



**PLANNING BOARD STAFF REPORT**

To: Auburn Planning Board  
From: Zach Mosher, City Planner  
Re: Special Exception and Site Plan Review for a Child Day Care Center.  
Date: August 8, 2017

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- I. PROPOSAL\_- The applicant, Annette Hatch, is seeking approval of a Special Exception request to establish a Child Day Care Center, called Annette’s Day Care, within the Rural Residential (RR) district, located on a single-family residence at 2020 Hotel Road pursuant Chapter 60, Sec. 60-229 (b) (4) Rural Residential Special Exception uses. Mrs. Hatch is the current owner of the subject property and will be the operator of the proposed day care facility. The subject property (PID: 179-014) is a 1.3-acre property located on the east side of Hotel Road.

Child day care facilities are outlined in Auburn’s Zoning Ordinance. In general terms, childcare facilities are classified as either a “Child Day Care Home” or “Child Day Care Center”. The primary determinations of how facilities are classified are by the number of children being looked after. The Ordinance definitions for Care Homes and Care Centers are outlined below:

*Child Day Care Home:*

*“An accessory use of a residence by a person residing on a premises to provide on a regular basis, and for consideration, care and protection for **up to twelve children** under sixteen years of age, unrelated to the day care home operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education shall not be considered to be a day care home, but is classified as a nursery school. A child day care home shall not be located closer to another child day care home than 500 feet measured along the street frontage.”*

*Child Day Care Center:*

*“A facility conducted or maintained by anyone who provides, for consideration, care and protection for **more than twelve children** under sixteen years of age, unrelated to the day care center operator, who are unattended by parents or guardians, for any part of the day. Any*

*facility, the chief purpose of which is to provide education shall not be considered to be a day care center, but is classified as a nursery school. “*

Mrs. Hatch is currently operating a Child Day Care Home with a Home Occupation permit permitting her up to 12 children. She is seeking approval to become a Child Day Care Center, permitting her to oversee up to 12 children in her home and up to 12 children in the detached garage. Child Day Care Centers in the RR district are subject Special Exception review and Planning Board approval. She is currently using a part of her home to oversee up to 12 children, but is proposing to convert the upstairs portion of her detached garage into space for more children. The infants and toddlers will be kept inside the house, while the older, school-age children will occupy the new space in the upstairs portion of the garage, per state accessibility and safety guidelines.

Mrs. Hatch is proposing a new parking area, and a new entrance to the garage, including the new child care area above the garage. In addition to the existing play space adjacent to her home, she also has the potential for more play space in her backyard. With the new parking area, it is anticipated the day care center will provide 10 parking spaces. There is no parking requirement in Zoning Ordinance for Child Day Care Centers, but 1 car for every 3 children has been used as a heuristic in the past for similar proposals.

Child day care centers are a special exception use in the Rural Residential (RR) district provided that they meet the following criteria:

- (1) They are located on Arterial and Collector streets as defined in the *Auburn Tomorrow Comprehensive Plan*. **(The proposed childcare facility is located on an Arterial street so meets this requirement).**
- (2) They shall not be located closer than 1,000 feet from other established Day Care Center. **(No other day care facility is located closer than 1,000 from the proposed child day care facility as measured along street center lines so the proposed facility meets this requirement).**
- (3) These standards shall not apply to Sec. 60-52 of this Ordinance. Sec. 60-52 states that “adult day care centers and child day care centers proposed to be operated in a church, school or municipally owned building or recreation facility shall not be required to be reviewed and approved by the Auburn Planning Board as a Special Exception. Such uses shall be processed by administrative review by the Planning Department in accordance with division 3 of article XVI of this chapter. The Planning Board shall be notified of any project approved by the Planning Department. **(Annette’s Day Care Center is not being proposed in a church, school or municipally owned building or recreation facility. Therefore, a Special Exception is required and Planning Board review and approval at a public hearing is also required).**



II. DEPARTMENT REVIEW

Police Department:

A. No comment.

Fire Department:

A. The building shall meet or exceed the National Fire Protection Association and the American Insurance Association Fire Prevention Codes and any state/local rules, regulations and/or ordinances. The jurisdiction for the proposal is under the State Fire Marshall office.

Water and Sewer District:

A. No comment.

Engineering Department:

A. No comment.

Planning Department:

A. No comment.

**III. PLANNING BOARD ACTION-** The Planning Board will consider taking action on the expansion of the child day care home into a child day care center which will require a Special Exception and Site Plan Review pursuant Chapter 60, Sec. 60-1336 and Chapter 60, Sec. 60-1277.

**Part 1. Special Exception-** *The applicant must meet the conditions of the Special Exception Law Section 60-1336 as follows:*

*1. Will your special exception application fulfill the specific requirements, of the zone the property is located in relative to such exception? **(The proposal meets the requirements of zoning for rural residential).***

2. Will the special exception application neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard? **(The proposal will not create or aggravate traffic hazard, fire hazard or other safety hazards).**
3. Will the special exception application block or hamper the recommendations of the 2010 Comprehensive Plan regarding the pattern of highway circulation or of planned major public or semipublic land acquisition? **(The proposal will not impact the recommendations of the 2010 Comprehensive Plan).**
4. Will the special exception alter the essential characteristics of the neighborhood and/or depreciate the value of property adjoining and neighboring the property under application? **(The proposal will not alter the characteristics of the neighborhood or hurt the value of adjoining property. The only change outside the structures would be to add additional parking spaces).**
5. Have reasonable provisions been made for adequate land space, lot width, lot area, stormwater management in accordance with the requirements of a Site Plan )Section 60-1301) such as, green space, driveway layout, road access, off-street parking, landscaping, building separation, sewage disposal, water supply, fire safety, and where applicable, a plan or contract for perpetual maintenance of all the common green space and clustered off-street parking areas to ensure all such areas will be maintained in a satisfactory manner? **(The proposal has more than adequate land space for parking and play areas for the child care expansion. I am also connected to the city water and sewer & will provide all required amenities).**
6. Are the standards imposed in the special exception, at least as stringent as those elsewhere imposed by the city building code and by the provisions of this chapter? **(The proposal meets this requirement).**
7. Are essential city services which will be required for the project are presently available or can be made available without disrupting the city's master development plan? **(All essential city services are available).**

#### **PART 2 - Site Plan Review-**

“The applicant must meet the following provisions of the Site Plan Review Law- Section 60-1277 as follows:

1. Does your site plan protect adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against artificial and reflected light, sight, sound, dust and vibration; and preservation of light and air? **(The applicant's site plan adequately protects adjacent areas from detrimental uses and provides adequate surface water drainage and buffers).**



2. *Is the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas adequately addressed? (Vehicular and pedestrian movement on the project side have been adequately addressed; no traffic movement permit will be required).*
3. *Are the proposed methods of disposal for wastes adequately addressed? (The proposal meets this requirement).*
4. *Does your site plan provide adequate protection of environment features on the site and adjacent areas? (The applicant's site plan adequately protects the environment both on-site and in adjacent areas).*

**Part 3 – Waiver Request for Site Plan Review** - Applicant has requested an exemption for information pursuant to Chapter 60, Sec. 60-1302 for the following site plan requirements of Chapter 60, Sec.60-1301: 6, 9, 10, 13, 14, 18, 19, 20 and 23 as either applicable or irrelevant to the application. The staff supports Mrs. Hatch's request for the waivers listed above.

I. **STAFF RECOMMENDATION-**

- A. Special Exception & Site Plan Review - The Staff has reviewed Mrs. Hatch's application for a Child Day Care Center in the Low Density Rural Residential District and recommends **APPROVAL** with the finding that the applicant meets the 7 conditions of Section 60-1366, Special Exception and meets the 4 provisions of the Site Plan Review Law – Section 60-1277. The staff supports the waiver request, pursuant to Chapter 60, Sec.60-1302.

Should the Planning Board approve parts 1, 2 and 3, the approval is subject to the following conditions.

1. No development activity until any bonding or inspection fees is determined by the Auburn Engineering Department.

A handwritten signature in black ink, appearing to read "Zach Mosher".

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Zach Mosher  
City Planner