



Birch Run Township Planning Commission
Special Meeting Minutes
September 14th, 2023
11935 Silver Creek Dr., Birch Run, Michigan 48415

Call to Order of Meeting:

Chairman C.J. Norris called the September 14th, 2023, Special Meeting of the Birch Run Township Planning Commission to order at 19:00 with the Pledge of Allegiance.

Members Present:

C.J. Norris, Chair; Mike Marr, Vice-Chair; Mike Musial, Secretary; Keith Jewell, Fred Sheridan & Ed Munson, Members.

Members Absent:

Stacy Kue, Member, was absent.

Motion by Marr seconded by Munson to excuse Stacy Kue from the meeting.
Motion PASSED by majority voice vote.

Others Present:

Approximately twenty-six (26) people were in the audience. Also present were Adam Flory, Township Attorney (via Zoom); Gretchen Nielsen, Zoning Administrator; Riley Kiessling, Recording Secretary; Kurt Kiessling, Trustee.

Agenda:

Motion by Marr seconded by Sheridan to approve the September 14th, 2023, Special Meeting Agenda as amended to strike the Even Barn SLUP item from the Agenda. *
Motion PASSED by majority voice vote.

*Applicant no longer seeking a different SLUP than what was issued with conditions from the 5.03.2023 Special PC Meeting, reference the meeting minutes for details.

Approval of Meeting Minutes:

Motion by Sheridan seconded by Marr to approve the June 20th, 2023, Regular Meeting Minutes as presented.
Motion PASSED by majority voice vote.

Election of Officers:

To be done at first meeting of 2024.

Old Business:

Marijuana Caregiver Update:

The Township Board approved and adopted the Marijuana Caregiver Ordinance as it was passed by the Planning Commission at the 6.20.2023 Regular Meeting, with minor grammar & typographical fixes. The 7.11.2023 Regular TWP Board meeting minutes reflect the adoption.

Public Hearing – 222 Co. (dba Joyology):

Public Hearing did not take place, as no representative of the applicant, nor member of the public, was there to hold discussion.

The Planning Commission submits the following Staff report and motion for the record.

Staff Comments:

G. Nielsen: Multiple attempts to contact 222 Co. regarding the finished ROWE Review and PC Meeting follow-up; Two letters received from the public on the matter; reported info from Don Hundley (MDOT), that the change of use of the property in question will require a new driveway & permit to meet Commercial Use standards.

Motion by Sheridan seconded by Marr to postpone any action on this matter until further required actions and requests are fulfilled, as well as necessary information provided, by the applicant.

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

Nays: None

Absent: Kue

Motion PASSED by majority roll call vote.

New Business:

Justin & Alyssa Kidd – Event Barn Site Plan Application (A)

Staff Comments:

Zoning Administrator: Provided an overview of ROWE's report on the plan, also noting that the applicant needs to have the outdoor portion of the facility on the Site Plan, too.

Attorney: Provided legal review and answered questions posed by the Planning Commission.

Commission Comments:

Letters received regarding the Event Barn were read into the minutes regarding the Event Barn; please see the packet. Zoning Ordinance procedures were followed by the applicant.

Applicant Comments:

Presentation on the Site Plan provided by the Engineer and Applicants Justin & Alyssa Kidd.

Motion by Marr seconded by Munson to approve the Site Plan for an Event Barn at 12847 E Rathbun Rd with the following listed conditions: ¹ That the boundaries of the presented parking lot on the South end of the proposed plans is outlined by boulders or an effective equivalent to prevent off-plan parking; ² The Fire & Mechanical Inspectors shall approve the Fire Suppression system before any event occurs; ³ The East side shall be devoid of activity relating to the Event Barn (including moving the proposed Port-A-John from the East to the North side of the barn; ⁴ A traffic study shall be performed, if determined necessary by the Saginaw County Road Commission for effective road management; ⁵ An informal committee shall be created composed of the Applicant and his immediate neighbors to East to determine a satisfactory privacy barrier utilizing a mix of fencing and natural greenery on the East side of the property to be implemented, and that if there is no resolution with this approach, the plans shall come before the Planning Commission again.

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

Nays: None

Absent: Kue,

Motion PASSED by majority roll call vote.

Public Comment: Public Comment was held.

-Members of public complained of not being aware of applicant's request.

-The PC explained how members of the public can access the information and presented the website.

-Township Attorney conveyed follow up on any questions.

Reports:

Township Board Representative (*Fred Sheridan*): None

Zoning Board of Appeals (ZBA) Rep. (*Mike Marr*):

ZBA Special Meeting was held on 8.16.2023 to hold a hearing on a Sign Variance for 1864 US-23 LLC, at 9242 Tiffany Blvd; variance was approved. Additionally, the ZBA requested the Township Board to look at amending the sign ordinance to better approach signs on property with frontage on I-75.

Zoning Administrator (*Gretchen Nielsen*): None

Other:

Adult Use Marijuana:

- Questions regarding Marijuana Operating License (MOL) Renewals. As per township ordinance, MOLs are good for one year (expiring 12.31.2023) and must be renewed each year with the \$5,000 re-application/renewal fee. There is currently a 60-day renewal grace period for those that do not timely renew their MOLs.
- Additionally, it was noted that As-Built drawings should be submitted before a Certificate of Occupancy is issued.

Ordinance Reviews:

- Discussion about where we are with Ordinance reviews, as per the Township's Master Plan Goals. Work needs to be done to identify those Ordinances that need review and updating. The ordinance governing Non-Conforming Use was identified as one possibility.
- Discussion on VRBO's; more information and examples to be provided.

Adjournment:

Motion by Marr seconded by Sheridan to adjourn at 21:18

Motion passed by majority voice vote.

Respectfully Submitted by:

Recording Secretary, Riley Kiessling

Mike Musial

Planning Commission Secretary