



GIGGLE GANG SITE PLAN 09-31

GIGGLE GANG, SITE PLAN 09-31

Public Hearing of the request of Giggle Gang, LLC, for Preliminary Site Plan and Special Land Use Permit approval. The subject property is located in Section 28, east of Beck Road and south of Ten Mile, in the R-1, One-Family Residential District. The subject property is approximately 0.34 acres and the applicant is proposing a group day care home at 24099 Wintergreen Circle.

Required Action

Approve or Deny Special Land Use Permit and Preliminary Site Plan

REVIEW	RESULT	DATE	COMMENTS
Planning	Approval Recommended	11/23/09	<ul style="list-style-type: none">- ZBA variance required for lack of fence around outdoor play area. Additional landscaping along the side yard should be provided for screening.- ZBA variance required for deficient lot size.- ZBA variance required because parcel does not abut a major thoroughfare.

Approval- Special Land Use

In the matter of the request of Giggle Gang SP 09-31, motion to **approve** the Special Land Use permit, subject to the following:

- a. Planning Commission finding under Section 2516.2.c for the Special Land Use permit:
Whether, relative to other feasible uses of the site,
 - The proposed use will not cause any detrimental impact on existing thoroughfares *(due to the fact that the addition of 6 children being supervised on the property at any one time would not generate a substantial amount of additional traffic).*
 - The proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood *(due to the fact that no changes to the footprint or façade of the house are proposed and signage is not permitted or proposed.)*
 - The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.
 - The proposed use will promote the use of land in a socially and economically desirable manner.
 - The proposed use is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located *(as noted in the staff and consultant's review letters);*
- b. That the applicant receives the required variances for the lack of a fence around the outside play area, the deficient lot size and the fact that the property does not abut a major thoroughfare from the Zoning Board of Appeals;
- c. and compliance with all conditions and requirements listed in the staff and consultant review letters;
- d. *(Insert specific considerations here)*

For the following reasons... *(because the plan is otherwise in compliance with Article 4, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance.)*

Denial- Special Land Use

In the matter of the request of Giggle Gang, SP 09-31, motion to **deny** the Special Land Use permit, for the following reasons...*(because it does not meet the following standards of the ordinance for approval of a Special Land Use permit...)*

Approval – Preliminary Site Plan

In the matter of Giggle Gang, SP 09-31, motion to **approve** the Preliminary Site Plan, subject to the following:

- a. The conditions and items listed in the staff and consultant review letters being addressed on the Stamping Set;
- b. That the applicant receives the required variances for the lack of a fence around the outside play area, the deficient lot size and the fact that the property does not abut a major thoroughfare from the Zoning Board of Appeals; and
- c. The applicant providing additional landscaping along the side yards in the rear of the property;
- d. *(additional conditions here if any)*

for the following reasons... *(because the plan is otherwise in compliance with Article 4, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance.)*

Denial - Preliminary Site Plan

In the matter of Giggle Gang, SP 09-31, motion to **deny** the Preliminary Site Plan, for the following reasons... *(because it is not in compliance with the following sections of the Zoning Ordinance....)*

PLANNING REVIEW



PLAN REVIEW CENTER REPORT

November 23, 2009

Planning Review

Giggle Gang Group Day Care
SP #09-31

Petitioner

Giggle Gang, LLC

Review Type

Preliminary Site Plan Special Land Use Request

Property Characteristics

- Site Location: 24099 Wintergreen Circle, South of Ten Mile Road between Beck Road and Taft Road
- Site School District: Novi Community School District
- Site Zoning: R-1, One-Family Residential
- Adjoining Zoning: R-1 in all directions
- Site Use(s): Private Single-Family Residence
- Adjoining Uses: Single-Family Homes in all directions
- Site Size: 0.34 acres
- Application Date: 10/23/09

Project Summary

The applicant currently operates a family day care home at her single-family residence supervising 6 children during normal business hours three days per week. The applicant would like to increase the number of children supervised to potentially up to twelve but most likely to eight or nine. The ordinance defines operations supervising seven to twelve children as group day care homes, consistent with the State of Michigan regulations and definitions. Group day care homes are a Special Land Use in the R-1, Single-family district. The applicant is not proposing any exterior or interior changes to the site.

Recommendation

Provided the applicant receives the required variances from the Zoning Board of Appeals for the fenced in outdoor play area, the parcel abutting a local road and the minimum parcel size, approval of the ***Preliminary Site Plan and Special Land Use Permit is recommended.*** In its recommendation the Planning Commission will need to consider the standards for Special Land Use consideration, as described below. Approval is recommended for the following reasons:

- The addition of up to 6 children being supervised on the property at any one time would not generate a substantial amount of additional traffic;
- The proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood due to the fact that the resident is currently operating a family day care home out of her

- residence and no changes to the footprint or façade of the house are proposed and signage is not permitted or proposed;
- The proposed use is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located. The stated intent of the R-1 District is "...to provide for an environment of predominately low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district." The proposed group day care home would serve the needs of nearby families without creating a burden on adjacent properties or a noticeable effect on the neighborhood;
 - The proposed use will promote the use of land in a socially and economically desirable manner.

Ordinance Requirements

This project was reviewed for conformance with the Zoning Ordinance with respect to Article 4 (R-1 – R-4, One-Family Residential), Article 24 (Schedule of Regulations), Article 25 (General Provisions), and any other applicable provisions of the Zoning Ordinance.

Section 402.4.a lists specific requirements that all group day care homes must meet. These are as follows.

1. An outside recreation area should be provided that is not less than 2,000 sq. ft. This area must be fenced in and properly screened. *The applicant's rear yard provides more than 2,000 sq. ft. of recreation area. A fence has not been provided and cannot be because of subdivision regulations. **The applicant will need to seek a variance for the lack of fence. The applicant should propose the addition of landscaping (in the form of trees or shrubs) along the edges of the yard to meeting the screening requirements.***
2. The minimum size of the parcel must be one-half acre. *The subject property is approximately 0.34 acres. **The applicant will need to seek a variance for the deficient lot size.***
3. The licensee shall occupy the dwelling as a residence. *The applicant occupies the dwelling as her residence.*
4. The licensee shall register with the City Clerk and the premises may be subject to a fire department inspection and shall provide a smoke detector in all daytime sleeping areas. *The applicant has agreed to conform with any additional required inspections. A smoke detector currently exists in all daytime sleeping areas.*
5. Any sign accessory to the home is prohibited. *The applicant is not proposing any signage.*
6. The hours of operation shall be between 6AM and 7PM. *The applicant's hours of operation are between 6AM and 7PM.*
7. The parcel shall abut a major thoroughfare or section line collector road, but may have access from a local street. *The parcel abuts a local street. However, the parcel is fairly close (four houses down) to the entrance of the subdivision off of Ten Mile Road. **The applicant will need to seek a variance from this requirement.***

Special Land Use Considerations

In the R-1 District, a group day care home falls under the Special Land Use requirements (Section 402.4.b).

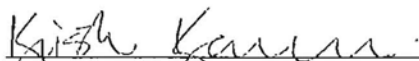
Section 2516.2.c of the Zoning Ordinance outlines specific factors the Planning Commission shall consider in the review of the Special Land Use Permit request:

- Whether, relative to other feasible uses of the site, the proposed use will cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, acceleration/deceleration lanes, off-street parking, off-street loading/unloading, travel times and thoroughfare level of service.
- Whether, relative to other feasible uses of the site, the proposed use will cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal and police and fire protection to service existing and planned uses in the area.
- Whether, relative to other feasible uses of the site, the proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats.
- Whether, relative to other feasible uses of the site, the proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood.
- Whether, relative to other feasible uses of the site, the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.
- Whether, relative to other feasible uses of the site, the proposed use will promote the use of land in a socially and economically desirable manner.
- Whether, relative to other feasible uses of the site, the proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

Response Letter

A letter from either the applicant or the applicant's representative addressing comments in this review letter is requested **prior to the matter being reviewed by the Planning Commission.**

If the applicant has any questions concerning the above review or the process in general, do not hesitate to contact me at 248.347.0586 or kkapelanski@cityofnovi.org.



Kristen Kapelanski, Planner

**APPLICANT'S LETTER DESCRIBING
THE PROPOSED USE**

Hello,

I currently run a small daycare business out of my home in Novi. I have been a licensed sitter in Novi for 12 years. I would like to renew my license for a group home rather than family home. This means I would be allowed to watch more than 6 children (potentially up to 12 children). Ideally I would like to maintain around 6 children but be able to accommodate newborn siblings when they arrive. This has always been a problem in the past.

I have a wonderful daycare setting in my walkout basement with wonderful daycare families bringing their children here. Many children over the years have been families from my own neighborhood, Wintergreen Park. I have never had a single complaint and operate solely on referrals. I am open 3 days a week.

I realize I do not meet a few of the "newer" requirements for group homes in Novi such as living on a ½ acre lot and having a fence. Please take into consideration the State of Mi. does not require this. I do understand that the city is trying to eliminate group daycare homes. Please consider also that I am already a licensed sitter AND that I only operate 3 days a week. I am very unique in this way. My daycare consists solely of hand picked friends and neighbors. The children are then referred to the Novi Preschool program and Novi Parks and Recreation activities. It is very important to me that my license changes to a group home in the NEAR future as I currently have 2 wonderful daycare families with baby siblings that need to become enrolled in my daycare with their older sisters. I really do not want to turn them away.

I am asking that my daycare be grandfather into the system so that I can continue to keep everyone happy.... State of Michigan Dept. of Child Licensing and all of my daycare families.

Can you please look at this form that the State of Mi. is requiring me to get signed? Thank you. I love for you to set up an appointment to come and see my beautiful daycare program.


Nicole Karr

Giggle Gang, LLC

24099 Wintergreen cir.

248 374-0401

SURVEY OF PROPERTY

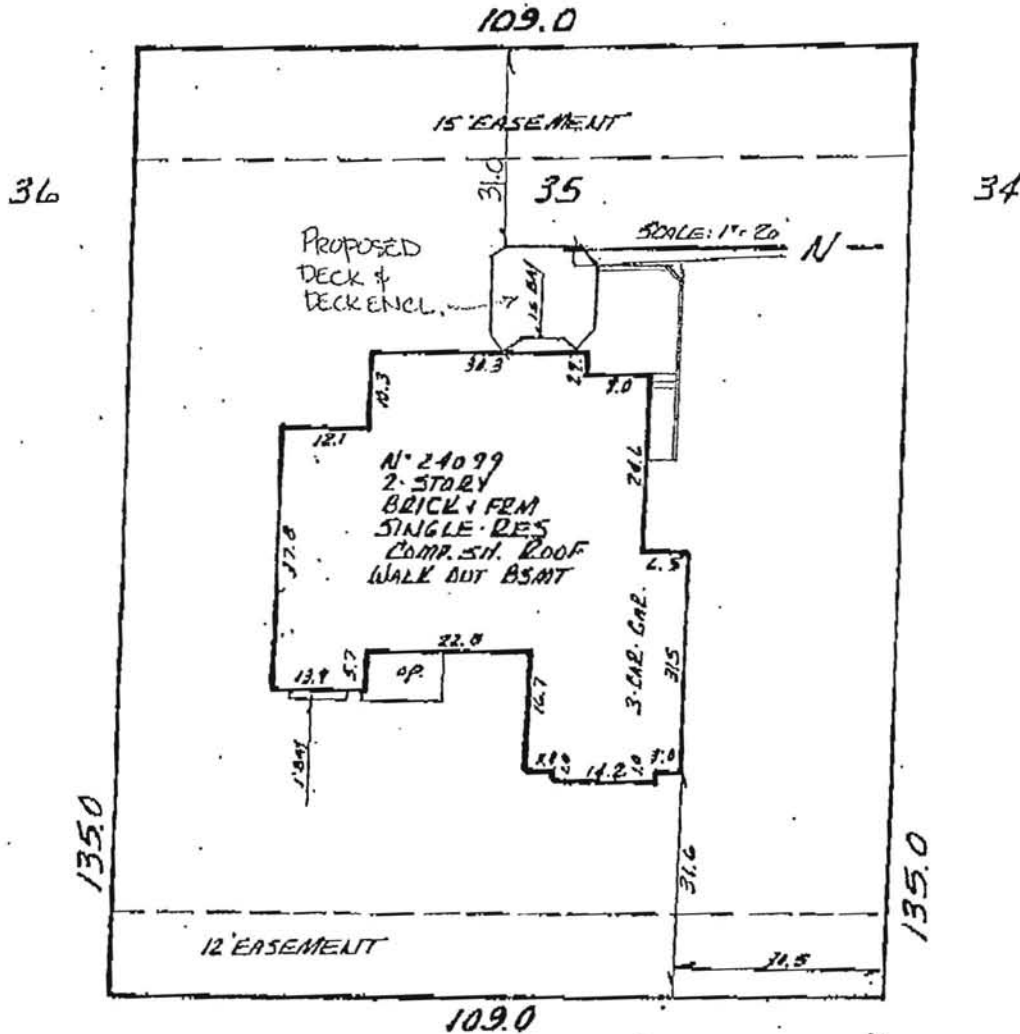
(810) 547-3077

METROPOLITAN SURVEY INC.

FERNDALE, MICHIGAN 48220

MORTGAGE REPORT FOR:

LEGAL DESCRIPTION: LOT #35, Wintergreen Park Subdivision, City of Novi, Oakland County, Michigan. Rec'd L. 242, Pages 26 thru 31 Plats, O.C.R.



WINTERGREEN CIRCLE 60' P.O.W

FILE NO: 234937-57050 DATE: 4/17/97
APPLICANT: Gregory T. & Nicola K. Karr

We hereby certify that we have deposited the described property in accordance with the legal description as furnished by you for the purpose of a mortgage loan to be made by the state bank and trust company, and that the buildings and improvements are within the property lines unless otherwise noted, and that there are no adverse or unrecorded claims upon the property hereinafter described, except as shown. Evidence as shown are not provided that a true and correct copy of this plat has been filed with the county clerk, and that the same is a true and correct copy of the original plat as shown. This is NOT to be used as evidence of any other property lines, easements, rights-of-way, building lines, conformity of non-conformity to State, County or local ordinances and/or codes) etc. Failure and (or) any location shown and (or) shown. To be a true and correct copy, drawings and (or) other matters, a certified land survey (State Survey) is required.

CERTIFIED TO ALL TITLE COMPANIES:

METROPOLITAN SURVEY INC.

1815 B. NINE MILE ROAD, FERNDALE, MI 48220-2061

FAX: (810) 547-3077 • PHONE: (810) 547-3077



APPLICANT RESPONSE LETTER

To Whom it may concern,

I have reviewed the letter that will be sent to the Planning Commission for the Giggle Gang Special Land Use Permit Request. I agree with all that is stated in the letter and will abide by all the rules.

In addition to the statements made in the letter, I would like to add further explanation. My daycare offers a comfortable home for young minds to play, learn and grow. I operate Mondays, Tuesdays and Thursdays from 8 to 5:30pm. I operate a moderately structured program with crafts, reading, circle time, centers, and many more activities. My daycare will not generate much traffic even if I am granted a group license. Typically I would have 8 children enrolled each day. Some of these children are siblings and one parent is dropping off 2 or 3 children. Typically there would be one, maybe 2 cars in my driveway at the same time. We are very considerate of our neighbors. The children in my daycare are very young (ages 0 to 4 years) and do not create much noise. I have cared for children from many of the homes in my neighborhood and have ALWAYS had my neighbors support.

Nicole Karr
Giggle Gang, LLC
24099 Wintergreen Circle
Novi Mi 48374

MAPS

**Location/Air Photo
Zoning**

SP 09-31 Giggle Gang

Location

Ten Mile Rd.



Map Author: Kristen Kapelanski
Date: 11/24/09
Project: SP 09-31 Giggle Gang
Version #: 1.0

Map Legend

 Subject Property

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.



City of Novi
Department Division
Department Name
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org



1 inch = 199 feet

SP 09-31 Giggle Gang

Zoning

Ten Mile Rd

R-1

R-3

Map Author: Kristen Kapelanski
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Map Legend

-  Subject Property
-  R-1: One-Family Residential District
-  R-3: One-Family Residential District
-  R-4: One-Family Residential District



City of Novi
Department Division
Department Name
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Plans available for viewing at the
Community Development Department.