



Birch Run Township Planning Commission
Special Meeting Minutes
September 19th, 2023
11935 Silver Creek Dr., Birch Run, Michigan 48415

Call to Order of Meeting:

Chairman C.J. Norris called the September 19th, 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 Sheridan to excuse Stacey Kue from the meeting.
Motion PASSED by majority voice vote.

Others Present:

Eight (8) people were in the audience. Also present were Adam Flory, Township Attorney; Gretchen Nielsen, Zoning Administrator; Riley Kiessling, Recording Secretary; Kurt Kiessling, Trustee.

Agenda:

Motion by Marr seconded by Sheridan to approve the September 19th, 2023, Special Meeting Agenda as presented.
Motion PASSED by majority voice vote.

Approval of Meeting Minutes:

Yet to be approved:

- September 14th, 2023, Meeting Minutes

Election of Officers:

To be done at first meeting of 2024.

Public Hearing – Green Stones, Inc. (12454 Dixie Hwy) Site Plan & SLUP Application: 19:03 – 19:15

Staff Comments:

G. Nielsen (Zoning Admin.): Presented a report on the SLUP before the Commission and went through ROWE's review of the application.

A. Flory (Attorney): Reported on his review of the SLUP Application and discussed the criteria for granting an approval. Specifically discussed the project being harmonious with surroundings and with Birch Run Ordinances. Mentioned that he did not see anything incongruous with the presented application.

Commission Comments:

Posed questions to the applicant on the Site Plan & SLUP applications.

Applicant Comments:

Chris Ammori, DMSC Attorney, as well as Zaid Arabo, provided a presentation on the project and answered questions posed by the Planning Commission.

Public Comments:

A time for questions and concerns from the public to be heard was made available.

SLUP Motion

Motion by Marr seconded by Sheridan to approve the Special Land Use Permit at 12454 Dixie Hwy with the condition that the Site Plan is approved.

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

Nays: None

Absent: Stacy Kue

Motion PASSED by majority roll call vote.

Site Plan Motion

Motion by Marr seconded by Sheridan to approve the presented site plan with the following conditions: ¹ That the Fire Chief gives his approval for the site plan; ² That whatever permits are needed from the Saginaw County Road Commission are acquired for the proposed project; ³ That copies of any plans that need to be modified for construction shall be delivered unto the Planning Commission; ⁴ That the South exposure has a barrier of natural greenery, such as Arbor Vitae, in order to protect the residential nature of the southern properties; ⁵ That a full set of final and completed civil engineering drawings shall be submitted to the Planning Commission; ⁶ That a satisfactory hold harmless agreement be signed and delivered unto the Township for allowing parking inside the setbacks, pending approval for a variance from the Zoning Board of Appeals, OR, to allow for a re-submitted site-plan showcasing any changes made to include the minimum parking required, within the setback regulations of the Zoning Ordinance, subject to approval.

Old Business:

Event Barn – Rathbun Rd:

Presented, along with a rough draft drawing of some of the proposed changes to the site plan as they were discussed during the last meeting and the new ideas that sparked from that, as well as the meeting with the neighbors. Answered questions posed by the Planning Commission.

- Touched on parking, fencing on the SE & E side, the accessibility and maneuverability of Fire Trucks to the property, barn, and residential house on the property. Discussion of minor vs. major changes to site plans for correct procedures, as well as the Planning Commission restating that they need a signed and dated plan between the applicant and the two eastern neighbors on the privacy line.

Stoneyard Update:

Update from Adam Flory re: the Stoneyard litigation, noting that Stoneyard was issued a temporary injunction from the Judge, prohibiting them from conducting landscaping business on the property, dated August 18th. The injunction would remain in effect until the next hearing date, set for September 25th, where the final order of the matter following trial would be entered.

9600 Birch Run Road Marijuana Retailer:

The Zoning Administrator provided a brief update on communications from 222 Companies (dba Joyology) since the September 14th, 2023, meeting where they were not present for the public hearing, and the matter was postponed. The Z.A. recommended that they start by seeking approval for a driveway from MDOT.

New Business:

Short Term Rental Ordinance Discussion:

Zoning Administrator presented on issues occurring in Frankenmuth Township on VRBO's and recommends looking at putting an ordinance on the books. To be discussed further, along with possible draft language, at the next meeting.

Public Comment: 20:11 – 20:46

Public Comment was held. In the audience were four young college ladies, asking questions re: the Planning Commission's involvement in the community, and how they factor in public health considerations when looking at ordinances, special land uses, and site plans that are brought before the Commission.

Reports:

Township Board Representative (*Fred Sheridan*): None

Zoning Board of Appeals (ZBA) Rep. (*Mike Marr*): None

Zoning Administrator (*Gretchen Nielsen*): None

Other:

Update on the Stoneyard project.

Adjournment:

Motion by Norris seconded by Sheridan to adjourn at 20:48

Motion passed by majority voice vote.

Respectfully Submitted by:

Recording Secretary, Riley Kiessling

Mike Musial

Planning Commission Secretary