

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on August 9, 2005, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain  
Lynn Drake-Batts  
Fazal Khan (7:33 p.m.)  
Lawrence Littman  
Robert Schultz  
Thomas Strat  
Mark J. Vleck  
David T. Waller  
Wayne Wright

Also Present:

Mark F. Miller, Planning Director  
Brent Savidant, Principal Planner  
Allan Motzny, Assistant City Attorney  
Christopher Kulesza, Student Representative  
Kathy Czarnecki, Recording Secretary

2. MINUTES

**Resolution # PC-2005-08-127**

Moved by: Schultz

Seconded by: Wright

**RESOLVED**, To approve the July 12, 2005 Regular Meeting minutes and the July 26, 2005 Special/Study Meeting minutes as published.

Yes: Chamberlain, Drake-Batts, Khan, Littman, Schultz, Strat, Waller, Wright

No: None

Abstain: Vleck

**MOTION CARRIED**

3. PUBLIC COMMENT

There was no one present who wished to speak.

**SITE PLAN REVIEWS****4. SITE PLAN REVIEW (SP 920) – Proposed Troy Retail Center (formerly Cranbrook Plaza), North side of Maple, West side of Dequindre, Section 25 – B-2**

Mr. Savidant presented a summary of the Planning Department report for the proposed Troy Retail Center. Mr. Savidant reported that it is the recommendation of City Management to approve the site plan as submitted subject to: (1) relocating the dumpster to the southwest corner of the parcel; (2) eliminating the proposed sidewalk connecting to the south and providing a sidewalk connection to Dequindre to the east; and (3) approving a reduction of 39 off-street parking spaces, per Article 40.20.12.

Mr. Chamberlain asked if a cross access easement would be a consideration on leased property.

Mr. Savidant replied a cross access easement was discussed and determined unnecessary for the proposed development.

Mr. Schultz asked if the development would have an impact on the required parking for the Cultural Center.

Mr. Savidant replied that parking for the Cultural Center would not be impacted.

The petitioner, Jeff Frederick of Stucky+Vitale Architects, 27172 Woodward Avenue, Royal Oak, was present. Mr. Frederick addressed the conditions recommended by staff for site plan approval. He said a catch basin exists on the southwest corner of the parcel in which staff is recommending to place the dumpster. With respect to the parking deficiency, Mr. Frederick said there would be minimal overlapping hours between the Cultural Center and retail uses, indicating the retail would primarily be day hours and the Cultural Center would be evening and weekend hours. Mr. Frederick said it would be preferable to connect the sidewalk to the south for two reasons. It would be necessary to rip up existing landscaping to provide a sidewalk connection to the east, and the owner is confident that a cross access agreement could be obtained with the bank property owner.

Mr. Schultz said there is no cross access agreement on file, and asked the petitioner if he would rather provide the sidewalk connection to the east or have the item tabled.

Mr. Frederick replied that a tabling action would be preferable.

Mr. Miller recommended site plan approval contingent upon securing a cross access easement in the future.

Mr. Waller thought further consideration should be given to the sidewalk location and dumpster location.

**Resolution # PC-2005-08-128**

Moved by: Waller

Seconded by: Khan

**RESOLVED**, That Preliminary Site Plan Approval, as requested for the proposed Troy Retail Center, located on the north side of Maple and west of Dequindre, located in Section 25, on approximately 7.25 acres, within the B-2 zoning district, is tabled to the September 13, 2005 Regular Meeting, to provide opportunity to the petitioner, owners and the City to make valid judgments.

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

No: Drake-Batts, Vleck

**MOTION CARRIED**

Ms. Drake-Batts said there is not enough parking. She voiced concern that a change in property ownership in the future might result in a vacant strip center with no parking.

Mr. Vleck said he would have liked to see the site plan approved tonight, contingent upon the conditions.

5. **SITE PLAN REVIEW (SP 621-B)** – Proposed Bank One/Chase with Drive Up Addition, North side of Big Beaver, West of John R, Section 23 – O-1

Mr. Savidant presented a summary of the Planning Department report for the proposed Bank One/Chase Bank. Mr. Savidant reported that it is the recommendation of City Management to approve the site plan as submitted with the conditions that the petitioner provide: (1) a joint parking agreement in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking prior to Final Site Plan Approval; (2) a cross access easement to connect to the property to the north as indicated in the letter from the petitioner prior to Final Site Plan Approval; and (3) a direct sidewalk along the north property line abutting the shared parking spaces to the north and east entrances of the building for Preliminary Site Plan Approval.

Mr. Waller asked if the sidewalk would be wrapped around the back side of the building and if any drawings have been submitted.

Mr. Savidant confirmed the sidewalk would wrap around the back side. He said no drawing has been submitted. Mr. Savidant assured the members the applicant has more than enough required parking.

Mr. Littman asked if the property in which the applicant is entering into a joint parking agreement has any other joint parking agreements.

Mr. Miller said there are no other joint parking agreements associated with the subject property.

Chair Strat asked what portion of the building the bank would occupy, and the occupancy of the remaining building.

Mr. Savidant said the bank would occupy approximately one-half of the building. He indicated the petitioner might know if the remaining portion of the building is vacant or occupied.

Mr. Schultz noted the sidewalk layout might eliminate two parking spaces and a barrier-free access to the sidewalks might be possible.

Mr. Savidant said the sidewalk design could have an impact on one parking space.

Mr. Miller pointed out that the existing driveway into the site could potentially cause a traffic bottleneck.

The petitioner, Kelly House-Seaman of Nudell Architects of 31690 W. Twelve Mile Road, Farmington Hills, was present. Ms. House-Seaman indicated they are in agreement with the recommendations of staff.

Kenneth Enghauser of JPMorganChase, 1111 Polaris Parkway, Columbus, Ohio, was present. Mr. Enghauser noted the peak bank hours would be 9 a.m. to 5 p.m., and the peak Troy Sports Center hours are 5 p.m. to 11 p.m.

**Resolution # PC-2005-08-129**

Moved by: Schultz

Seconded by: Wright

**RESOLVED**, That Preliminary Site Plan Approval, as requested for the Proposed Bank One/JP Morgan Chase office and drive-thru addition, located on the north side of Big Beaver and west of John R, located in Section 23, on approximately 1.23 acres, within the O-1 zoning district, is hereby granted, subject to the following conditions:

1. A joint parking agreement in a form acceptable to the City Attorney is executed and recorded by the parties sharing the parking, prior to Final Site Plan Approval, as per Article 40.20.03 of the City of Troy Zoning Ordinance.
2. Provide a cross-access easement as shown on the site plan, prior to Final Site Plan Approval.
3. Provide a direct sidewalk along the north property line abutting the shared parking spaces to the north and east entrances of the building, for Preliminary Site Plan Approval.

Yes: All present (9)  
No: None

### **MOTION CARRIED**

6. **SITE PLAN REVIEW (SP 812-B)** – Proposed Chuck E. Cheese Restaurant, North side of Elliott, East side of John R, Section 36 – B-3

Mr. Savidant presented a summary of the Planning Department report for the proposed Chuck E. Cheese restaurant. He noted access is only on Elliott, and not both Elliott and John R as incorrectly stated in the Planning Department report. Mr. Savidant reported that it is the recommendation of City Management to approve the site plan and deviation from the parking standards as submitted with the condition that all angled parking spaces and aisle widths meet the minimum zoning requirements prior to Final Site Plan Approval.

Mr. Schultz asked if the seating capacity problem, as noted by the Building Department, would be alleviated if the Planning Commission takes action on the parking.

Mr. Savidant replied in the affirmative.

The petitioner, Douglas Mossman of Oakland Square Limited Partnership, 412 W. 14 Mile Road, Troy, was present. He reported that the executed lease agreement between Oakland Square Limited Partnership and Chuck E. Cheese stipulates an agreement that the vacant space [approximately 6,000 square feet] cannot be leased for restaurant use. Mr. Mossman said it is his understanding that the City has given credence to the fact that the proposed use is a family-type restaurant that does not have a high need for parking. He noted the adjacent Oakland Square Shopping Center could accommodate excess parking should the need arise.

**Resolution # PC-2005-08-130**

Moved by: Littman  
Seconded by: Wright

**WHEREAS**, Article 40.20.12 permits the Planning Commission to deviate the parking requirements based upon the specific standards set forth in the Article. The applicant has provided a letter providing justification for the reduced number of parking spaces.

**RESOLVED**, The Planning Commission hereby approves the reduction of 46 parking spaces to 162 spaces, when 208 spaces are required, as per Article 40.20.12.

***BE IT FURTHER RESOLVED***, That Preliminary Site Plan Approval, as requested for the proposed Chuck E. Cheese Restaurant, located on the north side of Elliott and east side of John R, located in Section 36, on approximately 3.14 acres, within the B-3 zoning district, is hereby approved, subject to the following condition:

1. All angled parking spaces and aisles shall meet the minimum requirements of the City of Troy Zoning Ordinance, prior to Final Site Plan Approval.

Yes: All present (9)

No: None

**MOTION CARRIED**

\_\_\_\_\_

Chair Strat requested a recess at 8:08 p.m.

The meeting reconvened at 8:18 p.m.

\_\_\_\_\_

**ZONING ORDINANCE TEXT AMENDMENT**

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 the 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 cares 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.

\_\_\_\_\_

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

The meeting reconvened at 10:08 p.m.

\_\_\_\_\_

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 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.

**8. PUBLIC COMMENT**

David Schafer of 5593 Mandale, Troy, applauded the members for the decision to table the ZOTA because of pending legislation. He offered his services as chairperson for a committee to work on zoning ordinance language as relates to day care home providers. He suggested that a dialogue be established in an informal setting to arrive at language that would be acceptable to all.

Sharon Schafer of 5593 Mandale, Troy, said she was confused because she was positive the Planning Department drafted proposed language.

Chair Strat said language might have been prepared, but the point is the item has been postponed until action is taken by the State.

Mr. Schultz said the Public Hearing notice contained no proposed language; therefore no language could be voted on tonight. He said the Public Hearing was to seek public input, not to pass ordinance language.

Chair Strat stated the members wanted everyone to have an opportunity to speak on group day care homes, including everyone who lives within 300 feet of child care home providers.

Ms. Schafer asked when she would know that Mr. Miller has spoken with City Management.

Chair Strat assured Ms. Schafer that the City would be cooperative and Mr. Miller would keep in contact with her.

Mr. Schafer asked if he understood correctly that another Public Hearing would be scheduled if zoning ordinance language were proposed in the future.

Chair Strat replied that Mr. Schafer understood correctly.

### **GOOD OF THE ORDER**

Mr. Motzny said it is his understanding that a summary of the proposed zoning ordinance text amendment was published in the notice of tonight's Public Hearing. It is his opinion that tonight's meeting was an official Public Hearing on a proposed zoning ordinance text amendment.

Mr. Miller said language was published and that the Public Hearing was official and noticed appropriately by State law. Mr. Miller said it was clear that the intent of the Planning Commission was to gain input from the Public Hearing.

Mr. Chamberlain stated that, contrary to public belief, he was not sleeping. He provided an explanation for his "Points of Order" in requesting speakers to identify themselves and state their addresses. Mr. Chamberlain tracked statistics on the Public Hearing speakers: 13 Troy residents who use day care in Troy, 16 providers of day care in Troy, 3 providers of day care in other cities, and 4 neighboring residents who use day care in Troy. Mr. Chamberlain said he is upset that he was accused of sleeping when he takes pride in paying attention.

Mr. Waller extended appreciation to everyone who invested in tonight's Public Hearing. He said the comments were a help to him and he feels it is a very important subject for all of southeast Michigan. Mr. Waller said we do not live in a vacuum and obviously cannot make decisions in a vacuum.

Chair Strat shared results of his research on group day care homes of other communities. Group day care homes of many communities exist but are illegal as it relates to their particular ordinances. It is his understanding that other communities are watching Troy and other neighboring communities to see what actions are taken.

Ms. Drake-Batts thanked everyone for coming to the Public Hearing. She acknowledged the time spent on research and books. She said it was good to hear and good to see the community come out for something positive. Ms. Drake-Batts encouraged the community to request City Council that the item come back for a resolution should the House Bill not be passed by the 1<sup>st</sup> of the year.

Mr. Littman said he is confused and thought there was no proposed language agreed on by the members to have published in the Public Hearing notice. Mr. Littman asked what action would be taken should proposed language that is different than what has been published be drafted.

Mr. Motzny stated that the statute provides that any zoning ordinance text amendment requires a report and at least one Public Hearing. He said there is no limitation on the number of Public Hearings and if an amendment is prepared that is substantially different than what was published, the Planning Commission has authority to have an additional Public Hearing should it see fit.

Mr. Schultz commented on tonight's Public Hearing. He said the Public Hearing was official and the members agreed to table the item. He said he is confident there will be additional advertising and an additional Public Hearing should a proposed zoning ordinance text amendment be drafted in the future. Mr. Schultz said the Public Hearing started this evening with a comment that the City has not formulated a problem. Mr. Schultz said, in his view, the Planning Commission is not debating whether to close group day care homes, but debating whether to allow businesses with employees to proliferate in residential neighborhoods. He said it is a very weighty subject that has a great impact on the 80,000+ people who live in the City's residential neighborhoods. Mr. Schultz said home businesses such as accountants and photographers are one-man operations with no employees.

Mr. Schultz distributed copies of the current Planning Commission bylaws, and asked the members to review the bylaws and provide corrections and/or revisions at the next scheduled study session.

Chair Strat agreed to put the bylaws on the next agenda.

Mr. Kulesza thanked everyone for attending the Public Hearing. He reviewed his research on House Bill 4398. It is understood that the Bill will be under full consideration by the Senate most likely in October, and it appears to have a lot of support from the Senate. Mr. Kulesza said he would continue his research and report to the Board.

Mr. Savidant provided a clarification on the two tables prepared by the Planning Department on group day care homes in surrounding communities. The table dated April 30, 2004 encompassed research from zoning ordinances on file or available on-line. The June 17, 2005 table encompassed basically the same research but was followed up with phone calls. The June 17, 2005 table is more accurate.

The Regular Meeting of the Planning Commission was adjourned at 10:45 p.m.

Respectfully submitted,

---

Thomas Strat, Chair

---

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2005 PC Minutes\Final\08-09-05 Regular Meeting\_Final.doc