

**CHARTER TOWNSHIP OF VAN BUREN BOARD OF TRUSTEES  
OCTOBER 3, 2016 WORK STUDY MEETING  
TENTATIVE AGENDA**

**ROLL CALL:**

Supervisor Combs \_\_\_\_\_  
Clerk Wright \_\_\_\_\_  
Treasurer Budd \_\_\_\_\_  
Trustee Hart \_\_\_\_\_  
Trustee Jahr \_\_\_\_\_

Trustee McClanahan \_\_\_\_\_  
Trustee Miller \_\_\_\_\_  
Engineer Nummer \_\_\_\_\_  
Attorney McCauley \_\_\_\_\_  
Secretary Montgomery \_\_\_\_\_

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

1. Discussion on the recommendation of the Planning Commission to issue special land use approval for parcel V-125-83-118-99-0030-000 (1.0 acres) so that the R1-A property may operate as a group day care home.

**PUBLIC COMMENT:**

**ADJOURNMENT:**

**CLOSED SESSION:**

1. To consult with Township attorney to discuss client privileged opinion regarding proposed settlement of pending litigation:

A. Wolverine Pipe Line Company v. Van Buren Township, Kilanski Farms, et. al.

B. Wolverine Pipe Line Company v. Van Buren Township, Harvey Hollins, et. al.

**ADJOURNMENT:**

**NOTICE OF CLOSED SESSION  
OF THE  
CHARTER TOWNSHIP OF VAN BUREN  
BOARD OF TRUSTEES  
TO BE HELD FOLLOWING THE  
4:00 P.M.**

**WORK STUDY SESSION  
ON TUESDAY OCTOBER 3, 2016**

**TOWNSHIP HALL  
46425 TYLER ROAD  
BELLEVILLE, MI 48111**

**FOR THE PURPOSE OF:**

**To consult with Township attorney to discuss client privileged opinion regarding proposed settlement of pending litigation:**

**A. Wolverine Pipe Line Company v. Van Buren Township, Kilanski Farms, et. al.**

**B. Wolverine Pipe Line Company v. Van Buren Township, Harvey Hollins, et. al.**

In accordance with the Americans with Disabilities Act, reasonable accommodations can be made with advance notice by contacting the Clerk's Office 734.699.8909.

Posted 9/28/2016

# Charter Township of Van Buren

## REQUEST FOR BOARD ACTION

Agenda Item: \_\_\_\_\_

Work Study Date: 10/03/16

1<sup>st</sup> Board Meeting: 10/18/16

Consent Agenda \_\_\_\_\_


New Business X

Unfinished Business: \_\_\_\_\_

Public Hearing \_\_\_\_\_

ITEM (SUBJECT)	Request to consider the recommendation of the Planning Commission to issue special land use approval for parcel V-125-83-118-99-0030-000 (1.0 acres) so that the R1-A property may operate as a group day care home.
DEPARTMENT	Planning and Economic Development
PRESENTER	Ron Akers, Director of Planning and Economic Development
PHONE NUMBER	(734) 699-8913
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	Claudia Perez –property owner.

### Agenda topic

<b>ACTION REQUESTED</b>	
Granting special land use approval for parcel V-125-83-118-99-0030-000 (1.0 acres) so that the R1-A property may operate as a group day care home.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
The applicant, Claudia Perez, is requesting a special use permit to operate a group day care home for seven (7) to twelve (12) children at 6191 Rawsonville Road, Van Buren Township, MI 48111. Parcel tax ID number V-125-83-118-99-0030-000 is the subject parcel. The subject parcel is zoned R1-A, measures approximately 1.0 acres, and is located on the east side of Rawsonville Road, south of Huron River Drive. The Planning Commission recommended the special land use approval on September 14, 2016.	
<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	Special Land Use Approval issued.
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	Planning Commission recommends approval.
<b>ATTORNEY RECOMMENDATION</b>	
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b> 	

# PLANNING & ZONING APPLICATION

Case number 16-027

Date Submitted \_\_\_\_\_

Applicant Claudia Perez Phone [REDACTED]  
 Address 6191 Rawsonville Rd Fax \_\_\_\_\_  
 City, State Bellefonte ALA Zip 48111  
 E-mail [REDACTED] Cell Phone Number \_\_\_\_\_  
 Property Owner \_\_\_\_\_ Phone \_\_\_\_\_  
 (if different than applicant)  
 Address \_\_\_\_\_ Fax \_\_\_\_\_  
 City, State \_\_\_\_\_ Zip \_\_\_\_\_  
 Billing Contact \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ Fax \_\_\_\_\_  
 City, State \_\_\_\_\_ Zip \_\_\_\_\_

Name of Project Group Daycare  
 Parcel Id No. V125-83-118-99-0030-000 Project Address 6191 Rawsonville Rd  
 Attach Legal Description of Property  
 Property Location: On the East Side of Rawsonville Road; Between taxi Road  
 and Box Road. Size of Lot Width \_\_\_\_\_ Depth \_\_\_\_\_  
 Acreage of Site 1 Total Acres of Site to Review 1 Current Zoning of Site R1A  
 Project Description: group daycare

Is a re-zoning of this parcel being requested? \_\_\_\_\_ YES (if yes, note next line) (NO)  
 Current Zoning of Site R1A Requested Zoning \_\_\_\_\_

Does the Proposed Use Require Special Approval? (YES) (if yes complete next line) NO  
 Section of Zoning Ordinance for which you are applying 7.03 E  
 Is there an official Woodland within parcel? N/A Woodland acreage N/A  
 List total number of regulated trees outside the Woodland area? N/A Total number of trees N/A  
 Detailed description for cutting trees No trees removed

If applicable application **MUST** be accompanied with a Tree Survey or statement of no trees, which incorporates all the requirements listed in Section 4.45 of Zoning Ordinance 6-2-92, as amended.

Claudia Perez  
 Print Property Owners Name  
Claudia Perez  
 Signature of Property Owner

5/20/2016  
 Date

STATE OF MICHIGAN  
 COUNTY OF WAYNE

The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and data are in all respects true and correct.

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_, Notary Public, \_\_\_\_\_ County, Michigan My Commission expires \_\_\_\_\_, 20\_\_\_\_.

Rev. 1/12/05



# Memo

**TO:** Van Buren Township Planning Commission  
**FROM:** Ron Akers, AICP - Director of Planning and Economic Development  
**RE:** Review #2 of SLU 16-027 – Group Daycare  
**DATE:** September 10, 2016

---

## Staff Report

**File Number:** 16-027 SLU

**Site Address:** 6191 Rawsonville Road

**Parcel Number:** 125-83-118-99-0030-000

**Parcel Size:** 1.00 Acres

**Location:** East side of Rawsonville Road, south of W. Huron River Dr. and north of Bog Road.

**Applicant:** Claudia Perez, 6191 Rawsonville Road, Van Buren Township, MI 48111

**Property Owner:** Same as applicant.

**Request:** Applicant is requesting a special use approval for a Group Daycare at the above mentioned property.

**Zoning and Existing Use:** R1-A, Single Family Residential

**Adjacent Zoning and Existing Uses:**

**North:** R1-A (Single Family Residential) & Single Family Dwelling  
**East:** RMH (Mobile Home Park) & Manufactured Housing Community  
**South:** R1-A (Single Family Residential) & Single Family Dwelling  
**West:** I-2 (General Industrial) & Vacant (Ypsilanti Township)

**Other:** Public Notices appeared in the Belleville Independent on August 25, 2016 and 300' notices were mailed out in accordance with the Michigan Zoning Enabling Act.

## Background:

The applicant Claudia Perez has made application for a Special Use Permit for a group daycare home at the single family dwelling located at 6191 Rawsonville Road. A group daycare is defined in the Zoning Ordinance as, *"A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. All group day care homes shall be registered with or licensed by the Division of Child Care Licensing in the State of Michigan Bureau of Regulatory Services."*

The Michigan Zoning Enabling Act of 2006 (MZEA) identifies specific uses and activities which are given a special consideration including "group childcare homes." "Group childcare homes" are defined in the Child Care Organizations Act of 1973 and their definition mirrors the definition in the Township's Zoning Ordinance for "group daycare homes." The special consideration in the MZEA includes a very specific set of criteria a Township is required to utilize when reviewing these type of land uses. These provisions are mirrored in the Township's Zoning Ordinance. This criteria is as follows:

*"(4) For a county or township, a group child care home shall be issued a special use permit, conditional use permit, or other similar permit if the group child care home meets all of the following standards:*

- (a) Is located not closer than 1,500 feet to any of the following:*
  - (i) Another licensed group child care home.*
  - (ii) An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.*
  - (iii) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.*
  - (iv) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.*
- (b) Has appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government.*
- (c) Maintains the property consistent with the visible characteristics of the neighborhood.*
- (d) Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.*
- (e) Meets regulations, if any, governing signs used by a group child care home to identify itself.*
- (f) Meets regulations, if any, requiring a group child care home operator to provide off-street parking accommodations for his or her employees."*

The following is a review of the submitted application based upon the standards set forth in the Zoning Enabling Act and the Township Zoning Ordinance.

**Special Use**

**1. Is located not closer than 1,500 feet to any facilities as specified above:**

The State of Michigan has a database of these facilities in the Licensing and Regulatory Affairs (LARA) portion of their website. I have performed searches for any of these facilities using Van Buren Township, Belleville, and Ypsilanti postal districts. Based on my search I have found none of these facilities within 1,500 of 6191 Rawsonville Road.

**2. Has appropriate fencing for the safety of the children in the group child care home as determined by the local government:**

Per the site plan the applicant has proposed an outdoor play area of 60' X 60'. The applicant has erected a 4' chain link fence, which covers a 60' X 60' area. This section provides discretion for the Planning Commission to make the determination if the fencing is appropriate for the safety of the children. As a 4' chain link fence is common in residential areas and a minimum standard for other safety related issues (such as swimming pools) it is my recommendation that the 4' chain link fence should be sufficient for the safety of the children.

**3. Maintains the property consistent with the visible characteristics of the neighborhood:**

The only improvement which is proposed to be made to the property is the erection of a fence in the rear yard. So long as the materials and size of the fence are consistent with what is typically used for residential homes, there should be no issues with the use maintaining the characteristics of the neighborhood. The number of vehicle trips due to the daycare should be limited to a maximum of twenty-four (24) per day. Due to the circular drive way and multiple curb cuts on Rawsonville road, traffic should flow fairly smoothly through the site. The neighboring properties have frontage on Rawsonville road which see extensive amounts of traffic each day.

**4. Does not exceed 16 hours of operation during a 24 hour period. The local unit of government may limit, but not prohibit the hours of operation of a group childcare home between 10 p.m. and 6 a.m.:**

The applicant has indicated that their hours of operation are from 5:30 am to 5:30 pm. This does not exceed the 16 hours of operation requirement.

**5. Meets regulations, if any, governing signs used by a group child care home to identify itself:**

The applicant has not proposed any signs. If there are any signs proposed in the future the applicant will need to obtain a permit from the Township. The Planning Commission may want to require directional signs to indicate the one (1) way nature of the driveway.

**6. Meets regulations, if any, requiring a group child care home operator to provide off-street parking accommodations for his or her employees:**

The Zoning Ordinance standard for group childcare homes is one (1) parking space per employee. In addition to the residential use on the property (two (2) spaces required for a single family residence) this would require three (3) off street parking spaces. The property has a 576 square foot two (2) car garage and according to aerial photos it appears there is a separate gravel parking space existing on site. The applicant has indicated that she will have two (2) employees

and thus would require four (4) parking spaces. Based on this and the area depicted on the attached plan it appears that this standard has been met. The parking areas have been reflected on the site plan.

### **Recommendation**

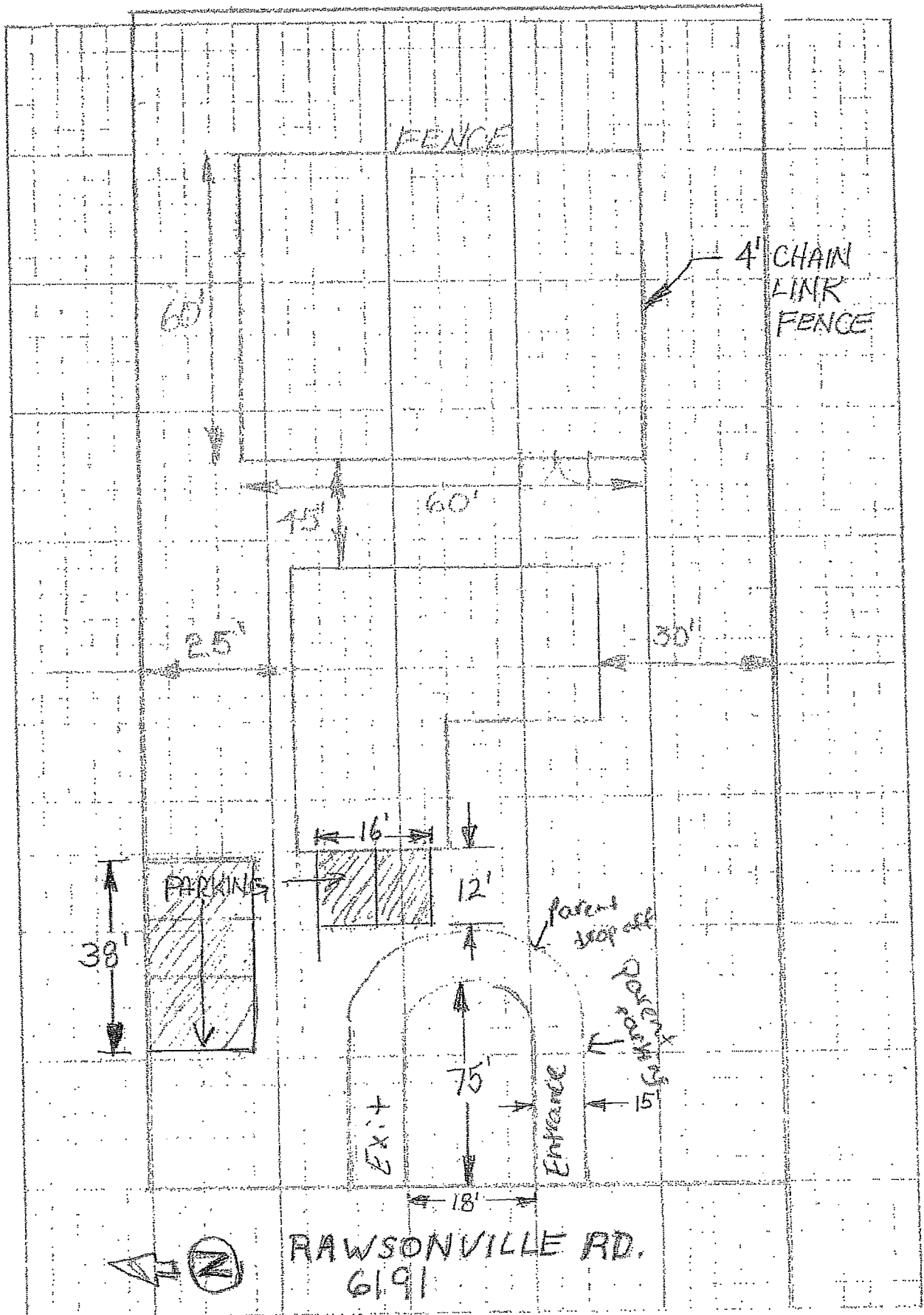
Based on the above mentioned staff recommends the following:

Recommend to the Township Board approval of a special use to conduct a group day care home licensed by the State of Michigan at the property known as 6191 Rawsonville Road, parcel ID # 125-83-118-99-0030-000 conditioned upon the following:

1. The applicant provide adequate directional signage to move traffic through the site.

The Zoning Ordinance requires site plan review for all special use requests, but due to the special considerations for this use in the Zoning Enabling Act and the fact that the daycare is accessory to the primary residential use of property I do not believe that the Township can require a full site plan review for this use. We do have the authority to require a plot plan because the criteria for approval established in the state statute requires that we review items such as parking and signage.





**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
September 14, 2016  
7:30 P.M.  
PUBLIC HEARING**

The Charter Township of Van Buren Planning Commission will hold a public hearing at Van Buren Township Hall, 46425 Tyler Road, Van Buren Township, MI 48111 for the following special use request at the September 14, 2016 regular meeting:

1. **Case 16-027:** A request by Claudia Perez, 6191 Rawsonville Road (Parcel ID# V-125-83-118-99-0030-000) for a special use permit to operate a group day care home for seven (7) to twelve (12) children at 6191 Rawsonville Road, Van Buren Township, MI 48111.

Please address any written comments to the Van Buren Township Planning Commission at, 46425 Tyler Road, Van Buren Township, MI 48116 or via email at [rakers@vanburen-mi.org](mailto:rakers@vanburen-mi.org). All materials relating to this request are available for public inspection at the Van Buren Township Hall prior to the hearing.

Van Buren Township will provide necessary reasonable auxiliary aides and services to individuals with disabilities who are planning to attend. Please contact the Van Buren Township Planning & Economic Development department at 734-699-8913 at least seven (7) days in advance of the meeting if you require assistance.

Posted: August 22, 2016  
Published: August 25, 2016

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
SEPTEMBER 14, 2016  
MINUTES - DRAFT**

Chairperson Thompson called the meeting to order at 7:32 p.m.

**ROLL CALL:**

**Present:** Kelley, Atchinson, Budd, Jackson, Franzoi and Thompson.

**Excused:** Boynton.

**Staff:** Deputy Director Best and Secretary Harman.

**Planning Representatives:** McKenna Associate, Patrick Sloan.

**Audience:** Three (3).

**APPROVAL OF AGENDA:**

**Motion Kelley, Budd second to approve the agenda of September 14, 2016 as presented.**

**Motion Carried.**

**APPROVAL OF MINUTES:**

**Motion Franzoi, Jackson second to approve the regular meeting minutes from August 24, 2016 as presented. Motion Carried.**

**PUBLIC HEARING:**

**ITEM # 1                    16-027 – SPECIAL LAND USE APPROVAL**

**TITLE:**                    THE APPLICANT, CLAUDIA PEREZ, IS REQUESTING A SPECIAL USE PERMIT TO OPERATE A GROUP DAY CARE HOME FOR SEVEN (7) TO TWELVE (12) CHILDREN AT 6191 RAWSONVILLE ROAD, VAN BUREN TOWNSHIP, MI 48111.

**LOCATION:**              PARCEL NUMBER V125-83-118-99-0030-000 (6191 RAWSONVILLE ROAD). THE SITE IS APPROXIMATELY 1.0 ACRE. IT IS LOCATED IN THE R1-A, SINGLE FAMILY RESIDENTIAL DISTRICT. THIS SITE IS LOCATED ON THE EAST SIDE OF RAWSONVILLE ROAD BETWEEN WEST HURON RIVER DRIVE AND BOG ROAD.

**Motion Budd, Kelley second to open the Public Hearing. Motion Carried.**

Applicant, Claudia Perez gave the presentation. Ms. Perez resides at 6191 Rawsonville Road and is requesting special use approval to operate an in-home group childcare. The applicant has met the Township zoning ordinance requirements and is compliant with State Licensing.

Deputy Director Best presented Director Ron Akers staff review letter dated 9-10-16 recommending the Planning Commission recommend to the Township Board approval of a special use permit to conduct a group day care home licensed by the State of Michigan at the property known as 6191 Rawsonville Road, parcel ID # 125-83-118-99-0030-000 conditioned upon the following:

1. The applicant provide adequate directional signage to move traffic through the site.



**TITLE:** THE APPLICANT, CLAUDIA PEREZ, IS REQUESTING A SPECIAL USE PERMIT TO OPERATE A GROUP DAY CARE HOME FOR SEVEN (7) TO TWELVE (12) CHILDREN AT 6191 RAWSONVILLE ROAD, VAN BUREN TOWNSHIP, MI 48111.

**LOCATION:** PARCEL NUMBER V125-83-118-99-0030-000 (6191 RAWSONVILLE ROAD). THE SITE IS APPROXIMATELY 1.0 ACRE. IT IS LOCATED IN THE R1-A, SINGLE FAMILY RESIDENTIAL DISTRICT. THIS SITE IS LOCATED ON THE EAST SIDE OF RAWSONVILLE ROAD BETWEEN WEST HURON RIVER DRIVE AND BOG ROAD.

No further comment from the applicant. Deputy Director Best informed the Commission members the request for the special use permit requires a recommendation to the Township Board of Trustees.

No comments or questions from Commissioners or the audience.

Motion Kelley, Jackson second to recommend to the Township Board of Trustees the special land use permit to operate a group day care home for seven (7) to twelve (12) children at 6191 Rawsonville Road subject to the terms recommended in the staff review letter dated 9-10-16 with the applicant providing adequate directional signage to move traffic through the site. Motion Carried. (Letter Attached)

**ROLL CALL:**

Yeas: Franzoi, Jackson, Kelley, Atchinson, Budd and Thompson.

Nays: None.

Absent: Boynton.

Motion Carried.

**ITEM # 2                      PARKS AND RECREATION MASTER PLAN**

**TITLE:** THE VAN BUREN TOWNSHIP PARKS AND RECREATION DEPARTMENT IS REQUESTING A RECOMMENDATION FOR THE 2016 – 2020 PARKS AND RECREATION MASTER PLAN TO THE TOWNSHIP BOARD OF TRUSTEES.

**INFORMATION:** THE 2016-2020 PARKS AND RECREATION MASTER PLAN IS PRESENTED FOR THE PLANNING COMMISSIONS REVIEW AND RECOMMENDATION TO THE TOWNSHIP BOARD OF TRUSTEES. THE PLAN WAS LAST ADOPTED BY THE BOARD OF TRUSTEES IN 2011 AND MUST BE ADOPTED EVERY 5 YEARS FOR VAN BUREN TOWNSHIP TO BE ELIGIBLE FOR STATE AND FEDERAL RECREATION GRANTS.

Commissioners discussed the desire to have more time to review the 2016-2020 Parks and Recreation Master Plan and to defer a decision until a future Planning Commission meeting.

Motion Kelley, Jackson second to defer a decision until two (2) weeks from now or at the next Planning Commission meeting. Motion Carried.

**GENERAL DISCUSSION:**

Deputy Director Best gave a brief update on Aldi's on Belleville Road, earthwork began this week and they expect the footings and foundation work to begin next week.

**Motion Budd, Franzoi second to adjourn at 8:03 p.m. Motion Carried.**

Respectfully submitted,

Christina Harman  
Recording Secretary