12 "babies"? I would state to you that there are not. 12 "babies" would require 5 additional assistants since that is the State's regulation (1 person for every 2 infants). If by "babies" the writer means children then I would argue again that homes are built for caring for children. If we were to look I believe that we could find a family in Troy that cares for more than 6 children of their own. Many of the group daycare homes may not even have 12 many only have the group license because they care for more than 6 because of siblings, not that they have 12 children every day. Many group daycare homes do not care for 12 children; they may just have more than 6.

The Group Daycare Homes should be allowed and there should be some regulations attached, no one is arguing that point, but to not allow something that has *peacefully existed in the City of Troy for 30 years previously is outrageous*. It is not something new that would be allowed. The State Act allowing for group daycare homes was enacted in 1973. There is no slippery slope that the City would be heading down. There should not be a concern of "businesses in residential neighborhoods" because Group Daycare homes are not like other commercial businesses. It is not like a drive thru window at McDonalds, there is not a constant flow of traffic. Group Daycare homes are not manufacturing anything so there are no environmental issues to be concerned with. They are caring for children. Since when has caring for children in a residential area become illegal? There are many businesses operating peacefully in residential neighborhoods. People are operating websites that sell products and they receive deliveries daily. People are giving music lessons where their various students come to and from their house each day. Other are doing nails where they have customers come and go. Is Troy going to put an end to those "businesses" as well? What about tutors, consultants and accountants who do taxes? Is the City going to regulate them or is caring for children going to be singled out as a bad thing for the City of Troy?

It cannot be stressed enough that these Group Daycare homes have been here in the City of Troy quietly, legally or not, **THEY HAVE BEEN HERE FOR 30 YEARS!!!!**

**Paula P Bratto**

---

**From:** Cynthia A Stewart  
**Sent:** Tuesday, March 07, 2006 8:00 AM  
**To:** Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)  
**Cc:** Paula P Bratto  
**Subject:** FW: Public Hearing on Troy Day Care Centers

-----Original Message-----

**From:** Eric Belmont [mailto:E\_Belmont@msn.com]  
**Sent:** Monday, March 06, 2006 9:42 PM  
**To:** Cynthia A Stewart  
**Subject:** Public Hearing on Troy Day Care Centers

Dear Troy City Council -

I understand that there is a public hearing scheduled for Mon, Mar 6, '06 to discuss day care centers located within Troy's city limits.

I am a Troy resident: Eric Belmont, 5425 Hertford, in Sylvan Glen. My children are all grown, and live out of state with families of their own.

The Collins Family lives across the street and has resided there for about 10 years, also operating a day care center in their residence for many years.

I think they has done an admirable job in operating their day care facility. I have not ever had a single complaint about the way in which they have handled the children under their care in all the years they have been doing it.

In fact, talking to the Collins family members is the only way I know they have a day care center.

I personally think that the day care services offered by Troy families should be encouraged. They provide a valuable service to the community. And from my experience, there are no negative consequences whatsoever.

I suppose that its possible some other day care centers may not comport themselves as carefully as does the Collins family. I think that under such circumstances, the situation would be best dealt with individually. It does not make sense from my point of view to try to devise regulations to control the entire day care community based on the behavior of a small minority of its members.

In summary, I 'd like to repeat that the Collins family provides an important service to the City of Troy, without adversely affecting this neighbor. I would be happy to see their day care service continue.

Eric Belmont  
Troy Citizen

**Paula P Bratto**

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**From:** Cynthia A Stewart  
**Sent:** Tuesday, March 07, 2006 8:00 AM  
**To:** Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)  
**Cc:** Paula P Bratto  
**Subject:** FW: Group Daycare Homes

-----Original Message-----

**From:** Curtis Childs [mailto:cdchilds@msn.com]  
**Sent:** Tuesday, March 07, 2006 7:40 AM  
**To:** Cynthia A Stewart  
**Subject:** Group Daycare Homes

As citizens of Troy we would like to know your position on the Group Daycare issue? We feel that we as citizens should be afforded the courtesy of knowing what way our elected council members are leaning on this very important issue.

We would like to sit down and discuss this issue (hopefully before March 20th) and find out your opinion on our value to the community and the City of Troy. We understand that you have received a wealth of information on this topic however we are willing to answer any questions that you may have and clear up any misinformation or misunderstandings that there may be.

Curtis and Nichol Childs

**Paula P Bratto**

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**From:** Cynthia A Stewart  
**Sent:** Wednesday, March 08, 2006 7:05 PM  
**To:** Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)  
**Cc:** Paula P Bratto  
**Subject:** FW: Day care In Troy

-----Original Message-----

**From:** gigi stone [mailto:gigilake1@yahoo.com]  
**Sent:** Wednesday, March 08, 2006 6:52 PM  
**To:** Cynthia A Stewart  
**Subject:** Day care In Troy

I just got wind that the council is considering shutting down daycare at places that the state has given them permits and licenses to operate at certain locations. It is in my opinion that since the state will them operate at these locations, The council should tell the trouble makers to take there case to the state and not to you people. Furthermore if council shuts down a business such as day care, It should also shut down any business that operates out of a home address. Whats good for the goose ya know.

In closing, I heard the daycare had quite a lot of support at your last meeting. If you people shut them down I wouldn't be surprised if they start a new campaign, and would be to vote the current council out and you what, I wouldn't blame them. Government is supposed to be of the people, by the people and for the people. I tell my family if there not doing ther jobs get rid of. Ask your self are you doing the job you were elected to do.

Sincerely Andrew

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## Paula P Bratto

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**From:** Cynthia A Stewart  
**Sent:** Wednesday, March 08, 2006 4:11 PM  
**To:** Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)  
**Cc:** Paula P Bratto  
**Subject:** FW: day care

-----Original Message-----

**From:** Ruth West [mailto:muffin7261@yahoo.com]  
**Sent:** Wednesday, March 08, 2006 3:16 PM  
**To:** Cynthia A Stewart  
**Subject:** day care

To whom it may concern,

I'm writing to protest the closing of 19 Day care home centers..

Those that are caring for the children are mostly state licensed and reliable.

If these home centers are closed it'll put 19 persons out of work, plus their helpers, and the teachers will have to take their children out of Troy for day care. Is this fair, because of one persons complaint, that didn't involve anything connected with daycare?

I strongly SUPPORT the in-home centers.

Thank you.

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Tired of spam? Yahoo! Mail has the best spam protection around  
<http://mail.yahoo.com>

## Paula P Bratto

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**From:** Cynthia A Stewart  
**Sent:** Thursday, March 09, 2006 7:32 AM  
**To:** Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)  
**Cc:** Paula P Bratto  
**Subject:** FW: group childcare

-----Original Message-----

**From:** mocherries01@wowway.com [mailto:mocherries01@wowway.com]  
**Sent:** Thursday, March 09, 2006 12:51 AM  
**To:** Cynthia A Stewart  
**Cc:** childisplayhome@msn.com; jmz12761@hotmail.com  
**Subject:** group childcare

Troy City Council,

This letter comes to you in support of group daycare homes. My name is Joseph Mocerri and I am a resident of Royal Oak and a teacher at Troy High School. My son A.J. has been enrolled at Cherished Moments Child Care for the past three years and has flourished under the care of Cherished Moments provider Judy Collins. My wife and I interviewed several Royal Oak and Troy daycare providers in larger commercial establishments and found Ms. Collins facility to be significantly more desirable. We contacted several of her references prior to our enrolling our son in Cherished Moments and found all to be completely satisfied as well.

The service these group daycare homes provide is necessary and much more personal than those of big, commercial daycare facilities. These small businesses should be commended and encouraged instead of being challenged and threatened. Cherished Moments provides a loving, nurturing atmosphere which our son looks forward to attending each and every day. We have another child on the way and are planning to send her to Cherished Moments as well.

I am deeply concerned about the direction you are taking as a council with regards to community and families. As you can surely understand, safety and security are main components for any parent when choosing daycare for loved ones. By being placed securely in a Troy neighborhood, Cherished Moments and other Troy group daycare homes provide this type atmosphere. Please allow them to remain in operation under the guidelines the state provides.

Please contact me if you have any questions.

Joseph Mocerri  
3123 Glenview  
Royal Oak, Mi 48073  
(248) 435-9951

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WOW! Homepage (<http://www.wowway.com>)

## Paula P Bratto

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**From:** Cynthia A Stewart  
**Sent:** Thursday, March 09, 2006 7:32 AM  
**To:** Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)  
**Cc:** Paula P Bratto  
**Subject:** FW: Save home daycare

-----Original Message-----

**From:** Alicia Wahls [mailto:[aliciawahls@hotmail.com](mailto:aliciawahls@hotmail.com)]  
**Sent:** Wednesday, March 08, 2006 7:28 PM  
**To:** Louise.Schilling@troy.mi.us; Cynthia A Stewart  
**Cc:** jmz12761@hotmail.com; childisplayhome@msn.com  
**Subject:** Save home daycare

We are writing as concerned parents. I work at Smith Middle School in Troy and our 19 month old son is in a home daycare in Troy and has blossomed there. The daycare providers are loving and structured everyday. Our son loves going to see his friends and be with his providers. We like the fact that the daycare is in a home as we see it as a more warm, loving environment for children.

Please keep home daycares open and running. We can't afford to lose this wonderful service our children and us have grown to love and treasure.

Thank you,  
Robert and Alicia Wahls

**Paula P Bratto**

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**From:** Cynthia A Stewart  
**Sent:** Monday, March 13, 2006 10:47 AM  
**To:** Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)  
**Cc:** Paula P Bratto  
**Subject:** FW: In home Day care

-----Original Message-----

**From:** Klau, Christopher [mailto:ChristopherKlau@rockfinancial.com]  
**Sent:** Monday, March 13, 2006 10:39 AM  
**To:** Cynthia A Stewart; louise.schilling@troy.mi.us  
**Cc:** childisplayhome@msn.com; jmz12761@hotmail.com  
**Subject:** In home Day care

To Whom It May Concern:

I wanted to write and let you know that I am 100% in favor of allowing group daycare homes in Troy! I would be very turned off by the city of Troy if this were shut down and I know MANY other citizens and patrons of the city would be as well. I do not think this would be in the best interest of the city and would be very disappointed and upset if this were to happen.

Make the choice for the children who are part of the day care and what is in THEIR best interest!!! They are what matters most!

Chris Klau

Executive Mortgage Banker  
Rock Financial  
248-427-3363 Direct  
248-762-0118 Mobile  
734-805-8538 Fax  
[chris.klau@rockfinancial.com](mailto:chris.klau@rockfinancial.com)

**Research and apply at:**

**[www.chrisklau.com](http://www.chrisklau.com)**

**Paula P Bratto**

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**From:** Cynthia A Stewart  
**Sent:** Monday, March 13, 2006 7:38 AM  
**To:** Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)  
**Cc:** Paula P Bratto  
**Subject:** FW: Group Day Care

-----Original Message-----

**From:** Mary Lowe [mailto:mdlowe@wideopenwest.com]  
**Sent:** Saturday, March 11, 2006 10:54 AM  
**To:** Cynthia A Stewart  
**Subject:** Group Day Care

I am a neighbor of a Group Day Care provider. She has been doing this for years and I have never had a problem with it. I admire her for what she does. I could never do it. I would like to see her continue.

Mary Lowe

## Paula P Bratto

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**From:** Cynthia A Stewart  
**Sent:** Monday, March 13, 2006 7:35 AM  
**To:** Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)  
**Cc:** Paula P Bratto  
**Subject:** FW: Daycare 1268 Glaser

-----Original Message-----

**From:** Kimberly Marvin [mailto:themarvfam@msn.com]  
**Sent:** Saturday, March 11, 2006 5:53 PM  
**To:** Cynthia A Stewart  
**Subject:** Daycare 1268 Glaser

City Council Members and Planning Commission Members

My name is Kim Marvin, 1268 Glaser I have been a family daycare provider for Ten years five of them in Troy. I would like to express to you my thoughts on daycare and the complaints against them. I hope that you listen to all the positive things we have to offer the community.

As parents, caregivers and community members it is our responsibility to keep our children safe, healthy, happy and active this includes plenty of outdoor play. We know where our children are and what they are doing. We are an important part of this community; we are the extended family of these children. Troy is known for being a great place to raise a family. I hope you will continue to encourage this, and not change because of the complaints of a few.

As a daycare provider I would like to point out that we do not keep the children outside for hours on end. We go in and out as part of our daily routine. I would also like to point out that neighborhoods in general are louder in the summer as more people are out and about having fun and kids are out of school. That's what summer is all about playing ball, swimming, playing tag, biking, running through a sprinkler, etc. These are the joys of summer. For years we have told our children to use their inside voices inside and their outdoor voices outside. What a shame it would be to tell our children they can no longer have an outside voice.

I know some of you have heard the complaints of the man renting the home next to mine at 1250 Glaser. I would like you to note that this man has complained to the city for many years on many people in the neighborhood (all unfounded). I fear he is using the city to harass the neighborhood. He has actually yelled at my son and husband for playing basketball on our driveway on a Saturday. (No daycare on weekends)  
We have spent many hours landscaping and put a lot of money into making improvements to our home. While my neighbor Mr. Milostan has much debris in his yard as well as an overwhelming wood pile he uses as a privacy fence 2 rows deep, approx. 7ft. high and approx. 250 feet long on both sides of the property. I believe this to be unsafe and attract animals and varmint. He also runs his chainsaw and log splitter almost everyday as he has wood dropped off in his driveway on a regular basis. He has complained of noise and traffic when he himself runs an astrology business out of his home where he has cars coming and going all day and evening. Where as a daycare only has a light morning and afternoon drop off and pick up, and is a valuable asset to the community.

(Five of the children enrolled in my daycare can walk to my home)

I have never made a complaint against Mr. Milostan until his attacks on my

family and daycare got to be overwhelming. Marlene and Joe from the city inspection office have visited me many times and have told me to continue doing what I am doing. At that time he then went to the city attorney, three of my neighbors talked to the city attorney to explain the situation with this neighbor. They have been dealing with him for more years than I have been here. I have tried to work things out with Mr. Milostan, but I have come to the conclusion that no matter what I do it will never be to his satisfaction. Two years ago, I put my play equipment on the other side of my home away from him and yet he continues to complain. He has also contacted the state on my daycare. When my representative came out the first thing she asked me was; is there someone that doesn't like you or doesn't like children? She found his complaint to be under false pretense.

I walk with my child, as well as neighborhood children, to Costello School everyday. I am a familiar face on the walk to school for many kids. When I am outside with my daycare, I can hear the children in the playground at Costello, another valuable asset to the community. Yet, no one complains about the joyful screams of the children out for recess nor should they.

We must continue to show our children that the community cares about them. It takes a special type of person to run a daycare. I do daycare so other families can go to their jobs knowing that their children are in an at home atmosphere and are loved and well taken care of, to these children my home is a home away from home, and that is just what the parents want.

Some women have the desire to have a career and a family and this is where I come in. I have always wanted a large family and to be a stay at home mom however, it is almost impossible to have a large family with one income. I do daycare to contribute to the family income. In this way I am getting the large family I want as well as helping others have their careers and raise a family.

I ask you to take all sides into consideration and also consider today's world. Most families need two incomes; some of us choose careers outside the home and some inside the home. The families of Troy need in home daycare services. Please do not let the complaints of a few control the majority, and please do not feel like you have to view me from Mr. Milostan's property, my door is always open. Unlike Mr. Milostan hiding behind the city I have nothing to hide. I would appreciate it if you would give me and all my neighbors the common courtesy of hearing the entire situation and not just the view of an extremely bitter man.

Thank you  
Kim Marvin  
1268 Glaser  
Troy, MI  
themarvfam@msn.com

**Paula P Bratto**

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**From:** Cynthia A Stewart  
**Sent:** Tuesday, March 14, 2006 7:58 AM  
**To:** Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)  
**Cc:** Paula P Bratto  
**Subject:** FW: Group Day Care Issue

-----Original Message-----

**From:** Chuck Rogers [mailto:chuckie99@wowway.com]  
**Sent:** Monday, March 13, 2006 5:32 PM  
**To:** Cynthia A Stewart; louise.schilling@troy.mi.us  
**Cc:** childisplayhome@msn.com  
**Subject:** Group Day Care Issue

Troy City Council, et al:

I would like to voice my opinion that as a neighbor to Childs Play Home I have observed NO negative impact relative to traffic, noise and/or attractiveness of the neighborhood.

I would strongly recommend that Childs Play Home be allowed to operate in the same manner that they have done for the past years. I consider their home and activities an asset to the neighborhood.

We are only four homes away from the facility on Atlas and would easily observe any issues as this is likely the choice for most drivers to reach the home. We also are able to observe the outside/general upkeep of the property during our walks in the neighborhood.

Again, let them continue to operate with their current attendance levels.

Sincerely,

Charles & Sharon Rogers  
2039 Atlas Drive  
Troy, MI 48083-2664

**Paula P Bratto**

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**From:** Cynthia A Stewart  
**Sent:** Tuesday, March 14, 2006 8:45 AM  
**To:** Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)  
**Cc:** Paula P Bratto  
**Subject:** FW: YES for Group Daycare

-----Original Message-----

**From:** Michelle Hornberger [mailto:mhornsy@yahoo.com]  
**Sent:** Tuesday, March 14, 2006 8:40 AM  
**To:** Cynthia A Stewart; louise.schilling@troy.mi.us  
**Subject:** YES for Group Daycare

Dear City Council and Mayor Schilling,

I am a Troy resident and firmly believe in the value of group daycare homes. They provide a warm, loving and nurturing environment for many children, and also provide tremendous support to parents such that when parents leave their children for 8+ hours each day, they feel confident that their children are being well cared for in a home-like environment.

The City of Troy needs to continue to think like a "futuristic" city and supporting any adversarial action against group daycare would be in complete contradiction to the current Futures Process being conducted right now. I am positive that Ed Barlow would be ashamed of any and all city council members that do not support existing group daycare homes in Troy and the resulting negative impact that such a shortsighted decision would have on the children. You, as Troy residents, should be thinking outside the box and supporting any and all programs for children, especially those that mimic a family-oriented environment. (Lest you remember that Troy was ranked as one of the safest cities in the U.S. and no doubt due to the strong, family-rooted culture in Troy, propagated also through group daycare homes.)

Finally, it is unbelievable that you have allowed so much of your valuable time to be devoted to the question of whether to continue to allow stable, compliant, well-functioning, and highly desirable group daycare homes. I find it extremely disappointing that this issue is on the same agenda as Troy's issues with the civic infrastructure, loss of corporate businesses (i.e. KMart) and the current state of the economy. Troy residents deserve better.

Sincerely,  
Michelle H.  
Troy Resident

---

Yahoo! Mail  
Bring photos to life! [New PhotoMail](#) makes sharing a breeze.

Michelle Moorton Fragnoli  
3455 Eagle Dr.  
Troy, Mi  
48083

3/14/06

To City Council Members of Troy,

I have been a resident of Troy for five years now. My decision for moving to this city was based on location and the school system. I was pregnant with my first child at the time, so my husband and I were trying to find a location close to family, as well as, an area that would have great opportunities for our children. Since, I am a teacher myself, I researched the school system thoroughly, as well as, the neighborhood. I found Troy to be one of the most safe and culturally diverse suburban areas in the Metropolitan Detroit area, and I found Troy Public Schools to be among the best in Michigan. Therefore, it seemed like a great place for families, and I wanted my family to live in this type of community.

There was one drawback in moving to Troy. This move would require me to work at least part time to pay our mortgage. However, the benefits in moving to Troy outweighed the one negative. Also, at that time I researched and found many options for day care right here in the city of Troy. I thought with all of the options I would be able to find nurturing, and affordable daycare that would help my children develop and learn socially, and educationally in my absence. I did find one such day care provider for my second child, who was one last summer when I returned to work after a family leave of absence from work. It was a group daycare right here in my own city, who was licensed through the state, and who had passed all of my tough requirements from my own strict checklist.

Originally, my husband and I planned on having my son be apart of this safe, and nurturing environment until he is ready for school. However, a few months ago my husband and I have learned that our city is contemplating closing the door to this opportunity for my son and our family. Since, we learned of the news both my husband

and I have been following the cities actions and the residents responses closely. I am appalled that such a minimal amount of complaining by few people, who sleep odd hours and are bothered by the sound of children playing, or complain about a few too many cars driving near their home and going into other peoples driveways, could change my family's opportunity as well as, many other families schedules and plans. My son along with dozens more children and families will be displaced and have to make transitions that will cause hours of anxiety, and sleeplessness, not to mention total disruptions in sleep patterns, as well as, eating patterns, playing patterns, learning patterns etc.

The thought of this taking place completely infuriates me, and brings several other questions to mind regarding other freedoms. Will other Troy residents, who have several children of their own, be asked to keep their children indoors, or will they be ticketed for noise? Will residents, who have children's birthday parties or pool parties be asked to stop, or ticketed? Will citizens, who have frequent visitors be asked to keep cars and traffic to a limit, or will they be ticketed? Will families who own four or more vehicles in Troy be asked to sell or store their cars, or will they be ticketed?

Thank you for your consideration.

Sincerely,

Michelle Moorton

## Paula P Bratto

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**From:** Melissa Boehms [melissaboehms@hotmail.com]  
**Sent:** Tuesday, March 14, 2006 4:25 PM  
**To:** Paula P Bratto  
**Subject:** Fences

Dear City Council:

Thank you for your time. My name is Melissa Boehms (pronounced Beams) and I care for one child in my home. I am a licensed Day Care.

I have a beautiful back yard that is maintained beautifully. It is completely surrounded by a four foot wooden post fence with a black coated wire. On one side, I have planted eight privet bushes, that will grow up to eight to nine feet tall. Because of these bushes, during the summer my fence is graced by a solid wall of green, trimmed shrubbery. If you walk to the back of my yard, my neighbor maintains six beautiful rose shrubs that grow six to eight feet tall. They produce the most beautiful pink double blossoms you can ever imagine. They need the sun light from my yard to grow and flourish. On the third side, I plant morning glories that grace both my neighbors and my yard during the summer. Because of the sunlight, they bloom mostly on their side of the fence.

As a single woman, I do everything I can to maintain the beauty of my yard. I cut my lawn at least one time a week, but in the growing months, sometimes twice a week. I have pride in my yard regardless of my child care.

Please think about your proposal insisting that Day Care providers install a six foot privacy fence. They are ugly and a solid wood fence will kill any shrubs or rose bushes planted either by me or my neighbor. My neighbors are very upset that you are thinking about requiring a solid fence and plan to either write the City Council or attend the meeting March 20th.

I have no problem to yearly ask my neighbors to sign a consent form releasing me of having to install an ugly six foot solid wood fence facing their property just because I take care of little children. Any other alternative that you suggest, I am sure, will be welcomed. Also, according to the by-laws of our Forest View Subdivision, six foot fences are not permitted but I believe that it will and can be overridden by the city of Troy.

Anyways, thank you for reading my email. Please have all the members reconsider their proposal. A six foot high solid wood fence will only take away from the beauty of our yards and definitely our property values.

Sincerely, Melissa Boehms

**Paula P Bratto**

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**From:** Cynthia A Stewart  
**Sent:** Wednesday, March 15, 2006 7:26 AM  
**To:** Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Lamerato; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)  
**Cc:** Paula P Bratto  
**Subject:** FW:

-----Original Message-----

**From:** jaikort@aol.com [mailto:jaikort@aol.com]  
**Sent:** Wednesday, March 15, 2006 6:31 AM  
**To:** Cynthia A Stewart  
**Subject:**

To Whom It May Concern:

My children currently attend a licensed group home day care in Troy. I am a parent who has no choice but to work full time outside my home. Although I would much rather stay home with my children this is not the case. I do not have family members who can help me out on a consistent basis. I am very fortunate to be able to send my child to this group home day care. I am opposed to Centers that provide day care because of the employee turn-over rate and the excess of 25-40 children. Centers also do not provide children with the feeling of being in a home setting. My children are well cared for each day and have the benefit of being with a consistent adult. Please consider to approve having licensed Group home day-cares in Troy. Put a working mom's worries to rest.

Thank you,  
A concerned working mom

3/15/2006

## Paula P Bratto

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**From:** Donnelly, Mary Ann [maryann.donnelly@eds.com]  
**Sent:** Wednesday, March 15, 2006 7:31 AM  
**To:** Paula P Bratto  
**Subject:** FW: Fences

I am this lady's backyard neighbor. I certainly do NOT want a 6-foot solid fence between our yards.

I do not believe that this is something that can and should be mandated by others. I cannot think of one of her neighbors that support this measure.

We all have somewhat small backyards and would not appreciate a fence that would further restrict the feeling of openness, not to mention neighborliness.

We all maintain our yards quite nicely and take enjoyment in viewing the neighboring yards.

This should NOT be forced upon people who do not want it. Where there is a problem, that problem should be addressed. But this should not be handled by forcing a solution on people who do not have problems.

Thank you for your time and attention to this.

Mary Ann Donnelly  
1844 Flemington  
Troy  
Day 313 592-7401  
Evening 248 641-8593

-----Original Message-----

**From:** Melissa Boehms [mailto:melissaboehms@hotmail.com]  
**Sent:** Tuesday, March 14, 2006 4:25 PM  
**To:** planning@ci.troy.mi.us  
**Subject:** Fences

Dear City Council:

Thank you for your time. My name is Melissa Boehms (pronounced Beams) and I care for one child in my home. I am a licensed Day Care.

I have a beautiful back yard that is maintained beautifully. It is completely surrounded by a four foot wooden post fence with a black coated wire. On one side, I have planted eight privet bushes, that will grow up to eight to nine feet tall. Because of these bushes, during the summer my fence is graced by a solid wall of green, trimmed shrubbery. If you walk to the back of my yard, my neighbor maintains six beautiful rose shrubs that grow six to eight feet tall. They produce the most beautiful pink double blossoms you can ever imagine. They need the sun light from my yard to grow and flourish. On the third side, I plant morning glories that grace both my neighbors and my yard during the summer. Because of the sunlight, they bloom mostly on their side of the fence.

As a single woman, I do everything I can to maintain the beauty of my yard.

I cut my lawn at least one time a week, but in the growing months, sometimes twice a week. I have pride in my yard regardless of my child care.

Please think about your proposal insisting that Day Care providers install a six foot privacy fence. They are ugly and a solid wood fence will kill any shrubs or rose bushes planted either by me or my neighbor. My neighbors are very upset that you are thinking about requiring a solid fence and plan to either write the City Council or attend the meeting March 20th.

I have no problem to yearly ask my neighbors to sign a consent form releasing me of having to install an ugly six foot solid wood fence facing their property just because I take care of little children. Any other alternative that you suggest, I am sure, will be welcomed. Also, according to the by-laws of our Forest View Subdivision, six foot fences are not permitted but I believe that it will and can be overridden by the city of

Troy.

Anyways, thank you for reading my email. Please have all the members reconsider their proposal. A six foot high solid wood fence will only take away from the beauty of our yards and definitely our property values.

Sincerely, Melissa Boehms

DATE: February 28, 2006

TO: John Szerlag, City Manager

FROM: Douglas J. Smith, Real Estate and Development Director  
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM – PUBLIC HEARING – ZONING ORDINANCE  
TEXT AMENDMENT (ZOTA 214) – Article IV and X, Group Child  
Care Homes in the R-1A through R-1E Districts

### **RECENT ACTIONS**

At the February 27, 2006 Regular meeting, City Council passed the following resolution (draft):

**Vote on Resolution to Set a Date Certain for the Continuation of Public Hearings for Zoning Ordinance Text Amendments: ZOTA 218 and ZOTA 214**

Resolution #2006-02-113  
Moved by Schilling  
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **SETS A DATE CERTAIN** for the continuation of Public Hearings for Zoning Ordinance Text Amendment (ZOTA 218) – Article 10.30.03, Permit Child Care Centers by a Special Use Approval in the R-1A through R-1E Zoning Districts and Zoning Ordinance Text Amendment (ZOTA 214) – Article IV and X, Group Child Care Homes in the R-1A through R-1E Districts **TO THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR MONDAY, MARCH 20, 2006.**

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** City Staff to **REPUBLISH** the *Notice of Public Hearing* in the official newspaper of record and **RENOUNCE** those members of the public that previously received notice by first class mail.

Yes: All-7

The Public Hearing will be continued to the March 20, 2006 City Council Regular meeting.

## **PLANNING COMMISSION RECOMMENDATION**

At the December 13, 2005 Regular meeting, the Planning Commission approved the following resolution:

### **Resolution # PC-2005-12-197**

Moved by: Vleck  
Seconded by: Chamberlain

**WHEREAS**, The State of Michigan as provided by Public Act 207 of 1921 and Public Act 285 of 1931 and subsequent changes thereto provides for city planning and authorizes Planning Commissions and their powers; and

**WHEREAS**, The City of Troy Planning Commission is empowered by the City of Troy Zoning Ordinance to approve matters coming before it and to make recommendations to City Council, where the Council holds the approval power for themselves.

**THEREFORE, IT IS RESOLVED**, That the Planning Commission does not recommend to the City Council the changing of Articles IV and X, pertaining to Group Day Care Homes in the R-1A through R-1E Districts, for the following reasons:

**WHEREAS**, It has been demonstrated by public input, letters and photos that family and group day care homes do have a negative impact on the neighboring property owners.

**WHEREAS**, According to City of Troy Assistant Attorney, Allan Motzny, and City of Troy Director of Building & Zoning, Mark Stimac, any building or structure or portion thereof that is used for the education, supervision or personal care services for more than five (5) children older than 2-1/2 years of age would be classified as a Group E occupancy. This has significant implications on the ability of the structure to comply with building code requirements such as automatic sprinklers in basements, Michigan barrier-free design and the Federal Americans with Disabilities Act.

**WHEREAS**, There is nothing within the child care licensing law that exempts these facilities from the Michigan Building Code provisions.

**WHEREAS**, The current ordinance allows for family day care homes but limits enrollment thus permitting a needed service while minimizing the intrusion and negative impact on neighboring properties.

**BE IT ALSO ADVISED TO CITY COUNCIL**, That if the current zoning is revised, the Planning Commission makes the following recommendations:

10.25.02 Family Day Care Homes, as defined in Section 04.20.60, subject to the following conditions:

- A. The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed six (6).
- B. The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Family Day Care Homes.
- C. The resident-operator of the Family Day Care Home shall be licensed in accordance with applicable State Law.
- D. To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.
- E. To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.
- F. No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
- G. No sign shall be used on the premises to identify the Family Day Care Home.
- H. Family Day Care Homes with vehicular access on a major or secondary thoroughfare shall be required to have a circular drive or an unobstructed turnaround to allow for the safe egress of vehicles.

10.30.10 Group Day Care Homes, as defined in Section 04.20.69, subject to the following conditions:

- A. To maximize the safety and the privacy and to minimize noise for the neighboring properties, Group Day Care Homes shall be allowed on properties greater than one-half acre in size and having a minimum side yard setback of 20 feet.
- B. The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed twelve (12).
- C. The resident-operator of the Group Day Care Home shall be licensed in accordance with applicable State Law.
- D. To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.
- E. No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.

- F. No sign shall be used on the premises to identify the Group Day Care Home.
- G. The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01, shall not apply to Group Day Care Homes.
- H. Group Day Care Homes with vehicular access on a major thoroughfare shall be required to have a circular drive or an unobstructed turnaround area to allow for the safe egress of vehicles.
- I. The Planning Director may waive any required site plan information provided it can be determined that the application meets the Group Day Care Home requirements of Section 10.30.10 and the general Special Use Approval standards of Section 03.31.05.
- J. To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.
- K. The licensee shall register with the City upon commencing operation and on an annual basis each January thereafter, and the licensed premises shall be subject to a fire and building department inspection and shall provide a smoke detector in all daytime sleeping areas and otherwise comply with applicable building and fire codes.
- L. The applicant shall identify the entrance(s) for drop-offs and pickups. The parking and drop-off areas shall be designed to maximize safety and privacy for the neighboring properties.
- M. To prevent the commercialization of residential districts, Group Day Care Homes shall be not be located within 1,000 feet of another state licensed residential facility.

Discussion on the motion on the floor.

Mr. Miller questioned if the condition to require a circular drive or unobstructed turnaround area could be placed on Family Child Care Homes that have vehicular access on a major or secondary thoroughfare.

Mr. Motzny, upon further review, said he believed it is a valid condition should the Planning Commission reason that it is a public health, safety and welfare concern.

At the request of Ms. Drake-Batts, Mr. Vleck provided a brief overview of the motion.

Ms. Drake-Batts said the proposed requirements with respect to the one-half acre lot size and the 1,500-foot distance between licensed facilities

would make the existence of Group Child Care Homes almost impossible. She said, however, that the Commission owes it to the residents to get the matter up to City Council for a final decision. Ms. Drake-Batts said she would vote in favor of the motion even though she does not agree with a lot of the proposed conditions.

Yes: Chamberlain, Drake-Batts, Khan, Strat, Vleck, Wright  
No: Littman  
Absent: Schultz, Waller

### **MOTION CARRIED**

### **CITY MANAGEMENT COMMENTS**

City Management has not taken a position on the issue of Group Child Care Homes, based on an understanding that the regulation of Group Child Care Homes within single-family residential neighborhoods is a community values issue. Issues regarding community values should be made by City Council, following consideration of a recommendation by the Planning Commission. While not providing specific recommendations, City Management has a responsibility to consider options, cause and effect and home rule. The following issues related to the Planning Commission recommended draft of ZOTA 214 have been raised by City Management:

1. The Michigan Building Code should be changed to permit Family Child Care Homes with up to six children without requiring significant physical improvements to the home.
2. The requirement that Family and Group Child Care Homes require fenced or screened play areas could create equity issues for Group Child Care Homes within homes with deed restrictions or neighborhoods with bylaws prohibiting fences. This would create legal non-conforming structures.
3. The requirement that Group Child Care Homes must register annually with the City seems unreasonable, since they require license renewal with the State of Michigan every two years. Few businesses in the City require annual registration.
4. Since every use in the City must comply with Michigan Building Code requirements, including requirements for fire and building department inspection is unnecessarily repetitive.
5. The requirement that a Group Child Care Home shall not be located within 1,000 feet of another state licensed residential facility would be impossible to meet for 12 of the 20 Group Child Care Homes presently licensed in the City (see attached table). This would create legal non-conforming structures.

6. The one-half acre minimum lot size requirement exceeds the minimum lot size requirements in all of the single-family residential zoning districts. This would be impossible to meet for 16 of the 20 existing Group Child Care Homes presently licensed in the City (see attached table). This would create legal non-conforming structures.
7. The 20-foot side yard setback requirement, which exceeds the minimum lot size requirement for all of the single-family residential zoning districts, would be difficult for many homes to meet. This would create legal non-conforming structures.

### **HISTORY OF ZOTA 214**

ZOTA 214 was initiated by the Planning Commission during the May 4, 2004 Special/Study meeting, with the following resolution:

**Resolution # PC-2004-05-052**

Moved by: Shultz

Seconded by: Khan

**RESOLVED**, That the Planning Commission request from the Building Department a written confirmation that, based upon the Planning Commission's attempts to move forward with zoning ordinance changes, the notice of violation for the day care home located at 5593 Mandale Drive be held in abeyance, as was communicated to the homeowner.

**Discussion on the motion.**

Mr. Strat suggested that Ms. Schafer provide a written communication to the Building Department, with a copy to the Planning Department, detailing her interpretation of the Building Department's pending action.

**Vote on the motion.**

Yes: All present (7)

No: None

Absent: Chamberlain, Wright

**MOTION CARRIED**

The Planning Commission began the process of considering a proposed text amendment following this meeting.

The attached Planning Commission Actions on ZOTA 214 lists the meetings at which ZOTA 214 was an agenda item. Note that four public hearings were held in 2005 to solicit public comment on the group day care home issue: August 9,

September 27, October 25 and December 13. Minutes for these four meetings are attached.

On October 3, 2005, City Council adopted a resolution requesting that the Planning Commission set a public hearing to consider a proposed amendment that would allow for Group Child Care Homes in the R-1A through R-1E districts on a temporary basis. This would permit Group Child Care Homes on a temporary basis, until after the City Council conducts a public hearing on proposed ordinance revisions. City Council approved this text amendment on November 21, 2005. This temporary text amendment shall be rescinded at the same time that the new provisions related to Group Child Care Homes are adopted.

The following definitions are provided by the Family Independence Agency of the State of Michigan:

Family Child Care Home – “A private residence that the child care provider lives in and cares for up to six unrelated children for more than 4 weeks in a year when the children's parents/guardians are not immediately available”.

Group Child Care Home – “A private residence that the child care provider lives in and cares for up to 12 unrelated children for more than 4 weeks in a year when the children's parents/guardians are not immediately available”.

Child Care Center - A facility, other than a private residence, where child care is provided for 1 or more children whose parents/guardians are not immediately available. Centers must be licensed if they provide care for more than 2 consecutive weeks per year. Centers include public and private preschools, nursery schools, parent cooperative preschools, full-day child care centers and drop in centers.

The text amendment approved by City Council on November 21, 2006 that permitted Group Day Care Homes on a temporary basis also included new definitions for Group Day Care Homes and Family Day Care Homes. The State licensing regulations were recently amended and the uses are now referred to as Group Child Care Homes and Family Child Care Homes. City Management recommends that the Zoning Ordinance be modified so that all references to these uses are consistent with State regulations.

Presently there are 42 Family Child Care Homes in Troy, which represents a capacity of 252 children (see table). There are 19 Group Child Care Homes, which represents a capacity of 228 children. There are 48 Child Care Centers with a capacity of 3,621 children. Combined, there is presently a capacity of 4,101 children in State licensed daycare facilities in the City of Troy. If Group

Child Care Homes are not permitted, it would have the effect of eliminating licensed daycare capacity for 114 children, as each of the 19 Group Child Care Homes would only be able to accommodate 6 children rather than 12. The 2000 US Census indicated there were 4,991 children under 5 years of age in the City of Troy.

A City Council Public Hearing is scheduled for March 6, 2006, to be continued to the March 20, 2006 City Council Regular meeting.

Attachments:

1. Planning Commission Actions on ZOTA 214.
2. Minutes from May 4, 2004 Planning Commission Special/Study meeting.
3. Minutes from August 9, 2005 Planning Commission Public Hearing.
4. Minutes from September 27, 2005 Planning Commission Public Hearing.
5. Minutes from October 25, 2005 Planning Commission Public Hearing.
6. Minutes from December 13, 2005 Planning Commission Public Hearing.
7. Minutes from November 21, 2005 City Council meeting.
8. Table: Existing Group Child Care Homes, dated 1/12/06.
9. Table: Child Care Centers and Child Care Homes in Troy.
10. Map of State licensed care facilities, dated January 9, 2006.
11. Public comment.

Prepared by RBS/MFM

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**CITY OF TROY  
PUBLIC HEARING**

*At the February 27, 2006 City Council meeting the following resolution was passed:*

**Vote on Resolution to Set a Date Certain for the Continuation of Public Hearings for Zoning Ordinance Text Amendments: ZOTA 218 and ZOTA 214**

Resolution #2006-02-113  
Moved by Schilling  
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **SETS A DATE CERTAIN** for the continuation of Public Hearings for Zoning Ordinance Text Amendment (ZOTA 218) - Article 10.30.03, Permit Child Care Centers by a Special Use Approval in the R-1A through R-1E Zoning Districts and Zoning Ordinance Text Amendment (ZOTA 214) - Article IV and X, Group Child Care Homes in the R-1A through R-1E Districts **TO THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR MONDAY, MARCH 20, 2006.**

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** City Staff to **REPUBLISH** the *Notice of Public Hearing* in the official newspaper of record and **RENOUNCE** those members of the public that previously received notice by first class mail.

Yes: All-7

***THEREFORE:***

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, MI on Monday, March 20, 2006, at 7:30 P.M., or as soon thereafter as the agenda will permit, to consider amending the text of Article IV Definitions and Article X One Family Residential Districts R-1A through R-1E of the Zoning Ordinance.

**PLEASE NOTE THAT A PREVIOUSLY SCHEDULED PUBLIC HEARING WILL BE OPENED ON MARCH 6, 2006 BUT IN ORDER TO HAVE A FULL COMPLEMENT OF**

**CITY COUNCIL, IT IS THE INTENTION OF COUNCIL TO TAKE TESTIMONY AND  
CONSIDER ACTION AT THE MARCH 20, 2006 MEETING.**

The proposed amendments would revise the text regarding definitions for family day care homes and group day care homes and revise the text of R-1A through R-1E One Family Residential Districts to amend the requirements for Family Daycare Homes and to amend the text to permit and provide requirements for Group Daycare Homes in the R-1A through R-1E One Family Residential Districts.

You may express your comments regarding this matter by e-mail to [planning@ci.troy.mi.us](mailto:planning@ci.troy.mi.us), by contacting the Planning Department at (248) 524-3364, or by attending the Public Hearing.

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Tonni Bartholomew, MMC  
City Clerk

***NOTICE:*** People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at [clerk@ci.troy.mi.us](mailto:clerk@ci.troy.mi.us) or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

**Planning Commission Actions on  
ZOTA 214 Group Daycare Homes  
in the R-1 Residential Zoning Districts**

<b>MEETING DATE</b>	<b>TYPE OF MEETING</b>	<b>ACTION</b>
April 27, 2004	Study Meeting	Potential Ordinance Revision Discussion and Presentation by Ms. Schafer
May 4, 2004	Study Meeting	Potential Ordinance Revision Discussion followed by Resolution #PC-2004-05-052 - Request for written confirmation that the Building Dept. violation at 5593 Mandale be held in abeyance while PC attempts to move forward with ZOTA, MOTION APPROVED
July 27, 2004	Study Meeting	Potential Ordinance Revision Discussion
Sept. 28, 2004	Study Meeting	Potential Ordinance Revision Discussion
March 1, 2005	Study Meeting	Brief Discussion after Planning & Zoning Report
June 7, 2005	Study Meeting	Zoning Ordinance Text Amendment Discussion followed by Resolution #PC-2005-06-094, directing the Planning Dept. not to extend any more effort on ZOTA 214, and to look into applicability of the State Building Code for family daycare homes to see if anything should be done in the City Ordinances to clear up potential legalities, MOTION FAILED
June 28, 2005	Study Meeting	Zoning Ordinance Text Amendment Discussion followed by Resolution #PC-2005-06-108, that a Public Hearing on ZOTA 214 be scheduled for August 9, 2005 and notices be sent to residents within 300 ft. of the existing 19 group daycare homes and that City Management provide a memo outlining pros and cons on the matter and that additional Special Use criteria be developed, MOTION APPROVED
July 12, 2005	Regular Meeting	During Good of the Order comments, Mr. Motzney provided an explanation to his memo addressing the Public Hearing for ZOTA 214
August 2, 2005	Study Meeting	Discussion of House Bill 4398 including Sec. 206 (4) the requirement to permit conditionally group day care homes in residential districts
August 9, 2005	Regular Meeting	Public Hearing, followed by Resolution #PC-2005-08-131, Planning Commission shall take no further action related to group day care homes until State Legislature and Governor have taken final action on House Bill 4398, MOTION APPROVED

**Planning Commission Actions on  
ZOTA 214 Group Daycare Homes  
in the R-1 Residential Zoning Districts**

August 23, 2005	Study Meeting	During Good of the Order comments, Chair Strat notified members that City Manager notified him that the State legislature is not going forward with modifications regarding group day care homes in House Bill 4398 and that Mr. Szerlag requested they resume action on ZOTA 214
September 13, 2005	Regular Meeting	During Good of the Order comments, Mr. Miller notified members that City Council adopted a resolution requesting the Planning Commission take action on ZOTA 214 at the September 27, 2005 Public Hearing
September 27, 2005	Study Meeting	Resolution #PC-2005-09-150 rescinding resolution PC-2005-08-131, MOTION APPROVED. Planning Commission then held a Public Hearing followed by Resolution #PC-2005-09-152 that the Planning Commission hold a Public Hearing for ZOTA 214 at the Planning Commission Regular Meeting in December, MOTION APPROVED.
October 4, 2005	Study Meeting	Mr. Miller notified members that City Council adopted a resolution requesting the Planning Commission have a public hearing to consider an amendment that would <b>temporarily</b> allow for child group day care homes, which are State licensed, to be located in the R-1 Zoning Districts until 15 days after the Troy City Council has had the opportunity to conduct a public hearing on ZOTA 214. Discussion of ZOTA 214 B (Group Daycare Homes on a Temporary Basis) followed by Resolution #PC-2005-10-158, that a Public Hearing for ZOTA 214 B (Group Daycare Homes on a Temporary Basis) be held at the Planning Commission Study Meeting of October 25, 2005, MOTION APPROVED. Discussion of ZOTA 214, no resolution passed.
October 11, 2005	Regular Meeting	Discussion of ZOTA 214, no resolution passed.
October 25, 2005	Study Meeting	Public Hearing on ZOTA 214 B (Group Daycare Homes on a Temporary Basis) followed by Resolution #PC-2005-10-171, recommending approval of ZOTA 214 B - Group Daycare Homes on a Temporary Basis, MOTION APPROVED. Discussion of ZOTA 214, no resolution passed.

**Planning Commission Actions on  
ZOTA 214 Group Daycare Homes  
in the R-1 Residential Zoning Districts**

November 1, 2005	Study Meeting	Discussion of ZOTA 214, no resolution passed.
November 29, 2005	Regular Meeting	Discussion of ZOTA 214, no resolution passed.
December 13, 2005	Regular Meeting	Public Hearing, followed by Resolution #PC-2005-12-197, recommending denial of ZOTA 215 and furthermore recommending that if the City Council revises the Ordinance they consider a list of standards for Family Child Care Homes and Group Child Care Homes, MOTION APPROVED.

7. POTENTIAL ORDINANCE REVISION DISCUSSION – Group Day Care Homes in R-1 Districts

The potential ordinance revision relating to group day care homes and the Planning Commission discussion at its April 27, 2004 Special/Study Meeting were reviewed by Chair Waller and Mr. Miller.

Mr. Savidant briefly reviewed regulations of family day care homes and group day care homes in selected southeast Michigan communities.

Sharon Schafer of 5593 Mandale, Troy, was present.

Kim Duford, 3141 McClure, Troy, was present. Ms. Duford, President of the Oakland County Child Care Association (OCCCA), said she represents 400 children in day care homes licensed by the State of Michigan. Ms. Duford said she would like to see the City ordinance brought up-to-date from its inception in 1968/1970. Ms. Duford indicated that during her years with the OCCCA, there have been no home day care incidences relating to City regulations.

Chair Waller opened the floor for discussion. Information was shared on the following:

- Definitions of family day care and group day care
- Requirement(s) for the number of caregiver(s)
- Differences between city and township regulations
- State licensing and regulations
- State home inspections
- Traffic and parking concerns
- Restrictions (i.e., designated drop-off and pick-up times)
- Public education of day care in homes
- Accreditation from the National Association for Family Child Care
- Food program
- Hours of operation

Chair Waller asked Mses. Schafer and Duford to provide a written summary of tonight's discussion to the Planning Department as a reference for future discussion on the matter.

Mr. Schultz voiced concern with respect to legalizing boarding houses in which children would be boarded for more than a 24-hour period.

Chair Waller distributed copies of *Child Care Today*, a publication of the Oakland County Child Care Council provided by Ms. Schafer.

There was a brief discussion on the status of Ms. Schafer's notice of violation. Ms. Schafer said the Building Department indicated the notice of violation would be held in abeyance as long as she was diligently pursuing a change in the ordinance.

Mr. Motzny reported the Commission could pass a resolution to request an abeyance of the notice of violation, but noted the Building Department would not be obligated to honor the resolution.

**Resolution # PC-2004-05-052**

Moved by: Shultz  
Seconded by: Khan

**RESOLVED**, That the Planning Commission request from the Building Department a written confirmation that, based upon the Planning Commission's attempts to move forward with zoning ordinance changes, the notice of violation for the day care home located at 5593 Mandale Drive be held in abeyance, as was communicated to the homeowner.

**Discussion on the motion.**

Mr. Strat suggested that Ms. Schafer provide a written communication to the Building Department, with a copy to the Planning Department, detailing her interpretation of the Building Department's pending action.

**Vote on the motion.**

Yes: All present (7)  
No: None  
Absent: Chamberlain, Wright

**MOTION CARRIED**

7. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214) – Article XXVIII, Group Day Care Homes in the R-1A through R-1E Districts

Mr. Miller outlined the material provided to the members in addition to their regular meeting packet information.

Chair Strat stated the intent of the Public Hearing and reported that notices of the Public Hearing were sent to residents within 300 feet of group day care home locations. Chair Strat announced guidelines that would be utilized for the Public Hearing due to the size of the audience and the possible number of people who might wish to speak: a time limit of 3 minutes would be set for each person who wishes to speak, repetitive comments would be discouraged, and no clapping. Chair Strat designated Vice Chair Schultz as the timekeeper.

Chair Strat asked the members for a vote of confidence on the guidelines established for the Public Hearing.

Roll Call

Yes: All present (9)  
No: None

Mr. Khan provided an explanation and apologized for his lateness to the meeting. Mr. Khan said one of the purposes of the Public Hearing is to receive comments from neighbors of the existing 19 group day care homes to determine the impact, whether negative or positive, the homes might have on the neighbors.

PUBLIC HEARING OPENED

Nichol Childs of 1931 Atlas Court, Troy, was present. She said the issue is heartfelt because it is about our children. Ms. Childs is a group day care home provider and a parent of 3 small children under the age of 6. She said she is sad to see the “City of Tomorrow Today” taking a stance of not recommending such an important issue. She addressed the service provided and said it is from their hearts and not a money-making standpoint. She said child care providers must be patient, loving and kind and are tested on a daily basis. Providers must enjoy what they are doing. Ms. Childs has a degree in early childhood development. She said she called the City of Troy before opening her day care. The Zoning Department informed her that the City allows what the State requires. Ms. Childs said that either people in the office should have the knowledge to give correct information, or should be held accountable for information provided. Ms. Childs addressed the charts provided by the Planning Department that were included in their notebook under tab 2. The charts list which cities permit and do not permit group day care homes. Ms. Childs said she personally called the cities and received contrary information. She said there are 8 cities that allow group day care homes. Ms. Childs said group day care home providers have been in Troy

for 32 years, and the City has yet to formulate a real problem associated with the homes. She said she has a problem with members of the commission who appear not to be open-minded and have their minds made up. Ms. Childs referenced a conversation with Mr. Miller in which he said the City does not need to provide a service such as day care homes just because there is a need for it. Ms. Childs said children are not commodities, such as oil refineries to which Mr. Miller said would not be permitted in back yards should there be a need for them.

Don Dandenbergh of 4856 Kings Row, Shelby, was present. Mr. Dandenbergh, principal of Wass Elementary School, said he sees a need for more home care for children in the neighborhood because in this day and age both parents work outside of the home. Mr. Dandenbergh personally knows Sharon Schafer, a group day care home provider, and said she provides an excellent service. He asked the members to consider the needs of children and their parents, and to vote from their hearts in order to provide what is best for the children.

Ken Shepherd of 45538 Sterritt, Utica, was present. Mr. Shepherd is a former Council person and mayoral candidate for the City of Utica and an ordained minister. Mr. Shepherd's two children attend Sharon Schafer's day care home. He said they receive the best of care and learn more than they would if they were to attend a licensed day care facility that can care for more than 12 children. Mr. Shepherd said he and his wife looked very hard to find the best day care provider for their children. Mr. Shepherd said he understood the difficult choices the Planning Commission members face. He referenced a particular challenge that the City of Utica faced as relates to the safety of children. Mr. Shepherd asked that the members consider what is best for both the children and the city.

Sharon Manning of 2651 E. Square Lake Road, Troy, was present. Ms. Manning has been a child care provider in the City of Troy for 12 years. She indicated Ms. Drake-Batts has been to her child group day care home. Ms. Manning addressed personal property taxes, and asked why the City would collect personal property taxes on her group child care home if they were opposed to the home-based business. Ms. Manning believes child care service should be grandfathered into the City ordinance. She said a child care provider service is no different than those services that sell computer services, hair services, flower services, lawn services, vehicle garage repairs, in-home maid services, etc. She asked if those services have a special ordinance and are monitored. She asked if the City collects personal property taxes on other home-based businesses. Ms. Manning said child care providers are in compliance, audited, monitored and licensed by the State of Michigan, as well as monitored and audited by Oakland County Child Care Association. She said additional taxes in a single dealt service would be additionally burdensome whereby the reduction to a family size home would substantially reduce and even eliminate some livelihoods, to a point where child care could not be provided. Ms. Manning asked the City to stand by their motto and not increase unemployment, or reduce or eliminate quality

educational child care for Troy's pre-schoolers and elementary age students after school.

Michael Upton of 1267 Hartland, Troy, was present. Mr. Upton addressed changing society and the economy with respect to working parents. He said the City would lose valuable, non-replaceable workers, business owners and residents by denying or limiting working parents' options for child care. Mr. Upton said group day care homes provide personalized child care that offers unmatched attention to a child's needs, individual stimulation, education and development. He said they offer more structured and disciplined programs and more flexibility for working parents (i.e., drop off/pick up times, special parental requests and special children needs). Mr. Upton said home child care providers have little or no staff changes and are able to bond with children on a consistent basis. Mr. Upton said home child care providers offer lower child care rates and focus more on the development of a child, instead of the physical care such as feeding, diaper changing, or sanitation. Mr. Upton said no one could replace the love he has for his daughter, and asked that the option be his to choose a day care provider that gives his daughter the next best thing, and that is his group day care home provider.

Jill Gelder of 152 MacLynn, Troy, was present. Ms. Gelder is a 15-year resident of Troy who worked at Honeybee Child Care for 7 years. She addressed the changing society and the closeness that is established in a group day care home for both children and parents. Ms. Gelder said she still talks to the parents and children that she cared for 7 years ago. Ms. Gelder said child care centers are sterile, cold and impersonal. She said group day care homes accommodate expectant mothers. She addressed pick-up/drop off times and noted the standard hours between 7:30 and 9:30 a.m. generate little traffic. Ms. Gelder said she loved working at Honeybee Child Care, she loved the parents and children, and asked the members to reconsider its decision.

F. M. Sheridan, M.D., of 1930 Atlas Court, Troy, was present. Dr. Sheridan is a retired Emeritus pediatrician on the staff of Beaumont Hospital. Dr. Sheridan lives across the street from Nichol Childs, a group day care provider. He said he knows Ms. Childs personally and knows the place she runs. Dr. Sheridan thinks it is great. He said he has dealt with kids for 45 years; he knows mothers and kids, and said group child care providers are a needed service.

Syed Mohiuddin of 6150 Country Ridge, Troy, was present. Mr. Mohiuddin and his wife operate a group day care center from their home. Mr. Mohiuddin submitted a petition of 22 neighbors in the Crescent Ridge West subdivision who attested they are aware of and are not adversely or negatively affected by the day care center at 6150 Country Ridge.

Angela Andrews of 13133 Concord, Sterling Heights, was present. Ms. Andrews stated that the group day care center operated by herself and her mother in

Sterling Heights received approval by the City's zoning board on June 3, 2004. She said the city recognizes its obligation to protect the availability of day care openings because of the increase in the number of families seeking day care. Ms. Andrews said they had no opposition from their neighbors, and indicated one neighbor considers it as a neighborhood watch. Ms. Andrews said the hours of operation at their day care are as early as 4:30 a.m. for parents working at factory positions, and later evening hours than provided at commercial centers to accommodate parents when necessary.

Bernie LaBute of 636 Vanderpool, Troy, was present. Mr. LaBute addressed the special needs of his daughter. He chose to move to Troy from Ohio because of the excellent school system and child care providers. He said after a short period of time at Mrs. Kay's child care facility, his daughter's skills improved. His daughter is able to sign several sentences, her wants and needs, and is a happier child. Mr. LaBute said his daughter has reached levels of development that were once thought unapproachable, and he attributes it to the warm and caring environment of the child care provider.

Shannon Hougenid of 1715 Gardenia, Royal Oak, was present. Ms. Hougenid is a child care provider and the daughter of a child care provider. Ms. Hougenid's mother stayed home during her father's illness to help put her and her sister through school, as well as provide care for 12 children. Ms. Hougenid said home day centers provide good values and morals to children of dual income parents and separated families. Ms. Hougenid said employees at corporate day care centers are not allowed to hug children under their care. She addressed the delight that many neighbors experience with children in the neighborhood; i.e., Halloween parade, dandelion bouquets, etc.

Kathleen Peterson of 1175 Garwood, Troy, was present. Ms. Peterson has been a group day care provider for over 12 years and a family day care provider for 6 years. She said the difference between group day care and family day care is phenomenal. Ms. Peterson said there is a waiting list for parents seeking home child day care because providers have a proven track record, are licensed by the State and are competitive with commercial providers. She cited businesses such as Ford, Visteon, and EDS who utilize their services. Ms. Peterson referenced an e-mail message she received from a parent voicing the negative impact should the City not allow group child care providers. Ms. Peterson said she has lived in three different homes in Troy and has never had any complaint from a neighbor.

Kevin Brown of 1079 Rochelle Park, Rochester, was present. Mr. Brown works in Troy. He addressed commercial day care centers with respect to the inconsistency of care, employee turnover, and violations. He encouraged the members to compare the violations cited against commercial day care providers and group and family day care providers. Mr. Brown said home day care providers accommodate the siblings; commercial day care does not. He said Ms.

Duford of Honeybee Child Care creates and maintains a file on each child in terms of development, interaction with other children, following directions, etc.; commercial day care do no child evaluations.

Amanda Sanday of 51472 Merowske, Shelby Twp, was present. Ms. Sanday has been a group day care employee in Troy for approximately three years. She said the low employee turnover rate of group day care homes provide a comfort to the children. The kids come in every morning and know Ms. Amanda, Ms. Nicole and Mr. Curtis are there to take care of them. Ms. Sanday said child care homes are the eyes and ears of the neighbors who are at work and, in essence, provide a neighborhood watch. Ms. Sanday asked what the members would tell the 100 plus families should day care homes not be permitted, and where would the families go for child care.

Hung Dam of 4104 Livernois, Troy, was present. Mr. Dam is currently a group day care provider in Centerline and would like to open a group day care home in Troy. The home would specialize in the care of children who cannot speak English.

Roberta Rapp of 930 John R, Troy, was present. Ms. Rapp addressed the change in society and her reaction to news stories of children who are unsupervised and uncared for. Ms. Rapp said day care providers who are willing to give children the type of care similar to what they receive at home should be supported. She is very much in favor of group day care homes.

Karen M. Kriscovich-Mukalla of 3784 Forge Drive, Troy, was present. Ms. Kriscovich-Mukalla operates Mrs. Kay's group day care home and has been in business for 26 years. She asked the record to reflect that she never had a complaint from any of her neighbors; neighbors located on either side of her, older neighbors, or newer neighbors. Ms. Kriscovich-Mukalla said the operative word in day care is "care" and asked the City to look at the real issue -- the care of our children. She asked the rationale in not permitting group day care homes because of one complaint related to traffic, whereas a biting dog is given three chances before action is taken. Ms. Kriscovich-Mukalla said child care providers answer to parents and must always put forth their best. She said good care cannot be faked, and if a provider were not good at what he/she does, then parents would opt to go elsewhere, or the State would close down the home.

Lenique Gibson of 685 E. Maple, Troy, was present. Ms. Gibson operates God's Precious Creations group day care. She is married with 5 children, and has been in business for approximately one year. Ms. Gibson says she provides child care because that is where her heart is, and not for the money. Ms. Gibson relayed a story of a client whose child suffers epileptic seizures triggered from stress. The child's parent has seen an improvement in the child's behavior and amount of seizures. Ms. Gibson said the children of today are going to be sitting in the

seats of the members in a few years. She fully supports group day care and asked the members to allow it.

Suzanne and Chris DeNeen of 3639 Coseyburn, Waterford, were present. A Troy group day care provider cares for Mr. and Mrs. DeNeen's son. Mrs. DeNeen asked if an actual study has been undertaken on traffic in areas where there are group day care homes. Mr. DeNeen said he drops off and picks up his son and has never experienced any problems relating to parking or traffic. Mr. DeNeen is a teacher in Troy, and Mrs. DeNeen is a General Motors employee. Mrs. DeNeen said they do their jobs well because their son is in a good day care home.

*Chair Strat asked the audience, by a show of hands, (1) how many people in the audience would approach the podium with similar comments as those that have been heard so far; (2) how many in attendance live in Troy; and (3) how many in attendance do not live in Troy. Chair Strat said the Planning Commissioners recognize the value and importance of day care whether it is limited to 6 children or 12 children.*

Curtis Childs of 1931 Atlas Court, Troy, was present. Mr. Childs addressed the "cons" of group day care that were identified by City Management, as follows: (1) Additional Neighborhood Traffic - There might be an increase in traffic but it is a public road, and the public has a right to use those roads. (2) Potential Parking Problems - There has been one parking complaint, the one that started this issue. (3) Increase in Non-residential Activity in Neighborhoods - What is more residential than caring for children? (4) Potential Increase in Traffic on Major Thoroughfares - Public roads cannot be regulated and the public has the right to use them. (5) Result from Freedom of Information Act (FOIA) Request related to 19 Group Day Care Homes - One barking dog complaint, which could apply to any house.

Mr. Childs addressed the City of Troy's Vision and Value Statement, as follows: (1) "Externally focused on customers" - Child care providers are your customers. (2) "Aggressive in our efforts to improve service delivery by using the best means available" - Group day care is one of the best means available. (3) "We value honesty, courtesy, responsiveness, diversity, lifelong learning, ethical behavior, quality, cooperation, accessibility, dedication, loyalty and excellence." Individual terms addressed were: "Honesty" - Ms. Childs called Troy and was told group day care was permitted. "Diversity" - Group day care is an option. "Lifelong Learning" - Starts in a home and continues in group day care. "Accessibility" - If you eliminate group day care as an option, you are not providing access. "Dedication", "Loyalty", and "Excellence" - Each child care provider here tonight is dedicated and loyal to the families and children and provides an excellent service.

Mr. Childs said the Michigan Municipal League (MML) strongly supports House Bill 4398, and provided a list of communities and contact persons from communities that permit group day home providers. Mr. Childs believes that incorrect information was provided to the members on both respects. Mr. Childs said the members should consider the needs of the City and the residents, and the issue should not be a personal preference.

Sharon Schafer of 5593 Mandale, Troy, was present. Ms. Schafer said group day care homes are not usually full and that gives flexibility to family day care providers should a mother become pregnant. Ms. Schafer clarified that she did not knowingly or intentionally open her group day care home without contacting the City. In 1990, when she applied for her license, the State did not say anything about making contact with the municipality, and Internet access was not available at that time. Ms. Schafer referenced an acceptance speech given by President Bush in New York City on September 2, 2004, and quoted a phrase made in the statement: "To build a more hopeful America, we must help our children as far as their vision and character can take them." Ms. Schafer said she believes the service provided to working families by day care homes helps the children and their parents reach as far as their vision and character can take them. She asked for support of group day care in the "City of Tomorrow Today". She asked that Troy give working families all the options available so children of today will have a sound foundation to build a better tomorrow for Troy. Ms. Schafer said a copy of the book prepared by child day care providers and distributed to Planning Commissioners would be available in the City library.

Walter Ladouceur of 3376 Alpine Drive, of Troy, was present. Mr. Ladouceur is a parent of three children and his wife is a day care home provider. Mr. Ladouceur addressed the concerns of parking and traffic. He noted that Alpine is used for easier egress around Somerset Collection, and curious people are attracted to the monster garage site. The people have free access to "his" street and there is nothing he can do to stop it. Mr. Ladouceur encouraged members to visit a day care home provider. An employee of his wife's child care home, and one of three teenagers in her family, said there is constant activity at her house with cars pulling in and out and parking on site. Mr. Ladouceur asked the members to balance traffic and parking from child care home providers with other home-based activities, such as prayer groups, bible studies, accountants, and monster garages.

Michelle Sinutko of 2331 Cumberland Drive, Troy, was present. Ms. Sinutko is a licensed family day care home provider. She is the parent of three children under the age of 7 and occasionally cares for her two nieces and nephew. Ms. Sinutko brought to the attention of the members that, according to State law and licensing rules, she could have a total of 9 children under her care. The State does not include in their total count children under the age of 7 who are related to the family day care home provider. Ms. Sinutko also addressed traffic with respect to the location of the day care home provider.

Deborah Reynolds of 1285 W. Wattles, Troy, was present. Ms. Reynolds was a group day home provider in Troy for over 20 years. She believes group day care homes are the best option for children outside of the home. Ms. Reynolds completed her Master's Degree in Special Education at Wayne State University and is pursuing a specialty in early childhood autism. She offered her professional perspective on the positives of group day care home providers and cited several quotes. Ms. Reynolds concluded that a move to prohibit group day care homes in the City would violate the expressed mission of the City and its dedication and commitment to children and their families.

Michelle Lambert of 1903 Alexander Drive, Troy, was present. Ms. Lambert is a stay-at-home mom who uses a group day care home. She lives within 300 feet of the group day care home operated by Nicole Childs. Ms. Lambert said she was not aware of Ms. Childs' group day care home until after one year of living in the neighborhood. She did not notice any extra traffic as a result of the home, and said she is outside with her two children most of the day.

George Porretta of 3583 Bellows Court, Troy, was present. Mr. Porretta's two children attended group day care homes for a combined 8 years. He addressed the members as a businessman, not a child care home provider or resident living within 300 feet of one. Mr. Porretta said the Troy School District does an outstanding job in promoting its schools, and attracting and retaining new families to Troy. Mr. Porretta said Troy's population and tax base would be affected should group day care homes be prohibited, and asked the members to do what is right for the children and future citizens of Troy.

Mary Ellen Ladouceur of 3376 Alpine Drive, Troy, was present. Ms. Ladouceur has been a family care provider for 4 years. She has a Master's Degree in early childhood education. Ms. Ladouceur challenged the members to read 300 to 400 pages of research on early childhood, brain development, attachment issues, and the higher occurrence of autism in children who are warehoused versus children who are cared for in homes. She said State law requires her to have an assistant because 100% of the children she cares for are under the age of 2. Ms. Ladouceur said they are minutes away from foreclosure if they do not provide care for children in their home. Ms. Ladouceur's credits the training and education of her 12-year old daughter to the family environment provided her by Honeybee Child Care. Ms. Ladouceur is a convert from commercial child care providers to the family environment provided by home child care providers. She considers the parking concern is a non-issue. Ms. Ladouceur said her staff takes early childhood classes at Athens High School, and have indicated a preference to send their children to home day care providers.

Ms. Kriscovich-Mukalla addressed the City Management's "con" that group day care homes result in an increased use of emergency services. She cited one incident in which she used emergency services.

Kim Duford of 3141 McClure, Troy, was present. Ms. Duford has operated Honeybee Child Care for 13 years and has lived on McClure for 22 years. She has the sponsorship of Ford Motor Company, an accreditation received by meeting a standard of excellence in providing care to children. Ms. Duford stated that Oakland County is the third highest county in Michigan for the number of parents in the work force, and Troy is the largest city in Oakland County with an employment population of approximately 100,000 people. Ms. Duford said Troy is out of date with its child care choices, noting that parents of young children need to have more than two options for child care. Studies have proven that the first five years of a child's life are the most important years. She quoted a statement made by Mark Sullivan, Executive Director of the Michigan Child Care Council: "When parents can't find child care, they can't work." Ms. Duford referenced a common phrase: Michigan works when child care works. Ms. Duford cited an article published in the summer 2004 edition of the Planning Commission Journal that addressed child care solutions for a growing city and family child care homes as a key element in strengthening a neighborhood. Ms. Duford said locating child care homes near areas of high employment centers could contribute to reduce commutes and cross town traffic. Ms. Duford cited the growing numbers of best companies to work for that offer in-house child care (statistics obtained from Fortune Magazine). She asked that the Planning Department be creative in providing day care options as it has been in providing the City with housing, restaurants, places to worship, shopping and education. In conclusion, she said there would not be a traffic problem if the City would stop taking away lots that formerly housed single family residences and putting up developments that house 500 people.

Tony Anderanin of 3777 Root, Troy, was present. Mr. Anderanin asked the members' consideration in allowing group day care homes. He and his wife both work, and said it was difficult to find a child care provider who provides the love that he cannot give while he is at work. He said it is not fair to not have an opportunity to choose. Mr. Anderanin addressed neighborhood security and the open door policy of a child care home provider.

Jacqueline Taliaferro of 2714 Dover Drive, Troy, was present. Ms. Taliaferro's three grandchildren are cared for in a group day care home. Ms. Taliaferro said her grandchildren receive quality individual care, and languages and computer skills are among many subjects taught. She said it is her children's prerogative to place their children in a group environment. Ms. Taliaferro said her lifestyle would change should group day care homes not be permitted. She has worked hard all of her life and raised her children and now wants to live her own life.

Chris Thornton of 2978 Wessels, Troy, was present. Mr. Thornton formerly lived at 1590 Crestline and 1821 Flemington. He said that a visit to a group day care center would let one see that it provides the best of both worlds. They provide structure and consistency in its employees. Mr. Thornton encouraged members to look at every option. He said every child and every parent who has a child

attending group day care would inevitably be ousted should the homes not be permitted,

Barbara Webb of 787 Marengo Drive, Troy, was present. Ms. Webb, a recent retiree from the Troy School District, has a degree in elementary education with a specialty in early childhood. Ms. Webb asked that group day care homes be allowed to exist in Troy. She said that would allow the professionally trained people who love to care for children the opportunity to do so. Ms. Webb said she would be pleased if someone bought the house that is for sale next to her and opened a child care home. She would rather have the traffic and noise that would be generated from the day care home as opposed to the semi's and trucks that currently go up and down her street – the street that she and her neighbors paid to have paved 15 years ago.

Justina Dixon of 4791 Liberty Court, Sterling Heights, was present. Ms. Dixon was a group day care provider for 13 years. Ms. Dixon indicated she started as a family day care provider until the number of children increased with the care of siblings. Ms. Dixon currently works for the food program that monitors and regulates the food provided in day care homes. As coordinator from Macomb County Child Care Providers Association, Ms. Dixon was present to show support to the Troy group. She commented that Mr. Chamberlain has been sleeping and should be paying more attention, and corrected the reference to “centers” as opposed to child care home providers. Ms. Dixon indicated that the State of Michigan recognizes family and group day care homes as residential use of property. She noted that there are several agency representatives present should the members have any questions of them.

David Schafer of 5593 Mandale, Troy, was present. Mr. Schafer addressed the “cons” listed by City Management; i.e., traffic, noisy children, increase need for emergency services, and called them a red herring. Mr. Schafer noted that there have been group day care homes in Troy for decades, and the number of family and group day care homes and the number of commercial day care centers has each been determined by the marketing dynamics of supply and demand. He said to suggest there is a pent-up demand for more of any one of the kinds of day care and that traffic and noise would increase is not logical. He said their research disclosed that there were no noise or traffic complaints of any kind. Mr. Schafer said it is logical that there would be fewer calls from day care homes for emergency services because of the State requirements; smoke detectors, fire extinguishers, fire drills, first aid and CPR training. Mr. Schafer said the real question is whether or not the members support the children of Troy. Mr. Schafer said that tonight's comments exhibited facts, emotion, persuasion and personal experiences and he believes that any of the commissioners listening tonight with an honest open mind would feel that approval of the Zoning Ordinance text amendment is right for the City of Troy.

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Chair Strat requested a recess at 10:00 p.m.

The meeting reconvened at 10:08 p.m.

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Sue O'Connor of 2104 Lakeside Drive, Troy, was present. Ms. O'Connor said there would be no place to care for mentally disabled children should child day care homes not be permitted. She stated commercial day care centers do not accommodate the mentally disabled. Ms. O'Connor said Sharon Schafer cared for her daughter two days a week so she could work.

Mark Swolem of 23832 Palace, Hazel Park, was present. He said the next best thing to being cared for by mom and dad is being cared for by a child care home provider. He said the City has a jewel and he cannot imagine why the City would think of taking it away.

#### PUBLIC HEARING CLOSED

Mr. Schultz offered the following resolution based upon the pending House Bill 4398 and the volume and input, both fact and opinion, provided by the public this evening and in the past. Mr. Schultz said he felt it would be premature and inappropriate to put a recommendation forward to City Council at this time.

#### **Resolution # PC-2005-08-131**

Moved by: Schultz  
Seconded by: Wright

**RESOLVED**, That the City of Troy Planning Commission shall take no further action related to group day care homes until such time as both houses of the State legislature and the Governor's office has taken final action on House Bill 4398, or its corresponding Senate Bill.

#### Discussion on the motion on the floor.

Ms. Drake-Batts addressed concern in taking no action should the passage of the House Bill be detained. She asked if day care providers would be allowed to continue in the interim. Ms. Drake-Batts suggested that the Resolution be tabled to a certain date so the item could come back to the Commission should the House Bill be delayed or not passed.

Mr. Khan suggested the 19 group day care home providers currently operating in the City should maintain status quo but no new group day care providers should be permitted.

Chair Strat said it is his understanding that the existing day care home providers have been notified that it is a status quo situation.

Mr. Miller confirmed that the Building Department sent notifications to the existing group day care homes informing them of the current situation and that active enforcement would not be occurring. Mr. Miller provided clarification of the Zoning Ordinance with respect to family day care homes and group day care homes. He noted that group day care homes are not being withdrawn from the ordinance, but they have never been included in the ordinance and therefore not permitted. Mr. Miller said a newly initiated group day care home provider would not be in compliance with the current Zoning Ordinance.

A brief discussion followed on the closing of current, existing child day care homes.

Mr. Miller said it is his understanding that City Management would not be providing full enforcement. He said, however, that he does not make the enforcement decision, so he would have to clarify City Management's position at a later date.

Mr. Littman explained the procedure followed for proposed zoning ordinance text amendments. City Council would have final approval, at which time the public would have another opportunity to speak. Mr. Littman said there has been no proposed language drafted for a vote at this time. He noted that should the proposed zoning ordinance text amendment go before City Council, a recommendation from City Management would accommodate the City Council report. Mr. Littman said it is on record that City Management is opposed to any text change. Mr. Littman expects the House Bill to pass and he feels it would be advantageous for the City to be prepared for it.

Mr. Khan said approximately 36 people spoke tonight in favor of group day care homes. He said there appears to be a misconception that the members are trying to close group day care homes. Mr. Khan said from the onset of Ms. Schafer's approach, the Planning Commission requested additional information before taking any action. He said he does not remember anyone on the board requesting to close group day care homes.

Mr. Wright questioned the inconsistencies between the two lists provided by the Planning Department as relates to the regulations of group day care homes in neighboring communities. He asked for a definitive resolution on the lists.

Mr. Miller explained that the most recent list comprises the research and actual reading of ordinance language from neighboring communities. The first list comprised of information received over the phone.

Vote on the motion on the floor.

Yes: Chamberlain, Khan, Schultz, Strat, Vleck, Waller, Wright

No: Drake-Batts, Littman

**MOTION CARRIED**

Ms. Drake-Batts said she has publicly supported group day care homes. She said she would have preferred a date on the Resolution to protect the group day care home providers. She said if the State does not pass the Bill, or the Bill gets stuck some place, then group day care homes would be in limbo. Ms. Drake-Batts said it is important to start working on the language now.

Mr. Littman said his previous comments expressed why he voted no on the Resolution. He stated that City Manager and staff work for City Council.

Chair Strat provided an explanation of the Resolution passed this evening. He said nothing would happen to existing day care home providers but new day care home providers would have to adhere by the current Zoning Ordinance; in essence not be permitted. Chair Strat said that Ms. Schafer would be okay.

Ms. Schafer said she would like to hear from Mark Miller that she would not be cited with another violation until passage of the Bill. Ms. Schafer noted that there are members on the Planning Commission who said they were dead set against group day care homes.

Mr. Miller said he unfortunately could not give Ms. Schafer the assurance for which she is asking because the Planning Department does not have jurisdiction on enforcement issues. He said he would guarantee to get an opinion and direction from City Management based upon tonight's decision. Mr. Miller provided clarification with respect to a City Council action relating to day care centers in the O-S-C, R-C and O-M districts.

**ZONING ORDINANCE TEXT AMENDMENT**

7. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214) – Articles 04.20.00 and 10.30.00, Group Day Care Homes in the R-1A through R-1E Districts**

**Resolution # PC-2005-09-150**

Moved by: Vleck  
Seconded by: Schultz

**RESOLVED**, That the Planning Commission hereby rescinds Resolution #PC-2005-08-131, which resolved that the Planning Commission take no further action on ZOTA 214 until the State Legislature and the Governor have taken final action on HB 4398.

Yes: All present (8)  
No: None  
Absent: Littman

**MOTION CARRIED**

Ms. Drake-Batts questioned proposed language relating to a minimum square footage requirement for outdoor play areas.

Chair Strat said the members have not had an opportunity to discuss in detail the proposed verbiage provided by the Planning Department.

Mr. Vleck explained the procedure normally followed by the Planning Commission to reach consensus on proposed zoning ordinance text amendments. Mr. Vleck said the members have not had time to reach a consensus on proposed verbiage for consideration and approval by the City Council, and noted that tonight's Public Hearing was at the request of the City Council.

Chair Strat addressed the chart of Planning Commission actions, prepared by the Planning Department. He said the chart could be misleading to the City Council in that it appears the Planning Commission studied the verbiage in detail and at great length.

A brief discussion continued on the time the Planning Commission studied proposed verbiage.

Mr. Khan asked why City Management changed its stance to a position of neutrality on group day care homes.

Mr. Miller said initially City Management recommended that group day care homes not be permitted in residential areas because traffic statistics indicate that

the impact of traffic generated from the number of trips to/from a group day care home would be beyond what normally occurs in a residential area. After further study, City Management determined that although the traffic would have an affect on the health, safety and welfare of residents, it would not be an immediate or dangerous affect. City Management decided group day care homes is a community value that needs to be determined via a recommendation from the Planning Commission and an ultimate decision by the City Council.

Mr. Schultz said it is unfortunate that City Management had not shared their change of position on the matter prior to this evening in which the Planning Commission was dictated to have a Public Hearing and requested to send a recommendation to the City Council.

Mr. Khan agreed.

Mr. Miller reviewed the number of responses received by the Planning Department in favor and in opposition to the proposed zoning ordinance text amendment since the August 9, 2005 Regular Meeting.

Mr. Vleck emphasized the procedure followed by the Planning Commission for proposed zoning ordinance text amendments, and indicated the members have not had sufficient time to discuss the proposed text on group day care homes. Mr. Vleck said, in his opinion, the members can either table the matter for further discussion and draft proposed text or send to the City Council a recommendation of no change to the Zoning Ordinance. He stated he has read all the public comment provided to him by the Planning Department, and will read all public comment received thereafter.

Mr. Schultz concurred with Mr. Vleck's comments, and asked speakers at tonight's Public Hearing to not repeat the same comments and information that was heard at the previous Public Hearing.

Chair Strat announced guidelines that would be utilized for the Public Hearing due to the size of the audience and the possible number of people who might wish to speak: (1) a time limit of 3 minutes for each speaker and limited to speaking once; (2) repetitive comments are discouraged; (3) maintain professional image; and (4) no clapping. Chair Strat designated Vice Chair Schultz as the timekeeper.

Chair Strat asked the members for a vote of confidence on the guidelines established for the Public Hearing.

**Resolution # PC-2005-09-151**

Moved by: Wright

Seconded by: Waller

**RESOLVED**, To approve the procedures set forth for the Public Hearing.

Yes: All present (8)  
No: None  
Absent: Littman

### **MOTION CARRIED**

Mr. Khan asked speakers to address specifically the proposed options and text prepared by City Management.

Mr. Waller asked everyone to consider that tonight's Public Hearing was called by City Management, not the Planning Commission; and reminded everyone that it was discussed at the August 9, 2005 Regular Meeting how the Planning Commission members were not prepared to vote on any proposed text.

Chair Strat commented on the professional booklet received by child care providers and the information received both in support and opposition of the proposed zoning ordinance text amendment. He said it is his opinion that the Zoning Ordinance would be amended, but it is necessary to review in detail the options prepared by City Management and regulations as relates to group day care homes. Chair Strat asked speakers to address those issues.

### **PUBLIC HEARING OPENED**

David Schafer of 5593 Mandale, Troy, was present. Mr. Schafer noted that the Planning Commission members have asked speakers to limit their comments to the proposed language, with no assurances that the proposed amendment would go forward. He said that it is most likely that the Planning Commission members would still hear comments from speakers on the efficacy, validity and value of day care in Troy.

Nichol Childs of 1931 Atlas Court, Troy, was present. Ms. Childs highlighted statistics obtained from surveys distributed to group day care homes in Troy with respect to the number of families utilizing group day care, Troy residency, proximity to residency, and outdoor play areas. Ms. Childs said the State requires a total of 400 square feet for outdoor play areas, not 400 square feet per child. She cited several quotes of the Mayor relating to existing and future jobs, future plans and redevelopment and diversification of existing land uses.

Curtis Childs of 1931 Atlas Court, Troy, was present. Mr. Childs highlighted a recent U.S. Department of Treasury report relating to the composition of the labor force. He addressed a Public Hearing held by the City of Farmington Hills Planning Commission with respect to day care providers, and quoted a comment from the City of Farmington Hills chairman, "Child care truly is not a business, it

is a requirement of modern society.” Mr. Childs commented on the City Management options as follows: Option 2 is good; Option 3 is reasonable other than the required 400 square feet of outdoor play area per child; and Option 4 should not even be an option. Mr. Childs cited statistics from the Michigan State Police relating to crashes on major thoroughfares within the City of Troy.

Kelsey Ciccone of 1336 Lamb Drive, Troy, was present. Ms. Ciccone, 12 years old, and her sister attended the group day care home operated by Sharon Schafer, from birth to a year ago. She asked the City to not take away the opportunity from other kids to have the love and attention that she and her sister had growing up at the Schafer home.

Tom Mason of 929 E. Third Street, Royal Oak, was present. Mr. Mason spoke in support of group day care homes. His children attend a home day care in Troy, and he and his wife are considering moving to Troy to be closer to the day care provider.

Sharon Schafer of 5593 Mandale, Troy, was present. Ms. Schafer addressed the options prepared by City Management, and noted that Option 1 is to stay “status quo” which would mean that group day care homes would be closed down. She shared the accomplishments of her three children that she believes is a reflection to friends, neighbors, day care families and the Troy school district. Ms. Schafer asked the City of Troy to have the vision to be leaders in the State of Michigan and show other cities that group day care homes are good for the State.

Patricia Rencher of 208 Mack Avenue, Detroit, was present. Ms. Rencher is the Vice President of Programs with the Detroit Urban League. Ms. Rencher said the program is administered by the State of Michigan through the U.S. Department of Agriculture to insure proper nutrition is followed by the 200-plus licensed day care providers. She noted that it is also their obligation to observe and report through announced and un-announced visits any violation of health and safety. Ms. Rencher expressed support for group day care homes as a viable choice to parents.

April Orselli of 894 Sylvanwood, Troy, was present. Ms. Orselli spoke in favor of group day care homes. She said allowing group day care homes would promote the City’s motto.

Kim Duford of 3141 McClure, Troy, was present. Ms. Duford addressed the original proposed zoning ordinance text amendment, and said it was simple and should remain simple. Ms. Duford said child care providers responded to the Planning Commission’s request for information in the form of a booklet based on facts and statistics that answered most of the Commission’s questions and concerns. She noted that the Commission has heard from Troy residents who use child care services, Troy businesses, teachers, doctors and neighbors.

Kara White of 22640 Wildwood, St. Clair Shores, was present. Ms. White, Vice President of a Troy business, said it is very important for the City of Troy to have group day care providers as a day care option for businesses. She indicated parents like to have their children cared for near their workplace.

Syed Mohiuddin of 6150 Country Ridge Drive, Troy, was present. Mr. Mohiuddin spoke in support of home day care providers. He said home day care providers are not like typical commercial businesses, and have been recognized as legitimate home businesses by both the State and Federal governments.

Sharon Manning of 2651 E. Square Lake Road, Troy, was present. Ms. Manning said there is a need for quality day care, and suggested that existing group day care homes be grandfathered in. Ms. Manning asked that the proposed language address personal property taxes. She informed the members that she is the only group day care provider who is assessed personal property taxes.

Kathy McDonald of 196 Birchwood, Troy, was present. Ms. McDonald addressed group day care homes in comparison to adult foster care homes with respect to traffic, employees, and noise.

Deane Castelloux of 90 Chopin, Troy, was present. Ms. Castelloux, a family day care provider, is strongly against grandfathering in existing group day care homes because it would eliminate her option to expand into a group day care provider, and could potentially jeopardize her business with respect to fees charged for care.

Chris Komasa of 5287 Windmill, Troy, was present. Mr. Komasa compared traffic concerns related to group day care homes to the traffic generated from public schools located within residential subdivisions. Mr. Komasa spoke in support of group day care homes.

[Mr. Wright stated that the City has no control over public schools and cannot control the locations of public schools.]

[Mr. Miller noted that the Zoning Ordinance requires schools to be located on major thoroughfares, but public schools are exempt from the Zoning Ordinance.]

Barb Webb of 787 Marengo, Troy, was present. It is her understanding that there is a 14% greater demand for infant child care in Oakland County than there are centers to care for infants. Ms. Webb asked that the members vote in favor of group day care homes.

Ramzi Daloo of 2016 Connolly Drive, Troy, was present. Mr. Daloo informed the members that his niece and nephew operate a day care center for approximately 110 children in Farmington Hills. His niece and nephew are very much in support

of group day care homes. Mr. Daloo asked that consideration be given to the young families moving into the City of Troy, as older residents choose to leave.

John Bjelobrk of 5581 Mandale Drive, Troy, was present. Mr. Bjelobrk, a neighbor of a home day care provider, asked that home day care providers respect the space, feelings, lifestyle and freedom of their neighbors.

#### PUBLIC HEARING CLOSED

Mr. Vleck indicated he is not in receipt of information he requested from the State Building Department and Human Resources Department, and would like to study the item further. Mr. Vleck said a Study Session, not a formal Public Hearing, is the proper format for review and discussion of the item.

Mr. Khan addressed concerns with proposed language with respect to the requirement for outdoor play areas, employees, and site plan waivers. Mr. Khan said he is not ready to vote on the item.

Chair Strat said he personally is in favor of group day care homes, but recognizes that regulations must be stipulated in the Zoning Ordinance. Chair Strat said the item is of priority and would be more appropriately studied at an informal Study Session.

#### **Resolution # PC-2005-09-152**

Moved by: Vleck  
Seconded by: Wright

**WHEREAS**, The State of Michigan as provided in Public Act 207 of 1921 and Public Act 285 of 1931 and subsequent changes thereto provides for city planning and authorizes Planning Commissions and their powers; and

**WHEREAS**, The City of Troy Planning Commission is empowered by the City of Troy Zoning Ordinance to approve matters coming before it and recommend to City Council, where City Council holds that approval power for themselves.

**THEREFORE BE IT RESOLVED**, To hold a Public Hearing for ZOTA 214 at the Planning Commission Regular Meeting in December and to expedite necessary actions to study this item in the next Planning Commission Study Session in October due to the following reasons:

**WHEREAS**, This Public Hearing was not initiated by the Planning Commission.

**WHEREAS**, This Planning Commission is not ready to send any recommendations to the City Council regarding ZOTA 214.

**WHEREAS**, Staff prepared the verbiage for the proposed ZOTA and the Planning Commission has had very limited discussion on the verbiage of the proposed ZOTA and a consensus as to any necessary changes to the ordinance language has not yet been reached by the Planning Commission.

**WHEREAS**, Although there may be intent, the status of House Bill No. 4398 has not changed.

**WHEREAS**, The previous Public Hearing held for by this Body was to get public information from both group day care operations and the neighbors within 300 feet from the existing group day care homes and use that information to help in the formation of any proposed ZOTA language.

**WHEREAS**, According to the City of Troy Assistant Attorney, Allan Motzny, City of Troy Director of Building and Zoning, Mark Stimac, and the State of Michigan Construction Codes and Fire Safety Department, any building or structure or portion thereof that is used for education, supervision or personal care services for more than five children older than 2-1/2 years of age would be classified as a Group E occupancy and would require the inspection by a State or City Building Inspector before that building could be used for that purpose.

**WHEREAS**, There is nothing within the child care licensing law that exempts these facilities from the Michigan Building Code provisions.

**AND WHEREAS**, we would request that the Building Department will hold in abeyance any enforcement of the zoning laws regarding the existence of the group day care homes that are currently licensed and operating in the City until this matter has been resolved by the Planning Commission and the City Council.

Discussion on the motion on the floor.

Mr. Waller stated for clarification that the Public Hearing in December would be a new Public Hearing because the Chair tonight officially closed the Public Hearing.

Chair Strat said the intent of the Public Hearing would be to get public input on detailed items relating to the proposed language.

Mr. Waller said publication of the Public Hearing notice should carry with it all the language that has been developed to that point by the Planning Commission in their Study Sessions.

Vote on the motion on the floor.

Yes: All present (8)  
No: None  
Absent: Littman

**MOTION CARRIED**

Chair Strat explained the procedure that would be followed by the Planning Commission for its Study Session and Public Hearing in December. He said the proposed draft language would be prepared in advance of the December Public Hearing so the public could comment on the proposed language. Chair Strat asked that public comment be limited at the Study Session so members can focus on the proposed language.

Chair Strat opened the floor for comments and questions. He addressed specific questions and comments posed by Syed Mohiuddin of 6150 Country Ridge, Troy; Curtis and Nichol Childs of 1931 Atlas Court, Troy; and Michael Upton of 1267 Hartland, Troy.

Mr. Miller said the proposed draft language that is arrived at by a consensus of the Planning Commission would be made available to those who request it prior to the Public Hearing in December.

Mr. Schultz addressed the two Public Comment portions listed on every Planning Commission agenda.

## **ZONING ORDINANCE TEXT AMENDMENT**

### 9. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214-B) – Articles 04.20.00 and 10.30.00, Group Day Care Homes in the R-1A through R-1E Districts on a Temporary Basis

Mr. Miller reviewed the Resolution adopted by City Council on October 3, 2005 that requested the Planning Commission to set a Public Hearing on a proposed zoning ordinance text amendment that would allow group day care homes in the R-1A through R-1E districts on a temporary basis. He said the amendment would essentially legalize the approximate 20 group day care homes currently licensed and existing at the time the amendment is adopted by City Council.

Discussed at length were the following two conditions of the proposed amendment:

- The date of final action by City Council that would affect the existing group day care homes.
- The timeframe the temporary basis would be in affect after City Council takes final action.

Mr. Motzny said consideration and approval of the proposed amendment should be based on whether the members believe a public purpose would be served.

### PUBLIC HEARING OPENED

John Bjelobrk of 5581 Mandale, Troy, was present. Mr. Bjelobrk asked how many members of the Planning Commission live next door to or within 300 feet of a family or group day care home. He also asked if any member of the Planning Commission has a friend or relative who operates a day care center. Mr. Bjelobrk said he would be willing to swap houses with Chair Strat so he would have the opportunity to experience living next to a group day care home. He voiced concern with the City procedure to notify only those residents living within 300 feet of existing group day care homes, and said the issue should be placed on a city-wide ballot. Mr. Bjelobrk voiced concern that a fire in a group day care home would jeopardize his family's safety and affect the cost of his insurance coverage. He asked that group day care homes not be grandfathered. Mr. Bjelobrk addressed traffic, noise, and parking concerns, and encouraged parents to raise their own children.

Curtis Childs of 1931 Atlas Court, Troy, was present. Mr. Childs said approximately 800 homes have been receiving the Public Hearing notices and very few negative responses have come forward.

### PUBLIC HEARING CLOSED

**Resolution # PC-2005-10-**

Moved by: Drake-Batts  
Seconded by: Littman

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that Articles IV and X, pertaining to Group Day Care Homes in the R-1A through R-1E Zoning Districts on a Temporary Basis, be amended as follows:

1. To remove “[Date of Final Action by City Council]” and replace and substitute it with “[The Approval of ZOTA 214-B by City Council]”.

**Discussion on the motion on the floor.**

Mr. Waller asked that the Resolution be amended to change all entries of 10 days to 100 days, with reference to the timeframe of the temporary basis after the Troy City Council has had the opportunity to conduct a Public Hearing and take final action.

A brief discussion followed on the wording of the zoning ordinance text amendment.

Mr. Motzny suggested a recess to prepare the appropriate wording of the Resolution.

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Chair Strat requested a recess at 8:50 p.m.

The meeting reconvened at 9:02 p.m.

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Ms. Drake-Batts withdrew the motion on the floor. Mr. Littman was in agreement with the withdrawal.

**Resolution # PC-2005-10-171**

Moved by: Drake-Batts  
Seconded by: Littman

**RESOLVED**, That group day care homes as defined in Section 04.20.69, licensed by the State of Michigan and in operation as of *the date of approval of ZOTA 214-B by City Council*, shall be permitted to continue on a temporary basis not to exceed thirty (30) days after the Troy City Council has had the opportunity to conduct a Public Hearing and take final action on any proposed revisions to Charter 39, Article X, related to the regulation of group day care homes as set forth in ZOTA 214.

Yes: Drake-Batts, Littman, Schultz, Strat, Vleck, Waller  
No: Wright  
Absent: Chamberlain, Khan

**MOTION CARRIED**

Mr. Wright said the Planning Department has received several letters from neighbors who are opposed to group day care homes because of traffic, parking, and noise. Mr. Wright said he personally thinks a group day care home is a commercial enterprise that should not exist in a residential zone.

**ZONING ORDINANCE TEXT AMENDMENT****8. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 214) – Article 10.25.02 and 10.30.10, Family Child Care Homes and Group Child Care Homes in the R-1A through R-1E Districts**

Mr. Miller reported City Management is neutral on the issue and has not issued a recommendation. Mr. Miller said City Management has the responsibility to consider options, recognize certain cause and effect, and insure that the Planning Commission makes a recommendation to City Council, who in turn will make the community value decision regarding Group Child Care Homes.

Mr. Miller briefly discussed four items in the proposed zoning ordinance text amendment: (1) Fencing or screening regulations; (2) Registration with the City Clerk's office; (3) Compliance with Michigan Building Code; and (4) a 1,500-foot distance requirement from any State residential licensed facility. He displayed a map that demonstrated the 1,500-foot distance requirement and noted that only 5 of the 20 existing group child care homes would meet the requirement. Mr. Miller referenced the list of existing licensed group child care homes which are less than 1,500 feet from a State licensed residential facility.

Brief discussion followed on:

- 1,500-foot distance requirement in relation to the City and Village Zoning Act.
- Anticipated legislative action.
- Michigan Building Code inspections.

Chair Strat announced guidelines that would be utilized for the Public Hearing; specifically, a time limit of 3 minutes per speaker, no redundancy, and comments limited to the four points discussed by the Planning Director. Chair Strat designated Mr. Savidant as the timekeeper.

**PUBLIC HEARING OPENED**

David Schafer of 5593 Mandale, Troy, was present. Mr. Schafer addressed the proposed requirements with respect to fencing, license registration, and a 1,500-foot distance from other State residential licensed facilities. He concurs with City Management that the requirements are not necessary. Mr. Schafer said that should the City determine a distance is necessary between licensed facilities, a reduction in the distance should be considered. He encouraged the members to send a recommendation to the City Council so the matter could be resolved.

An attorney was present to represent Chan Chung of 1189 Garwood, Troy. The attorney addressed concerns of Mr. Chung as a neighbor of a group child care home facility. A handout was distributed to the members that detailed concerns of noise, privacy, aesthetics, traffic, parking and safety. Mr. Chung, a professor

at Lawrence Tech University, teaches in the evening and is home during the day. The attorney pointed out that 50% of the residents in the subdivision are Oriental and because of the language barrier, they might be intimidated to voice their opinions on the matter.

Syed Mohiuddin of 6150 Country Ridge, Troy, was present. Mr. Mohiuddin addressed the proposed requirements on fencing and a 1,500-foot distance between licensed facilities. He noted that his subdivision does not allow fences. Mr. Mohiuddin supports the position of City Management.

Curtis Childs of 1931 Atlas, Troy, was present. Mr. Childs agrees with City Management that the proposed requirements should be eliminated. Mr. Childs addressed State inspections, the intent of proposed language in House Bill 4398, traffic, and noise. He said group child care homes are not commercializing neighborhoods; they look like residential homes. Referencing a comment that some residents might not voice their opinions, Mr. Childs, a police officer by profession, said people are not afraid to make complaints.

Carol McBratnie of 1130 Larkmoor Blvd., Berkley, was present. Ms. McBratnie asked for clarification on the type of fencing that would be required. Ms. McBratnie addressed the 1,500-foot distance between licensed facilities and asked if a grandfather clause would be considered for the group child care homes currently in existence.

Barbara Webb of 787 Marengo, Troy, was present. Ms. Webb agrees with the comments of City Management. Ms. Webb asked that the members take into consideration individuals who care for one or two children of a friend or relative and individuals who receive assistance from the State (FIA).

Tony Anderanin of 3777 Root, Troy, was present. Mr. Anderanin asked for a favorable recommendation to change the zoning ordinance language to allow group child care homes in residential areas.

Nancy Regan of 120 Gordon, Troy, was present. Ms. Regan spoke in support of group child care homes.

#### PUBLIC HEARING CLOSED

Mr. Miller clarified the difference between the Michigan Building Code requirements and the State licensing requirements.

Mr. Wright said it appears that the State is not enforcing some of its own requirements; i.e., the 1,500-foot distance between licensed facilities. Mr. Wright said he is not in favor of recommending any changes to City Council to the Zoning Ordinance to allow commercial enterprises to operate in residential

zoning. Mr. Wright addressed the State requirement of additional employee(s) for the operation of a group child care home. He said a change like that would place the City's home occupation ordinance in jeopardy. Mr. Wright said he could hire someone to help him prepare tax returns in his home, or his neighbor could hire a secretary to assist him in his law practice in his home, and either one of those operations would generate less traffic and noise than a group child care home. Mr. Wright said an ordinance change to allow group child care homes could have a devastating impact on the City's residential zoning ordinance.

Mr. Chamberlain said public hearings sometimes draw only the people who are in support of a particular ordinance change. Mr. Chamberlain said he feels the Planning Commission owes it to the residents who bought a home in a residential neighborhood to keep the residential character of that neighborhood.

Mr. Vleck said his concern is not the traffic that is generated in the neighborhood, but the potential impact that a group child care home has on the direct neighboring properties. Mr. Vleck said his goals are to get a recommendation to City Council and to provide City Council with as much information as possible on the research undertaken by the Planning Commission.

**Resolution # PC-2005-12-197**

Moved by: Vleck  
Seconded by: Chamberlain

**WHEREAS**, The State of Michigan as provided by Public Act 207 of 1921 and Public Act 285 of 1931 and subsequent changes thereto provides for city planning and authorizes Planning Commissions and their powers; and

**WHEREAS**, The City of Troy Planning Commission is empowered by the City of Troy Zoning Ordinance to approve matters coming before it and to make recommendations to City Council, where the Council holds the approval power for themselves.

**THEREFORE, IT IS RESOLVED**, That the Planning Commission does not recommend to the City Council the changing of Articles IV and X, pertaining to Group Day Care Homes in the R-1A through R-1E Districts, for the following reasons:

**WHEREAS**, It has been demonstrated by public input, letters and photos that family and group day care homes do have a negative impact on the neighboring property owners.

**WHEREAS**, According to City of Troy Assistant Attorney, Allan Motzny, and City of Troy Director of Building & Zoning, Mark Stimac, any building or structure or portion thereof that is used for the education, supervision or personal care services for more than five (5) children older than 2-1/2 years of age would be

classified as a Group E occupancy. This has significant implications on the ability of the structure to comply with building code requirements such as automatic sprinklers in basements, Michigan barrier-free design and the Federal Americans with Disabilities Act.

**WHEREAS**, There is nothing within the child care licensing law that exempts these facilities from the Michigan Building Code provisions.

**WHEREAS**, The current ordinance allows for family day care homes but limits enrollment thus permitting a needed service while minimizing the intrusion and negative impact on neighboring properties.

**BE IT ALSO ADVISED TO CITY COUNCIL**, That if the current zoning is revised, the Planning Commission makes the following recommendations:

10.25.02 Family Day Care Homes, as defined in Section 04.20.60, subject to the following conditions:

- A. The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed six (6).
- B. The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Family Day Care Homes.
- C. The resident-operator of the Family Day Care Home shall be licensed in accordance with applicable State Law.
- D. To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.
- E. To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.
- F. No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
- G. No sign shall be used on the premises to identify the Family Day Care Home.
- H. Family Day Care Homes with vehicular access on a major or secondary thoroughfare shall be required to have a circular drive or an unobstructed turnaround to allow for the safe egress of vehicles.

10.30.10 Group Day Care Homes, as defined in Section 04.20.69, subject to the following conditions:

- A. To maximize the safety and the privacy and to minimize noise for the neighboring properties, Group Day Care Homes shall be allowed on

- properties greater than one-half acre in size and having a minimum side yard setback of 20 feet.
- B. The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed twelve (12).
  - C. The resident-operator of the Group Day Care Home shall be licensed in accordance with applicable State Law.
  - D. To maximize the safety and the privacy for the neighboring properties, there shall be no dropping off of children between the hours of 10:00 p.m. and 6:00 a.m.
  - E. No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
  - F. No sign shall be used on the premises to identify the Group Day Care Home.
  - G. The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01, shall not apply to Group Day Care Homes.
  - H. Group Day Care Homes with vehicular access on a major thoroughfare shall be required to have a circular drive or an unobstructed turnaround area to allow for the safe egress of vehicles.
  - I. The Planning Director may waive any required site plan information provided it can be determined that the application meets the Group Day Care Home requirements of Section 10.30.10 and the general Special Use Approval standards of Section 03.31.05.
  - J. To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.
  - K. The licensee shall register with the City upon commencing operation and on an annual basis each January thereafter, and the licensed premises shall be subject to a fire and building department inspection and shall provide a smoke detector in all daytime sleeping areas and otherwise comply with applicable building and fire codes.
  - L. The applicant shall identify the entrance(s) for drop-offs and pickups. The parking and drop-off areas shall be designed to maximize safety and privacy for the neighboring properties.
  - M. To prevent the commercialization of residential districts, Group Day Care Homes shall be not be located within 1,000 feet of another state licensed residential facility.

Discussion on the motion on the floor.

Mr. Miller questioned if the condition to require a circular drive or unobstructed turnaround area could be placed on Family Child Care Homes that have vehicular access on a major or secondary thoroughfare.

Mr. Motzny, upon further review, said he believed it is a valid condition should the Planning Commission reason that it is a public health, safety and welfare concern.

At the request of Ms. Drake-Batts, Mr. Vleck provided a brief overview of the motion.

Ms. Drake-Batts said the proposed requirements with respect to the one-half acre lot size and the 1,500-foot distance between licensed facilities would make the existence of Group Child Care Homes almost impossible. She said, however, that the Commission owes it to the residents to get the matter up to City Council for a final decision. Ms. Drake-Batts said she would vote in favor of the motion even though she does not agree with a lot of the proposed conditions.

Yes: Chamberlain, Drake-Batts, Khan, Strat, Vleck, Wright  
No: Littman  
Absent: Schultz, Waller

#### **MOTION CARRIED**

Mr. Littman agreed that a recommendation should go to the City Council. Mr. Littman said Group Child Care Homes should be provided for, and the basic part of the Resolution is a recommendation against them.

**C-4 Zoning Ordinance Text Amendment (ZOTA 214-B) – Article IV and X, Approval of Group Child Care Homes on a Temporary Basis in the R-1A through R-1E Districts**

Resolution #2005-11-521

Moved by Broomfield

Seconded by Fleming

RESOLVED, That Article IV (DEFINITIONS) and Article X (ONE FAMILY RESIDENTIAL DISTRICTS) of the City of Troy Zoning Ordinance, be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 214-B: Temporary Approval of Group Child Care Homes), as recommended by the Planning Commission and City Management.

Yes: All-5

No: None

Absent: Beltramini, Howrylak

**Existing Group Child Care Homes**

Parcel NO.	FACILITY	Address	Parcel Size in Acres	Site Able to Meet Proposed Requirements	Parcel 1/2 Acre or Less	Within 1000 ft. of Group Daycare Home	Within 1000 ft. of Family Daycare Home	Within 1000 ft. of Adult Foster Care Family Home	Within 1000 ft. of Adult Foster Care Home Small Group
88-20-01-476-088	MANNING GROUP DAY CARE HOME	2651 E SQUARE LAKE	0.39	NO	X				
88-20-03-226-037	ZIEHM, JENNIFER	731 LOVELL	1.34	NO			X		X
88-20-05-353-012	SUNSHINE HOME DAY CARE	6150 COUNTRY RIDGE	0.31	NO	X				
88-20-08-104-005	DOYLE, JOYCE	1834 FARBROOK	0.34	NO	X		X		X
88-20-10-308-002	COLLINS, JUDITH	5410 HERTFORD	0.31	NO	X				
88-20-12-152-027	SCHAFFER, SHARON	5593 MANDALE	0.19	NO	X				
88-20-14-226-004	DEPAUW, MARLA	1830 E LONG LAKE	1.11	YES					
88-20-14-351-072	PETERSON, KATHLEEN	1175 GARWOOD	0.23	NO	X				
88-20-17-276-047	HAQUE, TALAT ARA	1033 REDDING	0.55	NO					X
88-20-20-226-090	REYNOLDS, DEBORAH	1285 W WATTLES	0.97	YES					
88-20-20-227-032	JOHNSTON, BONNIE	1510 BOULAN	0.50	NO	X		X		
88-20-20-402-030	DUFORD, KIMBERLY	3141 MCCLURE	0.83	NO			X	X	
88-20-22-401-083	BEST OF CARE	543 VANDERPOOL	0.45	NO	X		X	X	
88-20-23-430-016	SAIDE, JANICE	1865 CRIMSON	0.26	NO	X		X		X
88-20-24-180-001	KRISCOVICH, KAREN	3784 FORGE	0.23	NO	X		X		
88-20-25-179-010	GEORGIYEVA, NATALIYA & VALENTINA	2320 ISABELL	0.24	NO	X		X		
88-20-25-402-029	CHILDS, CURTIS & NICHOL	1931 ATLAS	0.21	NO	X				X
88-20-27-451-056	GOD'S PRECIOUS CREATIONS	685 E MAPLE	0.50	NO			X		X
88-20-35-352-037	KIECA, DOREEN	151 KENYON	0.14	NO	X	X			
88-20-35-355-020	FULLER, PAULETTE	301 REDWOOD	0.14	NO	X	X			

<b>CHILD CARE CENTERS AND CHILD CARE HOMES IN TROY</b>		
<b>Facility</b>	<b>Number</b>	<b>Capacity</b>
Child Care Centers	48	3,621
Group Child Care Homes	19	228
Family Child Care Homes	42	252
Total	109	4,101

Source: State of Michigan, Department of Human Services (website), January 24, 2006.

## Child Day Care

### Day Care Family Home

"Family day care home" means a private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

### Day Care Group Home

"Group day care home" means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

### Child Day Care Center

"Child care center" or "day care center" means a facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day.

## Adult Foster Care

Adult Foster Care - Family Home - Capacity 1 - 6 licensee resides on-site

Adult Foster Care - Small Group - Capacity 1 - 6 may reside off-site

Adult Foster Care - Large Group - Capacity 13 - 20

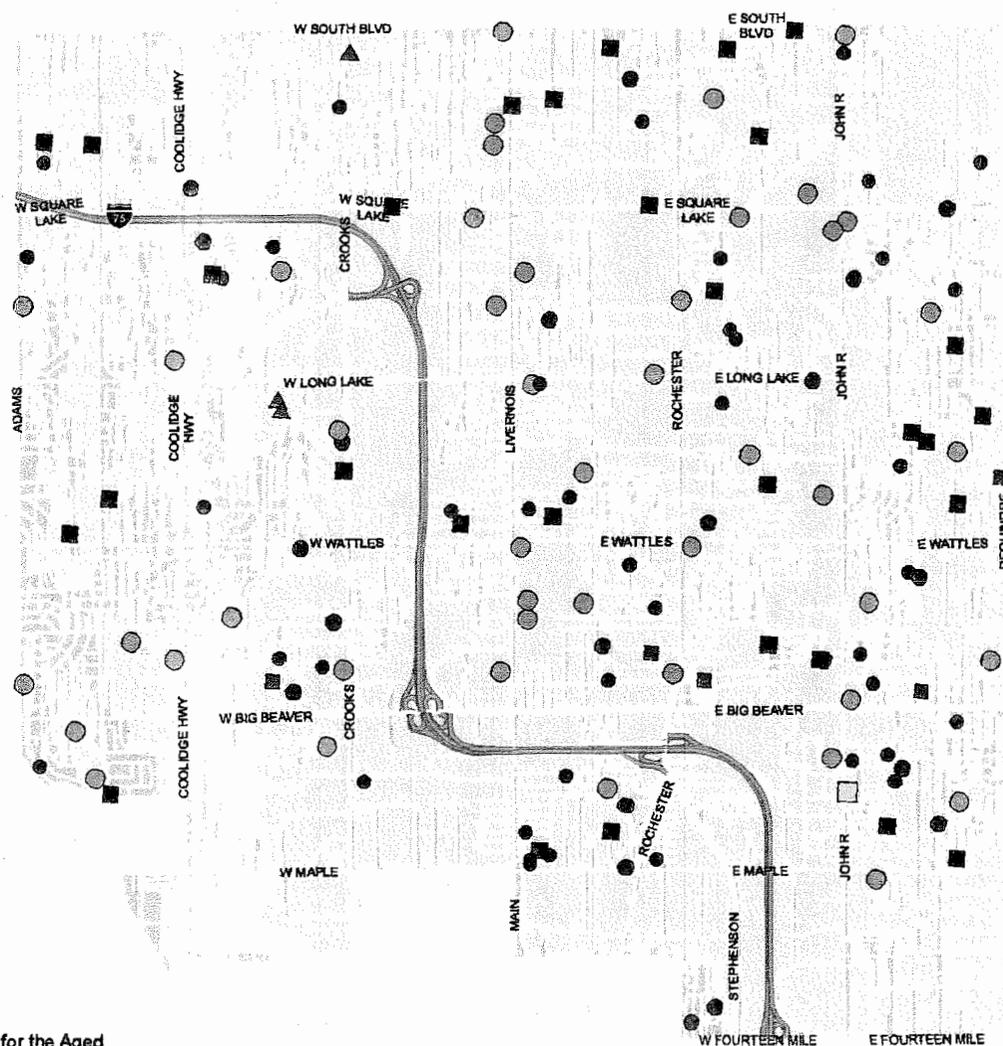
## Home for the Aged

A supervised personal care facility, that provides room, board, and supervised personal care to 21 or more unrelated non-transient, individuals 60 years of age or older.

Source: Michigan Department of Human Services

## Legend

- |   |                      |   |                                    |   |                   |
|---|----------------------|---|------------------------------------|---|-------------------|
| ● | Day Care Family Home | ■ | Adult Foster Care Family Home      | ▲ | Home for the Aged |
| ● | Day Care Group Home  | ■ | Adult Foster Care Small Group Home |   |                   |
| ● | Day Care Center      | ■ | Adult Foster Care Large Group Home |   |                   |



DATE: February 14, 2006

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services  
Mark Stimac, Director of Building & Zoning

SUBJECT: Application of the Michigan Building Code  
Pertaining to Day Care Group Homes

In order to understand the building code implications of allowing Day Care Group Homes (7-12 children) in single-family residential structures, it is imperative to understand the theory behind the development of the requirements of the building codes as they relate to the different uses of buildings and structures.

The Michigan Building Code is adopted by the State of Michigan and per the requirements of Public Act 230 of 1972, as amended, applies throughout the State without exception. This code is based primarily on requirements of the International Building Code. The International Building Code is promulgated by the International Code Council (ICC) through a consensus process and is published every three years. The current edition is the 2003 edition with the 2006 edition soon to be published.

The requirements of the Building Code are developed on the theory of, as I call it, "an equivalent level of minimum safety" in all buildings. That is to say that depending on the types of construction materials used, the use of the building, and other factors such as the availability of fire suppression, fire detection, and fire alarm systems, that all buildings will meet a minimum level of safety for the occupants. In order to establish this equivalent level, the size of buildings and number of stories are regulated by the code based upon these variables. The two most important factors in determining this minimum level of safety are the construction type of the building and the occupancy group of the uses that will take place inside.

Certain building materials have an inherently greater resistance to the effects of fire than other materials. Reinforced concrete is less likely to fail under exposure to fire than ordinary lumber. Building materials can also have additional protection applied to them to increase their resistance to the effects of fire. Steel, sprayed with a fire resistant coating, or encased in layers of gypsum board, has shown through testing to have a resistance to fire equal to that of concrete.

These “types of construction” are broken down into nine different categories 1A through 5B. Type 1A construction is one where the structural members are designed and tested to withstand a fire for up to three hours. Type 5B construction, at the other end of the spectrum, includes unprotected wood frame construction typically found in single-family homes. With buildings used for the same purpose, as the fire resistance of the structure increases, the allowable size for the building increases as well.

The other factor greatly affecting the allowable size for a building is what the building is going to be used for. Certain uses, because of the number of people involved and the activities that they are engaged in, are more hazardous than others. In others, the condition of the occupants, such as being asleep, anesthetized, restrained or having reduced mobility because of age or mental capacity affects the level of safety of the building. The Building Code divides the different uses of a building into ten basic use group categories. It further breaks those categories down into 26 sub-categories.

In establishing this equivalent level of safety the building code looks at a combination of the construction type of the building and the use group classification for the intended uses of the building. It then establishes a maximum height and area for those buildings also taking into account the availability of fire suppression, as well as the provision for access to the building for fire fighting purposes. In buildings constructed of heavily protected construction the areas and heights are unlimited. Other uses are not permitted at all in the unprotected wood frame buildings.

In terms of the question directly at hand, a single-family residence is classified as an occupancy group R-3 (Residential). A building in this occupancy group can be built of unprotected wood frame construction to an unlimited size up to three stories in height. A child day care facility for up to five children also fits within this same group and restrictions. When a day care facility provides care for more than five children then it is classified as an occupancy group E (Educational). Under this occupancy group in order to obtain that same “equivalent level of minimum safety” the code limits the area of the building built of unprotected wood construction to 9,500 square feet and limits the height to a maximum of one story above grade. The area can be increased to 28,500 square feet and the height can be increased to two stories if the building is provided with a fire suppression (commercial fire sprinkler) system.

If the children cared for are very young (under 2 ½ years of age) and not capable of self-preservation, the code places the facility into a higher group classification of an I-4 (Institutional) use group. These uses are limited to one story and 9,000 square feet and are required to have fire suppression. However, there is an exception if all of the rooms used for the day care are on the ground floor and have a door directly to the outside. Under those conditions the facility would still be classified as an E use group.

If these facilities include rooms or spaces that are below grade (basements) that are used as part of the child care facility, those basements must be provided with an exterior stairway leading to the ground, or openings on at least one side of the building

that are above the ground and at least 20 square feet of area, or they must be provided with a fire suppression system.

While the typical single family home is not subject to the requirements for handicap accessibility, facilities that care for more than five children are. The code does not require that the entire home be designed to meet these standards, but it does require that the portion of the home used for day care meet the accessibility standards. This would include accessible parking spaces (the signs are not required for five or fewer parking spaces), accessible building approach, accessible entrances, accessible hardware and accessible plumbing facilities. The City of Troy does not enforce the requirements of the American's with Disabilities Act (ADA), but the ADA does indicate that a day care center is a public accommodation covered under that act.

There is another code that has been adopted by the State of Michigan that may have some application in these cases. The State has developed and adopted the Michigan Rehabilitation Code for Existing Buildings. This code has provisions that could be used for reviewing applications for the alteration of existing buildings. The establishment of a Day Care Group Home in an existing single-family residence is considered to be a change of occupancy classification. As previously discussed, the occupancy classification for at least a portion of the structure will change from an R-3 to an E classification. Chapter 8 of the Rehabilitation Code establishes the minimum requirements when such a change takes place.

The application of this code requires a case-by-case analysis of the structure and the areas involved. While the use of this code may eliminate the need for a fire suppression system or modifications to existing stairways, it still would require that the building comply with the general height and area limitations of the Michigan Building Code as well as the accessibility requirements for the areas involved.

Prepared by: Mark Stimac, Director of Building and Zoning

Sharon M. Schafer  
5593 Mandale Drive  
Troy, Michigan 48085  
248 879 9249  
dschafer@ix.netcom.com

MAR 22 2004

Friday  
March 19, 2004

Mr. Mark Miller, Planning Director  
CITY OF TROY  
500 W. Big Beaver Road  
Troy, MI 48084

<b>DEPT. CIRCULATION</b>	
<input checked="" type="checkbox"/>	<b>DIRECTOR</b>
<input checked="" type="checkbox"/>	<b>PRINCIPAL PLANNER</b>
<input checked="" type="checkbox"/>	<b>PLANNER</b> <i>RF</i>
<input checked="" type="checkbox"/>	<b>PLANNER RF</b>
<input type="checkbox"/>	<b>SECRETARY</b>

Place on April 21<sup>st</sup> meeting

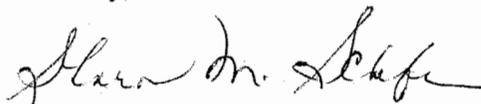
Dear Mr. Miller:

This is a request to be placed on a future agenda of a Planning Commission Study Session. My husband and I would like to present and discuss, informally and briefly, a need we see to change the Troy ordinance regarding the limits to the number of children an in-home day care service may have.

We would like to cite our experiences in providing day care services over the past 14 years (all of which have been in our Troy home), and the ever increasing need for in-home services here in Troy. In addition, we have some suggestions as to how the ordinance might be changed that would put Troy in step with what the State allows while still having a dimension of control over traffic coming and going to a day care home.

We appreciate your willingness to entertain our thoughts, and look forward to meeting with you and your staff/committee, at your convenience.

Sincerely,



Sharon M. Schafer

#4



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- [Someone told me that if I want to care for children in my home I have to be licensed. Is that true?](#)
- [What is a Family Day Care Home?](#)
- [What is a Group Day Care Home?](#)
- [What is a Child Care Center?](#)
- [How many licensed home and centers are there in Michigan?](#)
- [What regulations and requirements must be met to be licensed?](#)
- [Can I open a child care center before I get licensed?](#)
- [How long will it take to get my home licensed or registered to provide child care?](#)
- [What do I have to do to get a child care center license?](#)
- [What should I do if I have a concern about a day care facility?](#)

### Someone told me that if I want to care for children in my home, I have to be licensed. Is that true?

Michigan law requires a person to register her/his home as a "family day care home" if that person cares for 1 to 6 unrelated day care children for more than 4 weeks out of a year. If a person cares for 7 to 12 day care children at a time, the home would need to be licensed as a group day care home.

Michigan law further indicates that you **do not** need to be licensed or registered if:

- o The children's parents were **always present** in your home when care is given.
- o All of the children are **related to you**.
- o You cared for the children **in the children's home**.
- o You care for children **less than four weeks** per year.

### What is a Family Day Care Home?

A private residence that the child care provider lives in and cares for up to six unrelated children for more than 4 weeks in a year when the children's parents/guardians are not immediately available.

### What is a Group Day Care Home?

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- > [Family Day Care Home](#)
- > [Group Day Care Home](#)
- > [Child Care Center](#)
- > [Program \[unclear\] Qualifications](#)
- > [CPR and First Aid Training](#)
- > [Online License Application](#)
- > [Fire Safety Inspection](#)

Frequently Asked Questions

A private residence that the child care provider lives in and cares for up to 12 unrelated children for more than 4 weeks in a year when the children's parents/guardians are not immediately available.

### **What is a Child Care Center?**

A facility, other than a private residence, where child care is provided for 1 or more children whose parents/guardians are not immediately available. Centers must be licensed if they provide care for more than 2 consecutive weeks per year. Centers include public and private preschools, nursery schools, parent cooperative preschools, full-day child care centers and drop in centers.

### **How many licensed home and centers are there in Michigan?**

There are over 19,000 regulated day care homes and centers: more than 11,000 family day care homes, over 3,300 group day care homes and more than 4,500 child care centers. This represents more than 350,000 children that can be cared for in Michigan child care facilities!

### **What regulations and requirements must be met to be licensed?**

Day care homes and centers are regulated by the Bureau of Family Services and must comply with the child day care licensing law, Public Act 116, and administrative rules. The rules vary depending on whether the day care provided is in a family home, a group home, or a child care center. All licensed day care situations are reviewed by licensing staff to assure that the environment is safe, staffing is adequate, nutritious meals and snacks are provided, and there are appropriate activities and play equipment. Licensing rules require that staff caring for children be responsible and suitable to meet children's needs.

### **Can I open a child care center before I get licensed?**

No. Michigan law requires all non-governmental organizations to be licensed before opening. Everyone is encouraged to seek help and information when deciding to open a child care facility.

### **How long will it take to get my home licensed or registered to provide child care?**

As in other businesses, the length of time needed to become licensed or registered varies based on your completion of the needed steps in the application process. A registration for a family day care home or a license for a group day care home can be completed within as short a time as four weeks to as long as 16 weeks. Follow these links for more specific

information on completing the [family home registration process](#) and the [group day care home licensing process](#).

### **What do I have to do to get a child care center license?**

First you must select a site for your center. The site, including its equipment and materials, must be approved by fire and health inspectors and by the licensing consultant. Specific policies and operational plans must be developed, and then approved by the Bureau of Family Services.

The length of time depends on the applicant. Generally, the process takes applicants anywhere from three months to a year to complete. Follow this link for more specific information on completing the [child care center licensing process](#).

### **What should I do if I have a concern about a day care facility?**

Concerns should first be shared with the day care provider or director. If the problems or concerns continue you may want to contact the Office of Child and Adult Licensing office in your area, or visit our [Complaints](#) information.

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## Group Day Care in Your Home

It is illegal in the State of Michigan to care for unrelated children in your home without being licensed by the Michigan Family Independence Agency.

The first step in getting licensed is to request an application from the Licensing Division:

- [Online Licensing Application Request](#)
- (Fill out this form to submit on-line)
- Call: 517-241-2488
- **Toll free: 1-866-685-0006**
- Mail to:
  - Office of Child and Adult Licensing
  - Licensing Division
  - 7109 W. Saginaw 2nd Floor
  - PO Box 30272
  - Lansing, MI 48909-8150

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## EXPLANATION OF GROUP DAY CARE LICENSING

Licensing is the process by which the Michigan Family Independence Agency regulates group day care homes.

To receive a group day care home license, to care for 7-12 children, you will need to submit the following:

- The child day care application (BRS-3970) along with your check or money order [payable to the State of Michigan (no cash)]. **THE FEE IS NON-REFUNDABLE**
- A **Supplemental** Information form.
- **TB tests** for:
  - All persons, 14 years of age and older, living in your home (include yourself and your spouse).
  - Any other person who will help provide care.
- A signed licensing record **criminal and protective services clearance** on yourself and all members of your household 18 years of age and over.
- If you or a member of your household has been convicted of a criminal offense, or has a record of

substantiated child abuse or neglect, further study will need to be done by your licensing consultant.

- The purpose of this study is to determine whether such previous involvement would currently affect your ability to care for children and meet the family day care home rules.
- Written **discipline policy**.
- Proof of age-appropriate **CPR** and **First Aid Training**.
- A **statement** signed by a licensed physician or his/her designee which attests to your **health** and the health of any assistant caregivers.
- Proof of recent (within last year) **inspection** and **approval** of your **heating system** (including wood burning appliances) by one of the following:
  - a licensed heating contractor
  - a qualified fire inspector
  - insurance company
  - State Mechanical Inspector
  - local building inspector
- **Emergency Plans** for tornado, fire, and accident, and illness.

#### WHAT ELSE NEEDS TO HAPPEN?

- You may be requested to attend an **orientation** session.
- If your home has a **private well and/or septic system**, an inspection and approval of the system(s) are required. This inspection, done by the local Health Department or the State Department of Community Health prior to licensure at **no cost** to you, **will be requested by the consultant**.
- **For fire safety you will need:**
  - **Fire extinguishers** on each floor used by children in care. These **must** be rated at least **2A-10BC**. Not every fire extinguisher is a 2A-10BC, so make sure you have this rating or one that exceeds the requirement.
  - A **smoke detector** on each floor of your home.
- Call your **local zoning board** to determine if you can operate a licensed group day care home in your neighborhood.
- The licensing consultant will **inspect** your home to check that you have met all of the rule requirements.
- After the inspection has been made, and all the required information has been submitted, a **decision** regarding your application will be made.
- A letter will be sent to you with the **licensing decision** and a copy of the **licensing study report**.
  - If the decision is to **issue** you a license, the letter will indicate when you may begin caring for children and that this initial license is in effect for **6 months**.
  - After 6 months, providing you continue to **meet all the rules** and continue to **live at the same address**, you will be issued a license every 2 years.
  - If the licensing decision is to **deny** your application you have the right to appeal the decision.
- While you are licensed, **inspections** by the licensing consultant will be made **annually** or if a **complaint** has been made.

A license is issued to a **specific** person at a **specific** address.  
**If you move, your license is no longer valid.**

- If you plan to move, contact the Department **prior** to the move so that you can be licensed at your new address.
- If, at any time, you decide to no longer care for children, please notify your licensing office.

**If you wish to continue with the licensing process or have any questions, please feel free to contact your licensing office.**

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<b>DEPT. CIRCULATION</b>	
<input checked="" type="checkbox"/>	<b>DIRECTOR</b>
<input checked="" type="checkbox"/>	<b>PRINCIPAL PLANNER</b>
<input type="checkbox"/>	<b>PLANNER</b>
<input type="checkbox"/>	<b>PLANNER</b>
<input type="checkbox"/>	<b>SECRETARY</b>

Sharon M. Schafer  
5593 Mandale Drive  
Troy, Michigan 48085  
May 13, 2004  
[dschafer@ix.netcom.com](mailto:dschafer@ix.netcom.com)

**RECEIVED**  
MAY 20 2004  
BUILDING DEPARTMENT

*File / 2004*

Ms. Ginny Norvell  
Inspector Supervisor  
Housing & Zoning Building Department  
City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084

Dear Ms. Norvell:

First, I want to thank you for your courtesy and all the help you've given me recently regarding my State of Michigan licensed group day care home here in Troy. As you suggested, my husband and I are working with Troy's Planning Board to try to update our city's regulations regarding child day care homes, to bring them into closer conformity with what the State of Michigan allows, and what other neighboring communities allow.

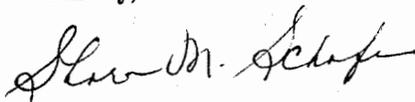
I have attended two Planning Board study sessions, and have been assured that they will discuss carrying this question to the City Council for consideration.

Also I would like to confirm and thank you for the verbal advisory mentioned in a recent phone call that, as long as the question of revising those Troy ordinances that affect child day care is moving forward, the Building Department will withhold enforcement of the current ordinances which the department indicated I am in violation of.

This courtesy is very much appreciated as it allows my families who are Troy residents and those who work in Troy to continue to have loving and caring attention for their children in my home.

Again, many thanks for your help and advice! I will try not to be a pest, but will call from time to time to keep you apprised of the progress of the proposed ordinance updates and revisions.

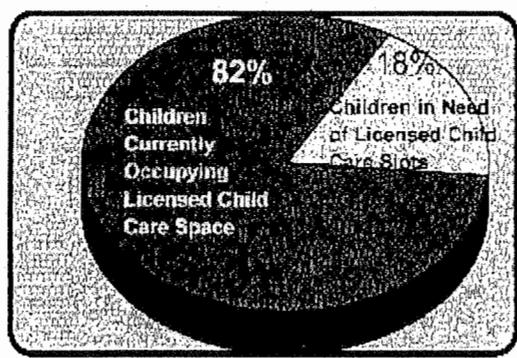
Cordially,



CC: MARK MILLER

*P.C. Study Meeting  
(Kim Duford)*

## The Supply and Demand of Child Care



There are a total of 258,751 children under the age in Michigan, and another 172,357 between the ages of six and twelve making an estimated total of 431,107 needing space in child care. The current supply can accommodate only 82% of the total demand for child care. This means that state-wide, there are 85,569 children without licensed child care in Michigan. The shortage of child care is critically acute for infants, children with special needs, those who need odd-hour care, and school-age children.

### Demand for Child Care

CHILDREN UNDER SIX	857,927	
% of Mothers in Labor Force	58%	
TOTAL children under six needing care	497,598	
% NOT cared for by a relative	52%	
Child care needed by CHILDREN UNDER SIX		258,751
CHILDREN 6 TO 12	979,744	
%of Mothers in Labor Force	73%	
Total children 6 to 12 needing care	718,152	
% NOT cared for by a relative	24%	
Child care needed by CHILDREN 6 TO 12		172,357
TOTAL CHILDREN 0 to 12 Needing Care by a Non-Relative		431,107
TOTAL Number of REGULATED SPACES		352,259
PERCENT SUPPLY MEETS DEMAND		82%

\*There is an acute shortage of:

- infant care
- care for children with special needs
- odd hour care
- school-age care

## CURRENT

COUNTY	# of Homes	Home Capacity	# of GFDC	GFDC Capacity	# of CNTRS	Center Capacity	# of FACIL	TOTAL CAPACITY	full-time centers	total centers	%FT centers	FT Center Spaces	CHILD CARE WORKFORCE
ALCONA	13	78	7	84	3	72	23	234	0	3	0%	0	41
ALGER	12	70			8	183	20	253	2	8	25%	69	47
ALLEGAN	225	1347	46	551	46	1557	317	3455	11	46	24%	934	597
ALPENA	64	384	16	192	14	386	94	962	3	14	21%	298	168
ANTRIM	30	174	11	132	15	428	56	734	5	15	33%	251	131
ARENAC	18	108	6	72	7	261	31	441	3	7	43%	191	76
BARAGA			3	36	6	167	103	764	2	6	33%	51	37
BARRY	94	561	31	372	24	830	185	1976	8	24	33%	370	305
BAY	130	774	71	852	51	2222	252	3848	32	51	63%	1899	656
BENZIE	42	251	11	132	6	216	59	599	3	6	50%	133	102
BERRIEN	187	1101	84	1008	59	2961	330	5070	26	59	44%	1799	858
BRANCH	93	554	25	300	20	769	138	1623	11	20	55%	320	278
CALHOUN	230	1364	78	923	74	4632	382	6919	52	74	70%	3114	1155
CASS	49	293	30	360	13	497	92	1150	8	13	62%	331	197
CHARLEVOIX	52	311	27	324	15	457	94	1092	7	15	47%	202	190
CHEBOYGAN	43	256	27	324	11	242	81	822	6	11	55%	154	144
CHIPPEWA	48	284	17	204	24	873	89	1361	12	24	50%	511	237
CLARE	32	192	17	204	11	294	60	690	6	11	55%	148	121
CLINTON	133	784	48	567	30	1199	211	2550	17	30	57%	788	439
CRAWFORD	26	156	8	96	6	152	40	404	2	6	33%	81	71
DELTA	69	414	11	132	16	590	96	1136	8	16	50%	354	196
DICKINSON	37	222	10	118	14	541	61	881	8	14	57%	309	152
EATON	232	1382	66	790	47	2633	345	4805	28	47	60%	1827	806
EMMET	55	328	21	252	23	911	99	1491	16	23	70%	714	257
GENESEE	308	1817	193	2306	253	12998	754	17121	150	253	59%	8601	2897
GLADWIN	22	132	20	240	10	267	52	639	6	10	60%	179	112
GOGEBIC	18	108	3	36	11	320	32	464	3	11	27%	129	83
GRAND TRVRSE	262	1561	31	372	50	2560	343	4493	41	50	82%	2281	758
GRATIOT	77	460	31	372	18	571	126	1403	5	18	28%	210	243
HILLSDALE	70	418	22	264	20	720	112	1402	9	20	45%	364	242
HOUGHTON	44	264	14	168	19	987	77	1419	12	19	63%	442	239
HURON	33	194	12	144	21	640	66	978	7	21	33%	238	174
INGHAM	416	2454	141	1690	171	9654	728	13798	112	171	65%	7694	2317
IONIA	124	728	28	336	26	942	178	2006	19	26	73%	766	347
IOSCO	18	108	20	235	11	487	49	830	5	11	45%	353	142
IRON	14	84	1	12	3	148	18	244	3	3	100%	111	41
ISABELLA	66	396	43	516	25	1020	134	1932	17	25	68%	785	330
JACKSON	216	1280	109	1300	64	3443	389	6023	44	64	69%	2451	1014
KALAMAZOO	449	2675	95	1140	124	5722	668	9537	71	124	57%	4328	1621
KALKASKA	41	242	9	108	7	147	57	497	4	7	57%	107	88
KENT	1248	7443	177	2114	252	13056	1677	22613	129	252	51%	10098	3812
KEWEENAW	1	6	1	12			2	18	1	0	#DIV/0!	60	3
LAKE	9	54	5	60	3	90	17	204	2	3	67%	74	36
LAPEER	59	354	36	432	37	1277	132	2063	19	37	51%	777	360
LEELANAU	31	185	3	36	16	572	50	793	12	16	75%	455	139
LENAWEE	120	711	67	804	44	2152	231	3667	31	44	70%	1667	621
LIVINGSTON	96	576	40	474	73	3944	209	4994	43	73	59%	2897	841
LUCE	14	81	6	70	2	60	22	211	0	2	0%	0	37
MACKINAC	24	144	7	84	6	146	37	374	2	6	33%	42	66
MACOMB	452	2704	135	1608	269	18946	856	23258	172	269	64%	14893	3833

MANISTEE	35	210	12	144	11	430	58	784	7	11	64%	326	135
MARQUETTE	60	359	15	180	28	923	103	1462	12	28	43%	564	256
MASON	52	312	38	456	12	342	102	1110	7	12	58%	246	191
MECOSTA	64	383	9	108	22	652	95	1143	7	22	32%	312	202
MENOMINEE	24	144	9	108	11	344	44	596	5	11	45%	236	105
MIDLAND	139	827	55	660	60	2925	254	4412	37	60	62%	2081	748
MISSAUKEE	21	126	10	114	7	266	38	506	5	7	71%	206	88
MONROE	89	530	41	492	63	2956	193	3978	27	63	43%	1723	677
MONTCALM	93	556	34	408	30	998	157	1962	18	30	60%	707	341
MONTMORENCY	14	84	6	72	6	122	26	278	3	6	50%	50	50
MUSKEGON	327	1947	96	1152	76	3477	499	6576	55	76	72%	2438	1117
NEWAYGO	87	522	28	336	20	935	135	1793	19	20	95%	825	303
OAKLAND	591	3512	348	4158	582	41034	1521	48704	400	582	69%	29802	8024
OCEANA	48	288	14	168	17	616	79	1072	7	17	41%	346	185
OGEMAW	26	156	17	204	8	269	51	629	4	8	50%	193	108
ONTONOGAN	4	22	5	60	5	109	14	191	5	5	100%	76	35
OSCEOLA	37	222	30	360	11	327	78	909	5	11	45%	183	157
OSCODA	7	42	3	36	3	100	13	178	1	3	33%	60	31
OTSEGO	34	204	37	444	12	412	83	1060	4	12	33%	132	820
OTTAWA	672	3999	39	468	114	5643	825	10110	83	114	73%	4086	1054
PRESQUE ISLE	16	96	5	60	8	189	29	345	3	8	38%	87	64
ROSCOMMON	18	108	16	192	11	329	45	629	4	11	36%	139	426
SAGINAW	334	1960	94	1128	131	5225	559	8313	72	131	55%	3669	1221
ST. CLAIR	118	700	62	739	76	3071	256	4510	38	76	50%	1863	769
ST. JOSEPH	108	646	29	348	36	1333	173	2327	19	36	53%	990	336
SANILAC	42	252	23	276	21	682	86	1210	10	21	48%	426	185
SCHOOLCRAFT	16	96	1	12	5	126	22	234	2	5	40%	74	75
SHIAWASSEE	49	293	28	336	31	1406	108	2035	16	31	52%	975	357
TUSCOLA	59	354	33	396	25	761	117	1511	11	25	44%	341	313
VAN BUREN	108	638	38	456	45	2133	191	3227	25	45	56%	1260	731
WASHTENAW	290	1730	142	1703	188	11887	620	15320	134	188	71%	9251	3123
WAYNE	868	5071	313	3690	801	47501	1982	56262	474	801	59%	33529	8639
WEXFORD	87	519	20	240	17	653	124	1412	6	17	35%	262	10838
COLUMN TOTALS	10683	63475	3570	42662	4571	242118	18954	348255	2720	4571	60%	172308	69361

TOTAL FACILITIES 19666

Oakland County  
 third highest for number of  
 parents in the work force

State of Michigan has  
 9,938,444 people in the work  
 force.

**AN INFORMAL PRESENTATION**

**To**

**CITY OF TROY PLANNING BOARD**

By

SHARON M. SCHAFER  
5593 Mandale Drive  
Troy MI 48085

Concerning

**UPDATING TROY HOME DAY CARE ORDINANCES  
To allow  
GROUP DAY CARE HOMES  
(UP TO 12 CHILDREN IN CARE)**

Tuesday  
April 27, 2004

## **OVERVIEW**

- I. Introductory Remarks -
- II. Principal Concerns in considering the authorization of Group Day Care Homes
- III. The scope of Day Care in Troy – the numbers
- IV. Suggestions and recommendations
- V. Closing thoughts

## **THE TRAFFIC QUESTION**

- Does 6 children in care = 6 cars, and 12 children = 12 cars? No! Families with siblings reduce the total car count significantly.
- Do Day Care Cars = a traffic jam? No! Market-driven forces significantly space out arrivals in the AM and PM so there is never a true traffic problem.
- Pick up and drop off visits are usually very short in duration, as parents want to 'get on their way'.

## **THE EMPLOYEE QUESTION**

- A Group Day Care Home is required by the State to have at least one assistant caregiver available when there are more than six children present.
- Any Home Based Day Care, 'Family' or 'Group', must have a ratio of 1 caregiver for every two infants (younger than 18 months).
- Does Troy have an ordinance that forbids having an employee working at a home-based business? If so, this would have to have an exception added to it.

## **HOME DAY CARE IN TROY**

- Governor Granholm's "Cool Cities" program has a 'Day Care Available' component to it. Troy enjoys this designation, in part because it has good day care offerings.
- The Oakland County Child Care Council (the 4-C's) is a professional organization to promote quality day care, and offers training, licensing updates and information, and a referral service for families looking for quality day care.
- Per the 4-C's –
  - There are 340 Group Day Care Homes licensed in Oakland County.
  - 20 of these homes are in Troy. (There are 48 Family Day Care Homes.)
  - In January, 2004 they received 52 reference requests for day care opportunities IN TROY, 47 of which wanted Home-Based Day Care.
  - In February, 2004 they received 42 reference requests for day care opportunities IN TROY, 39 of which wanted Home Based Day Care.
  - In March, 2004 they received 37 reference requests for day care opportunities IN TROY, 34 of which wanted Home Based Day Care.
  - THAT'S 92% of the calls wanted Home Based Day Care!
- Per the 4-C's –
  - On the average day during the first three months of 2004 there were only 3 openings available in Troy. The demand FAR exceeds the supply!

## DAY CARE IN OUR AREA / ORDINANCE REFINEMENTS

- Sister cities – Birmingham, Clawson, Farmington Hills, West Bloomfield, and more – have ordinances allowing Group Day Care Homes in their communities.
- Those cities have, by and large, adopted the language of the State statute regarding Group Day Care Homes, adding it to their list of ordinances. It is apparent that Troy did the same when it adopted its current Family Day Care Home ordinance in the 70's.
- Some suggestions for reasonable refinements for Troy to add to a general ordinance allowing Group Day Care Homes, caring for up to 12 children.
  - Require that there be room on a home's driveway for a day care customer to park.
  - Limit the hours of operation to reasonable times – 6:00AM to 10:00PM, for instance.
  - Require adequate play area in a home back yard, and that it be securely fenced with lockable gates. A minimum of 2400 square feet is suggested.

out. door

## **CLOSING THOUGHTS / NEXT STEPS**

- Keeping up with the Joneses (Birmingham, Farmington Hills. Etc.) is NOT a good reason for change.
- Keeping up with what the State now allows, AND WHAT THE COMMUNITY SEEMS TO BE DEMANDING (and is already offering, albeit in violation of current Troy ordinances) IS a good reason for change.
- The experience of the Schafer family, and the expertise of the Oakland County Child Care Council is available to the Board as it considers updating Troy's ordinances regarding Home Based Day Care for children.
- Next Steps -- ?

**REGULATIONS OF GROUP DAYCARE HOMES IN**  
**NEARBY COMMUNITIES**  
**(BASED ON ACTUAL PHONE CALLS TO THE**  
**CITIES IN QUESTION)**

- **AUBURN HILLS**-- PLANNER- STEVE COHEN - 248-364-6900  
*-YES- w/spec use.*
- **BLOOMFIELD HILLS**- 644-1520 CITY MGR-
- **ROYAL OAK**- 248-246-<sup>3280</sup>*Joseph Murphy* -- *YES - spec Land use 1 family Residential*
- **BERKLEY** 248-546-2420 CITY CLERK OFFICE  
ALLOW WITH STATE LICENSE
- **MADISON HEIGHTS**- 248-583-0826  
ZONING- SARAH - YES WITH STATE LICENSE
- **NOVI**- 248-347-0456 - MARY ANN - CITY CLERK -  
YES - MUST REGISTER WITH CITY CLERK \$10.00
- **ROCHESTER HILLS** - 248-656-4630 BLDG DEPT- GLORIA  
YES WITH RESTRICTIONS -
- **STERLING HEIGHTS** - 586-446-2420 ZONING DEPT  
ALLOWED WITH VARIANCE - CAROL PLANNING
- **WARREN**—586-574-4557 -- LISA - JUST NEED STATE  
LICENSE
- **BLOOMFIELD TWP** - BRENDA - 248-433-7700 - YES  
ALLOWED
  - LICENSED BY STATE
  - APPLY 4 SPECIAL USE PERMIT
  - GO BEFORE DESIGN AND REVIEW BOARD

## Paula P Bratto

---

**From:** Jeni Baker [jeni.baker@pulte.com]  
**Sent:** Thursday, June 30, 2005 10:19 AM  
**To:** Brian P Murphy  
**Cc:** Mark F Miller; Paula P Bratto; John Szerlag  
**Subject:** Group Daycare



daycare.doc

I am writing in response to a planning commission study session I attended Tuesday evening. Throughout the course of the evening Mark Miller indicated that City Management is against Group Daycare homes. I am writing to you to determine the accuracy of the statements made (I believe you oversee planning).

Is city management against Group Daycare homes? If so, why exactly? It is difficult to listen 3rd party to the planning commission's conversation and come out with a clear understanding of the issues at hand.

What I took from the meeting is that the City is concerned with 1) potential traffic issues, 2) having an employee in the home and 3) adversely affecting neighbors (via noise?). I am writing to voice my opinion. I believe it is imperative to legally allow for Group Daycare facilities in the city while protecting the rights of neighbors.

The issues the city is concerned with may not be as problematic as they seem. For example, having used these types of facilities for many years, Group Daycare homes can have up to 12 kids per day. This does not mean there are 12 kids on each day. Due to the proliferation of flextime and part-time schedules, in addition to the fact that kids often stay home sick or are pulled out for family vacations, most Group Daycare providers have less than 12 children on any particular day. Even if a facility is at max capacity, it is highly likely that there are sets of siblings in attendance at the facility. This means that there are probably at most 6-8 cars that stop by for a matter of minutes to drop off and pick up children. In addition, the drop off times and pick up times usually span a 2 hour period (7-9am / 4-6pm). In summary, over a two hour period a group daycare home may have 6-8 cars that stop by for a matter of minutes. Is this truly overly burdensome on a neighbor? Many large families, social teenagers and avon ladies can generate this much traffic on a daily basis. Please determine if traffic is truly an issue or if more is being made of it than it warrants.

The second issue relates to having an employee in the home. The City should step carefully in this area. If the city says that having an in-home employee is disallowed, it is applicable to many home businesses, not just Group Daycare homes. For example, this may impact people who work out of their homes (in a "for profit" business) doing webpages, tax returns, selling beauty products, doing massages or providing salon services, etc. If any of these people engage anyone else to assist them and pay that individual \$600 or more in a calendar year, that person can be construed as having an in-home employee. Additionally, disallowing in-home employees may impact service providers. Anyone who works for you in your home (even if they are not assisting in a "for-profit" business) and earns \$600 or more in a calendar year can be considered an employee. This includes the neighborhood babysitters, nannies, in-home nursing care, cleaning ladies and potentially even lawn/garden service providers. I know that the City does not want to be overly burdensome on small business owners. It wants to be a place that both big and small businesses can thrive. It is important that the city carefully weigh the true burden in-home businesses have on a neighbor against an individuals right to earn a living (and to employ a small number of individuals to assist in that endeavor). With the internet and the ability to telecommute, many more people are working out of their homes and maybe it is time the city officially allow for and support this trend.

The third issue relates to noise. I am not sure what is overly disturbing about the sound of children playing outside. However, if there is a neighbor who doesn't care for the sound of children, couldn't the city enforce the same noise standards it imposes on all

residents? In addition, please note that the children are typically contained inside during the day. There are set "outside" times or recesses that most facilities follow. The children are not outside for excessive time periods. The city should deal with noise violations on a case by case basis. I am concerned that one neighborly dispute may adversely affect a wonderful small business opportunity and great city service currently available to Troy residents and employees.

I am a Tax Manager of a Fortune 500 company and not only use a Group Daycare facility myself, but also have employees who use these types of facilities in Troy and neighboring municipalities. I have worked in the Tax Departments of many large corporations throughout the course of my career (including one of the Big Six public accounting firms, General Motors Corporation, Delphi Corporation and currently Pulte Homes Corporation). I can say, without a doubt, that having reliable daycare for myself and the employees is a critical component of being able to operate effectively.

I urge City Management to reconsider their position and become a proponent of Group Daycare. Troy should be the city that Novi, Birmingham, Bloomfield Hills, Rochester, Livonia, etc. look at to determine what is being done to lead a City into the future. The reality is that there is a growing need for daycare options for working families.

Group Daycare homes allow for a slightly higher income and quality of life for owner/operators vs Family Daycare. Please note however, I have heard comments from planning commission members who seem to be under the false impression that owner/operators make a large income from their Group Daycare business. My daycare provider earns approximately \$5.31/hr to watch my child. Additionally, I pay a higher rate than others because I use her facility on a part-time basis. Out of the approximately \$5/hr she earns, she pays her employee's wages, provides breakfast, lunch and snacks, art supplies, toys, playground equipment, home and yard maintenance, videos, books, utilities, insurance and pays tax on the remaining net income. She is registered with the state, pays any applicable licensing fees and requires minimum yearly training seminars for herself and her employees.

If the City forces these individuals to decrease their numbers to 6, many may not be able to stay in business. If you force them back into a "Family Daycare" environment you will effectively cut their income in half and will reduce the "spending" power these individuals have. This indirectly affects the City in that we now have residents at a lower income level, resulting in less spending at local businesses. Additionally, if they are forced to reduce the number of children they have, budget cuts will need to be made. These cuts will (most likely) adversely affect the quality of care the children receive in that current spending levels for activities/supplies/toys, etc. will need to be reduced.

If the City disallows Group Daycare and the providers choose to move their businesses just over the border (for example, to Birmingham), the families will follow. This also adversely affects local businesses. For example, I will probably get my morning cup of coffee at a Birmingham business, do my banking, drycleaning and other errands in Birmingham on my way to drop off/pick up my children.

Having first hand experience with both Family Daycare and Group Daycare (as well as having visited and done my due diligence on many Daycare Centers), I would be happy to meet with the planning commission or any other interested parties if that would be beneficial to the city. Please feel free to contact me to discuss any of these issues (my contact information is below). I have also attached a word document where I list specific advantages that Group Daycare provides over Family Daycare or Daycare Centers.

For many families, Group Daycare is the only logical choice. Please come together to find a way that they can be allowed in this city. If the city is unable to move forward with amending the current zoning language to allow for group daycare facilities, for the benefit of children currently in one of these homes, consider grandfathering existing facilities. Displacing or moving children who are attached to their current care provider could be traumatizing. I believe most individuals would be supportive of imposing reasonable standards for these facilities (keeping in mind the practicality and cost). The last thing we should do is force this service underground where a child could pay the ultimate price. Having them upfront, legal and monitored is the best choice for everyone.

Thank you for reading this lengthy e-mail. To the individuals on the planning commission, thank you for volunteering your personal time to benefit the city.

Regards

Jeni Baker (Troy Resident)

(h) 248-879-8876

(w) 248-433-4551

(h) rsbaker1@wowway.com

(w) jeni.baker@pulte.com

<<daycare.doc>>

- **Consistent Caregiver** – Group daycares are owner operated with one additional employee. The owner/operator is a consistent presence in the child's life from birth through kindergarten. Less turnover than Centers.
- **Safety of Children** – multiple caregivers in the event of an emergency (primary caregiver passes out/is injured)
- **Safety of Children** – primary caregiver is neglectful/abusive (even one other employee provides a "check and balance"). Parents may feel more comfortable with multiple caregivers but do not like the daycare "institutions"
- **Reliability** – less "lost workdays" for employees/employers. Even one additional employee provides coverage for illness/vacation/personal issues
- **Home Environment** – Unlike centers, group daycares provide a home environment. Good choice for parents who want a "home away from home" alternative (similar to family daycare) but want exposure to more children
- **Educational Environment** – Group daycares provide an educational environment similar to many of the centers and current Troy pre-schools. Family daycares may not be able to provide this learning environment due to the limited number of children at similar stages of development. If group daycare homes are forced to limit the number of children, the reduction in income would probably result in cutting costs in activities/supplies etc., that currently benefit the children.
- **Blended Ages** – Group Daycare homes, similar to family daycare homes, allow siblings to be raised together. Centers typically isolate siblings based on age.
- **Developmental Age Exposure** – Due to more children (up to 12 vs up to 6) more likely to have children similar in developmental stages, exposure to both boys and girls, etc.
- **Cost Effective Alternative** to Centers/In-home care (comparable w/ family daycare)
- **Beneficial for the City of Troy** – Become leader in this area – the city that is progressive in supporting programs that are required by a growing number of residents and employees
- **City of Choice** – Should not limit parents choices. Potentially limit number of permits issued in the city, however, make it a valid option.
- **Part-time friendly** – Waiting lists for part-time children at Centers – not cost effective, almost punitive for part-time individuals
- **Infant/toddler/pre-school friendly** – Many churches and centers only take children who are "potty trained" and are 3 years old and up
- **There is currently a need for quality daycare in the state**
- **Lower rate of illness** compared to centers

#### **If you close:**

- Limiting people's choices on what is best for their children. Parents are best able to assess their children's emotional and educational needs and should have at least 3 viable options for daycare.
- You may unintentionally harm children with special needs. Many special needs children will not do well in institutions and are too burdensome to take on for a family daycare where there is only one care giver.
- Closing these will result in lost workdays while up to 300 families scramble for alternatives. Additionally, the lost workdays will continue if the group daycare families enroll in family daycare where there is no backup/coverage for illness, vacation, etc.
- Intangible benefits include employing high school & college students interested in education as well as retirees.

**Paula P Bratto**

---

**From:** Chan Chung [cjc@sbcglobal.net]  
**Sent:** Wednesday, August 10, 2005 11:11 PM  
**To:** Paula P Bratto  
**Subject:** Re: ZOTA214 Group Daycare Homes in R-1

Dear Sir/Madam,

(1)

I think City of Troy should not give temporary permit to anyone who has been doing group day care. Must wait until City council passes the amendment. That's the ABC of the law. If this is not observed, then City might be in a big trouble, legally.

(2)

In the admendment text, we should include the approval of adjacent neighbors as a condition to get the permit as well as annual renewals. This should be no problem because they claimed that no neighbor did complain.

Sincerely,

CJ Chung

1189 Garwood Dr.

8/11/2005

Paula P Bratto

---

**From:** Chan Chung [cjc@sbcglobal.net]  
**Sent:** Wednesday, August 10, 2005 1:09 AM  
**To:** Paula P Bratto  
**Subject:** Re: ZOTA214 Group Daycare Homes in R-1

Dear Sir/Madam,

I attended the public hearing tonight. There were problems inherently.

(1)

The letter sent to group day care's neighbors were useless, because people did not understand it. No one knows the difference between family day care homes and group day care homes.

(2)

Neighbors just ignored the letter, because they signed when they visited their homes. But the problem was they did not explain the essence. They came to my home and asked my wife to sign because the City tries to shutdown all the day care homes. They did not say that the city allows family day care homes, currently.

Glad to hear that there will be another hearing after having the proposed text. It was a hearing only for the interest group, not for the resident of Troy.

Sincerely,

CJ

8/10/2005

**Paula P Bratto**

**From:** Chan Chung [cjc@sbcglobal.net]  
**Sent:** Wednesday, August 10, 2005 12:51 AM  
**To:** Paula P Bratto  
**Subject:** RE: ZOTA214 Group Daycare Homes in R-1

Hello,  
I was there. The chairman did not say we had a right to refuse.  
Sincerely,  
CJ

*Paula P Bratto* <BrattoPP@ci.troy.mi.us> wrote:

You will be asked to give your name and address but you can refuse and you will be allowed to speak.

-----Original Message-----

**From:** Chan Chung [mailto:cjc@sbcglobal.net]  
**Sent:** Saturday, July 30, 2005 3:39 PM  
**To:** Paula P Bratto  
**Subject:** ZOTA214 Group Daycare Homes in R-1

Dear Sir/Madam,

I am a resident in Troy and received the letter about the Group Daycare homes. I am very concerned about the amendment because of the following reasons:

- (1) increased traffic
- (2) noise
  - many children/babies are crying when they arrive early in the morning
  - from cars in the morning
  - the daycare home was shoveling snow before children were arriving. Sometimes 4:30am in the morning!
- (3) lowering property value of my house
- (4) amount of trash they produce is huge! Perhaps they are paying same property tax as us, which is not fair.
- (5) I purchased my house in residential area, not in commercial area. They are doing that for only profit. Children are staying almost all day in the basement which is damp and many insects live.

Could I possibly be anonymous? I am planning to sell my house. I consulted with real estate agencies. All said that the value will be lowed if there is a day care home next to my house. I am worrying about revealing my identity, because then the problem of my house is known to the general public, especially due to the search engine on the Internet. If address and my name is given in the minutes, then anyone can find the problem on my house.

Please tell me this anonymous email is all right. I plan to attend the Hearing on Aug 9th, but I should be remain silent and anonymous, because of the minute online. During the Hearing, can I speak as anonymous?

Sincerely,  
A Troy resident

**Mark F Miller**

---

**From:** Cynthia A Stewart  
**Sent:** Monday, August 15, 2005 9:31 AM  
**To:** Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail 2); David Eisenbacher (E-mail); Jeanne Stine (E-mail); John Szerlag; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail)  
**Cc:** Douglas J Smith; Brian P Murphy; Mark F Miller  
**Subject:** FW: Home Daycare

-----Original Message-----

**From:** Qiling Yu [mailto:qiling\_yu@yahoo.com]  
**Sent:** Saturday, August 13, 2005 5:41 PM  
**To:** Paula P Bratto; Cynthia A Stewart  
**Subject:** Home Daycare

From: Qiling Yu, 4038 Worthington Drive, Troy, MI 48085

To: Troy City Council and Planning Commission

Date: August 13, 2005

Dear Sir and Madam,

I have been the resident of Troy since January 1999. I recently heard from my neighbour Kathy Peterson, a child daycare provider in my neighbourhood, that the city is considering removing Home Daycare. My family is deeply concerned about the decision, and urge the city officials to reconsider the direction.

My daughter, Jeanna Yu, is now seven and half years old. Jeanna started "public life" at Home Daycare when she was only 20 months, and Jeanna still remembers the wonderful time at Kathy's house. This is because Kathy has been providing the home environment and made all children feel at home. Jeanna had an outstanding first grade performance in the past school year, and I think Kathy's Home Daycare is definitely a positive contributor. Not only children benefit from Home Daycare, parents also. I sincerely hope Troy will keep Home Daycare to benefit more families like mine.

Thank you very much for your time and efforts in making Troy a better place to live!

Best regards,

Qiling Yu

---

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Chan Jin Chung  
1189 Garwood Dr. Troy, MI 48085  
248-680-7211, [cjc@sbcglobal.net](mailto:cjc@sbcglobal.net)  
Aug. 29, 2005

REC'D

AUG 24 2005

PLANNING DEPT.

Mark Miller  
Planning Director, City of Troy  
500 W. Big Beaver  
Troy, MI 48084

Dear Mark,

As you know, a Group Day Care Home is a business with employees who do not live in the home, which is changing the concept of residential zone dramatically. Group Day Care Homes are an unusual circumstance which start very early in the morning before 9 A.M. when neighbors may need to sleep. For example, I am a night worker but I cannot sleep due to the following noise problems caused by a day care home very close to my house in the morning.

- Noise from the slamming the entrance door (not the front door, but the side door they use for their business)
- Noise from the slamming car doors (while holding a baby with the other arm)
- Occasionally, babies are crying when they enter the day care home. More frequent in winter.
- Parents usually talks to their baby or child before going into the day care home
- Noise when they start the car
- Noise when they use remote key to lock the car
- Noise when they shovel snow very early in the morning before their customers arrive
- Noise when they talk outside of the home

Please note that I suffer from these problems the most in the sub-division due to the following reasons:

- Building gap is only 17' 8" (Minimum distance is 15' in R-1E zone in Troy)
- My bed is toward the wall and is away only about 20' diagonally from the day care business entrance. (Because of the location of master bathroom, I cannot move my bed.)

In addition, I have privacy issues since their business entrance door is just next to my dinning room. I cannot open my window blinds, since strange day care customers can easily look into my dining room. Please have a visit to my home, to see what is going on. First, I want them not to use the "side door" for their business.

There are other problems such as traffic, parking, safety, large amounts of trash, and lowering property value of neighbors. Therefore, day care homes should not be allowed in residential area especially in Troy R-1E zone since the minimum distance between buildings is too short (less than 20ft).

Also I do not support the current day care system, which encourages leaving babies in the damp and dark basement without sunlight for at least 8 hours. No child should be left in the basement for many hours. Day care business people say they provide home like childcare. I think that is not right. It cannot be homelike environment with 12 babies. It will be bad decision for the USA in the long run. Instead, I suggest making law to require homebuilders to plan and build special day centers in the large-scale subdivisions. It will be a win-win situation for everyone.

Sincerely,

  
Chan Jin Chung

P.S. Please do not make my home address public regarding this matter.

REC'D

SEP 27 2005

Chan Jin Chung  
1189 Garwood Dr. Troy, MI 48085  
248-680-7211, [cjc@sbcglobal.net](mailto:cjc@sbcglobal.net)  
Sep. 27, 2005

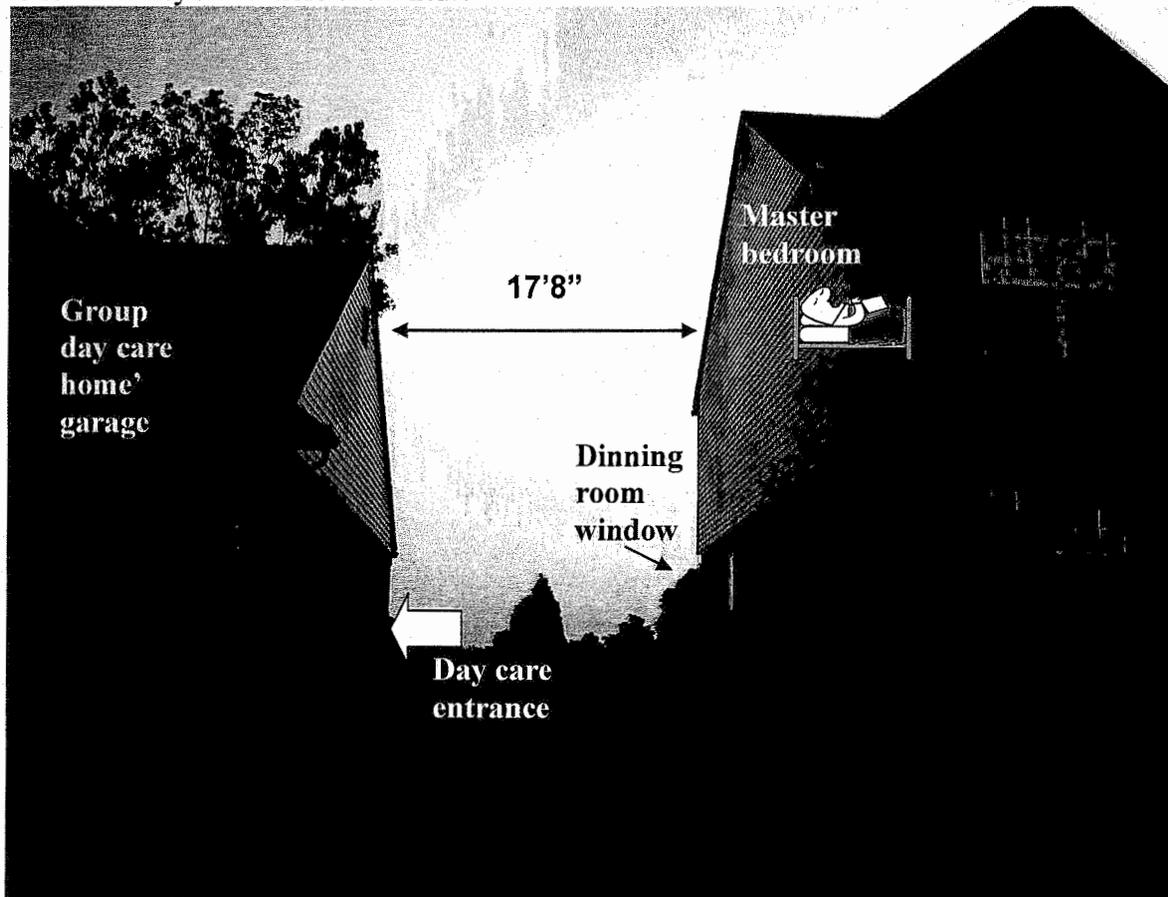
PLANNING DEPT.

To: City of Troy Planning Commission Committee ✓  
500 W. Big Beaver Rd., Troy, MI 48084  
Cc: Mark Miller, Planning Director, City of Troy  
Re: ZOTA 214 Article XXVIII, Group Day Care Homes in the R-1A ~ R-1E

Dear City of Troy Planning Commission Committee Members:

Many thanks for working for the better lives of people living in Troy. I would like to express my opinion by this letter regarding "Group Day Care Homes" for the public hearing on September 27<sup>th</sup>, 2005. As you know, a Group Day Care Home is a business with employees who do not live in the home, which is changing the concept of residential zone dramatically. Group Day Care Homes are an unusual circumstance which start very early in the morning from 6 a.m. when neighbors may need to sleep. Actually, I need to sleep in the morning because I work at night. But I cannot sleep due to the annoying noise caused by a day care home very close to my house in the morning. Examples of noises due to day care customers of 12 babies are:

- Noise from the slamming the entrance door (not the front door, but the side door they use for their business)
- Noise from the slamming car doors (while holding a baby with the other arm)
- Occasionally, babies are crying when they enter the day care home. More frequent in winter.
- Parents usually talks to their baby or child before going into the day care home
- Noise when they start the car
- Noise when they use remote key to lock the car
- Noise when they shovel snow very early in the morning before their customers arrive
- Noise when they talk outside of the home



Please note that I suffer from these problems the most in the sub-division due to the following reasons:

- Building gap is only 17' 8" (Minimum distance is 15' in R-1E zone in Troy)
- They have been using a side door as business entrance for customers, not the front entrance.
- My bed is toward the wall and is away only about 20' diagonally from the day care business entrance.  
(Because of the location of master bathroom, I cannot move my bed.)

Also, I have privacy issues since their business entrance door is just next to my dining room. I cannot open my window blinds, since strange day care customers can easily look into my dining room. The following is a photo showing the day care entrance door seen from dining room window. As you see, it is too close and trees they planted recently do not help at all. There is a beautification issue, since their 6 large trash bins are directly under my dining room window. Three trash bins were recently moved to the right side of the photo below.



In addition to the noise, invading privacy, and beautification problems, there are other issues as summarized by Planning Department such as traffic, parking, safety, and increased amount of water/sewer/refuse. Based on my experience of selling the current home, it is certain that the existence of the day care home as a next neighbor lowers the property value of the house. Therefore, I would like to ask you to make a careful decision in changing city ordinance regarding group day care homes in the residential area. Especially, special investigation must be conducted in Troy R-1E zone since the minimum distance between buildings is too short (less than 20ft).

Please do not make my home address public considering my situation.

Sincerely,

Chan Jin Chung 9-27-2008  
Chan Jin Chung

**Brent Savidant**

---

**From:** Mark F Miller  
**Sent:** Thursday, October 06, 2005 9:29 AM  
**To:** Allan T Motzny; Brent Savidant; Christopher Kulesza (E-mail); David Waller (E-mail); Fazal Kahn (E-mail); Gary Chamberlain (E-mail); Larry Littman (E-mail); Lynn Drake-Batts (E-mail 2); Mark Vleck (E-mail); Robert Schultz (E-mail); Thomas Strat (E-mail); Wayne Wright (E-mail); Kathy Czarnecki; Paula P Bratto; Ronald Figlan  
**Subject:** FW: Group Daycare Home ZOTA language

-----Original Message-----

**From:** Curtis Childs [mailto:CDChilds@msn.com]  
**Sent:** Sunday, October 02, 2005 10:42 PM  
**To:** Paula P Bratto; Mark F Miller; John Szerlag  
**Cc:** Cynthia A Stewart; Louise Schilling; Judy Collins; Kim Duford; Sharon Schafer; Nichol Childs  
**Subject:** Group Daycare Home ZOTA language

Please see the attached information

October 6, 2005

City of Troy  
Planning Department  
Planning Commissioners  
City Council  
City Manager

To all:

A committee of the Troy group daycare providers who are very much involved in this issue met together to discuss the city's proposed daycare language. The attached information is our attempt to be helpful and proactive in assisting the City of Troy to develop and adopt a new ordinance allowing for group daycare homes in all residential areas. We have thoroughly examined the language that has been proposed and have come up with the following information and suggested changes and / or additions. We have added some information that we believed to be very beneficial. Some of it has come from the State of Michigan, some came from other cities' ordinances. We very much like the City of Troy's option 2 but we understand and believe that option 3 may be our best chance at having a change to the ordinance. We hope this information is useful to you in your discussions about this issue.

Thank you for your time.

Respectfully Submitted,  
Group daycare providers

OPTION 1: STATUS QUO (UNREASONABLE)

No changes to Article X proposed.

OPTION 2: PERMIT BY RIGHT (SUBJECT TO SPECIAL CONDITIONS)

BEST OPTION WITH CHANGE TO (B)

10.25.05 Group Day Care Homes, as defined in Section 04.20.69, subject to the following conditions:

- A) The number of children so cared for who are not a part of the family residing in the subject dwelling unit shall not exceed twelve (12).
- B) For each child on the premises a minimum of four hundred (400) square feet of outdoor play area shall be provided, in the rear or side yards of the subject dwelling unit.
- B) A day-care home shall provide an outdoor play area which is not less than 400 square feet and which is available on the premises or within a reasonable walking distance of the home. (Per State Rules)
- C) The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Group Day Care Homes.
- D) The resident-operator of the Group Day Care Home shall be licensed in accordance with applicable State Law.

OPTION 3: SPECIAL USE APPROVAL "LIGHT"

10.30.10 Group day care homes, subject to the following conditions:

- A. The resident-operator of the Group Day Care Home shall be licensed in accordance with applicable State Law. Expiration of the group day care license shall constitute expiration of Special Use Approval.
- B. There shall be no dropping off of children between the hours of 10:00PM and 6:00AM.
- C. No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
- D. No sign shall be used on the premises.
- E. The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Group Day Care Homes.
- F. The Planning Commission shall ensure that the parking and drop-off areas are designed for safety and convenience.

- G. The Planning Director may waive any required site plan information provided it can be determined that the application meets the requirements of Section 10.30.10 and Section 03.31.05.
- H. Licensed group day care homes in operation as of the effective date of this provision shall not be required to receive Special Use Approval, provided the group day care license does not expire.
- I. A day-care home shall provide an outdoor play area which is not less than 400 square feet and which is available on the premises or within a reasonable walking distance of the home. (Per State Rules)
- J. Has appropriate fencing for safety of children in group daycare home as determined by city's permitting authority.
- K. All group daycare homes shall be register with the 911 dispatch center and the City of Troy Police and Fire Dept

OPTION 4 – SPECIAL USE APPROVAL “HEAVY” (ONLY DIFFERENCE BETWEEN OPTION 3 AND OPTION 4 IS IN PARAGRAPH (H), THIS IS UNREASONABLE AND DANGEROUS)

Statistics of the last three (3) years that were provided by Michigan State Police show 90% of accidents in the City of Troy have occurred on major thoroughfares.

10.30.10 Group day care homes, subject to the following conditions:

A. The group day care home shall be licensed with the Office of Children and Adult Licensing or the appropriate licensing agency, should the licensing duties be provided by another organization in the future.

Expiration of the group day care license shall constitute expiration of Special Use Approval.

- B. There shall be no dropping off of children between the hours of 10:00PM and 6:00AM.
- C. No structural changes or exterior alterations shall be made which would alter the residential character of the dwelling except as required by the State of Michigan licensing rules.
- D. No sign shall be used on the premises.
- E. The conditions applicable to Home Occupations, as defined in Section 04.20.71 and as listed in Section 10.25.01 shall not apply to Group Day Care Homes.
- F. The Planning Commission shall ensure that the parking and drop-off areas are designed for safety and convenience.
- G. The Planning Director may waive any required site plan information provided it can be determined that the application meets the requirements of Section 10.30.10 and Section 03.31.05.
- H. The group day care home shall have frontage on a major thoroughfare, as defined by the City of Troy Transportation Plan.

**Paula P Bratto**

---

**From:** miles zhang [nini690@yahoo.com]  
**Sent:** Monday, October 24, 2005 9:08 AM  
**To:** Paula P Bratto  
**Subject:** No! to Group Daycare Homes in Troy

Intensive traffic in the morning and afternoon will risk child safety and bring in noise issue to our neighborhood.

---

Yahoo! Mail - PC Magazine Editors' Choice 2005  
<http://mail.yahoo.com>

Please fax or email the following to Troy's Mayor, the City Council, City Manager, Assistant City Manager, City Attorney, Planning Commission, Planning Director and Building Department.

**Things to be discussed concerning all family and group daycare centers in Troy.**

**Safety:**

1. Must have supervision in the home and outside if one child needs to be in the home and others want to play outside.
2. Play area must be fenced in.
3. City checks all play equipment so it is safe for children. Should be approved for safety. This includes pools, trampolines etc.

**Ordinances:**

1. Mandatory daycare refresher courses to renew license yearly.
2. Ordinance passed that neighbor is not held accountable if child trespasses into their yard and something happens.
3. New nuisance noise ordinance must be made. A screaming child is not playing. Decibel reading by the city not the solution. By the time a City Staff member gets the complaint and show up at the neighbors the children have probably gone home.

**City Staff Responsibility:**

Presently the city is understaffed to handle complaints if and when they occur. The same city staff person must be assigned to all family and group daycare centers to receive assistance and follow through on complaints concerning noise levels and seeing children unsupervised.

**Possible Penalties:**

1. One complaint, a warning.
2. Two complaints, a citation.
3. Three complaints, possible removal of license.

REC'D

OCT 25 2005

PLANNING DEPT

Sincerely,

Rich Milostan  
Troy resident

To: C. 10-25-05



We don't want a  
revision of the  
Zoning Ordinance

Kanda L. Kitchen

Floyd D. Kitchen

REC'D

OCT 14 2005

PLANNING

**Floyd Kitchen**  
2365 Isabell Dr  
Troy MI 48083-2363

**Paula P Bratto**

---

**From:** Sharon M. Schafer [dschafer@ix.netcom.com]  
**Sent:** Wednesday, November 02, 2005 1:15 AM  
**To:** Paula P Bratto  
**Subject:** Group Day Care

Dear Planning Commissioners:

Thank you once again for your consideration and work on ZOTA 214.  
In reference to your discussion this evening regarding what would happen with a special use permit if a day care provider sold his/her home, I would like to share the following information with you:

On page 35 of the State Day Care Licensing Rules for 2006, which is part of the back up material on the City of Troy website for the Dec. 13 City council public hearing, it says

"PLEASE NOTE: A certificate of registration is issued to a specific PERSON at a specific ADDRESS.  
If you move, your certificate of registration is NO LONGER VALID.  
If you plan to move, contact your OCAL Licensing Unit PRIOR to the move so that you can apply for a new registration at your new address.  
If you decide to no longer care for children, contact your local licensing office to request closure of your certificate of registration."

So, if the certificate of registration is no longer valid, then the special use permit is no longer valid, right? I would think that a new person moving into that address would have to request a new special use permit that would work with the new person's license registration number.

Once again, thank you for your time and consideration.

Sharon M. Schafer  
5593 Mandale Drive  
Troy, Michigan 48085  
248 879 9249

**Paula P Bratto**

---

**From:** Maofeng Fu [maofeng.fu@gmail.com]  
**Sent:** Saturday, November 05, 2005 9:44 PM  
**To:** Paula P Bratto  
**Subject:** Public hearing

Dear Troy City Office:

We have received your request for public hearing on Nov.21,2005.

We strongly oppose amending of the text of Article IV Definitions and Article X One Family Residential Districts R-1A through R-1E of the Zoning Ordinance.

We are very concerned about revising the the text to provide a definition for group daycare homes, revise the definition for family day care homes and amend R-A through R-E to permit Group Daycare Homes on a temporary basis.

Please don't pass the amendment.

Thank you

Maofeng Fu  
Xiuling Ying

1133 Garwood Dr.  
Troy, MI. 48085

11/7/2005

**Paula P Bratto**

---

**From:** william haboush [bhaboush3@yahoo.com]

**Sent:** Sunday, November 06, 2005 9:40 AM

**To:** Paula P Bratto

**Subject:** nov. 21 730 city council mtg

I'm not interested in permits to allow Group Daycare Homes on a temporary or permanent basis. I vote : NO ! Our single family residential subdivisions must be protected. We dont want the added traffic and congestion/risk to our children and families.

Thank you.

Bill Haboush  
1103 Redding Drive  
Troy, Michigan 48098

troy resident : 15 years

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[Yahoo! FareChase - Search multiple travel sites in one click.](#)

Paula P Bratto

From: Kevin S Cheon [cheonk@dteenergy.com]  
Sent: Wednesday, November 09, 2005 2:39 PM  
To: Paula P Bratto  
Subject: Fw: BAN on the recent Group Day Care Homes ordinance

Why am I getting the "Public Hearing" for same issue over and over? Now another one has been scheduled on November 21, 2005 at 7:30 pm. I can not make it that day, but anyway my opinion has not been changed. Thank you for the consideration!

-----Forwarded by Kevin S Cheon/Employees/dteenergy on 11/09/2005 02:33PM -----

To: planning@ci.troy.mi.us  
From: Kevin S Cheon/Employees/dteenergy  
Date: 09/13/2005 08:30AM  
Subject: Fw: BAN on the recent Group Day Care Homes ordinance

I got a letter about the public hearing on Tuesday, Sept. 27, 2005 at 7:30 pm. First of all I can not attend the hearing because I have a bible study meeting on every Tuesday between 7:30 and 9:00 pm.

The letter does not contains the detail of hearing, but if this is the same one I reponded a month ago then I still have same opinion about that so I am simply attaching the previous letter to this. Please consider this letter as my opinion.

Thanks.

Kevin Cheon  
1138 Garwood Dr., Troy

-----Forwarded by Kevin S Cheon/Employees/dteenergy on 09/13/2005 08:19AM -----

To: planning@ci.troy.mi.us  
From: Kevin S Cheon/Employees/dteenergy  
Date: 08/08/2005 08:53AM  
Subject: BAN on the recent Group Day Care Homes ordinance

Troy City Planning Director and Principle Planner,

Recently I got the letter from the city about the "Group Day Care Homes" hearing. Because I can not attend the scheduled public hearing, I decided to write my opinion in short instead.

The bottom line, I **strongly BAN** on this ordinance.

Even the current situation is not happy, but because of we are living same neighbor I am bearing. But if the maximum number increase and the traffic is getting worse then our whole neighbor will not be happy and we can not keep the good relationship each other. I do not want to see those kind of situation in our neighbor.

There are several reasons for banning such as noise, safety, parking, traffic and even lowering property value. If anybody want to increase the maximum number, they should go to the the commercial area because I assume they already have enough income.

Thank you for your consideration

Kevin Cheon  
1138 Garwood Dr.

**Paula P Bratto**

---

**From:** Paula P Bratto  
**Sent:** Wednesday, November 09, 2005 3:30 PM  
**To:** Paula P Bratto  
**Subject:** ZOTA 214 B

The Planning Department receive a phone call from Floyd & Wanda Kitchen . They do not feel that ZOTA 214 B regarding group day care homes should be approved, he feels that it is too much and wanted his opinion to be provided to the City Council.

*Paula Preston Bratto*

City of Troy  
Planner  
248.524.3365  
[www.ci.troy.mi.us](http://www.ci.troy.mi.us)

**Brent Savidant**

---

**From:** CJ Chung [chung@LTU.edu]  
**Sent:** Friday, November 18, 2005 12:00 AM  
**To:** Brent Savidant  
**Cc:** Talk2Cristina@aol.com; Mark F Miller  
**Subject:** Noise Problems due to a Group Day Care Home

Dear Brent,

Via letters, conversations with planning Dept people, emails, I have been complaining noise problems due to a group day care home next to my house, which is very close. Even a lawyer I hired sent a letter to the city. But according to the proposal at [http://www.ci.troy.mi.us/PublicHearings/PHData/Planning%20Commission/2005-12-13%20ZOTA%](http://www.ci.troy.mi.us/PublicHearings/PHData/Planning%20Commission/2005-12-13%20ZOTA%20), unfortunately it does not consider the noise problem. The closest item would be:

G) The parking and drop-off areas shall be designed to maximize safety and privacy.

I am not sure if I can attend Dec 13, planning commission meeting, because I work at night. It seems letters do not affect the Hearing at all. Could you please suggest how we can revise the text? I would like to add just a phrase like:

The parking and drop-off areas shall be designed to maximize safety and privacy, "and minimize noise."  
\*\*\*\*\*

I know USA is a wonderful country where a reasonable requests are not just ignored.

Many thanks for all the help. I am copying this email to city council woman, Cristina Broomfield, whom I met and who understands this matter.

Sincerely,  
CJ Chung  
1189 Garwood Dr.

## Mark F Miller

---

**From:** Cynthia A Stewart  
**Sent:** Monday, December 19, 2005 3:54 PM  
**To:** Mark F Miller; John Szerlag  
**Subject:** FW: GROUP DAYCARE IN TROY

Council received this – not sure if you did.

-----Original Message-----

**From:** Upton, Lesley [mailto:lupton@cgolaw.com]  
**Sent:** Thursday, December 15, 2005 9:35 AM  
**To:** Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net  
**Cc:** Cynthia A Stewart; childisplayhome@msn.com  
**Subject:** GROUP DAYCARE IN TROY

My name is Lesley Upton and I live at 1267 Hartland, Troy, MI 48083. I am in favor of group daycare in Troy! We currently have a child with Nichol Childs and when our second child is born next year we would also like the child to go there. Our child has learned so much from attending the group daycare at Nichol's home. She receives so much one on one attention and is always coming home with new projects and songs she has done/learned at the daycare. I do my homework when it comes to daycares. I have done lengthy searches on state sites to see if complaints have been filed and I also ask the state for recommendations along with word of mouth recommendations from other parents as well. I even went and visited a ton of daycare facilities along with home daycares as well. In Troy and the surrounding cities as well. I even take a questionnaire along with me. I ask numerous questions and if I choose the place I bring my child to it at least three times to make sure it fits with us. The facility we liked best was Grace Christian but to us it still seemed to big for our daughter. We wanted something more like a home yet like a facility where she would be getting schooling. We also wanted our child to be with a group of kids of different ages. I can't tell you how much she learns from the older kids. I like the variety of ages. She also gets use to having infants around to prepare her for her new sibling in the summer time. With us only needing daycare partime it is also a plus to us because a group daycare can accommodate us. Most family and facilities won't take part time. I am not going to give up time with my parents and me one day just to put my child full time with somebody. I also like the location of daycare because living in Troy it allows me to pick up my child early and spend a lot more time with her. If I had to drive out of Troy to drop her off it would take away precious time I have with my child. I have also had my child in a family daycare before but there weren't enough eyes on her to watch her and one day she fell off a chair and hit her head on a table. Yes that could happen anywhere but at a place where there is more than one person the chances are less likely. Plus I didn't like her being driven around in a car either. With a group daycare with two helpers one can stay back with the right number of kids if you don't want your child to attend field trips. I just think you get the best of both worlds with a group daycare. I would truly hate for them not to be allowed to operate in Troy or to have unrealistic restrictions to follow. I am thankful you have allowed the preexisting ones to stay open until you come to an understanding on this situation. For the sake of the families that are currently going to these daycares and of course for the people running them I hope you come to a conclusion to let them stay open! You would really be benefiting children, families, group daycares and most importantly giving Troy lots of options for daycare which is very valuable to say the least.

Sincerely,  
Lesley Upton

1/9/2006

## Paula P Bratto

---

**From:** Cynthia A Stewart  
**Sent:** Wednesday, December 21, 2005 8:46 AM  
**To:** Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Szerlag; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)  
**Cc:** Paula P Bratto  
**Subject:** FW: Group Day Care

-----Original Message-----

**From:** Ken Davis [mailto:kdavis@beaumont Hospitals.com]  
**Sent:** Wednesday, December 21, 2005 8:45 AM  
**To:** Cynthia A Stewart  
**Subject:** Group Day Care

In the next 30 to 45 days, you will have an opportunity to resolve a long-standing issue in your city. The issue of allowing or not allowing Group Day Care facilities (7 to 12 children) in residential neighborhoods will come before you.

I am not a resident of the City of Troy, however my wife and I have been looking at homes in your city, as we search for a place to raise our family. We have held off serious consideration in Troy due to the conflict of this issue. We do not wish to live in an area that would NOT be family-friendly in regards to day-care. As a two-income family, it is imperative that our options are not seriously hampered by the government of the city in which we may choose to live. The services provided by these residential day care facilities is vastly superior to that provided by commercial care care facilities by providing more personalized care and flexibility in schedules.

I do not see how a few cars (as many as 12) arriving in a residential setting in the morning and evening for a few minutes can adversely affect the values or lifestyle of the neighborhood. My guess is that unless you actively look for them, you would not even notice them in the usual comings and goings of a normal residential area.

Troy is a growing city with most homes priced in the range that young people with children can afford. If, however, those same families do not have easily accessible services (of which day care is included), the city will not be a viable place to live. The care and education of our children while we are work is (day-care and schools) is probably the MOST important consideration in where we will live.

I strongly urge you to ALLOW these Group Day Care facilities in your residential neighborhoods (without restrictions that will make it impossible for most homes). They are all subject to state codes and regulations and that should be enough.

Thankyou for taking the time to consider this letter and issue!  
Ken Davis

**Paula P Bratto**

---

**From:** judy bonfiglio [redfeather@wideopenwest.com]  
**Sent:** Wednesday, December 21, 2005 7:04 AM  
**To:** Paula P Bratto  
**Subject:** Day care

To whom it may concern,  
You **MUST** continue to allow day care services in homes in Troy. The ending of this much needed service would not only impact the working families that rely on them, but also the income of the people that provide the service.

The flexible hours and overall convenience of home day care cannot be disputed. This would be a serious threat to the livelihood of many Troy citizens. It would make child care difficult and much more expensive for the families that rely on it. Taking this service away would also make the city of Troy look bad in the public eye. Families need to help families in any way they can. There are far too many other issues that need to be addressed than the issue of home day care. Crime and other things of that nature should take priority over this.

PLEASE, do **NOT** take away this terribly important service. It is **GREATLY** needed.

Very sincerely,  
Judy Bonfiglio

**Paula P Bratto**

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**From:** pcerlandson@sbcglobal.net  
**Sent:** Wednesday, December 21, 2005 7:18 AM  
**To:** Cynthia A Stewart  
**Cc:** Paula P Bratto  
**Subject:** Group Day Care in Troy  
**Importance:** High

Dear Troy City Council,

I was disappointed to read of the recommendation by the Troy Planning Commission not to allow group day care facilities in Troy. This is an issue which, of course, affects not only Troy but the surrounding communities.

Perhaps what disturbed me even more was the justification given for the Planning Commission's recommendation: *"that group day care homes have a negative effect on neighboring properties."* I am sorry, but if the care of children now is a negative effect upon a neighborhood, then the whole world has turned upside down. The care of children is a high calling, and it is part of what holds a neighborhood together. It does not bring down a community: it builds a community.

My hope is that when you meet to review this recommendation, you will come to a different conclusion than the Planning Commission!

Yours truly,  
Paul Erlandson  
Royal Oak, Michigan

**Paula P Bratto**

---

**From:** Cynthia A Stewart  
**Sent:** Wednesday, December 21, 2005 7:40 AM  
**To:** Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Szerlag; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)  
**Cc:** Paula P Bratto  
**Subject:** FW: Day care

-----Original Message-----

**From:** judy bonfiglio [mailto:redfeather@wideopenwest.com]  
**Sent:** Wednesday, December 21, 2005 6:57 AM  
**To:** Cynthia A Stewart  
**Subject:** Day care

To whom it may concern,  
You MUST allow day care to continue in Troy. Why would you intentionally take away something that helps working families as well as the people who take care of the children? This would be a tremendous loss to all who rely on this service.

I feel very strongly about this. It would be a total loss to the community, making you look very bad in the public eye. Day care hurts no one and helps many.

Please look at the huge impact this will have on working families if you take this much needed service away.

Very sincerely,  
Judy Bonfiglio

**Paula P Bratto**

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**From:** Cynthia A Stewart  
**Sent:** Tuesday, January 03, 2006 7:32 AM  
**To:** Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Szerlag; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)  
**Cc:** Paula P Bratto  
**Subject:** FW: Daycare

-----Original Message-----

**From:** Chris DeNeen [mailto:cdeneen@hotmail.com]  
**Sent:** Thursday, December 29, 2005 4:37 PM  
**To:** Cynthia A Stewart  
**Cc:** Louise Schilling; jmz12761@hotmail.com; ChildsPlayHome@msn.com  
**Subject:** Daycare

Hello,  
Whether you have no kids, ten kids or one, quality daycare impacts all of us. With the fact that two parents need to work in these uncertain financial times, quality daycare is crucial to the future of not only Troy, but also the state and the country. I have found quality daycare and the chance that it will be taken away scares me.

I understand the need to maintain the nature of residential neighborhoods. I wouldn't want a Blockbuster or other business on the lot next to mine. But, I challenge you to drive through the neighborhoods of Troy and find the daycares. If the rest are anything like mine, you may be able to spot it once in a hundred days. They do not disturb the integrity of the neighborhood atmosphere. In addition, with the vast array of intelligent people working for the city of Troy there should be a way to write the ordinance in a manner that will eliminate the chances of other in home businesses, that *will* compromise the residential quality, from popping up.

A thousand positives to undo the damage of one negative seems to be the appropriate sentiment here. If a neighbor of a daycare has a complaint, they should be addressed and dealt with. The idea of punishing all for the actions or inactions of a few is ridiculous.

The daycare my son attends is safe. Overhead sprinklers or other over the top building codes are no match for common sense and well educated and managed children. That's what makes a daycare or school safe, not sprinklers. Some of the suggestions the planning commission made make practical sense. Others are simply designed to put these hardworking daycare providers out of business. Please see through this backdoor approach to ending a quality daycare option in Troy. Don't take Troy backwards; keep it the city of tomorrow, today!

Thanks,  
Chris and Sue DeNeen

DEPT. CIRCULATION	
<input checked="" type="checkbox"/>	DIRECTOR
<input checked="" type="checkbox"/>	PRINCIPAL PLANNER
<input checked="" type="checkbox"/>	PLANNER <i>AB</i>
<input checked="" type="checkbox"/>	PLANNER
<input type="checkbox"/>	SECRETARY
<input checked="" type="checkbox"/>	FILE <i>ZOTA 214</i>

REC'D

JAN - 5 2006

Chan Jin Chung  
 1189 Garwood Dr.  
 Troy, MI 48085  
 248-680-7211

PLANNING DEPT.

cc: J. Szorlas  
 B. Murphy  
 A. Smith  
 L. Blum  
 A. Motzinger  
 S. Lancaster

Mr. Thomas Strat, Chair of Planning Commission  
 Planning Department, City of Troy  
 500 W. Big Beaver  
 Troy, MI 48084

Dear Mr. Strat:

First of all, I would like thank you deeply for your support on the issue of Group Day Care Homes in Troy. Your committee's decision and recommendation on Dec. 13th was fair and right to minimize future possible conflicts between neighbors. It would certainly improve the environment for the children in the group day care homes, too.

I understand that city's final decision is dependent on the city council members. Because of that, in order to block my activities before the City Council meeting, my neighbor, Mrs. Kathleen Peterson, filed "Petition For Personal Protection Order (PPO) Against Stalking" to the court (Please see a copy attached). Mrs. Peterson filed the PPO against another person previously and she tries to block taking photos and videotaping, even she asks not to talk to / contact her at all.

Simply, her allegation is not true and illogical. In her filing, she argues that I have been stalking her all the time, which is not true. I took just some photos of her business customers, not her. There is no reason for me to take photos of her! I took photos of her 'day care customers' in order to prove that my privacy was invaded and I was bothered by the noise. I did not take any photos of her. I did not videotape her.

Could you possibly write a letter to Judge Martha D. Anderson to let her know the situation in the City as well as your opinion regarding this matter? If you send the letter to me, then I will take it with me when I go to the court on January 18<sup>th</sup>.

I firmly believe I have the right to send photos and other evidences to the City, since I have been suffered from unusual business activities in the residential area. I wish you could explain in the letter the usefulness of visual data from City residents to make decisions as a chair of planning commission. Also, even if I would not do, I would like to stress that I have a right to look out/photograph/videotape outside from my windows in my house.

If the PPO is granted by the judge as she requested, then it could be an undesirable exemplar case in gathering residents' feedback data for the future of city planning. I do appreciate your help all the time and I really hope you will write a support letter to the Judge.

Sincerely,

*Chan Jin Chung* 1-3-06  
 Chan Jin Chung

P.S. By the way, I have an idea to improve the city planning services. I am interested in developing a web-based online system to gather property-owner's survey data on city wide issues. Also the system can be used to communicate with property owners effectively. Summary of the system features is attached.

Copy to: Mr. Thomas Strat, 5044 Christy Ct. Troy, MI 48098-4112

# COPY

Original - Court  
1<sup>st</sup> copy - Law enforcement agency (file) (green)  
2<sup>nd</sup> copy - Respondent (blue)

05-715523-PH



OAKLAND COUNTY JUDGE MARTHA D. ANDERSON  
PETERSON, KATH V CHUNG, CHAN

Approved, SCAO

STATE OF MICHIGAN  
6<sup>th</sup> JUDICIAL CIRCUIT-FAMILY DIVISION  
OAKLAND COUNTY

PETITION FOR  
PERSONAL PROTECTION ORDER  
AGAINST STALKING (NON DOMESTIC)

Court address 1200 N. Telegraph Rd, Pontiac, MI 48341

Court telephone no.

Petitioner's name <i>KATHLEEN M. PETERSON</i>	Age <i>53</i>
Address and telephone no. where court can reach petitioner <i>1175 GARWOOD DR. TROY, MI 48085</i>	
({) Confidential address on file with the court	

Respondent's name, address, and telephone no. <i>CHAU JIN CHUNG</i>	Age
<i>1189 GARWOOD DR. TROY, MI 48085</i>	

V

- The petitioner and respondent have never been husband and wife, resided in the same household together, had a child in common, or had a dating relationship with one another.
- The respondent is required to carry a firearm in the course of his/her employment.  unknown.

- There  are  are not other pending actions in this or any other court regarding the parties.

Case number	Name of court and county	Name of judge

- There  are  are not orders/judgments entered by this or any other court regarding the parties.

Case number	Name of court and county	Name of judge

RECEIVED FOR FILING  
 OAKLAND COUNTY CLERK  
 2005 DEC 19 A 10:19  
 DEPUTY CLERK

- I need a personal protection order because: Explain what has happened (attach additional sheets)

\*\*\*\*SEE ATTACHED ADDENDUM FOR PERSONAL PROTECTION ORDER\*\*\*\*

- I make this petition under the authority of MCL 600.2950a and ask the court to grant a personal protection order prohibiting the respondent from stalking me as defined under MCL 750.411h and MCL 750.411i which includes but is not limited to:

- following me or appearing within my sight.
- appearing at my workplace or residence.
- approaching or confronting me in a public place or on private property.
- entering onto or remaining on property owned, leased, or occupied by me.
- sending mail or other communications to me.
- contacting me by telephone.
- placing an object on or delivering an object to property owned, leased, occupied by me.
- threatening to kill or physically injure me.
- purchasing or possessing a firearm.

Other: NO VIDEO Taping OR PICTURES TAKEN OF MYSELF

- I ask the court to grant a personal protection order against stalking:
  - I request an ex parte order because immediate and irreparable injury, loss, or damage will occur between now and a hearing or because notice itself will cause irreparable injury, loss, or damage before the order can be entered.

- I have a next friend petitioning for me. I certify that the next friend is not disqualified by statute and is an adult.

I declare that the statements above are true to the best of my information, knowledge, and belief.

Dec 19, 05  
Date

*Kathleen M. Peterson*  
Petitioner's signature

moving party

moving party

Petitioner's name

Age

Respondent's name

Age

KATHLEEN M. PETERSON

53 yrs

v CHAN JIN CHUNG

Check if non-public mailing address filed with Court

Stalking is defined as a willful course of conduct involving repeated or continuing harassment that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and actually caused someone to feel terrorized, frightened, intimidated, threatened, harassed or molested

The respondent did the following acts or made the following threats which caused me to feel terrorized, frightened intimidated, threatened, harassed or molested:

- When Since Aug 5, 05 to present Dec 19, 05

Where my residence

What VIDEO TAPES my every move + activities FROM HIS DINING ROOM window + His Bedroom window upstairs in his house. I see him as early as 7:00 AM with a tri-pod + digital camera + light on filming me. Snow blowing, shoveling, putting groceries away, leaving for DRUG STORE at 10:00 pm, taking out my garbage, going for a walk with my dog, in my yard with my dog, talking with guests outside my home during the day, moving my son's car, etc. THIS has been 5 months of constant surveillance <sup>+ STALKING</sup> THAT has me crying, very nervous, can't sleep at night, increase in many many migraine headaches. From 1 per week to 3 per week. I've talked to the police dept. CHIEF AND HE said a PPO would be my only hope of stopping this constant invasion of my privacy. I've begun to feel like I'm not safe + I don't think of anything else on work at work anymore. I feel like a prisoner in my home because Mr Chung watches me every time I exit my home. He has slandered me and TRIED TO DESTROY my reputation by telling other that he witnessed a drug party at my home on April 27th. A WEDNESDAY (True) for me AND not true. Neighbors who were friendly to me before (ONLINE) NO longer look at me who used to wave + talk to me. SEE ATTACH
- When

Where

What
- When

Where

What
- When

Where

What

(Attach extra sheets if necessary)

VERIFICATION UNDER MCR 2.114(2)(b): I declare that the statements above are true to the best of my information, knowledge and belief.

Dec 19, 05

Date

Kathleen M. Peterson

Signature of petitioner

1200 N. TELEGRAPH RD, PONTIAC, MI 48341

PETITIONER Age RESPONDENT Age  
*Kathleen Mary Peterson 53* v *Chan Jin Chung 37?*

Have you or respondent ever used any other names (now or in the past)?  Yes  No. If yes, please list them.

*William, Woodruff*

What county do you live in? *Oakland*

Respondent lives in *Oakland* County.

Do you or have you lived together:  Yes  No.

What is your relationship?  
*Neighbor 1/2 mile SW side*

Do you and respondent have child(ren) together  Yes  No If yes, list the children you have together.

NAME OF CHILD	DATE OF BIRTH	SOCIAL SEC NUMBER	CURRENT ADDRESS
1.			
2.			
3.			

RECEIVED FOR FILING  
OAKLAND COUNTY CLERK  
DEPUTY COUNTY CLERK  
2005 DEC 19 10:19

(ATTACH EXTRA SHEETS IF NECESSARY)

Were you married to respondent when the child(ren) were born?  Yes  No if no, check one:

There has been a legal order of paternity entered. Case number: \_\_\_\_\_

A paternity case has been filed and is pending. Case number \_\_\_\_\_

The father legally acknowledged paternity.

There has been no legal acknowledgment of paternity.

Is there a custody or parenting time order in effect regarding child(ren) that you and respondent have together?

Yes If yes, fill out attached worksheet.  No

If you and respondent have child(ren) together, fill out the attached worksheet regarding custody and parenting time.

List all other children that either of you have \_\_\_\_\_

Have you or respondent ever asked for a Personal Protection Order in another county?  Yes  No

What county \_\_\_\_\_

When \_\_\_\_\_

Why \_\_\_\_\_

Have you or respondent ever been to court in another county?  Yes  No

What county \_\_\_\_\_

When \_\_\_\_\_

Why \_\_\_\_\_

Does the respondent have a license to carry a firearm?  Yes  No

Is the respondent employed or in training for a position which will require him/her to carry a firearm?  Yes  No

Is the respondent an employee of a law enforcement agency?  Yes  No. If yes, which agency? \_\_\_\_\_

Is the respondent an employee of the Department of Corrections?  Yes  No. If yes, which facility? \_\_\_\_\_

VERIFICATION UNDER MCR 2.114(2)(b): I declare that the statements above are true to the best of my information, knowledge and belief.

*Rev 19.05*

Date

*Kathleen M. Peterson*

Signature of petitioner

Approved, SCAO

1<sup>st</sup> copy - Judge/Assignment  
2<sup>nd</sup> C  
3<sup>rd</sup> C  
4<sup>th</sup> C

05-715523-PH



JUDGE MARTHA D. ANDERSON  
COUNTY PETERSON, KATH V CHUNG, CHAN, JT

STATE OF MICHIGAN  
6<sup>th</sup> JUDICIAL CIRCUIT-COURT  
COUNTY OF OAKLAND

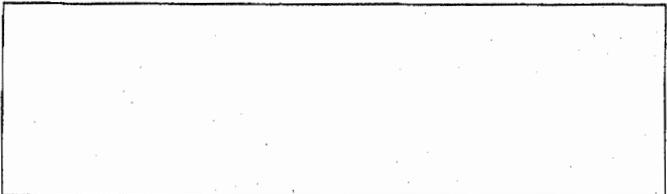
NOTICE OF HEARING ON PETITION FOR  
PERSONAL PROTECTION ORDER

Court address  
1200 N. Telegraph Rd. Pontiac MI 48341

Court telephone no.  
(248) 858-1000

Petitioner's name  
KATHLEEN MARIE PETERSON

v  
Respondent's name  
CHAN TON CHUNG

TO: 

You are notified that the petitioner has requested a personal protection order be issued against you. A hearing has been scheduled to decide whether to issue the personal protection order for:

Judge: MARTHA D. ANDERSON  
Date: 1/18/06  
Time: 1:30  
Location: COURTROOM W2 WEST WING

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

If you do not attend this hearing, a personal protection order can still be entered against you.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

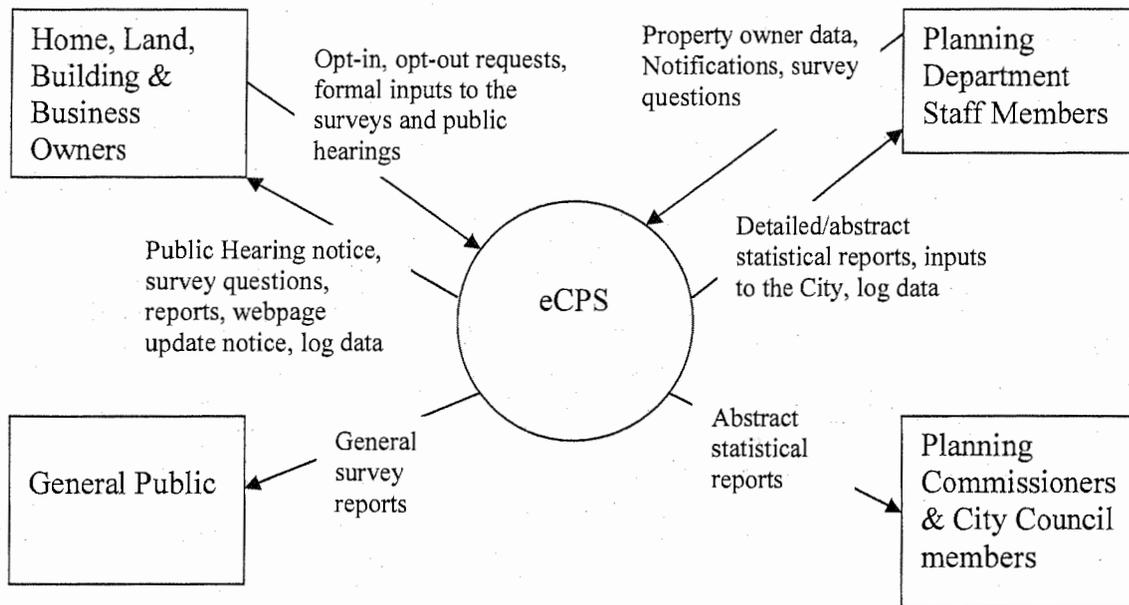
**TO THE PETITIONER:**

If the respondent is over 18 years of age, you should serve this notice no later than 5 days before the date of the hearing stated above so that the respondent receives notice at least 1 day before the hearing. ~~See other side for proof of service.~~

If the respondent is under 18 years of age, you should serve this notice no later than seven days before the date of the hearing stated above. You must also serve the parents, guardians, or custodians of the respondent. ~~See other side for proof of service.~~

# e-CPS (Electronic Citywide Planning Support) System on the web

CJ Chung, 1-2-06



## Features

- Opt-in / Opt-out functions
- Email broadcasting notifications as well as backed up copies of the notice in the account
- Web-based survey functions
- Statistical analysis reports for the City administrators
- Archives of logs of inputs from a property

## Advantages

- Good value to the City of Troy, since each home has an account to communicate with the City; It may improve the reputation of city management (No cities provide this kind of service yet, as far as I know.)
- Can save mailing postage and labor cost
- User-friendly and effective communication interface with property owners. City service satisfaction percentage will go up.

## Timeline of the development

Requirement Specification for a prototype	Feb. 2006
Prototype Development	July 2006
Evaluation of the prototype	Aug. 2006
Requirement Specification	Sep. 2006
Development	
Test	
Field Test	
On service	Jan. 2007

## Development Cost

Lawrence Tech University Computer Science Department and I will provide the prototype system without any cost. After the evaluation, the cost for the real-system development and maintenance will be very low, since it is the matter of improving the existing working prototype system. I would like to presents this proposal to the planning commission and planning Department, if you think the system is useful.

**Paula P Bratto**

**From:** sharon manning [manning\_s@sbcglobal.net]  
**Sent:** Saturday, January 07, 2006 6:24 PM  
**To:** Paula P Bratto  
**Subject:** Continue Group Child Care

7 Jan. 2006

To: The City of Troy Planning Commission Department,  
(Please copy for every member having a say in the future of Group Child Care homes in Troy)  
From: Sharon Manning

I have a Licensed Group Child Care home in Troy. I have been a member of the Oakland County Child Care Association. I studied Early Childhood as a means to provide a needed service in Troy. I received CPR and First Aid to insure proper training, for this career. I annually get retrained with Early Childhood classes. I ask you NOT to reduce or eliminate my only means of income. I ask you this, for the only livelihood of my family, and for the need of the children in care.

I am audited by the Oakland County 4C's-to insure proper healthy foods are fed to the children in care, and by the State of Michigan licensing department, to insure all rules and regulations are according to code. I have brought in the Troy Fire Department to insure training to children, of fire safety. I have brought in the Troy Police department to insure the children are taught Stranger Safety. I have brought the children in care to the Troy Aquatic Center, to add to the income of the City of Troy. I have lived and owned homes in Troy for 18 years. I pay taxes AND you have been collecting personal property taxes on this business, knowing I run a Group Child Care. How can you now say we are not legal? You never addressed Group Child Care, that's all. So, we are addressing the subject-let us grandfather Group Child Care-put the words Group Child Care in your Zoning Ordinance for residential Childcare. This is getting way beyond the need for finalization. This subject has now gone into the 3rd year. Finally you have a disgruntled resident. This should NOT be a reason to eliminate a fine service that is offered to the City of Troy.

I have gone to every meeting in regards to this matter, except the last meeting on Dec. 13th. This was due to my mother passing away on Dec. 11th-thus, my presence was needed at the funeral home on the evening of Dec. 13th, 2005. Upon reading the Troy Times, I was appalled to think that because one houses' dining room window is close (although I'm sure the structure was regulated as a proper residential distance between homes, when built), to a neighbors side door-you may change your mind-and not allow us to continue contributing to the positive effects of in-home child care. We who have a group child care, mostly began as a Family Day Care. This income is outdated as a sole means of livelihood, for many of us. As you know, living in Troy is an honor, but it is not cheap. How can you expect us to cut our wages in half, or more, and expect us to survive? Are houses cheaper? Are taxes cheaper? Is the price of anything cheaper? We are harming no one. Any neighbor could hear a child outdoors (laugh or cry) regardless if the child lives in the home, or not. We who give this service to Troy, do so with the utmost consideration of neighbors. Neighbors pets are often louder than the children we care for-yet we do not ask them to get rid of them. Should their grandchild come over, and cry when leaving-should they have to buy a privacy fence? Or change their residence, so I do not have to hear them when visiting? How about let us tell them what door to enter! How ridiculous! The majority of care givers hours are completed with child care before the majority of residences return from work. We do not allow the children in care on other neighbors lawns. We do honor the rights of neighbors. But, we live here too. We have brought money into the City of Troy, thus spending money in the City of Troy. We quietly provide a service that is needed and appreciated by most of the residences in Troy. One black sheep should not make the entire herd be spray painted black-because he complains. I need to work, this is why I work. I do my job, and I do it well. I respect all neighbors. I love children and am proud to offer the parents of Troy an alternative to Commercial Care, or as one father puts it "drive through" child care, in the large facilities where children do not get individual attention. The Troy parents should be allowed to choose-what kind of care they want for their most precious possession. The City of Troy should be proud and honored to continue Group Child Care for its residences. In addition, it can then proudly add this service to its motto, "The City of Tomorrow, Today."

You were on the right track with the revision of your text, in the One family Residential Districts'. Without

absurd additional requirements, added onto the already refined book of licensing rules by the State of Michigan, we as Group Child Care givers in Troy, ask that you allow us to continue business as usual. You possibly would consider a 'grandfather' clause to permit those of us doing this business, without interruption, to continue to do so. I'm sure you are not going to go around and close all in home businesses-but if you discriminate against in home Child Care.....this is what you will be doing by eliminating Group Child Care. Will you go house to house, insuring that the accountant, the in home hairdresser, the lawn service, the flower sales, the pumpkin sales, the man who does work out of his garage, the woman who works out of her home, the person who works on the computer, the people who have the service of snow removal, or build things in their garage, that they too must cut their income in half, or more?

I do not believe it right, to eliminate my livelihood. Again, I ask you to allow or add a grandfather clause to the current Group Child Care homes in Troy. Please continue offering the City of Troy, its needed in home child care, to the children and the parents of Troy.

Sincerely, Sharon Manning  
248-879-1009

## Paula P Bratto

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**From:** Cynthia A Stewart  
**Sent:** Tuesday, January 10, 2006 5:16 PM  
**To:** Paula P Bratto  
**Subject:** FW: Group Daycare

-----Original Message-----

**From:** Upton, Lesley [mailto:lupton@cgolaw.com]  
**Sent:** Tuesday, January 10, 2006 11:57 AM  
**To:** Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net  
**Cc:** Cynthia A Stewart  
**Subject:** Group Daycare

I have emailed before about being in support of group daycare and I still stand by that for the reasons I stated before. I also have confidence in all elected counsel members that you will allow group daycare in Troy without having unrealistic restrictions. I have one more point to bring up though. I was talking to my daycare provider yesterday and was told that only a 30 day time period would be given if it wasn't allowed. I strongly recommend you up this time limit. You have no idea how hard it will be to find a good quality daycare with that many people out of daycare looking. Even if there weren't that many people it still takes months in advance of looking time. Not to mention if you are as picky as I am you need way more time. I was the mom that had a questionnaire that I take along with me and I also do back ground checks. I also have a newborn on the way this year. I only need part time care which is unheard of for a family daycare. I am not a big fan of a facility either for many reasons and that one that I might consider has a year waiting list. With having one child already and an infant on the way it will take me months to find a good quality place for my children. I also need to take my child at least three times to see if it is a match for us. You don't just dump your kid off without having them visited before. Plus interviewing takes a very long time. So please I beg of you to give us at least six months. Usually openings become available when kids go to kindergarten but that doesn't happen until late September when the school year is beginning again. They still need care until the summer is over before school time. So a six months time limit is what is needed at a minimum. I am hoping that it doesn't come down to me having to look for another daycare though because to think I might have to is a nightmare in itself and I am sure all the parents will agree on that one!

Lesley Upton  
Carlson, Gaskey & Olds, P.C.  
400 W. Maple, Suite 350  
Birmingham, MI 48009  
Direct 248-988-8698  
Main 248-988-8360  
Fax 248-988-8363  
email: lupton@cgolaw.com

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1450 1 01 1

**Paula P Bratto**

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**From:** Mark F Miller  
**Sent:** Wednesday, January 11, 2006 9:01 AM  
**To:** Paula P Bratto  
**Subject:** FW: Stunned!!!

-----Original Message-----

**From:** Bluemazon@aol.com [mailto:Bluemazon@aol.com]  
**Sent:** Wednesday, January 11, 2006 12:01 AM  
**To:** Mark F Miller  
**Subject:** Stunned!!!

Hello,

As a child care provider in another city, I have to say I am glad that I don't live in Troy, MI! I tell everyone I know that too! I cannot even comprehend why you are not listening to your residents??? I have been following this "Ban on Group Home Daycares" I know this topic has been well represented in favor of group providers. They have been well organized and through in their stand with the support of hundreds!! Do you know that your county is one of two in the state with the highest demand for daycares? And what do you do to help that need? Run them out of town! I know I would be calling for a recall on my council if they forgot why they were elected. You are there to represent your residents! I don't understand why you are not listening to them??? It's a crying shame!

Sincerely,  
C. Dulock  
Wayne County

**Paula P Bratto**

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**From:** conniewood@comcast.net  
**Sent:** Thursday, January 12, 2006 11:31 AM  
**To:** Paula P Bratto; Cynthia A Stewart  
**Subject:** re group daycare homes in troy

Dear Council and Planning Commission Members;

I had previously communicated to you an opinion regarding allowing daycare homes in Troy to include group daycare homes of up to 12 children.

At that time, I stated that I supported the daycare business of my neighbor, Kathy Peterson of 1175 Garwood Drive, and also that I supported restricting daycare providers to 6 children. It has come to my attention that Kathy's "First Steps Child Care" qualifies as a group daycare home, and is licensed by the State for up to 12 children. I therefore want to communicate that this group daycare, which is two houses down from my own, has not caused me any problems in the four years that I have lived on Garwood Drive. I have not been inconvenienced by traffic or bothered by noise. Visually, the yard in question is neat and well-maintained and the children in Kathy's care are seldom seen. In nice weather, they will walk, hand-in-hand with their caregivers on the sidewalk. It is rather nice to see them as they are very cute! My personal experiences have led me to inform you of my support for this group daycare in the City of Troy, and the concept of daycare in Troy in general. I no longer feel compelled to urge a limitation for our city that is in conflict with the existing State laws.

Thank you for your time in this matter.

Connie M. Wood

1203 Garwood Drive Troy MI 48085

## Paula P Bratto

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**From:** Cynthia A Stewart  
**Sent:** Monday, January 16, 2006 4:36 PM  
**To:** Cristina Broomfield (E-mail); Cynthia A Stewart; Dave Lambert (E-mail); Jeanne Stine (E-mail); John Szerlag; Louise Schilling (E-mail); Martin Howrylak (E-mail); Robin Beltramini (E-mail); Wade Fleming (E-mail)  
**Cc:** Paula P Bratto  
**Subject:** FW: Group Daycares in one residential neighborhoods

-----Original Message-----

**From:** Jennifer Fahnestock [mailto:jfahnestock@ramrealestate.com]  
**Sent:** Monday, January 16, 2006 2:58 PM  
**To:** Cynthia A Stewart; Louise.Schilling@troy.mi.us  
**Cc:** childisplayhome@msn.com; jmz12761@hotmail.com  
**Subject:** Group Daycares in one residential neighborhoods

I am writing in support of having the option to send your children to group daycare homes in any area. I have had my daughter at a group daycare home in Troy for two years and I have never witnessed a traffic problem as a result of having a residence at the site of a daycare. The home atmosphere far outweighs the concern over potential traffic issues. What is more important here? Our children's well being or having a few extra drivers in a neighborhood? Please consider the real benefactors of group daycare homes, the children. I have never wanted to send my child to daycare but with the economy the way it is I don't have a choice but to work. Having the ability to have my daughter raised in a home as opposed to an office like public facility has made this transition a very good one. I feel way more safe picking a dropping my daughter off in a neighborhood home as opposed to in a place where the cross roads are very busy with Troy traffic, so please don't take this option away from me. I can't for the life of me understand even what the potential traffic concerns could be. It is not as if parents make three and four trips a day. Also, I don't think that there would be an issue with unsafe driving by any parent who has their children in their car with them. I would rather have a parent driving down my neighborhood streets rather than an adult in a rush or a teenager out for a joy ride. The homes usually never have more than 10 children in them and most of the time they are siblings so that mean two or three children to one car. The reason why many parents pick group home daycares is because of the low number of children in the home. The low numbers is what makes the home so special and why there should always be special exceptions to those parents that desire to have their children taken care of in this type of setting rather than a large facility. It is my opinion that whoever is having an issue with people driving on their streets should maybe have considered this before moving into a subdivision with many homes around them. I think that we need to ask ourselves if having a group daycare home on your street is really going to create that much more traffic with most families having 2 plus cars and most single homes having three or more drivers with teenagers and both adults commuting to their jobs. If homeowners are really concerned with all the traffic in their neighborhoods, than maybe they should crack down on those drivers that cut through subdivisions to get around typical Troy rush hour traffic.

Jennifer A. Fahnestock  
(Wife of Morse Elementary teacher Brian Fahenstock)

**Paula P Bratto**

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**From:** Cynthia A Stewart  
**Sent:** Tuesday, January 24, 2006 7:29 AM  
**To:** Paula P Bratto  
**Subject:** FW: Group day care facilities

-----Original Message-----

From: daniel white [mailto:dwhite4949@earthlink.net]  
Sent: Monday, January 23, 2006 5:29 PM  
To: robin@beltrmini.com; broomfield; lambert; Mfhowryl@umich.edu; stine;  
Wade Fleming; "Louise.Schilling"@ci.troy.mi.us  
Subject: Group day care facilities

Dear Mayor/Council Members,

We urge that you vote against allowing group day care facilities in residential areas in the City of Troy.

The Troy Planning Commission has recommended against allowing the facilities in residential areas and research proves that group day care facilities have a negative effect on neighborhood properties.

Operators of group day care facilities should investigate leasing or purchasing one of the many suitable commercial properties available in Troy.

Please keep our residential neighborhoods residential.

Daniel J. White

Diane E. White

**Paula P Bratto**

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**From:** Jennifer Doetsch [jnidobe@yahoo.com]  
**Sent:** Thursday, January 26, 2006 8:23 PM  
**To:** Paula P Bratto  
**Subject:** Group daycare ban

To Whom It May Concern:

I was surprised and disappointed to read that the Troy Planning Commission and possibly the Troy City Council are considering banning group daycare facilities in the city.

The economic and employment challenges that are faced by Michigan residents means it is imperative that both parents work full time in order to adequately provide for their children. The convenience that these facilities provide for these hardworking parents is invaluable.

As anyone with children knows, it is hard enough to be punctual when every morning you are faced with not only getting everyone ready, but also getting them to a daycare facility. Banning group daycare facilities will eliminate the one convenience that many families rely upon--having the facility close at hand, so that they do not have the added burden of long distances and traffic with which to contend.

I understand the concerns of Mr. Chamberlain that these facilities would change the "residential character" of the neighborhoods. I also understand the concerns of Mr. Vlek that these facilities have been shown to have "a negative effect on neighboring properties". Instead of eliminating group daycare facilities in the City of Troy why not compromise? Limit the number of children allowed per facility so that noise and traffic do not become an issue. Limiting how many how many facilities would be allowed in the city does not address the potential problem of having too many facilities in a concentrated area. Limiting the number of facilities allowed in a given area (i.e. per street, subdivision etc.) would also avoid potential noise and traffic issues.

Regulation would be the key. If a facility has SUBSTANTIATED complaints against it (i.e. noise, too many children, too much constant traffic) initiate a three strike rule. Three strikes and you can no longer run the facility from that location.

If none of these compromises are amenable to the City of Troy then at the very least why not allow those facilities that are not running to continue to operate, while banning any new facilities from opening.

Sincerely,

Jennifer Doetsch

Paula P Bratto

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**From:** Jerome J. Schultz II [jjschultz2@wideopenwest.com]  
**Sent:** Sunday, February 19, 2006 8:02 AM  
**To:** Paula P Bratto  
**Subject:** Daycare Homes Planning Issue - Article IV Definitions and Article X One Family Residential Districts R-1A through R-1E of the Zoning Ordinance

I am concerned about the already existing Family Daycare Home in our neighborhood. I am even more concerned about allowing Group Daycare Homes in my neighborhood. I do not see any reason to amend the requirements for Family Daycare Homes since we do not seem, as a City, to monitor and regulate them currently. This same reasoning would then apply to not entertaining to permit Group Daycare Homes.

The users of the existing Family Daycare Home in my neighborhood do not seem have adequate parking, or, are just too busy to, and, as such use both sides of the street when dropping off and picking up their children. In fact it probably appears to be safer to the parents to ignore the 'no parking' restriction since that is the side of the street upon which the Family Daycare Home is located. This is a safety hazard for the neighborhood since it limits the accessibility of emergency vehicles, which I think is the intent of having one side of the street designated as no parking. Having vehicles parked on both sides of the street, and, the act of transporting the children to and from these vehicles also poses a safety risk for the children and parents.

I'm not sure if the number of participants in this Family Daycare Home are within the current guidelines nor whether anyone is actually monitoring or regulating what is occurring. I am sure that allowing an increase in the number of children and families that can safely be supported is in question. I chose to live in a 'residential' neighborhood and not a multi-family housing neighborhood or complex, not a condominium or apartment complex, not a business area, to get away from some of the hustle and bustle. I think these facilities detract from that aspect and as a result lower my property values, maybe that should be taken into account when the city assesses property values and taxes.

The Troy Times (by C & G Newspapers, Vol. 22, No. 7 of February 16, 2006) article 'Court to consider release of man who killed his mother' talks about releasing the dangerous person to a group home. Is that what I'd have in my neighborhood? A Group Daycare Home? "The citizens of Oakland County and the surrounding community will not be safe with James Yang on the street. He brutalized his mother, and it was a horrendous, horrific murder." This murder took place in Troy at 5382 Abbington on May 1, 2000 so one would expect that if James Yang were released to a group home it would be in Troy.

I really do not think that my safety and property values should be adversely affected by instituting changes to financially benefit a select few.

Sincerely,

J. J. Schultz, II  
1803 Farmbrook  
Troy, MI 48098

248.641.7263

**Paula P Bratto**

---

**From:** Lakrjebr@aol.com  
**Sent:** Monday, February 20, 2006 4:14 PM  
**To:** Paula P Bratto  
**Subject:** family day care

I would like to address the proposed amendments revising the family day care homes. I have run my business as a family day care for 18 years on Hilmore in Troy. I have never had any complaints with any of my neighbors. I respect their privacy. I would hope that I can go on running my business in Troy in my home without any delay. I am a single Mom and this is my sole source of income. If I have to put up fences, which would be so costly for me, I would probably have to close my day care. I cannot afford to have a fence put up. I watch my children in my care very carefully when we are outside. I know that something could happen beyond my capabilities, I am not naive. But this has worked for me for 18 years without incidence. Please let the rules stay as they are for us who have worked here for so long in our homes. Let the rules change for someone opening up a new business now, so they know what they are getting into when they start their day care. They would know the expenses that was coming, not having to add to something that has worked so well for me for 18 years.

Thank you.

Brenda Kellett

**Paula P Bratto**

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**From:** Cynthia A Stewart  
**Sent:** Tuesday, February 21, 2006 4:38 PM  
**To:** Paula P Bratto  
**Subject:** FW: Group Day Cares

-----Original Message-----

**From:** Hernandez, Stefanie [mailto:shernandez@HDP.com]  
**Sent:** Tuesday, February 21, 2006 4:14 PM  
**To:** Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net  
**Cc:** Cynthia A Stewart  
**Subject:** Group Day Cares

I wanted to make known my support for Group Day Cares in Troy, and to ask that you vote yes for the Group Day Cares..

Thank you,

Stefanie R. Hernandez

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ph: (248) 341-1309  
fax: (248) 641-0270  
email: shernandez@hdp.com

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**Paula P Bratto**

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**From:** Cynthia A Stewart  
**Sent:** Wednesday, February 22, 2006 9:22 AM  
**To:** Paula P Bratto  
**Subject:** FW: I Support Group Day Care!!!!

-----Original Message-----

**From:** Bauer, Angela [mailto:ABauer@cgolaw.com]  
**Sent:** Wednesday, February 22, 2006 9:12 AM  
**To:** Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net  
**Cc:** Cynthia A Stewart  
**Subject:** I Support Group Day Care!!!!

*Angela V. Bauer*

Intellectual Property Intern  
Carlson, Gaskey & Olds, P.C.  
400 West Maple Road, Ste. 350  
Birmingham, MI 48009  
(248) 988-8682 (direct dial)  
(248) 988-8363 (fax)  
[abauer@cgolaw.com](mailto:abauer@cgolaw.com)

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## Paula P Bratto

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**From:** Cynthia A Stewart  
**Sent:** Wednesday, February 22, 2006 9:13 AM  
**To:** Paula P Bratto  
**Subject:** FW: Group Day Care

-----Original Message-----

**From:** Catarino, Melissa [mailto:mcatarino@cgolaw.com]  
**Sent:** Wednesday, February 22, 2006 8:00 AM  
**To:** Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com;  
talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu;  
stinejm@wwnet.net  
**Cc:** Cynthia A Stewart  
**Subject:** Group Day Care

Please keep group day care alive.

## Brent Savidant

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**From:** CJ Chung [chung@LTU.edu]  
**Sent:** Friday, February 24, 2006 7:47 AM  
**To:** Brent Savidant  
**Cc:** Paula P Bratto  
**Subject:** GDCH - another photo evidence

**Importance:** High



oldNew.pdf

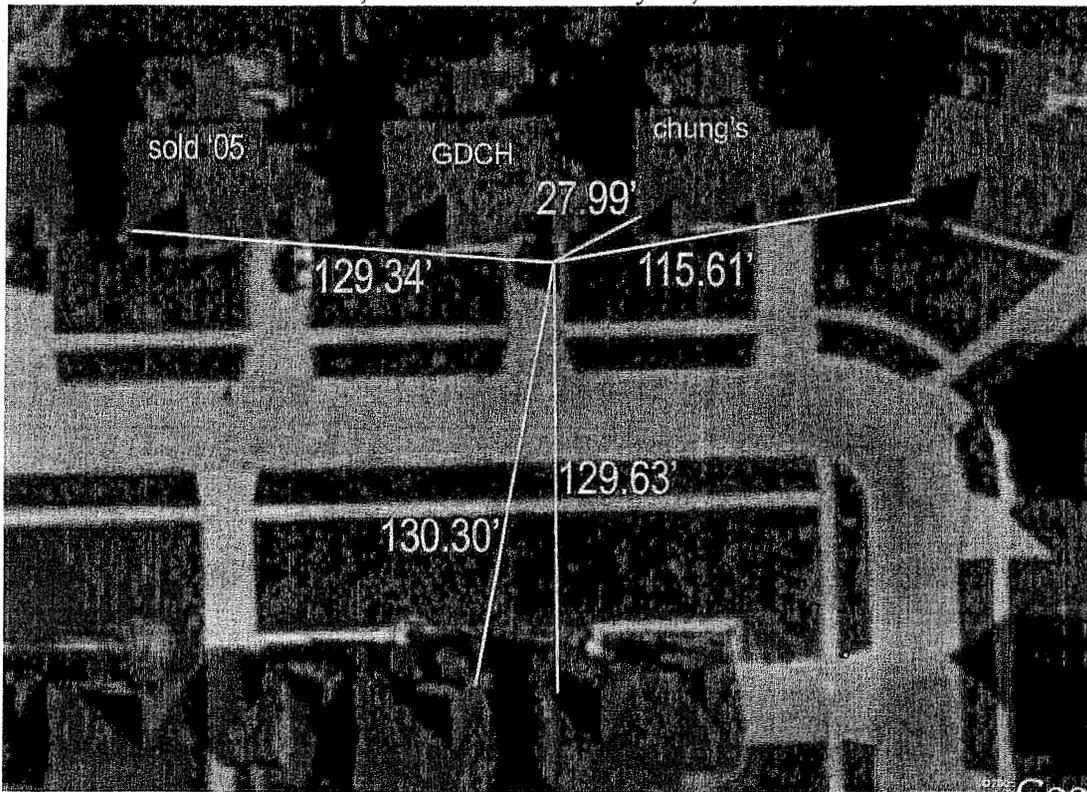
Dear Planning Committee,  
Attached document may shows why my neighbor has been saying she did not get any complaint from the next doors.

That is another reason we need to have right ordinance text for the future. If not similar clashes like mine will occur again and again. She bought a new construction house without seeing the actual house. She did not realize the next house was so close and her drop off area was facing neighbor's master bedroom. If we had a rule, we could have been prevented terrible conflicts like this...

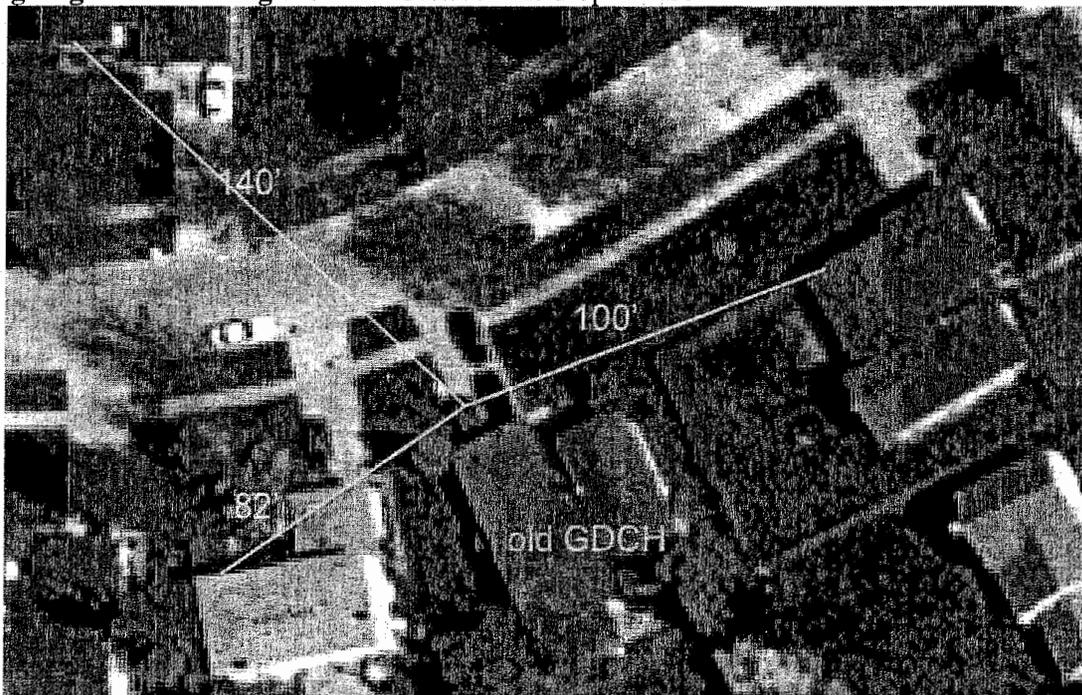
I heard Planning Dept is preparing final text for the City Council. I wish you could consider this case. I am glad they are not on the web yet at <http://www.ci.troy.mi.us/PublicHearings/> (No March 6 agenda)

Sincerely,  
CJ

My house (1189 Garwood) is very close to the Group Day Care Home (GDCH). The distance from drop-off area to my master bedroom is only 27.99 ft. GDCH owner insists another side by side house was sold last summer, but the distance is very far, 129.34 ft.



GDCH owner has insisted that her old neighbors did not complain at all. So I went to 3924 Kings Point. The distance between the drop off area and the master bedroom was 82' and 100 ft. Also the garage was blocking the noise between the drop off area and the master bedroom.



**Sharon M. & David A. Schafer**  
5593 Mandale Drive  
Troy, Michigan 48085  
248 879 9249  
[dschafer@ix.netcom.com](mailto:dschafer@ix.netcom.com)  
Monday, February 27, 2006

Mr. Mark F. Miller AICP/PCP  
Planning Director  
City of Troy  
500 W. Big Beaver  
Troy MI 48084

Dear Mr. Miller

This is a formal request that David Schafer and Curtis Childs be permitted to make a presentation to the City Council at the City Council meeting on Monday, March 6, 2006 during the Public Hearing for Zota 214 Group Child Day Care in Troy.

The reason for this request is that we feel they could cover a lot of the issues regarding Child Group Day Homes in one presentation so that you would not need numerous people come up to talk individually.

We appreciate your consideration of this request.

Sincerely,

Sharon M. Schafer & David A. Schafer

# Analysis of Child Day Care Home Problems in Michigan and Some Suggestions to Improve the Situation

Unofficial Draft Version

CJ Chung, Ph. D.  
Associate Professor of Computer Science  
Lawrence Technological University  
21000 West 10 Mile Road, Southfield, MI 48075

## Abstract

Largely owing to the increased demand, the cost for child care service has been sky-rocketing. To make situations worse, state budget cuts for the child care assistance program create a growing child care crisis for low-income working families [Budget 2003]. Licensed day care homes were welcomed, because it was providing relatively affordable child care services. It is affordable because they are using existing home space. However, child care in private homes has caused a lot of problems, mainly due to the fact that homes were not designed for public services. In addition, day care homes in the residential zoning area caused problems such as noise, parking, invasion of privacy, traffic, safety, increased city services, lowering property value of neighboring homes, and among others. Especially, licensed 'group' day care homes up to 12 children and employees in residential zone got a special attention recently, because most cities did not have zoning ordinance allowing this type of business in the residential districts. To solve child care problems actively, it is strongly suggested that state must promote more child care centers than day care homes in order to reduce child care accidents. State should not ignore city's zoning ordinance anymore and set rules to take care of neighbors and communities, too. If a city wants to allow large scale home-services, it must have strict regulations and plan residential zones in such a way that sub-divisions are designed to accommodate home services such as child care and adult foster care homes to minimize problems with neighbors. Parents need to analyze carefully pros and cons of putting their children in day care homes.

## 1. Introduction

"It seems we both have to work full-time in order to pay day care fees for our two children", a couple with two children living in Troy said. Then the mom said, "If I take care of my children at home quitting my full-time job, and take care of my friends' children in addition at home, then probably I can make more money". They are paying \$234 per week in a well-established professional day care center for their 2 year old daughter and just \$175 weekly for a new born 6-month old son in a day care home. They had to choose the child care home for the new born son, largely because of the cost. When they were asked, whether their son would be safe and well-cared there, they said he would be all right, because they knew the day care home owner personally.

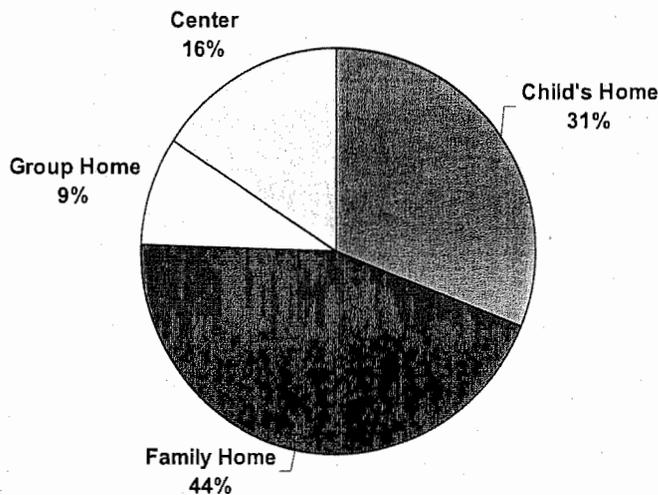
When the median cost of child care centers in Troy listed in [Centers 2005] was compared with the median cost from the public e-forum site for Michigan child care providers ([http://www.ingham.org/hd/oyc/disc3\\_frm.htm](http://www.ingham.org/hd/oyc/disc3_frm.htm)), certainly home day care facilities were more affordable than day care centers.

There are two types of home day care facilities in Michigan.

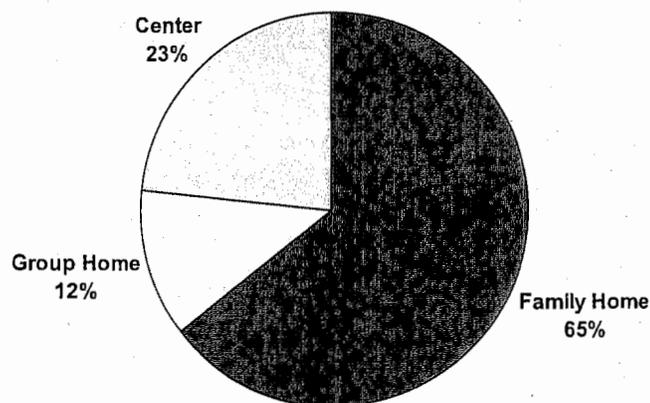
- Family day care home means a private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
- Group day care home means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a

parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year. Two caregivers are needed so the owner must hire employee(s).

Child Care Center, also known as Day Care Centers or Day Nurseries, is a professional establishment in which more than six (6) children under eighteen (18) years of age are received for care and supervision from other than a parent or legal guardian for periods of less than twenty-four (24) hours a day. Graph 1 shows percent of children served by types of care in Michigan from 2000 to 2004. The data was from Child Care Bureau, Administration for Children and Families, US Department of Health and Human Services [CCB 2005]. Graph 2 shows the percent of children served by types of care excluding child's home care in Michigan from 2000-2004 on average.



(Graph 1) Percent of Children Served by Types of Care (Michigan 2000-2004)



(Graph 2) Percent of Children Served by Types of Care excluding Child's Home Care (Michigan 2000-2004)

In Michigan, family day care homes are very popular (65%) because it is allowed regardless of zoning, since the State courts ruled that family day care homes were permitted in all residential areas (Zinger vs. Beverly Island). But group day care homes are not. Currently, townships and counties can not prohibit

licensed group homes. In the case of cities except some cities like Farmington Hills that changed their ordinance in 2005, current State laws do not have the same restrictions [OYC 2005]. That means there are a lot of group day care homes in most cities that have been operated illegally in their homes for years without much attention from the cities.

According to US Department of Labor's report, almost three out of four women with children (72%) were in the workforce [DOL 1998]. It was only 39% in 1970. Due to the increased demand the cost of day care has become very high. To make things worse, state budget cuts for the child care assistance program create a growing child care crisis for low-income working families [Budget 2003]. Naturally, people were looking for affordable day care homes and there is no doubt that home care services have generated some public benefits. However, every coin has two sides. In this article, problems involving day care homes are analyzed with some real-world examples and side-effects after investigating unique characteristics of home day care business. Suggested are long-term plans as well as short term temporary solutions to the current problems. Higher level state plans as well as local level city plans are also suggested. In addition, in order to improve child day care services, some solutions exploiting available computing technologies are suggested.

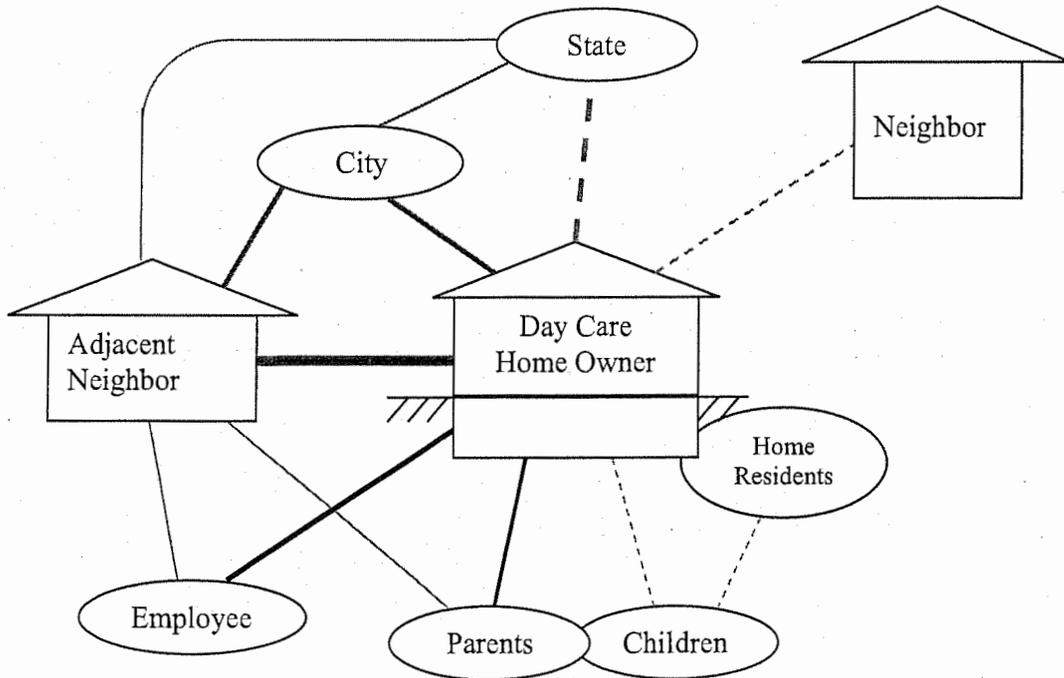
## 2. Problems Involving Day Care Homes

### 2.1 Unique Characteristics of Home Day Care Business

Home day care business is quite different from other home businesses such as music lessons, tax preparations, financial consulting, etc. The following table shows the differences.

	Home Child Day Care Business	Other Home Businesses
<b>Business Hours</b>	6am to 10pm (more than full-time)	9 to 5 (or many cases, part time)
<b>Out door area use</b>	Yes	No
<b>Temporal types of customer service</b>	Parallel	Sequential
<b>Customer arrival/departure time pattern</b>	Dense: early morning (6am-9am) and evening (3pm-6pm)	scattered
<b>Number of travels per customer</b>	2 (come, drop-off, and go; come, pick-up, and go)	1 (come, stay, go)
<b>Safety issues involved</b>	Yes (Many tragic accidents occurred in homes)	No
<b>Customer age</b>	Infants, young parents	No infants, no babies
<b>Special license required</b>	Yes	Usually no
<b>Special home inspection required</b>	Yes	No
<b>Full-time employees</b>	Yes (Group day care only)	Usually no.
<b>Amount of extra city service (sewer, trash, etc.) needed</b>	Large	Small

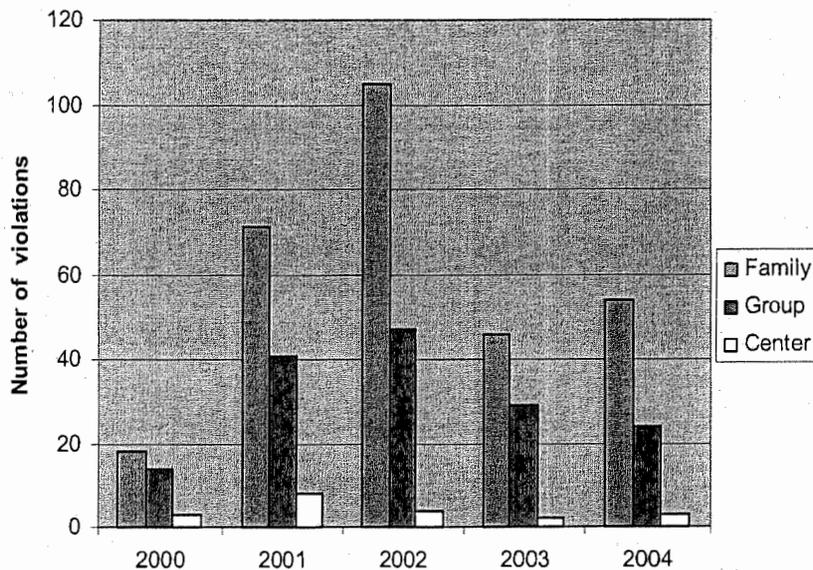
Home day care business involves many people, groups of people, and governmental units. The following diagram 1 shows major entities involved with home day care business and some problematic relationships between them. Black line represents positive relationship, red line does negative relationship, and gray dashed line represents conditional relationship. The thickness of the line implies the strength of the relationships.



(Diagram 1) Day Care related entities and their relationships

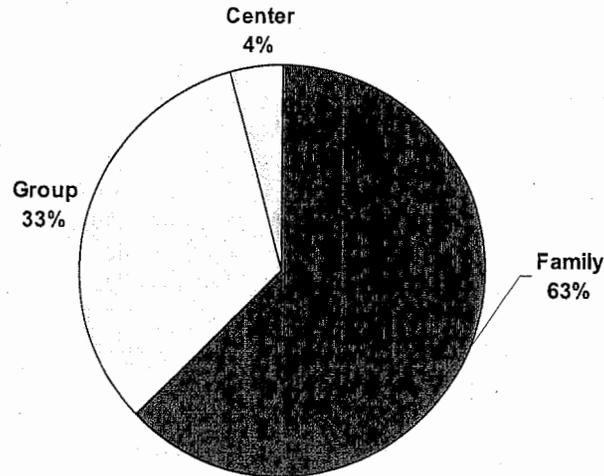
### 2.2 Child Day Care Accidents - Statistical Data

Child Care Licensing Act (Child Care Organizations Act 116) was first enacted in 1973 in Michigan [NRC 2005]. Currently, Department of Human Services (DHS) is in charge of child care services including licensing and regulations. The following (Graph 3) shows number of suspensions, revocations, and refuse to renew day care facilities in Michigan since 2000. The data is from the DHS website, "Child Care Licensing Disciplinary Actions" [DHS 2006]. In this study, denials of new applications were not counted.



(Graph 3) Number of suspensions, revocations, and refusal to renew in Michigan 2000-2004

Graph 4 shows percentage of violations by the three types of care, day care center, group day care home, and family day care home. It is explicitly revealed that there have been more accidents in home day care facilities. Accidents in day care center were only 4% of all the violations in Michigan from 2000 to 2004.



(Graph 4) Percent of violations by type of care in Michigan 2000-2004

If we assume number of violations is proportional to the number of children served, then the percent of violations from day care centers would be around 23% (see graph 2). But it was only 4% (see graph 4). It is clear that *relatively* more violations were occurring from the group day care homes, since the percent of violations were 33% while serving only 12% of children in Michigan. In general, we can say that more violations are occurring in home day care setting compared to professional day care centers. In-depth analysis on types of accidents and violations is done in the following section 2.3.

### 2.3 Types of Home Day Care Violations

It is true majority of day care homes were serving children with care. However, there have been relatively more accidents and rule violations in day care homes in Michigan. Causes of suspensions were well described in detail on the web pages [DHS 2006] from 2000 to 2004. They can be summarized by the following categories with some typical examples:

#### Sexual contact/molestation/assault

- Household member touched a 6-year-old female child inappropriately all the time (Nov. 2003)
- 7-year-old day care child was sexually molested by day care owner's child (Oct. 2003)
- A female day care child was fondled by an adult member of the household (July 2003)
- A 13-year-old household member forced a three-year old child to perform oral sex on him. (May 2003)
- A male minor household member pulled down his pants and then pulled down the pants of another female house hold member, also a minor (Dec 2002)
- A minor household member inappropriately touched a day care child (March 2002, Aug. 2002, March 2002, Feb 2002, Nov. 2001, Oct. 2001, March 2001, Feb 2001, Feb 2001, Jan 2001) – many similar cases
- An assistant caregiver as well as an adult household member did inappropriate physical contact with 3-year-old female day care child (July 2001)
- Day care owner's husband and teenage son inappropriately touched several female children (Dec 2000)

#### Improper physical contact/punishment/abuse

- Possible inflicted trauma (May 2004)

- Struck a child with a fly swatter; fly swatter handle caused multiple bruises and abrasions on child's face, neck, back, legs, and buttocks. (Aug. 2004)
- Police found 5 children strapped into car seats inside bedroom closets (Sep. 2003)
- A child was shaken, limp and unresponsive (June 2003)
- 6-month-old child received a mark under his eye, linear marks on the left side of his head, and a bruise on his right ear. (Jan 2003)

#### Negligence / inadequate supervision

- A home day care child was lost (June 2004)
- A child climbed on a TV stand, fell, and broke his elbow (Nov. 2003)
- In a group day care home, children were left alone routinely with one of owner's children (Oct 2003) – many similar cases
- Left children unattended in the basement in Troy; 3-month-old infant was not breathing; no CPR was done; 4 days later the infant pronounced dead (July 2003)
- 10-month-old child was found floating dead in a bath tub. The child had severe burns on her right leg and all 10 toes (June 2003). Similar accidents: – A two-and-a-half year old toddler climbed up onto hot tub, located in the back yard. The tub did not have a hard locked cover, and the boy fell through the soft cover and drowned [Death 1999]. two children drowned while at licensed day care homes, one in hot tub and one in a pool [Death 2001]
- A 3-year-old group day care child was found running down busy street with her coat half off and her shoes off. (Dec 2002)
- 2-year-old child care child was unsupervised in a bathtub. The child got 2<sup>nd</sup> degree burns (Aug 2002)
- 21-month-old child climbed the ladder and subsequently fall into 4 ½ foot deep pool (June 2001)

#### Children health and safety violation

- Police seized ¼ lb. marijuana and drug paraphernalia at home (Feb 2004)
- Police seized guns and shotguns from unlocked cabinet (Feb 2004)
- The use of unapproved basement as a nap area for children (Dec 2003)
- Found cocaine and marijuana; not listing drug user as home resident (Sep. 24)
- While unsupervised, one child care child shot another child in the hand with a BB gun (Dec 2001)
- A household member who was convicted of criminal sexual conduct 1<sup>st</sup> degree in the state of Tennessee was taking care of children when the licensee was hospitalized. (April 2003)
- Not reporting an household member who had digitally penetrated a 12-year-old household member (Jan 2003, two similar cases)
- A minor house hold member poured gasoline to a day care child, which was not detected until the parent arrived to pick up the child (Dec 2002)
- Farmington Hills police found marijuana packaged and ready for sale in the basement of a day care home. (Nov. 2002)
- Day care owner was arrested for possession with intent to deliver marijuana (Sep 2002)
- Marijuana and an loaded assault rifle found (June 2001)
- Assistant caregiver was charged with second degree criminal sexual conduct due to inappropriate physical contact with s 3-year-old female day care child (July 2001)
- Drugs and firearms were found in the day care home (Jan 2001)

Again, majority of day care homes were providing wonderful services. The above data are not from all the homes, but from just some of home day care facilities. But in this study, the author would like to investigate and analyze why home day care is *relatively* dangerous and accident-prone, compared to professional daycare centers.

#### **2.4 Why relatively more accidents in Day Care Homes?**

Inherently homes are deigned and build for protecting privacy. We do not know what is going on inside a house. While, day care centers are designed and built for public use. I believe that is the main reason

why there have been so many accidents/violations occurring in family/group day care homes including the famous death of 3-month old baby in Troy in July 2003.

Child day care itself is a serious business. Doing the serious business in an inappropriate place makes the business dangerous. Homes are located, designed and built to maximize privacy. Inside the home, caregivers and family members feel that none is watching. Legally speaking, none can watch inside the home to see what is going on. It is easy to have negligence, violence, and temptation to molest inside the home. In addition, homes are designed and built to be used by all age groups, not just for children. Because of that, as the examples, many poor day care children were found dead in home facilities. Because of this inherent problem, DHS maintains complex licensing rules and so many regulations. For example, due to so many sexual molestations by home residents, the Governor Jennifer M. Granholm announced the following on January 29, 2005:

*When a person applies for a certificate of registration to operate a family day care home or a license to operate a group day care home, the Department of Human Services must use the Internet Criminal History Access Tool (ICHAT), the Michigan State Police criminal history record database, on all persons over the age of 18 residing in the home where the day care is operated.*

However, note that this rule cannot solve the problem inherently because majority of sexual crimes were conducted by minors under 18 years old! See their own reports at [DHS 2006].

There is no use, if state does not check regulations are observed or not. Another big problem is the lack of state inspection. According to the Detroit News on Sunday, September 14, 2003, Michigan's child care regulatory department, the Bureau of Family Services, has only 61 consultants to oversee 19,289 child care centers that serve 350,000 children. The bureau is overseen by the Michigan Department of Consumer and Industry Services. For about 11,000 family day care homes, inspections typically occur only if a complaint is filed or if the center is one of 10 percent randomly selected for inspection each year. At the remaining 8,000 centers or group day care homes that serve seven or more children, inspectors are required to make a full inspection every two years to ensure the facility is clean, free of health and safety concerns, has smoke detectors and fire extinguishers and complies with other rules such as background checks on caregivers. However, inspection caseloads have increased from 226 facilities per worker in 2000 to 316. Caseloads now are more than three times higher than the 100-per-inspector standard that industry advocates recommend. There are too many day care homes scatters and state cannot check what is going on inside the house because homes are built to maximize privacy. Inspections are done rarely. Home day care setting is welcoming crimes and accidents.

## **2.5 Problems of Basement Usage for the Care of Infants**

There is no statistical public data, but some of the day care homes are using the basement as the place for children to stay, sleep, and play. And many more day care homes plan to finish their basement for the day care business. I think if it is a walk-out basement, then there will be fewer problems, but in general basement is not good place for babies and infants to stay whole day because of the following reasons:

First of all, no or limited sunlight is available in the basement. Infants especially on northern hemisphere during winter need enough sunlight. Recent research found that vitamin D sufficiency is more important than high calcium intake for bone health. Vitamin D is an unusual nutrient, because people get only 10% from food the other 90 percent comes from the skin, created by exposure to sunlight [JAMA 2005] [Forbes 2005].

Usually, basement is humid. Dampness promotes the growth of mold. There is sufficient evidence of an association between damp indoor environments and some upper respiratory tract symptoms, coughing, wheezing, and asthma symptoms in sensitized persons [DAMP 2004]. Also molds and other microbial agents favor damp indoor environments, and excess moisture may initiate the release of chemical emissions from damaged building materials and furnishings. In addition, because of the dampness, there are many insects in the basement such as harmful insects like earwigs, spiders, and centipedes.

Radon is an invisible radioactive gas produced by most rocks and soils. Radon gas is a very potent carcinogen and children are particularly susceptible. It is the second leading cause of lung cancer, which is the leading killer among cancers. Recently DHS is requiring radon test for any home day care using the basement.

Will you put your infant in the basement for a whole day? Will you allow your grandchild to play whole day in the basement? No child should be left in the basement for many hours.

## 2.6 Problems of State and City Governments

Due to residential zoning issues, group day care homes requiring employees have been illegal for decades in cities in Michigan. But the problem was that the State was keep issuing group day care licenses ignoring city zoning ordinances. According to DHS's website [DHS 2006a], the state has told prospective group day care home licensee the following:

*Prior to submitting an application it is 'wise' to contact local zoning authorities to see if operating a group home is allowed in a designated neighborhood.*

Child care is a very important issue in this society because it involves the well-being of children who are the future of this society. However, it is unfortunate the child care has been done by many *unwise* people, according to the state authority. I believe both state and cities knew the problem, but they have not work together to solve the problem since the inception of the Licensing Act in 1973 for more than 30 years. No cooperation means cooperating with failure. No planning is planning the disaster. Because state knew group day care homes were illegal in many cities, state must have considered ways not to give negative impacts on neighbors, when they issue licenses. In 2005, finally, state tried to resolve this problem by passing House Bill #4398 [MI Bill 2005] to allow group day care homes in residential zones. Cities were waiting to see how the state handles House Bill 4398, which would create a new act and repeal the current zoning laws. But it seems there is no progress after it was passed by the house, perhaps due to oppositions from the current group day care homes. The Bill includes the following conditions:

A group day-care home is located not closer than 1,500 feet to any of the following:

- (i) Another licensed group day-care home
- (ii) Another adult foster care small group home or large group home
- (iii) A facility offering substance abuse treatment and rehabilitation service to 7 or more people
- (iv) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections

Mr. Miller, Planning Director - City of Troy, presented during the public hearing on Dec. 13<sup>th</sup> that 75% (15 out of 20) of existing group day care homes in Troy do not meet the above 1,500ft-distance requirement!

## 2.7 Dispute with Neighbors

There can be the following three types of neighbors located near to family day care or group day care homes:

- (i) Side by side neighbor; the distance between major living area and the day care drop-off area is less than 50ft, or the distance between major living area and the outdoor playing area is less than 50ft
- (ii) The distance between major living area and the day care drop-off area is greater than 50ft but less than 150ft
- (iii) The distance between major living area and the day care drop-off area is greater than 150ft

Neighbors in case (ii) might have some concerns like parking, increased traffic, and some noise problems, etc. Case (iii) neighbors are little concerned about parking and traffic. Case (i) is absolutely problematic. Real concerns from a side by side neighbor of a (Group) Day Care Home can be the following:

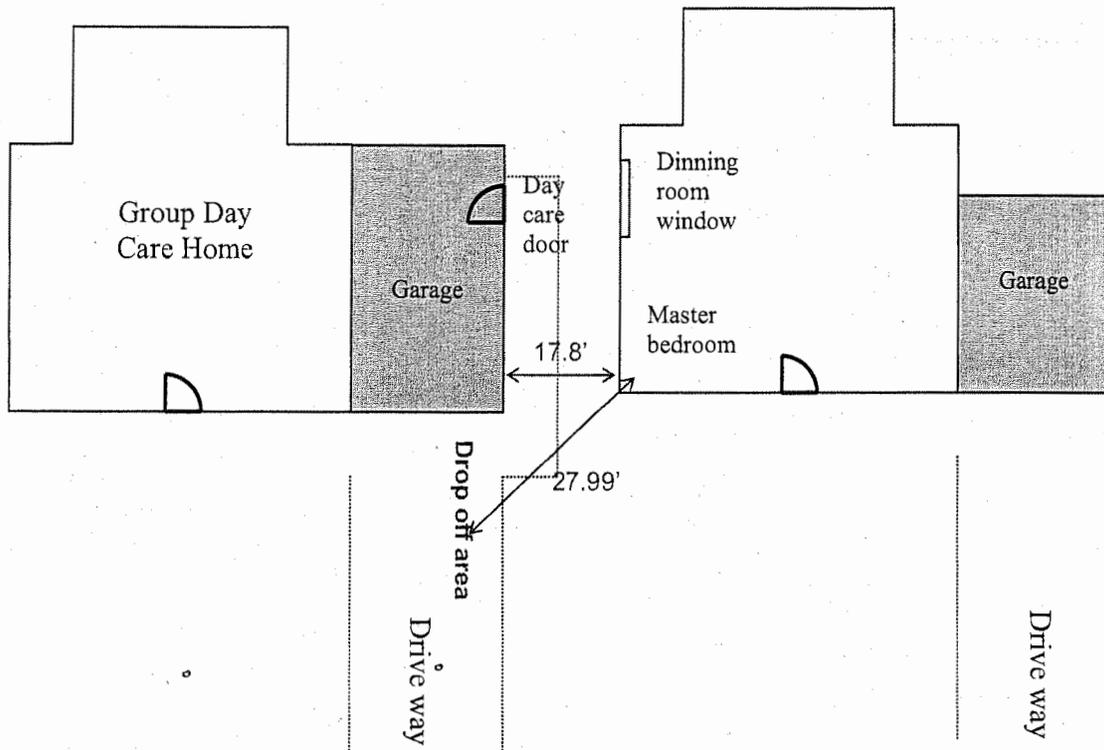
### 2.7.1 Business Noise Problem

The following business noises listed in a table are the main concern. The problem occurs regardless of number of babies. This is the problem both for group and family day care homes. The seriousness of the problem is dependent on the proximity of the day care facilities, existence of windows toward the day care playing area, and the orientation of the side by side homes.

<p><b>Examples of noise early in the morning</b></p>	<ul style="list-style-type: none"> <li>• from the slamming the entrance door (the side door they use for their business)</li> <li>• from the slamming car doors (while holding a baby with the other arm)</li> <li>• Occasionally, babies are crying &amp; screaming when they enter the day care home. More frequent in winter. It is said that screaming baby sound is one of the loudest sounds in nature. (85 decibel, Forte Cimo)</li> <li>• Parents usually talks to their baby or child before going into the day care home</li> <li>• when they start the car</li> <li>• when they use remote key to lock the car</li> <li>• when they shovel snow very early in the morning <i>before</i> their customers arrive</li> <li>• when they talk/phone outside of the home, sometimes</li> </ul>
<p><b>Examples of noise during the day</b></p>	<ul style="list-style-type: none"> <li>• The same problem as listed above when parents are coming to pick up babies</li> <li>• Screaming babies when they play outside of the day care home</li> <li>• Noise when the group day care employee dumps trashes into trash cans usually placed outside</li> </ul>

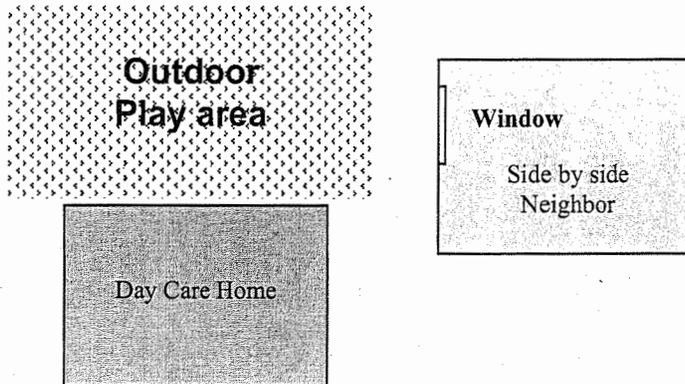
Especially the noise problem becomes really serious when the side yard setback distance is short, such as the case in Troy as depicted in diagram 2. If the car door is slammed in the drop-off area, the loudness of the noise in the master bed room is 58-66 decibel. Some decibel ratings are shown below (from [www.newton.dep.anl.gov](http://www.newton.dep.anl.gov)):

0 db	Threshold of hearing
30 db	Whisper
40 db	Buzz of mosquito
50 db	Normal conversation
70 db	Vacuum cleaner
100 db	Subway or power mower
120 db	Rock concert
130 db	Jackhammer or machine gun



(Diagram 2) Noise and invasion of privacy case in Troy

Diagram 3 shows the case bothering a side by side neighbor, when children are playing in the outdoor play area. If the noise is caused by neighbor's own children, it is all right, because they will grow up soon. But it is not the case. The homeowner will hear screaming baby sound every summer as long as the daycare home exists next door. A baby's cry is one of nature's loudest sounds. At eighty to eighty-five decibels, it is as loud as an un-muffled truck, not far below the pain threshold!



(Diagram 3) Noise and invasion of privacy case

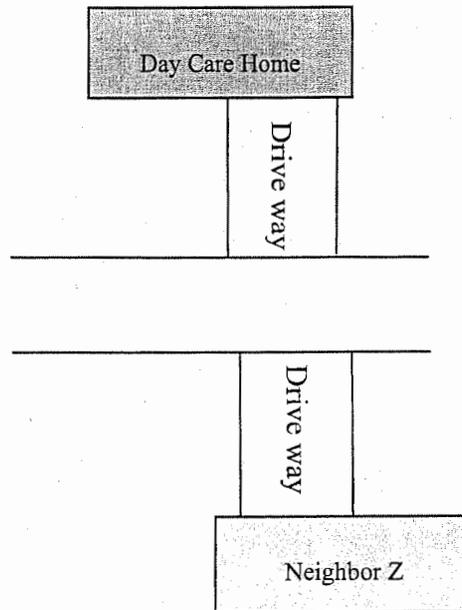
**2.7.2 Invasion of Privacy**

When a side door is used by day care customers and employees as shown in (Diagram 2), there can be serious privacy problems if that door is across from neighbor's dining room window. Home owner of the side by side neighbor could not open the window due to eye contacts with strangers; they can easily look

into the very deep inside of the house, if the blinds (or curtain) are open. Also, it must be very noisy due to the customer traffic coming in and out through the door.

### **2.7.3 Parking**

As shown in Diagram 4, if two driveways are facing each other, there will be problems. This was a real case in Troy and neighbor Z was bothered by the cars parked near their drive way. Recently in fall 2005 the group day care home discontinued their business, according to the DHS database.



(Diagram 4) Parking problem case in Troy

### **2.7.4 Increased Traffic**

In general there will be additional maximum 13 cars in the morning and in the evening near the group day care home. It is possible siblings are coming together. In that case less number of cars is expected. But there are always many prospective parents who are just visiting to look around day cares home facilities. Some planners thought there might be benefits because they might travel locally. But in general, that is not be the case. Remember, parents are looking for affordable child care. There may be a center close to their homes or work place, but they may drive more for the affordable home day cares.

### **2.7.5 Safety**

Do you know the name of the road where car accidents are occurring most frequently in the USA? According to an insurance company's study, the answer is your own drive way! Many children died or injured on the driveway while cars were backing over. Do you know that the home owner is responsible, if a day care child is injured or killed in your territory?

### **2.7.6 Increased demand for city services**

There will be increased demand for city services like water, sewer, refuse, and emergency services. An example would be the 6 large trash cans a group day home is producing every week. Usually a normal household has one or two trash cans.

### **2.7.7 Beautification**

If six large trash cans are displayed outside under neighbor's window, then it must be ugly and unpleasant. If they would like to put screens to hide their business trash cans, it must have some rules to maintain beautification.

### **2.7.8 Lowering Property Value**

Due to the problems listed above, it is obvious that feeling of peacefulness, tranquility, and privacy in a residential home can be disturbed by the home day care business. When the author put his house on the market, he consulted with five realtors. Everyone told that home seller does not need to tell about the neighbor doing day care business. Also they told that the chance to sell the house is relatively low and the home could be sold to a family who needs child care service, which states that it will lower the property value of the next neighbor, because low demand will lower the price in general. Another interesting issue is that it seems a day care owner can sell day care home with customers as a business to another licensee. The author has an appointment with city assessor to reduce the current tax, because, according to the assessor, homes that face or side major roads (or commercial entities) generally do have a lesser value than interior homes, and they would pay proportionately less taxes than homes that do not have a major road influence on their value. As a results, city revenue may be reduced.

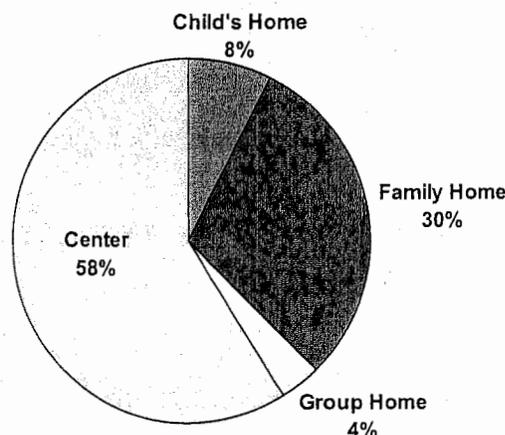
### **3. Solutions to this social problem for all of us, yesterday, today, and tomorrow**

It is natural to have problems in communities, since no system is perfect. The real problem occurs when there exists no effort to improve the current system. The primary purpose of this article is to identify problems and to suggest some long term as well as short term solutions. Societies must learn by correcting mistakes, not ignoring problems, in order to advance toward the better society.

The author firmly believe that long term ideal solution to this problem would be to promote and support mother or father care, which may not be feasible for many families right now. Practical suggestions are described in the following subsections.

#### **3.1 More Centers with Affordable Fees**

As shown in graph 1, only 16% of children are served by professional day care centers in Michigan. It was the lowest in the USA. National average of percent of children severed by center is 58% as shown in graph 5.



**(Graph 5) Percent of Children Served by Types of Care (National 2000-2004)**

As discussed in previous section 2.2, there were relatively less violations in professional day care centers than home day care facilities. Unfortunately this means that Michigan children may be facing more accidents/death in day care homes than other states. This must be corrected. State must find long term

strategies to promote and support professional child care centers. Also, state must continue/increase budget for the child care assistance program for low-income working families so that they can have quality professional child care with less risks. Note that there are many States that does not allow group day care homes such as NJ, Washington D.C., Louisiana, Maine, Maryland, New Jersey, North Carolina, Washington, and Wisconsin [NCCIC 2005].

### **3.2 State and City Must Work Together**

State simply has ignored city municipality. They must cooperate to find solutions to resolve conflicts related to the illegal group day care homes. Reconsider licensing procedures. State should not issue the license without city's approval on the specific house.

### **3.3 City Ordinance for Considering Neighbors in Strictly Restricted Residential Zone**

Recently [Troy Minute Dec. 2005] troy planning commission decided not to recommend allowing group day care homes in residential districts for the following reasons:

- It has been demonstrated by public input, letters and photos that family (1-6 children) and group day care (6-12 children and full-time employee(s)) homes do have a negative impact on the neighboring property owners.
- According to City Attorney, Allan Motzny, and City Director of Building & Zoning, Mark Stimac, any building or structure or portion thereof that is used for the education, supervision or personal care services for more than five (5) children older than 2-1/2 years of age would be classified as a Group E occupancy. This has significant implications on the ability of the structure to comply with building code requirements such as automatic sprinklers in basements, Michigan barrier-free design and the Federal Americans with Disabilities Act.
- There is nothing within the child care licensing law that exempts these facilities from the Michigan Building Code provisions.
- The current ordinance allows for family day care homes but limits enrollment thus permitting a needed service while minimizing the intrusion and negative impact on neighboring properties.

In case City Council wants to allow them, they recommended the following reasonable conditions (listed only important ones):

- To maximize the safety and the privacy and to minimize noise for the neighboring properties, Group Day Care Homes shall be allowed on properties greater than one-half acre in size and having a minimum side yard setback of 20 feet.
- Group Day Care Homes with vehicular access on a major thoroughfare shall be required to have a circular drive or an unobstructed turnaround area to allow for the safe egress of vehicles.
- To maximize the safety and the privacy for the neighboring properties, if the outdoor play area is located on the premises, the play area shall be fenced or screened with a 6-foot high privacy fence.
- The applicant shall identify the entrance(s) for drop-offs and pickups. The parking and drop-off areas shall be designed to maximize safety and privacy for the neighboring properties.
- To prevent the commercialization of residential districts, Group Day Care Homes shall be not be located within 1,000 feet of another state licensed residential facility.

It is quite interesting to note that the fence requirement was also added to the Family homes too. We could give them a grace period for the current group day care homes to find acceptable locations, if their house does not meet the above conditions. During that time, they must pay every effort to reduce problems.

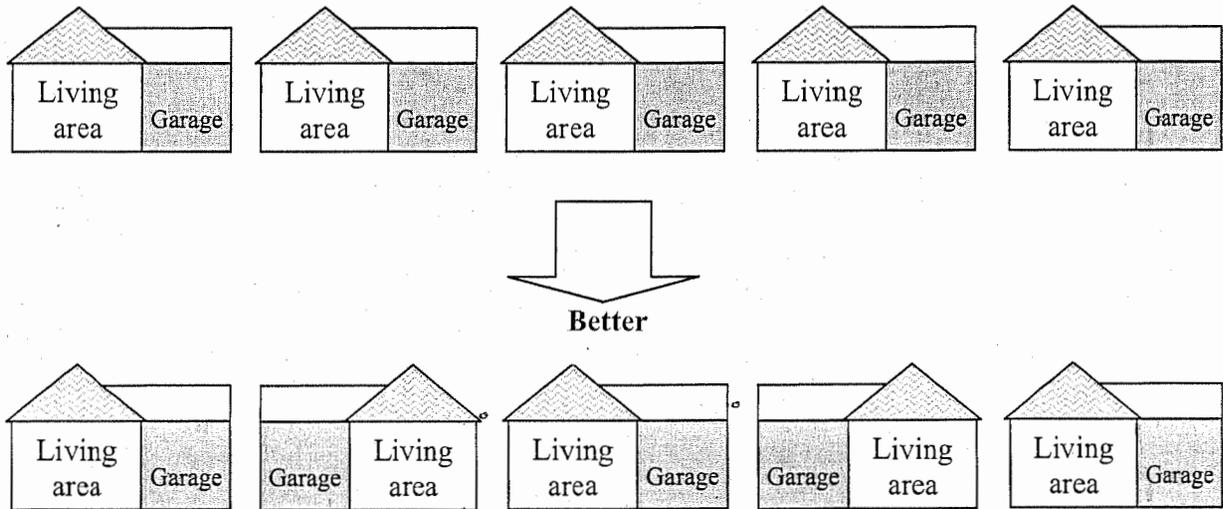
### **3.4 Open Door Policy**

Many accidents are caused by the fact that the home are built to maximize privacy. Since home day care providers were saying that they provide public services, we could ask them open the door to the public. During the public hearing on Aug 8<sup>th</sup>, 2005 [Troy Minute Aug. 2005], a day care parent asked "the open door policy". Anyone can visit the public place any time to inspect how they care children. This policy may

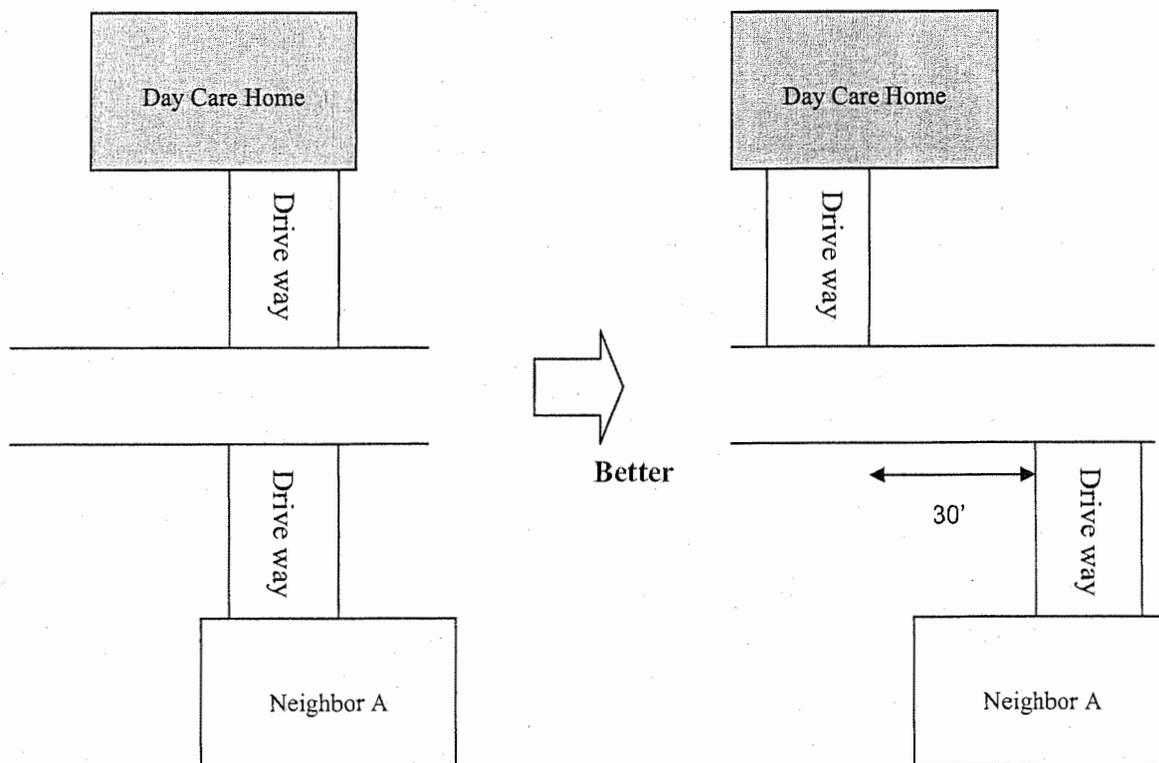
improve the quality of home day care. Usually, professional day care center door is open and windows are open, too. Can I visit at any time? That is the first question to ask the provider, before you put your child, since some providers do not allow that.

### 3.5 Subdivision Design Considerations

It is suggested for builders to locate houses in such a way that master bedroom to master bedroom and driveway to drive way, when designing subdivisions. The following (Diagram 5) shows better way of arranging homes with two car garage.



(Diagram 5) Subdivision design suggestion



(Diagram 6) A suggestion in designing the location of driveways

Minimum distance from neighbor's living area (exclude garage) to the center of Drop-off area and Official business door must be greater than 50ft. Outdoor play area must be designed to prevent from noise and invasion of privacy. Diagram 6 suggests 30' as the minimum distance in designing driveways.

### **3.6 Caring Neighbors**

Child care providers are taking care of infants who do not speak English yet. They must have sense to recognize other's feeling without words. There may be neighbors who are uncomfortable with their business. They may be silent, because it is not easy to tell bad things to a neighbor. Especially that is true for some neighbors who have totally different cultural background. Since home day care providers are initiating possible problems, they must first contact the neighbors to ask if there is any problem and to find ways to solve problems. It would be good, if day care providers were asking neighbors, periodically. Also, self-regulation among day care providers would be a good idea to reduce negative impacts in the community. One example of technological method of caring neighbors to reduce irresistible noise of early snow removal, they could install Electric Snow Melting Systems on their driveway.

### **3.7 Introducing a new zone type**

It is suggested to introduce a new zone which allows mixed-use development. Design a new model subdivision where residential houses and public facilities are located together while minimizing possible negative impact between them. This means residents do not need to drive to go to grocery store. Almost every public place is in walking distance. Of course day care center and/or day care homes are pre-planned, design, and constructed in the new zone. We can save energy and time, reduce cost of transportation. There will be less air pollution and most importantly, it will be a well-being solution for our health, since we will walk. The author wishes this article could be used as input data to the design of new development such as the old K-mart property in Troy.

### **3.8 Technologies to prevent from accidents**

Microprocessor is everywhere. Pervasive (wireless, wearable, and ubiquitous) computing with blue-tooth technology could make it possible to develop economically feasible monitoring system for child and adult day care environment. Bluetooth is a short-range radio technology aimed at simplifying communications among Internet devices and between devices and the Internet. Accidents occur suddenly. As a backup and double checking tool, networked wirelessly with blue-tooth devices, integrated home personal computers can monitor each child's status and the system can provide early warning signals, if abnormal activities are detected. Even it can predict possible future problems. Blue-tooth sensors to be integrated in the system can be motion, breathing (to alert if no breathing for 20 seconds, for example), humidity (to check diapers), location on the crib, temperature, blood pressure, EMG (ElectroMyoGraphy - muscle), ECG (ElectroCardioGraphy - heart rate), EEG (ElectroEncephaloGraphy - Brain), EOG (ElectroOculoGraphy - eye movement) sensors and among others. Sudden infant death syndrome (SIDS) is the sudden and unexpected death of young baby that has no specific cause despite a detailed investigation. However, if we use the modern sensor fusion technologies effectively, the system may alert the caregiver in a timely manner.

## **4. Conclusion and Summary**

We all were babies once. Almost three out of four mothers are working; the availability of child care facilities is not just necessary but is essential. However, state and city have not cooperated to provide a legal base to home based group day care public services for more than 30 years in Michigan. As a result, unfortunately, many infants and babies had to start their lives in illegal places. This problem must be solved now and it is our obligation.

In order to provide legal base for them, we need to first analyze the current problems. (1) Homes are not designed & built to accommodate public services for 12 babies. Because of that, there have been more accidents in home day care facilities than that of centers as described in (Graph 3) and section 2.2. State

needs to promote more professional day care centers like other states. If city decides to allow group day care homes, it must have strict regulations and it needs to design subdivisions to allow home care facilities and build houses to accommodate home care services. (2) Some homes are located unsuitable area to do the public business, which causes a conflict between public benefit and protecting private properties. Some neighbors have been suffered from problems caused by home day care facilities. The city must view residential zoning regulations as a covenant with citizens who purchase property in the community, and cities actions must honor this commitment. (3) Group day care providers are saying they provide home like quality childcare. But it cannot be homelike environment with crowded 12 babies without moms. It will be just dangerous unsafe place as statistical data proves in section 2.2. There are some parents just looking for affordable childcare. But in a group daycare home with 12 babies in the basement, it could be a perfect virus spreading environment for your infant to get sick easily. Parents need to analyze carefully pros and cons of putting their children in day care homes instead of centers.

The author is not against all the group day care homes, but he is concerned about all the problems caused by some of the facilities. There are rules for businesses in business zoning. There must be tougher rules for businesses in residential area, especially because homes in residential area were not designed / built to conduct day care business. Typical example is the group day care home that uses the residence's side door as an entrance for the parents and children, and that door is across from neighbor's dining room. The distance between the dining room window and the business entrance is only 17'8" as depicted in diagram 2. If we allow the group day care homes in residential area, we need to have a good ordinance text to minimize further problems such as business noise, privacy, safety, parking, and beautification (due to the business trash cans), and among others as listed in section 2.5. However, we know that any human law cannot be perfect. I wish some home day care owners could learn how to care and respect neighbors, in order not to damage the relatively positive image of many day care homes.

DHS has many regulations on home day care business, but none is for the neighbor care. Perhaps they thought that is the city's job. But cities were just ignoring the problem for more than 30 years until some serious conflicts occurred recently. There exist problems of some day care owner's mindset. Since they think they are providing essential services for the public, they think they are above the city ordinance. To make things worse, city did not want to be involved. Neighbors did not want to start the fire, because they thought people would think they were bad because it involved innocent babies. If it becomes a big problem, they thought they could not sell their homes. An attorney's advice, "move out, quietly", tells the essence of the problem so far.

This is a problem for every house in residential zone. Someday your neighbor may setup home day or adult foster care business, since it is very lucrative without large financial investment. After buying a dream home, early in the morning, you may find your neighbor was doing home care business; People are talking about horrifying stories from adult foster care homes in residential area, not publicly. They cannot tell publicly because they are afraid of revealing their addresses publicly. If that happens, they will face serious difficulty in selling their houses. If the current group day care home issues are resolved politically without considering neighbors' pain and without taking care of true well-being of children, then it is like welcoming more problems and troubles.

## Epilog

The author of this article was sued by a side by side neighbor who has been running a group day care home, ignoring city zoning ordinance. The author took some photos and videotaped day care customers from inside his dining room when they were coming in and out the side door depicted in diagram 2. He gave the video tape to the group day care home owner to watch how serious the problem was. He submitted the photos after block out faces of the customers to the city planning commissioners when they had public hearings. But the neighbor filed petition for personal protection order (PPO) against stalking (non domestic) to the Oakland County Circuit Court. The neighbor claims that the author harassed her by taking photos and videotaping. If the judge signs the PPO, then the author will be treated as a criminal and his data will be entered into LEIN (Law Enforcement Information Network) that is available to law enforcement agencies throughout the United States.

The author as well as his attorney firmly believes that he has the right to document, take photos, and videotape illegal activities violating city ordinance. His intention was to provide data to city planners when they amend ordinance text for the future, in order not to repeat the same troubles he has had. The author does not think American citizens are blocked to report facts and illegal activities to local government for public hearings. As a professor teaching classes in the evening and resting in the morning, the author just wants to enjoy a sound sleep in the morning and feeling of peacefulness, tranquility, and privacy in his home in the residential area.

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