



Birch Run Township Planning Commission
Regular Meeting Minutes
February 20th, 2024
11935 Silver Creek Dr., Birch Run, Michigan 48415

Call to Order of Meeting:

Chairman C.J. Norris called the February 20th, 2024, Regular Meeting of the Birch Run Township Planning Commission (PC) to order at 19:01 with the Pledge of Allegiance.

Members Present:

C.J. Norris, Chair; Mike Marr, Vice-Chair; Mike Musial, Secretary; Ed Munson, Keith Jewell & Fred Sheridan, Members. There is one vacancy on the Planning Commission.

Motion by Sheridan seconded by Munson to excuse Stacey Kue from the meeting.

Motion PASSED by majority voice vote.

Others Present:

Fourteen (14) people were in the audience. Also present were Gretchen Nielsen, Zoning Administrator; Riley Kiessling, Recording Secretary; Ray Letterman, TWP Supervisor; Kurt Kiessling, TWP Trustee; Jim Garno, DDA Member.

Agenda:

Motion by Sheridan seconded by Marr to approve the February 20th, 2024, Regular Meeting Agenda as presented.

Motion PASSED by majority voice vote.

Motion by Sheridan seconded by Marr to amend the agenda to add the 2024 Election of the Planning Commission Officers to the agenda.

Motion PASSED by majority voice vote.

Approval of Meeting Minutes:

Motion by Sheridan seconded by Marr to approve the December 19th, 2023, Regular Meeting Minutes as presented.

Motion PASSED by majority voice vote.

Election of Officers:

Motion by Sheridan seconded by Marr to appoint C.J. Norris as the Planning Commission Chair.

Motion PASSED by majority voice vote.

Motion by Sheridan seconded by Musial to appoint Mike Marr as the Planning Commission Vice-Chair.

Motion PASSED by majority voice vote.

Motion by Marr seconded by Sheridan to appoint Mike Musial as the Planning Commission Secretary.

Motion PASSED by majority voice vote.

Public Comment on Agenda Items: 19:06 – 19:07

Public Comment was held.

Public Hearing: Marijuana Retail Establishment – 12041 Dixie Highway – Agronomod

Began at 19:07 – Closed at 19:32

Staff Comments:

An overview of the request was provided by the Z.A., as well as the letters received from members of the public and the appropriate notices were given for the public hearing. Township representation from FSBR Law provided answers to Commissioner's questions regarding approval process and legal particulars, such as the minimum 500' protected/regulate use clause within Ordinance #2022-01 (Recreational Marijuana). The applicant was shown to be outside of the 500' as required by the ordinance.

The Z.A. mentioned that the traffic study may be something to waive, as the prior use of the property was as a restaurant, up to P.C.'s discretion. Parking may need to be looked at regarding the adjacent commercial uses.

Commissioner Comments:

Asked follow-up questions of the applicant, further addressing what was in their 2.9.2024 letter, as well as of the Township Attorney re: what and how they can reference that letter in a potential conditional approval motion. Questions re: the proposed landscaping with concerns about visibility around the corner of Dixie & Birch Run.

Applicant Comments:

Presentation from Scott Dianda, Ed & Austin Santangelo, and the engineer for the project on their request for the Special Land Use Permit and the accompanying proposed Site Plan. Applicant provided a letter, dated 2.9.2024, addressing much of ROWE PSC's special use and site plan review comments prior to the meeting. Applicant mentioned they will work with Totten Tire Center to have a parking lot set-up that is satisfactory to both parties.

Public Comments:

Concerns from Attitude Wellness, LLC (dba Lume), who also submitted a letter dated 2.20.2024 regarding the Site Plan & SLUP application. Concerns from Totten Tire Center about the use of their parking lot and their driveway with the trucks they regularly have coming in and out for their business.

Public Hearing Closed at 19:32

Motions:

Motion by Sheridan seconded by Marr to conditionally approve Agronomod's Special Land Use Application for a Recreational Marijuana Retail Sales Facility at 12041 Dixie Hwy, pending compliance with the 2.9.2024 Letter from Mt. Engineering to the satisfaction of the Zoning Administrator, and waiving a need for a traffic study.

Yeas: Munson, Jewell, Sheridan, Marr, Norris, Musial,

Nays: None

Absent: 1 Vacancy

Motion PASSED by unanimous roll call vote.

Motion by Sheridan seconded by Marr to conditionally approve the Site Plan for a Recreational Marijuana Retail Establishment at 12041 Dixie Hwy, pending compliance to Site Plan issues from ROWE PSC addressed in the Mt. Engineering letter dated 2.09.2024 in addition to any required MDOT Permits; and that Agronomod and Totten Tire shall come to an agreement re: the parking lot between Totten Tire and Agronomod; and that the proposed landscaping at the corner of Dixie & Birch Run shall be removed, as well as the dumpster be relocated as discussed; and further to submit the updated Site Plan drawings showing said compliance to the Township, to the satisfaction of the Zoning Administrator.

Yeas: Jewell, Sheridan, Marr, Musial, Norris, Munson,

Nays: None

Absent: 1 Vacancy

Motion PASSED by unanimous roll call vote.

New Business:

Proposed Marijuana Ordinance Change – Selling of a Marijuana License

Township Attorney from FSBR Law, Matt Kuschell, presented on the topic and what the requirements would be for changing the applicable Police Power ordinance, and what processes and guidelines the Township Board may want to look at when or if they go about changing said ordinance. The attorney offered to put together a bullet point list of things to consider when doing so.

The PC discussed cleaning up the original Marijuana Zoning Ordinance (#2022-01) language and further recommending the Board look at the sale/transfer of a Marijuana License process that is in place.

Old Business:

Birch Run Speedway & Event Center (BRS&EC)

Fred Lynch gave a presentation on the BRS&EC Site Plan and answered questions from the PC on what needs to be updated and presented to the PC. Lynch asked questions of the PC on what the future of the concerts were for the BRS&EC are from the Temporary SLUP that expires in May 2024, and what the process is for getting 365-day use of the new bar area, outdoor heating area, and pavilion.

The Township Attorney provided answers to a potential re-approval process for more concerts going forward, citing the need to refer to the previously approved Temporary SLUP for further direction. Any applicable public hearings will need to be properly noticed and published in advance. Further, the settlement on the lawsuit against the Speedway & Event Center should be found and referenced if it has any material pertaining to the use of the property.

Non-Conforming Ordinance & Allowing Parking in the Setbacks

The Z.A. gave an overview of the topic and updates on what the PC wanted to amend in the ordinance. The PC wants to look at narrowing the parking allowance to the Birch Run & Dixie Hwy area – wants to look at the potential development in the area to plan for parking needs.

Short-Term Rental Ordinance

The Z.A. requested from the PC what restrictions and/or regulations the PC would like to see in a draft ordinance. Among other things, the PC discussed making a VRBO or similar set-up require a SLUP, limiting it to somewhere between 6-20 within the township, adhering to the applicable Fire Suppression requirements per the State Fire Codes, not allowing off-property parking, camera's being required, an annual registration of ownership, and limiting the # persons per rooms within the house.

As-Built Requirements

The PC reviewed the draft list of As-Built information that would be required to be submitted from applicants completing their Site Plans. The PC liked what was presented and wants to keep it saved to give to future applicants as a reference list of what to submit.

Site Plan Application Form

The PC discussed the presented updated draft Site Plan Application Form from the packet and worked with the Z.A. to improve it for future use. The PC requested having the a "signed copy of the Blight Ordinance" as a checkbox for the application.

Public Comment: 20:48 – 20:53

Tina Samson

Other:

The Z.A. discussed the future of a Renewable Energy Ordinance within the Township with the PC considering the new State regulations and lesser local control over renewable energy operations.

The Planning Commission Annual Report for 2023 was also discussed; ready to be submitted to the board.

Adjournment:

Motion by Musial seconded by Sheridan to adjourn at 21:00

Motion passed by majority voice vote.

Respectfully Submitted by:

Recording Secretary, Riley Kiessler

Mike Musial

Planning Commission Secretary