



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		December 20, 2011		
Department:		Planning		
Department Head		Phyllis Jarrell		
Agenda Coordinator (include phone #): D. Carter, ext. 5350				
CAPTION				
Public Hearing and consideration of an Appeal of the Planning & Zoning Commission's Denial of Zoning Case 2011-29 - Request for Specific Use Permit for Day Care Center (In-home) on 0.1± acre located at the northwest corner of Oakland Hills Drive and Norman Drive. Zoned Single-Family Residence-7. Applicant: Roberta Cosgrove				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
At its October 17, 2011 meeting, the Planning & Zoning Commission denied this request by a vote of 4-3. The applicant has appealed the Commission's denial. A 3/4 vote, or 6 of the 8 City Council members, is required for approval of the request.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Letter of Appeal from Applicant and supporting documentation		Planning & Zoning Commission		
2nd Vice Chair Report				
P&Z Follow-up Memo				
Staff Report				
Locator Map				
Mailed Notice Response Letters to City Council				

RECEIVED
NOV 11 2011
PLANNING DEPT.

November 11, 2011

Phyllis Jarrell, Director
City of Plano Planning Department
1520 K Avenue Suite 250
Plano, Texas 75074

RE: Appeal Agenda Item 9 PZC 10-17-2011
Zoning Case 2011-29

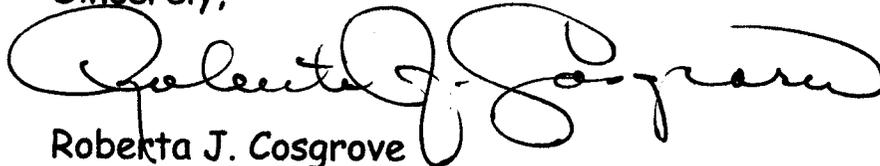
Dear Mrs. Jarrell:

In accordance with Article 6-110 of the City of Plano Zoning Ordinance this letter shall serve as formal request for a public hearing before the City Council on the above subject.

Attached is as check in the amount of \$270, \$110 representing application fee and \$5.00 for each property owner listed on the public hearing notice. These amounts; were provided by Mrs. Munyaradzi in response to a previous email inquiry we had made.

Thank you and your staff once again for your assistance in this matter.

Sincerely,



Roberta J. Cosgrove
2701 Oakland Hills Dr.
Plano, Texas 75025

Roberta J. Cosgrove
2701 Oakland Hills Drive
Plano, Texas 75025

Specific Use Permit Case 2011-29



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SECTION 7	Supplemental Covenant

Closing Statement

SECTION 1

March 22, 1999

Roberta Cosgrove
7717 Oliver Avenue North
Brooklyn Park, MN 55444-2329

Dear Roberta:

I am writing in response to your request.

You were first licensed as a Family Child Care Provider in Hennepin County on 11-1-76 at 7717 Oliver Avenue North, Brooklyn Park, MN. Initially you were licensed for 4 day care children. With time the number increased and since 1991 you have had the C-3 Family Group Classification. With this license 2 adult caregivers are required to provide care for up to 14 children under the age of 11.

Over the years you have successfully met licensing requirements. The feedback that we have received from parents who have had children in your care has been extremely positive. They have felt that you provided for the physical, emotional, social and intellectual needs of their children. They have felt that the children have grown and developed from the learning part of your program, but most of all they have responded to the love, concern, and understanding that you have shown to their children. Your ability to see each child as unique and special is, by far, the most frequently mentioned, attribute that parents have appreciated about you and your child care.

We wish you continued success and joy in your career as you relocated to another area.

Very truly yours,


Althera Bergren
Senior Social Worker
Child Care Licensing

AB

Hennepin County Children & Family Services Department

Child Care Licensing
Pillsbury Center Suite 400
300 South Sixth Street
Minneapolis, MN 55487-0942

SECTION 2



Child Care Licensing

11/9/2011

Operation Details

You may click on the question mark image (?) to view the Frequently Asked Questions (FAQ) page.

Operation Number: 542722
 Operation Type: Licensed Child-Care Home
 Operation/Caregiver Name: Colorbook Castle Daycare
 Location Address: 2701 Oakland Hills DR
 Plano, TX 75025
 Mailing Address: 2701 Oakland Hills DR
 Plano, TX 75025
 Phone Number: 972-727-1789
 County: COLLIN
 Website Address: www.colorbookcastledaycare.8k.com
 Email Address: TXDAYCARE@AOL.COM
 Administrator/Director Name: Roberta Cosgrove
 Type of Issuance: ? Full Permit
 Issuance Date: 1/13/2000
 Conditions on Permit: ? No
 Accepts Child-Care Subsidies: ?
 Hours of Operation: 07:00 AM-05:30 PM
 Days of Operation: Monday - Friday
 Total Capacity: 12
 Licensed to Serve Ages: Infant, Toddler, Pre-Kindergarten, School
 Corrective Action: ? No
 Adverse Action: ? No
 Temporarily Closed: No

Two Year Inspection Summary

- Inspectors routinely monitor compliance with Licensing standards, rules and law. At a minimum, licensed and certified operations are inspected at least once a year; Registered Child Care Homes ? are inspected at least once every two years, Listed Family Homes ? are inspected only if there is a report of abuse/neglect or if we receive a report that the home is caring for too many children.

SECTION 3



August 1, 2011

Resident
2701 Oakland Hills
Plano, TX 75025

Dear Customer:

Our records indicate that this address is a single-family residence used for providing day care for more than six, but not more than twelve persons, and is the primary residence of the care provider.

At this time, your Certificate of Occupancy is in need of annual renewal. If this address is no longer being used as in home day care please contact Barbara Winchester at the number below.

Please make application for your Certificate with the Building Inspection office (972-941-7140) and schedule your annual inspection with the Fire Prevention Division at 972-941-7161.

If you have any questions, please call Barbara Winchester at 972-941-5487.

*1 SF 42008
Suite 140*

David Kerr
David Kerr
Fire Marshal



Plano Fire Department
1001 Avenue K, Plano, TX 75074

SECTION 4

CITY OF PLANO
PLANNING & ZONING COMMISSION

October 17, 2011

Agenda Item No. 9

Public Hearing: Zoning Case 2011-29

Applicant: Roberta J. Cosgrove

DESCRIPTION:

Request for Specific Use Permit for Day Care Center (In-home) on 0.1± acre located at the northwest corner of Oakland Hills Drive and Norman Drive. Zoned Single-Family Residence-7.

REMARKS:

The requested zoning is a Specific Use Permit (SUP) for Day Care Center (In-home). The Zoning Ordinance defines day care center (in-home) as an operation providing care in the caretaker's residence for less than 24 hours a day for up to 12 children under the age of 14, provided that the total number of children, including the caretaker's own children, is no more than 12 at any time. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application.

* In order to ensure compliance with applicable zoning regulations and building code requirements, the Building Inspections Department has recently began requiring applicants to specify the number of children on an in-home day care center permit application. The in-home day care center permit application is linked to the fire safety inspection that applicants are required to obtain for their state licensing. Since the fire safety inspection is required annually, this allows the city a more effective manner to enforce zoning and health safety code requirements.

This is an existing in-home day care center and the applicant is seeking an SUP in order to provide child care to more than eight children. This in-home day care center has been in operation since late 1999 providing child care for six to seven children until the end of 2000 when the number of children increased to 12. The Zoning Ordinance requires an SUP for Day Care Center (In-home) that provides care to more than eight children. Due to the increased number of children, the applicant could not obtain a Certificate of Occupancy (CO) without an SUP for Day Care Center (In-home) to meet the Zoning Ordinance requirements, as well as to meet the state requirement as noted

SECTION 5

DATE: October 18, 2011
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of October 17, 2011

**AGENDA ITEM NO. 9 - PUBLIC HEARING
ZONING CASE 2011-29
APPLICANT: ROBERTA J. COSGROVE**

Request for Specific Use Permit for Day Care Center (In-home) on 0.1± acre located at the northwest corner of Oakland Hills Drive and Norman Drive. Zoned Single-Family Residence-7.

APPROVED: _____ **DENIED:** 4-3 **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 6 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Denied.

Commissioners voting against the motion believe this property is an appropriate location for an In-Home Day Care Center allowing a maximum of 12 children, given that there were letters received in support and none in opposition to the request. Additionally, the Commissioners believe that the requested use is a service needed within the community.

BM/dw

xc: Roberta Cosgrove

SECTION 6

To whom it may concern,

This letter is concerning the case between Plano and Roberta Cosgrove. Roberta Cosgrove hired me after I was honorably discharged from the Active Army. I was part time and now I am her full time employee. I have been her fulltime employee for 2 years. Since my employment I have been through many hardships; divorce, custody battle and everything in between. Ms. Cosgrove has been there to help me during every step. I am married I have 5 children all under the age of 5. If Ms. Cosgrove is not granted her special use permit permitting 12 children and has to move down to 8 children, I have been informed she will not be able to afford me as an employee. Ms. Cosgrove has made it very easy for me to take care of my children while I have been employed by her. With 5 children someone is always bound to get sick, have a doc/dental/medical appt. Ms. Cosgrove has always worked with me allowing me to make up my missed hours or moving my schedule around so I can take care of my children. Any other employer would not allow me to do that.

I am asking you to please look at her history of positive comments and perfect records. This daycare is wonderful and has provided my family with everything they have needed.

Thank you,

Brandon, Erin, Brandon 5, Gene 3, Alivia 3, Sophia 2, Molly 9months



Subj: **Letter**
Date: 11/22/2011 10:48:35 P.M. Central Standard Time
From: christy.brott.121j@statefarm.com
To: txdaycare@aol.com
Plano City Council:

I am writing this letter to express my thoughts on home based day-care. Both of my children attended Colorbook Castle Daycare in Plano, Texas. As infants, they received the best care daily and grew into preschoolers who were ready for public education. They enjoyed home-cooked nutritious meals, learned valuable educational skills and thrived both socially and emotionally. They were exposed to art, music, dance and academic activities. They learned "pretend" play and to interact with their peers. Being a new and working mom, I was very concerned dropping my newborn children at a large daycare facility. Attending a home based daycare was a perfect environment for my children. I felt very comfortable from day one and I have recommended many families to Colorbook Castle Daycare.

Bobbie and Alex acted as loving parents/grandparents to my children. They met the needs of all the children and treated each one according to his/her needs. This daycare is a "home away from home." They provided a "perfect environment" for my children. Both of my children cried when they departed Colorbook Castle. My daughter who is very independent struggled with the transition; however, my son who moved to preschool in August 2011 cried for five weeks. Every day he was telling me I was driving in the wrong direction because he wanted to go see Bobbie/Alex. They are like family to me because they were a HUGE influence in raising my children! We are very blessed that our children had Colorbook Castle home daycare for our children. Everyone in the Collin County area needs to have this option.

Please contact me with any questions or concern.

Sincerely,

Christy and Greg Brott
214-334-3913
214-402-1219

9601 Southern Hills Drive

Plano, TX 75025

November 22, 2011

Dear Plano City Council,

We are writing to you to express our support for Colorbook Castle Daycare at 2701 Oakland Hills Drive in Plano.

Over the last 7 years both of our children (Brendan 7 and Olivia 4) were cared for at the home-based daycare, so our views are based on first-hand experience.

We could not imagine a more caring or loving environment for our children. We have recommended the facility to other families and will continue to do so because of the extremely high quality of care offered. It focuses on a child's social, emotional and cognitive development in an environment you cannot achieve at a large institutional center.

The city has chosen to ignore the existing statute for over 12 years which implies consent and sets a legal precedent. We believe it would be unjust for the City to now apply a statute that has not been enforced for more than a decade.

Please carefully consider your decisions as they pertain to this home-based child care.

Thanks,



Kyle & Martha Forden

Carryl T Oei, DO
Main Medical Clinic
2865 McDermott Road
Suite 225
Plano, TX 75025

November 16, 2011

To The Plano City Council:

This is a letter in support of Ms Roberta Cosgrove's application for permit in regards to her licensed home daycare in Plano, Texas. My son Brandon has been attending her facility since he was two months old. I find Ms Cosgrove and her staff to be professional, nurturing and loving to my son and family. As a family practice doctor here in Plano, I acknowledge the importance of trust surrounding health care and especially childcare. I feel comforted in knowing that my child is well taken care of while I am at work. Her home childcare has provided my son a loving and educational environment to grow and I have no doubt that the other families under her care feel the same way. Please strongly consider her use permit to care for twelve children.

Thank you very much for your time. Please do not hesitate to contact me at 972-396-8600 if you have any questions regarding this letter.

Sincerely,



Carryl Oei, DO

Family Medicine

Plano City Council:

My name is Deborah West. My husband and I both work outside the home. Choosing childcare is one of the most stressful and important decisions a parent has to make. We decided on a home childcare for many reasons. We feel home childcare is smaller, cleaner and a more caring environment than a traditional daycare facility. Our oldest daughter was cared for by Bobbie Cosgrove and Alex for the first 3 ½ years of her life. She never had more than a cold and was very well cared for by them. First and foremost, we always new our child was safe in their care. It is important as a parent to have many choices with in a community for the type of childcare that works best for your family.

We feel it is completely IRRESPONSIBLE for this baseless denial of a permit for 12 children, for and Exceptional home business. This facility has been in compliance for 12 years and follows every rule to the letter. We would not have allowed them to care for our child otherwise. Denying a permit to this business for 12 children will put a hardship on 4 families. Four families will have to struggle to find another quality childcare.

My husband and I both work in Plano. We have always thought of Plano as a city that supports and listens to the people of the community. We are now scratching our heads and wondering where are the ethics and logic of the city council in this matter? We urge you to please reconsider your decision.

Deborah and Robert West
6408 Wind Song Dr
Mckinney, TX 75071



11/18/11

November 25, 2011

City Council of Plano

Dear Sir or Madam:

It has come to our attention that Roberta and Alex Cosgrove recently received notification that their in-home daycare has to reduce their enrollment to eight children. It saddens us to think that an already wait-listed daycare (due to word of mouth referrals) will have to decrease the number of families it can serve.

Ms. Bobbie, as our children call her, was our daycare provider from January 2006 until August 2009. Ms. Bobbie provides so much more than an in-home daycare. Ms. Bobbie and Mr. Alex not only teach the essential building blocks for young toddlers, but they also provide a nurturing environment that a daycare facility cannot provide. As a dual-income family, we had to choose someone to provide care for our children. What was the most decisive factor for us was the normalcy that my children had in her home. Instead of being another child in a classroom of up to twenty children, each of my girls was like a grandchild to them. Our children received the discipline and education that we would have encouraged at home if we could have stayed with my children full time.

Around 3 ½ years old, Ms. Bobbie encouraged us to find a center that was geared towards older children. Both of my children were ahead of all of their classmates entering private pre-kindergarten at a daycare facility. By the time my oldest started Kindergarten, she was reading chapter books. We attribute this solid love for reading and learning to Ms. Bobbie. Ms. Bobbie loves each child and teaches so many life skills that the daycare centers (taught by people with little to no experience with children) do not care about.

The most important aspect of her home was the love and stability that she provided. Young babies and toddlers need structure and stability. At day care centers, teachers come and go on a whim. After we finished Ms. Bobbie's home care, my eldest daughter had six different teachers in three months. If my infant child had this much instability, we would have removed her. Ms. Bobbie's home provides this stability that children need. If we had a chance to keep our children there longer, we would have.

By limiting the number of children that Ms. Bobbie and Mr. Alex care for, the community suffers. They have cared for twelve children for years and have met every requirement of the city. As parents of two children who chose in-home daycare, we implore you to reconsider your decision. Ms. Bobbie and Mr. Alex have been instrumental in the happiness and stability in our family. Even though four spots seem minimal on paper, those are four children (and eventually four adults) who will never have the chance to grow up with Ms. Bobbie and Mr. Alex.

Sincerely,

Scott and Lindsay Young

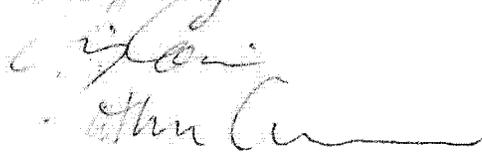
To Whom It May Concern:

Our two children were under the care of Roberta Cosgrove from infancy to age three. We believe that having our girls there was the best decision working parents could possibly make in terms of providing a loving, nurturing, learning environment for the two people that mean the most to us. Ms. Cosgrove and her husband adored our children, and the feeling was more than mutual. We felt the fact that care was given in her home was a positive for our children as opposed to some of the institution-style centers we reviewed.

Roberta Cosgrove provides a valuable service to working parents and should be allowed to continue giving care to the children that she takes into her home, her life, and her heart.

Sincerely,

Craig & Katie Cousins
(also Kendall & Avery)
2516 Glen Forest
Plano, TX 75023

Handwritten signatures of Craig Cousins and Katie Cousins. The signature of Craig Cousins is written above the signature of Katie Cousins.

November 21, 2011

To: Plano City Council

From: Michelle and Jon Meehan

Re: Roberta Cosgrove -- Licensed Home Daycare

Choosing a daycare provider is extremely difficult, and we spent a lot of time researching the options in our community. We interviewed both large daycare centers and other in-home daycares. The decision to have our son, Logan, go to a home daycare is one of the best and most important choices we have made. The safe, loving, and educational environment that Bobbie and Alex provide is, by far, the one we are most comfortable with.

Knowing that our son is very well taken care of, and to see the affection he has for both Bobbie and Alex -- in addition to the affection they return -- has only solidified our decision. Logan is excited and has a smile when we drop him off in the mornings, and he is happy when we pick him up. He loves his time at Miss Bobbie's house. We could not feel better about leaving him with Miss Bobbie every morning than if she and Alex were family.

Kindest Regards,



November 18, 2011

To Whom It May Concern:

This is to verify that my child, Noah Campbell, currently attends the home based daycare of Bobbie Cosgrove, (Colorbook Castle Daycare) and has done so since April 2011. Having Noah in this environment has enabled me to return to work, and has given me peace of mind to know that my child is safe and happy, and being cared for in the best manner possible.

Without Bobbie's daycare, I would have great difficulty in finding a more competent and established daycare that I would feel comfortable leaving my baby. The high level of communication and obvious care that is provided to my son on a daily basis is of the utmost importance to me and I respectfully add that any attempts to find a superior daycare environment for my child would come up lacking. My husband and I searched the vicinity of North Plano and investigated numerous daycares prior to deciding on Bobbie's and believe this decision has been one of the best decisions we've made to ensure Noah is safe and happy.

Thank you for your consideration to my comments above.

Respectfully,

Sherri Campbell

James & Genya Van Houten
3944 Bexhill Dr.
Plano, TX 75025

November 17, 2011

City of Plano
City Council
1520 Avenue K
P. O. Box 860358
Plano, Texas 75086-0358



Subject: Use Permit Denial 10/17/2011 Licensed Childcare Home
Colorbook Castle Daycare, 2701 Oakland Hills Drive, Plano, TX 75025

To Whom It May Concern,

It has come to our attention that on October 17, 2011 the City Council denied a Use Permit for our son Weston's daycare provider at 2701 Oakland Hills Drive. This is of outmost concern to our family because the care our 14 month old son receives will be impacted by this decision if we are required to find another daycare provider as a result.

We put a lot of care into choosing a daycare provider. We decided on a licensed childcare home because my mother-in-law ran a childcare home for many years. We wanted our son to receive the type of loving care he would receive if he were a member of a family. Our search included driving by several home daycare provider's homes as well as telephone and face-to-face interviews. We chose Roberta and Alex Cosgrove because their home is clean and they exhibited genuine affection towards our son.

In the year that Weston has been with Colorbook Castle Daycare our son has thrived. Every one we meet remarks at what a happy, well-adjusted child he is. We attribute this greatly to the care he receives from Roberta and Alex Cosgrove. They are patient and playful with him. He is always learning new things and can't wait to play with the other kids when we drop him off.

In addition to the great care our son receives while he is at daycare, our daycare providers have been an extension of our family. Having a newborn is often challenging because of health, developmental needs, and the individual issues we have as new parents. Roberta and Alex have been an excellent source of advice. This is especially important because our families are located out of state in Minnesota and Colorado.

We are very concerned that the decision regarding the Use Permit for their home may cause the closure or relocation of their home daycare. We sincerely hope that the decision last month to deny Roberta and Alex's Use Permit will be overturned when the decision is appealed again in the coming weeks. Please feel welcome to contact us if we may provide any additional support.

Sincerely,


James Van Houten


Genya Van Houten

City of Plano
1520 Avenue K
P. O. Box 860358
Plano, Texas 75086

November 16, 2011

Plano City Council Members:

My husband and I wanted to take a minute to tell you about our experience with Colorbook Castle Daycare, and the care our son, Lincoln, has been provided by Alex and Roberta "Bobbi" Cosgrove, and their staff. We could not be more pleased with the service they have given us over the last two years.

Defining what they provide as care is an extreme understatement. They show pure love to each one of the children they look after. They commit themselves to the growth and development of each kid. We are amazed at what Lincoln learns each day. They not only dedicate their lessons to education, but they also teach manners, motor skills, and social skills. Their daycare has structure that I try to mimic in our own home.

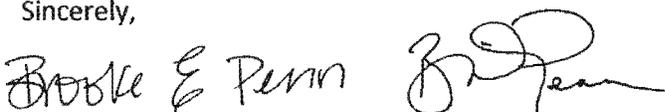
We can tell how much Lincoln loves his time with Alex, Bobbi, and Brandon. When we drop him off, he casually says goodbye to us and is ready to be with his friends, only after he hugs Alex and Bobbi. When we pick him up, he says 'bye bye' to everyone and kisses Bobbi goodbye, and occasionally says 'love you' to her. It is so comforting to know that we don't have to worry about Lincoln during the day because he is staying with someone who loves him as much as they do.

Bobbi even takes the time to provide educational material to the parents. When she receives childcare newsletters or reads an interesting article regarding children, she passes along the information to us. We receive letters on what the kids are learning, and in the letters, there are a few paragraphs on just how Lincoln is doing - what he seems to be picking up easiest on, what we can concentrate on developing at home, and how he interacts with others.

On your website, you mention that "the mission of the City of Plano is to provide outstanding services and facilities, through cooperative efforts with our citizens, that contribute to the quality of life in our community." By taking away the permit to Colorbook Castle Daycare, you are going against your mission. One of the number one concerns of parents is the quality of people who look after their precious angels. If all daycares cared about the children half as much as Alex and Bobbi do, that concern would be non-existent. You can very clearly see the passion that they have for taking care of children and beginning their path on becoming "quality" members of our community.

We are very welcome to discussing this issue further. Our son loves Alex, Bobbi, and Brandon like family. My husband and I love them because we can see how much they love our son. By removing their permit, you will be negatively affecting our lives, and the lives of the other families who have come to value the service their daycare has provided for over twelve years in Plano. Please consider your action carefully.

Sincerely,



Brooke and Brian Penn
(469) 766-2153

November 17, 2011

Bill & Julie Cunningham
9021 Culberson Dr.
Plano, TX. 75025
972-731-5509

Attention: Plano City Council
RE: Child Care Use Permit Hearing – Colorbook Castle Daycare

Dear Council,

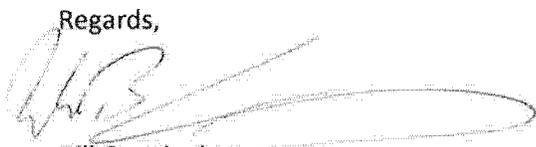
I am writing today to express my concern and implore you to allow this fine institution to continue to operate without restriction. My hope is that through this letter we can convince you that this child care provider is a contributor to society, the City of Plano and personally our own family. As a resident of the City of Plano we ask that you strongly consider their case.

As a new parent and dual employed household our very first concern after having our child was to find someone who would love and care for our child the same as we would. We immediately scheduled visits with well known institutional child care providers such as "Primrose" and "Crème De La Crème", believing that they would be best suited to provide the best care and learning environment for our children. After weeks of visits and a feeling of unease about the choices ahead of us a friend suggested that we contact Roberta Cosgrove at Colorbook Castle Daycare. This turned out to be exactly what we were looking for.

Colorbook Castle Daycare has changed our lives and that of our children. We don't view them as a "Day Care" or "School" but rather a part of our family. Colorbook Castle and the staff who care for our children have created an environment where our children are safe, cared for and educated. Colorbook Castle Daycare is more than a day care to our family and we encourage you to consider the value they provide when deciding the future of this group of fine individuals.

As a final testament to the value they bring to our society our daughter is excelling in measured skills for her age group. Having met parents and their children who have used Colorbook Castle in the past the response is universal. Colorbook Castle Daycare provides a safe learning environment for young children, giving them the tools to succeed in life and properly preparing them for educational growth. Colorbook Castle Daycare is an integral part of ours and our children's life and my hope is that it will continue to be for those who come behind us.

Regards,



Bill Cunningham



Julie Cunningham

November 20, 2011

City of Plano

Plano City Council

1520 Avenue K

Plano, Texas 75086

Council members,

We have been informed of your recent actions and potential impact to our former day care provider, Colorbook Castle Daycare. Our family would like to express the significance the daycare center had in providing to our family. Bobby and Alex provided us with a peace of mind in taking care of our son, setting a foundation of education, respect and love. The environment they offered is matched by no one. We evaluated many different daycare providers and hands down, we were fortunate they had an opening for us. The service is unique in what they can offer and reducing the opportunity for more children and families to experience would be a disappointment.

We appeal to you to enable Colorbook to continue to provide the valuable services it does to the community. Home care for children is a critical feature to any community, with Colorbook you have a first class asset, please do not diminish or take way from what they offer to Plano.

Sincerely,



David and Julie Lane

2568 Sleepy Hollow Trail

Frisco, TX 75034

(214) 407-7011

Noemi Landis
2503 S. Custer Rd.
McKinney, TX 75070

PLANO CITY COUNCIL

November 21, 2011

Dear Council Members:

My name is Noemi Landis. My husband, Damon Landis, and I decided to take our son Erik W. Landis, to Ms. Cosgrove when he was three months old. On October 9, 2011 Erik turned three years old. It took us 8 months of arduous research and interviews to find a home away from home for our child. We are living in interesting times when Daycare Centers has become an essential part on the development and the raising of the children of our Nation. People like Ms. Cosgrove are the silent pillars of our community. She works very hard and lovingly at providing outstanding care for all of our 12 children. We, the parents, are confident in her capacity to raise our little ones and we want this to remain the same until, we, the parents, choose otherwise.

Most parents choose very carefully the place and people that have an impact on our children's life. We are well aware of the impact a day care mom will have on our children. Yes, you read correctly, day care **MOM**. That is what in my opinion separates Ms. Cosgrove from other places. That is why we choose to take my son to Ms. Cosgrove. Her business met all the requirements we had to be able to carry on as a productive member of society while knowing our son was receiving superior care. Ms. Cosgrove is Erik's mom away from home. She is helping us raise him in the type of environment we want him to grow. We wanted him to be cared for in a family oriented environment by loving and honorable people. Raising children now days takes a village, and Erik and I are begging you not to disrupt our village. We want our village to be respected and protected from any changes. All the children in Ms. Cosgrove's home have been together since they were infants.

If your argument is that Ms. Cosgrove is not capable of caring for 12 children while providing outstanding support for all of our kids, we can attest that your assumption is incorrect. She **MAKES** time for all the children and keeps all the parents updated regularly. Additionally, her vigilant nature, extensive knowledge in children's development/behavior and her mother's intuition makes her notice any thing that happens under her roof. For example, a year ago, I was having some personal issues. Just because Ms. Cosgrove cared and she pays, when she noticed some minor changes in Erik's behavior, she pulled me aside to address her concerns. At that time she also provided me with a safe environment to share and discuss my personal situation. My point is that not only she took the time to listen because it was in Erik's best interest, but she also went out of her way to make sure I got the help I needed at that time to be a better mom. She makes a difference on the lives she touches everyday. Why would you

November 21, 2011
Page 2

prevent our children from being exposed and cared for by someone like Ms. Cosgrove? She cares and she makes a difference in the world.

Please, we beg you to reconsider your position. If we, the parents, do not want the situation to change and there have been no changes in the laws, city ordinance, zoning, or the number of children she has been caring for in all these years, why do you want to disturb the well being of our children?

Sincerely,

Damon and Noemi Landis.

SECTION 7

**SUPPLEMENTAL COVENANT REGARDING
2701 OAKLAND HILLS DRIVE
CITY OF PLANO, COLLIN COUNTY, TEXAS**



20060322000376540 03/22/2006 02:16:48 PM RS 1/6

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

§

COUNTY OF COLLIN

§

THIS COVENANT REGARDING 2701 OAKLAND HILLS DRIVE (this "Instrument") is made this 27th day of May, 2005, by and between **ROBERTA J. COSGROVE** (hereinafter referred to as "Owner") and **RIDGEVIEW RANCH HOMEOWNERS ASSOCIATION, INC.**, a Texas non-profit corporation (hereinafter referred to as "Homeowners Association").

WITNESSETH:

WHEREAS, Ridgeview Ranch is a planned residential development comprised of individually-owned single-family residences located in the City of Plano, Collin County, Texas (hereinafter referred to as the "Development"); and

WHEREAS, Owner is the record owner of title to the land and improvements identified as:

Being Block M, Lot 20 of Ridgeview Ranch Phase 6, City of Plano, Collin County, Texas, and being more commonly known as 2701 Oakland Hills Drive, City of Plano, Collin County, Texas 75025 (hereinafter the "Property").

WHEREAS, the Property is Owner's single-family residence and domicile; and

WHEREAS, Centex Homes, a Nevada general partnership, acting as Declarant of the Development, recorded that certain Declaration of Covenants, Conditions and Restrictions for Ridgeview Ranch on August 1, 1996, under County Clerk's File No. 96-0064892 of the Real Property Records of Collin County, Texas, which declaration of covenants, conditions and restrictions may be amended and supplemented from time to time (hereinafter referred to collectively as the "Declaration"); and

WHEREAS, the Property is subject to that certain Declaration and any amendments or supplements thereto; and

WHEREAS, Article 7, Section 7.01 of the Declaration, provides as follows:

Residential Use. All Lots shall be used for single-family residential purposes only. Only one (1) detached single-family residence shall be erected, altered, placed or permitted to remain on any Lot.

WHEREAS, Article 7, Section 7.08, Subpart O of the Declaration establishes limitations on the business or commercial use of the Property, as well as such use by other properties located in the Development and provides as follows:

(O) No Lot or Improvement shall be used for business, professional, commercial or manufacturing purposes of any kind. No activity, whether for profit or not, shall be conducted which is not related to single-family residential purposes. No noxious or offensive activity shall be undertaken within the Project, nor shall anything be done which is or may become an annoyance or nuisance to the neighborhood. Nothing in this subparagraph shall prohibit an Owner's use of a residence for quiet, inoffensive activities such as tutoring or giving music or art lessons so long as such activities do not materially increase the number of cars parked on the street or interfere with adjoining homeowners' use and enjoyment of their residences and yards.

WHEREAS, on or about June 24, 2000

which Lawsuit involved a dispute over the interpretation and application of the Declaration's restrictive covenants as to the operation of a licensed in-home childcare facility at the Property; and

WHEREAS, the parties to the Lawsuit reached an amicable resolution of the disputed matters pursuant to which this Instrument is being recorded regarding the continued use of the Property as a licensed in-home childcare facility; and

WHEREAS, one of the purposes of this Instrument is to serve as notice to any future purchaser or grantee of the Property of these supplemental covenants, conditions and restrictions regarding use of the Property as a licensed in-home childcare facility.

* NOW, THEREFORE, Owner and the Homeowners Association hereby state and agree that this irrevocable supplemental covenant will govern the future relationships between the Property owner and the Homeowners Association as to the use of the Property as a licensed in-home childcare facility and agree that the Property may be used as a licensed in-home childcare facility forever as set forth herein. It is further agreed that the following supplemental covenants, conditions and restrictions shall govern the use and occupancy of the Property: *

a. No commercial signs may be erected or otherwise placed on the Property advertising, promoting, or identifying the Property as a licensed in-home childcare facility or business activity.

b. Such incidental non-residential use of the Property must comply with applicable parking requirements imposed by the City of Plano, Texas.

This Instrument is being executed and recorded as a supplement to, and clarification of, the Declaration as it pertains to the specific Property identified herein and the use of said Property.

IN WITNESS WHEREOF, the undersigned have caused this Instrument to be executed for the purposes stated herein.

[SIGNATURE PAGES FOLLOW]

**Recommendation of the Planning & Zoning Commission
October 17, 2011 Meeting
Second Vice-Chair's Report**

Zoning Case 2011-29 - Request for Specific Use Permit for Day Care Center (In-home) on 0.1± acre located at the northwest corner of Oakland Hills Drive and Norman Drive. Zoned Single-Family Residence-7.

Applicant: Roberta J. Cosgrove

Staff Recommendation: Approval

Commission Action: Request was denied 4-3. Chair Caso, Commissioners Smith, Hazelbaker, and Norton supported denial of the request. Comments included:

- The site for this in-home day care should not exceed the allowed eight children in accordance with the zoning ordinance.
- The City Council denied a similar request for a SUP, Zoning Case 2011-24, on October 10, 2011.

First Chair Downs, and Commissioners Balda and Dry supported approval of the request. Comments included:

- The property is appropriate for granting a SUP allowing the maximum 12 children for in-home day care.
- Despite the denial of a similar request by the City Council, each SUP for in-home day care should be evaluated individually.
- Drop off and pickup times are staggered to alleviate potential traffic issues.
- The property is located on a corner, accessed by a collector street. Since collector streets are designed to accommodate on-street parking, parents can park for pickups and drop offs without causing traffic congestion.
- Six letters were received from surrounding neighbors in support of the requested SUP with no letters in opposition. In-home day care is a use needed within the community.

Respectively submitted,

A handwritten signature in black ink, appearing to read "Michael Coleman", with a long horizontal line extending to the right.

Michael Coleman
Second Vice Chair
Planning & Zoning Commission

DATE: October 18, 2011
TO: Honorable Mayor & City Council
FROM: Chris Caso, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of October 17, 2011

**AGENDA ITEM NO. 9 - PUBLIC HEARING
ZONING CASE 2011-29
APPLICANT: ROBERTA J. COSGROVE**

Request for Specific Use Permit for Day Care Center (In-home) on 0.1± acre located at the northwest corner of Oakland Hills Drive and Norman Drive. Zoned Single-Family Residence-7.

APPROVED: _____ DENIED: 4-3 TABLED: _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: SUPPORT: 8 OPPOSE: 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: SUPPORT: 0 OPPOSE: 0

PETITION(S) RECEIVED: N/A # OF SIGNATURES: N/A

STIPULATIONS:

Denied.

Commissioners voting against the motion believe this property is an appropriate location for an In-Home Day Care Center allowing a maximum of 12 children, given that there were letters received in support and none in opposition to the request. Additionally, the Commissioners believe that the requested use is a service needed within the community.

BM/dw

xc: Roberta Cosgrove

CITY OF PLANO
PLANNING & ZONING COMMISSION

October 17, 2011

Agenda Item No. 9

Public Hearing: Zoning Case 2011-29

Applicant: Roberta J. Cosgrove

DESCRIPTION:

Request for Specific Use Permit for Day Care Center (In-home) on 0.1± acre located at the northwest corner of Oakland Hills Drive and Norman Drive. Zoned Single-Family Residence-7.

REMARKS:

The requested zoning is a Specific Use Permit (SUP) for Day Care Center (In-home). The Zoning Ordinance defines day care center (in-home) as an operation providing care in the caretaker's residence for less than 24 hours a day for up to 12 children under the age of 14, provided that the total number of children, including the caretaker's own children, is no more than 12 at any time. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application.

In order to ensure compliance with applicable zoning regulations and building code requirements, the Building Inspections Department has recently began requiring applicants to specify the number of children on an in-home day care center permit application. The in-home day care center permit application is linked to the fire safety inspection that applicants are required to obtain for their state licensing. Since the fire safety inspection is required annually, this allows the city a more effective manner to enforce zoning and health safety code requirements.

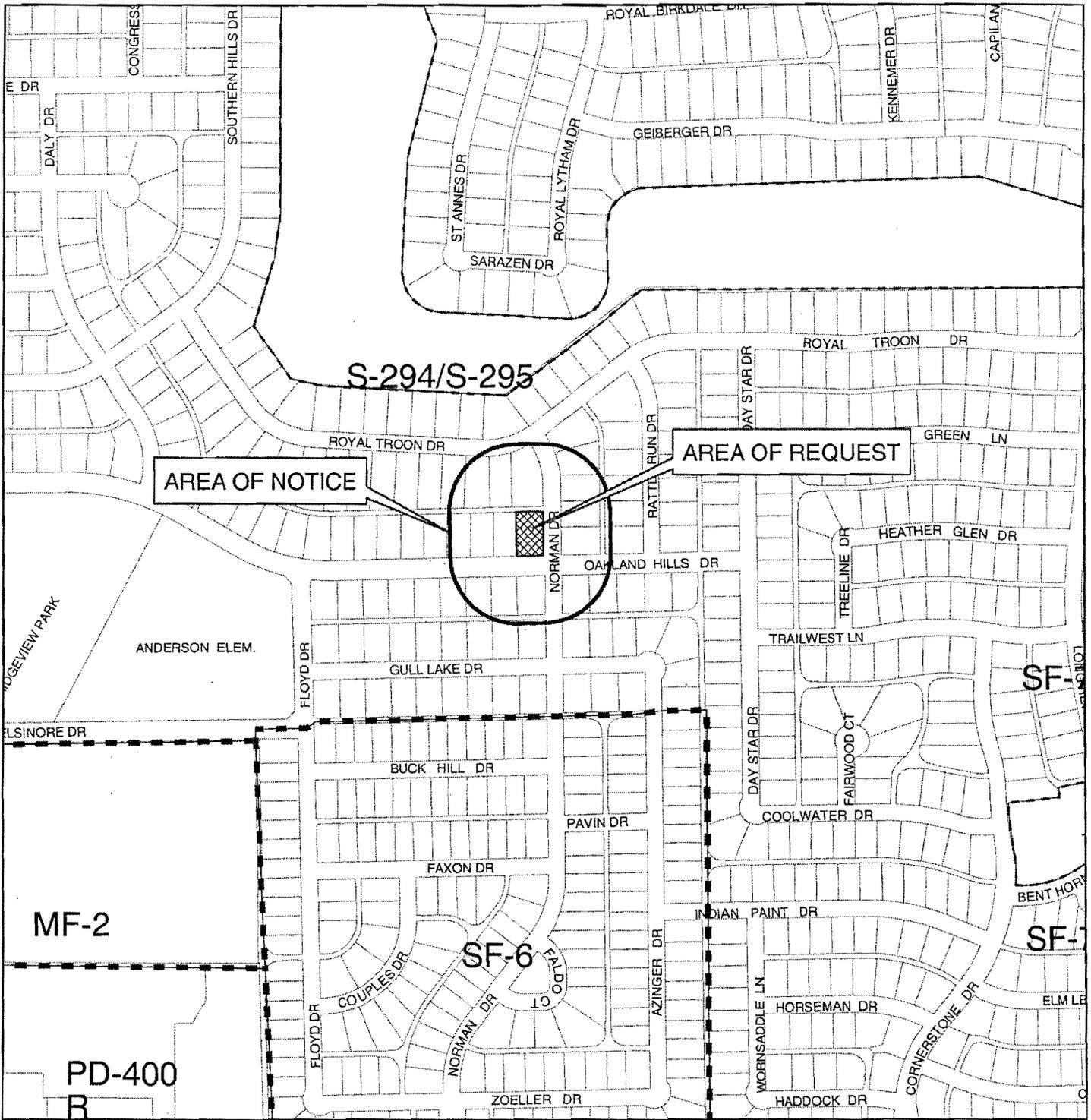
This is an existing in-home day care center and the applicant is seeking an SUP in order to provide child care to more than eight children. This in-home day care center has been in operation since late 1999 providing child care for six to seven children until the end of 2000 when the number of children increased to 12. The Zoning Ordinance requires an SUP for Day Care Center (In-home) that provides care to more than eight children. Due to the increased number of children, the applicant could not obtain a Certificate of Occupancy (CO) without an SUP for Day Care Center (In-home) to meet the Zoning Ordinance requirements, as well as to meet the state requirement as noted

above. The applicant is also required to comply with Subsection 3.110 (Home Occupations) of Section 3.100 (Supplementary Regulations for Principal Permitted Uses and Specific Uses) of Article 3 (Supplementary Regulations) of the Zoning Ordinance.

Children at this in-home day care center are dropped off and picked up at different times, in order to minimize possible traffic problems within the neighborhood. The location of the subject property is at the northwest corner of Oakland Hills Drive, a collector street, and Norman Drive which provides good traffic circulation for drop off and pick up times. While the property is in the middle of a neighborhood, the corner location of the property allows parents to park along the front or on the side of the property when dropping off and picking up their children, thereby minimizing traffic congestion within the neighborhood. The collector street, Oakland Hills Drive, is a wider pavement width (37 feet) designed to accommodate on-street parking while still allowing remaining traffic to circulate through the neighborhood.

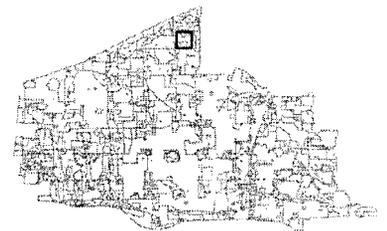
RECOMMENDATION:

Recommended for approval as submitted.



Zoning Case #: 2011-29

Existing Zoning: SINGLE-FAMILY RESIDENCE-7



○ 200' Notification Buffer

December 12, 2011

City of Plano
City Council
c/o Planning Dept.
P.O. Box 860358
Plano, TX 75086-0358

Dear Planning and Zoning Commission
And City Council Members:

My wife and I moved into our current residence at 2700 Royal Troon Drive in late 1998. In 1999, a single family home was constructed immediately across the alley from us, at 2701 Oakland Hills Drive. The home was built by Centex homes, with special modifications that would make the home suitable as an in-home day care. The home was occupied in 1999 by Roberta Cosgrove and her husband Alex. They began operation of their in-home day care shortly thereafter.

Roberta and Alex have run their business in a professional and thoughtful manner for 12 years. The additional traffic that comes with the operation of an in-home business has never caused a problem or inconvenience for us, due to the strict rules for drop off and pick up that the Cosgroves clients must follow. I only wish that our other neighbors were as thoughtful when conducting their garage sales. We can expect extended periods of driveway and alley blockage when these sales take place. In 12 years of day care operation by the Cosgroves, no traffic problems whatsoever have occurred.

The Cosgroves have a policy of only keeping very young children, so the noise coming from their backyard has been minimal. On many days, it is not noticeable at all. I have often wondered how many children were in their care, largely because there is little evidence that a day care is being operated.

We strongly believe that the Cosgroves have earned the right to continue their day care operation for as long as they choose to do so. All that we would ask is that any new owners (if and when the Cosgroves sell their property) apply for their own special use permit. The Cosgroves have earned their special use permit by conscientiously operating their business. An unidentified third party has earned nothing, and should prove to their neighbors that they are also worthy of a special use permit.

In summary, we strongly recommend the approval of the special use permit requested in Zoning Case 2011-29. Thank you for the opportunity to express our views on this matter.

Respectfully,


James R. Fortner

APPEAL FOR ZONING CASE 2011-29

City Council
c/o Planning Department
P.O. Box 860358
Plano, TX 75086-0358

RECEIVED
DEC 14 2011
PLANNING DEPT.

Dear Councilmembers:

*****PLEASE TYPE OR USE BLACK INK*****

I am **FOR** the zoning appeal as explained on the attached cover sheet for Zoning Case 2011-29.

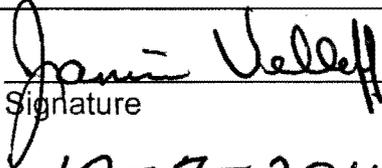
I am **AGAINST** the zoning appeal as explained on the attached cover sheet for Zoning Case 2011-29.

Date, Time & Location of Meeting: **TUESDAY, DECEMBER 20, 2011, 7:00 P.M.**
Plano Municipal Center, 1520 K Avenue

LOCATION OF PROPOSED ZONING CHANGE This is a request for Specific Use Permit for Day Care Center (In-home) on 0.1± acre located at the northwest corner of Oakland Hills Drive and Norman Drive. Zoned Single-Family Residence-7.

REQUESTED ZONING: The requested zoning is a Specific Use Permit (SUP) for Day Care Center (In-home). The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application. A day care center (in-home) is defined as an operation providing care in the caretaker's residence for less than 24 hours a day for up to 12 children under the age of 14, provided that the total number of children, including the caretaker's own children, is no more than 12 at any time.

JANICE + RON VELLEFF
Name (Please Print)
2705 Mull Lake Dr
Address


Signature
12-7-2011
Date

BM

APPEAL FOR ZONING CASE 2011-29

City Council
c/o Planning Department
P.O. Box 860358
Plano, TX 75086-0358

RECEIVED
DEC - 8 2011
PLANNING DEPT

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K.J. Alexander

Name (Please Print)

[Handwritten Signature]

Signature

2701 OAKLAND HILLS DR.

Address

12/7/11

Date

BM

APPEAL FOR ZONING CASE 2011-29

City Council
c/o Planning Department
P.O. Box 860358
Plano, TX 75086-0358

RECEIVED
12 2011
PLANNING DEPT.

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There are no problems with Roberta having a daycare across the street from my house. She's had it for years with no issues. Please let her keep her business.

Kelly Scott
Name (Please Print)

Kelly Scott
Signature

9316 Norman Dr.
Address

12/5/11
Date

I don't understand why the planning + zoning commission denied her a permit when all the neighbors are in favor of her having the daycare in her house.