

**Special Birch Run Township Planning Commission Meeting
May 11, 2021 at 7:00 p.m.
Premium Outlets 12373 S. Beyer Rd., Suite C-210, Birch Run, Michigan 48415**

Minutes

The special meeting was called to order by Chairman CJ Norris at 7:02 p.m. with the Pledge of Allegiance to the Flag of the United States of America.

Members Present:

CJ Norris, Chair; Riley Kiessling, Vice Chair; Mike Marr, Secretary; Fred Sheridan, Ed Munson, and Helen Morse, Members; Corey Trinklein, Recording Secretary

Members Absent:

Motion by Marr, seconded by Sheridan to excuse Keith Jewel.

PASSED: Motion carried by unanimous voice vote

Others Present:

Doug Piggott, Planner for Rowe Professional Services & Adam Flory, Township Attorney. Seventeen people were in attendance at this meeting.

Approval of Meeting Minutes March 15, 2021 Regular Planning Commission Meeting Minutes:

Motion by Marr, seconded by Kiessling to approve the March 15, 2021 Regular Planning Commission Meeting Minutes as presented

PASSED: Motion carried by unanimous voice vote

Public Hearing-Amendment to Birch Run Speedway & Event Center Special Land Use Permit:

- i. Public Hearing for a request to amend the special land use permit for the Birch Run Speedway & Event Center opened at 7:05 pm
- ii. Notification Requirements were met in the Birch Run/Bridgeport Herald April 21, 2021
- iii. Applicant presentation – Frederick M. Lynch presented requested amendments (Attachment A)
- iv. ROWE provided comments regarding application deficiencies and revisions (Attachment B)
- v. Public Comments/Correspondence:
The following audience members made comments on the issue: Jeanne Day – 9115 Canada Rd.; Mitch Jekel – 8050 Woodhall; Beth Wickwire – Attorney for Braun Kendrick; Mike Braun – 10835 S. Beyer Rd.; Richard Reed – 8560 Canada Rd.; Mark Major – 8782 Canada Rd.; Barb Schultz – 9454 Downing Rd.; Cindy Major – 8782 Canada Rd.; Karla Mishler – 9160 Canada Rd.; Karen Stafford – 8960 Canada Rd.
In addition, there were 13 letters received prior to the meeting which were reviewed by the Planning Commission. Since the letters all contained the same information, just signed by different people, Member Mike Marr read one of the letters out loud to everyone. (Attachment C)
- vi. Public Hearing closed at 7:54 pm
- vii. Motion by Norris, seconded by Marr to open a special meeting at 7:55 pm
PASSED: Motion carried by unanimous voice vote
- viii. Planning Commission Discussion and Recommendation

Motion by Marr supported by Sheridan to allow overnight camping to race teams that travel more than 50 miles to the racetrack, camping to be inside the racetrack walls, no campfires allowed, no noise allowed that will disturb local residents, and camping only allowed one night and only on a Friday or Saturday night.

Ayes: Marr, Sheridan, Morse, Kiessling, Munson, Norris

Nays: None

PASSED: Motion carried by unanimous roll call vote

Motion by Marr supported by Sheridan to approve the application for a temporary Special Land Use Permit for 5 outdoor concerts annually. The five outdoor concerts are subject to all previous conditions

associated with the previous Special Land Use Permit permitting the concerts. Further, the concerts may not unreasonably interfere with the ability of neighboring property owners or residents to use and enjoy their property. The Birch Run Township Planning Commission retains the authority and jurisdiction over this matter to review the Applicant's compliance with the Special Land Use Permit and if necessary, conduct any necessary hearing(s)/meeting(s) to determine the Applicant's compliance with the SLUP. If the Township determines that the Applicant has not complied with the terms of the SLUP, the Township may revoke the SLUP this is temporary for three years only.

Ayes: Sheridan, Morse, Kiessling, Munson, Norris, Marr

Nays: None

PASSED: Motion carried by unanimous roll call vote

Motion by Sheridan supported by Kiessling to allow the ability to host the Christmas light display and the Halloween Haunted Houses and Trails Display, neither one to start prior to three weeks before the holiday, on weekends only with an ending time of 11:00pm, and all events must conform to the requirements of section 14.21 of the Zoning Ordinance.

Ayes: Morse, Kiessling, Munson, Norris, Sheridan

Nays: Marr

PASSED: Motion carried by roll call vote five to one

Motion by Sheridan supported by Munson to permit non-racing engineering companies to rent the track to test their products with the following conditions: Monday through Thursday only; no open exhaust; only allowed to use the facility from 10:00am to 5:00pm with track time limited to 12:00pm to 5:00pm.

Ayes: Morse, Kiessling, Munson, Norris, Marr, Sheridan

Nays: None

PASSED: Motion carried by unanimous roll call vote

Motion by Sheridan supported by Morse to allow on a permanent basis the ability to conduct a Trunk and Treat Event; to host six comedy nights; to host six cook-off events such as chili and/or barbeque competition events; to host competition events such as cornhole leagues weekly, one night a week, typically on Thursday for 12 consecutive weeks per year and no more than 12 in a year; to host six cornhole tournaments; and to host graduation ceremonies; and all events must conform to the requirements of section 14.21 of the Zoning Ordinance.

Ayes: Kiessling, Munson, Norris, Sheridan, Morse

Nays: Marr

PASSED: Motion carried by roll call vote five to one

Motion by Sheridan supported by Marr to deny the request for allowing the ability to operate for 365 days a year.

Ayes: Norris, Marr, Sheridan, Morse, Kiessling, Munson

Nays: None

PASSED: Motion carried by unanimous roll call vote

The racetrack special meeting was closed at 8:46 pm.

Old Business:

Old business will be discussed at the June 21, 2021 Regular Meeting

Mike Marr asked ROWE if they will be ready to close out the Master Plan at the next regular Planning Commission meeting. Mike also asked ROWE to provide straight forward language that a Special Land Use Permit can be taken away if it has been violated.

Open Discussion for Issues not on the Agenda:

Public comments/correspondence received: No public comments were provided.

Reports:

Township Board Representative (Fred Sheridan): The Township Board directed the Planning Commission, who would like to have ROWE investigate the standing of recreational marijuana sale

facilities, checking with the State of Michigan on current legislation and rules and checking with other local municipalities who have approved facilities to see how the process is working.

Zoning Board of Appeals (ZBA) Rep. (Mike Marr): A meeting was held for the election of officers and appointing a recording secretary to take the minutes.

New Business:

Setting Public Hearing Dates: No public hearings are needed at this time

Other:

Planning Commission Meeting Dates for 2021/2022:

June 21, 2021 / September 20, 2021 / December 20, 2021 / March 21, 2022

Announcements:

Township Board Meeting – 2nd Tuesday of each month

Planning Commission Meeting – Quarterly (Next meeting June 21, 2021)

ZBA – Semi Annual - 3rd Tuesday of April and October

DDA – Meetings are held as needed (Next meeting June 9, 2021)

(All meetings are held in the Governmental Center unless noted)

Adjournment:

Motion by Sheridan, seconded by Munson to adjourn at 9:00 p.m.

Motion carried by unanimous voice vote

Minutes respectfully submitted by:

Recording Secretary Corey Trinklein

Mike Marr
Planning Commission Secretary

SIGN IN SHEET

PLANNING COMMISSION MEETING

Premium Outlets of Birch Run

12373 S Beyer Rd., Suite C-210

May 11, 2021

1. Mike & Lynette Braun
2. Theresa Dinkelman
3. Barbara Schultz
4. Karla Mishler
5. Jeanne Day
6. Cyndi Major
7. Dale Trimmer
8. Mark Major
9. Kurt W Kiessling
10. Richard Reed
11. Michelle Reed
12. Beth Wickwire
13. Karen Stafford
14. Scott Stafford
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____

Attachment A

Amended Proposal to SLUP for 10945 Dixie Hwy.

To promote prosperity in Birch Run Twp., Birch Run, and the surrounding area we are constantly seeking out ideas that will allow us to operate our business in a manner that is geared toward Family-oriented & Fun Entertainment. We also look to bring business to Birch Run to increase revenues for area stores, shops, pizza parlors, hotels, and restaurants alike. At the same time, we wish to be considered a good neighbor. Therefore, I would like to make an amendment to the proposal submitted to the Birch Run Township Planning Board.

We will be keeping our current Racing Schedule allotment of 26 Races and 26 Practices as is, no additional races or practices are requested. These races and practices will remain within the current calendar in accordance with the current Special Land Use Permit dated 2/18/2018. To clarify one point of the SLUP, we would like to affirm that the intent of overnight stays on property is for Drivers and Race Crews during racing events. Additionally, campfires are NOT permitted.

As it regards to the Event Center portion of our facility, we desire to operate our facility 365 days a year. Aside from the allotted number of racing and practice events, we are not requesting any additional racing events during the year. We appreciated the opportunity granted by the Temporary Special Use Permit which granted 5 Outdoor Concerts, annually, and would request that those be made part of the Permanent Special Land Use Permit.

Some may question what our intentions are for the 365 days of the year. We are looking for events that will be non-racing involved. For example, during the month of October we are looking at having events like Halloween Haunted Houses and Trails. For the past two years we have held a remarkably successful Trunk n' Treat event, the first year with the area Chamber of Commerce. This past year we had close to 2000 little ghosts, goblins, and superheroes pass through our gates. I believe we handed out close to 12,000 pieces of candy ourselves. During the month of December, we are working on plans to host Christmas light displays for families to visit and enjoy. Santa Claus, elves, holiday cheer and fun for the whole family, the essential goal of our organization. We have been approached by Non-Racing, engineering companies to come out and test their products. They need to test their products in a controlled environment that is not open to public viewing. An advertising company wanted to shoot a commercial for their heating and cooling client. Comedy nights are a fun way that people can laugh and have fun. Another event is a Chili cook-off for which we hope will benefit the Food Bank of Eastern Michigan. We hope to entice at least 50 professional and amateur chefs to don their aprons and show off their Chili skills in an event that will help area families dependent upon the Food Bank of Eastern Michigan. We have reached out to the Birch Run Visitors and Convention Bureau to seek out interest in other social events that will help draw people to Birch Run to Shop, Eat, Stay, & Play. Food Events, Corn Hole Leagues and Tournaments, Charity events, and other such events draw a different crowd than those that currently know and understand the

benefits that the BRSEC has to offer. We hosted two outdoor Graduation Ceremonies and look forward to accommodating any organization that needs a venue that benefits the greater good of the community. These are but a few of the countless, non-racing, low noise events that we would like to host during the year, and we are seeking the opportunity to operate and host events like these, events that create a fun, entertaining atmosphere that is safe for people to attend, outdoors, socially distant, and exciting.

Thank you, and at this time I invite any questions that you may have.

Attachment B



ROWE PROFESSIONAL SERVICES COMPANY

Large Firm Resources. Personal Attention.™

March 22, 2021

Mr. Mike Setzer, Zoning Administrator
Birch Run Township
8425 Main Street
PO Box 152
Birch Run, MI 48415

RE: Proposed Amendments to Special Land Use for Birch Run Speedway (109945 Dixie Highway)

Dear Mr. Setzer:

The Birch Run Speedway was granted a Special Land Use Permit (SLUP) for “Outdoor Entertainment and Events,” in 2018. This Special Land Use Permit was further amended in 2019. Attached is a list of the uses allowed at the speedway under the current permit. The facility is also allowed to undertake races and race car practices under a previous SLUP granted in 2002. This SLUP exists separately from the 2018 SLUP and the property is permitted to operate events in compliance with both simultaneously. This 2002 SLUP provides site development restrictions to the thoroughfare, requires a 200-foot transition strip between any of the uses granted and neighboring residential property, a minimum 100-yard setback between all uses, and a mandatory 8-foot-high screen fence surrounding any race track or drive-in theater. In addition, the 2002 SLUP restricts the speedway to an operating scheduling as follows:

- April 1 through October 31;
- Racing events shall be scheduled on Fridays or Saturdays and will not exceed 26 dates per year, including one (1) Sunday per month and will typically be scheduled from 3:00 p.m. to 11:30 p.m., with the understanding that unforeseen delays will unintentionally lengthen racing programs. Sunday events will not commence before 12:00 noon;
- rained out events may be rescheduled at the discretion of the speedway, adhering to the regular schedule;
- practice days may not exceed one (1) per week and should be scheduled no earlier than 1:30 p.m. and not later than 7:30 p.m.;
- Additional race dates may be allowed upon approval of the Birch Run Township Planning Commission.

Last fall, the township received a request from the speedway to amend the 2018 SLUP. We completed a preliminary review and identified missing information that is required under Section 14.21 of the Zoning Ordinance. This section requires applications for outdoor entertainment and events’ special use permits to include the following information:

- A description of the range of activities proposed,
- number of events a year,
- hours of operation and days of the week the activities are proposed to be undertaken,
- emergency services necessary based on the anticipated number of participants,
- water supply and facilities,
- toilet facilities,
- camping and trailer facilities,
- noise control and abatement,
- facilities for cleanup and waste disposal,

- insurance and bonding arrangements,
- and reviews of the proposed plans by the Township Fire Chief and Police Department.

We prepared an analysis of the revised request in September 2020. The public hearing for the request was then delayed due to COVID 19 restrictions. The applicant then submitted another revision to their request earlier this year. It eliminated all of the additional racing events proposed by their earlier set of amendment proposals, a request to change the five concerts a year they were granted on a temporary basis to a permanent part of the SLUP. They are also requesting renewal of their previous temporary approval for two monster truck events on a temporary basis. They are also requesting clarification of the types of non-racing events allowed under the SLUP without needing annual approval.

Below is our analysis of the request based on the information provided in the revised application sent via e-mail. These amendments are in addition to what is currently approved as part of their SLUP.

In summary, the proposed amendments are:

Concerts: Under the current SLUP, the speedway is limited to five (5) concerts a year and the use of the property for this purpose is subject to annual review by the Planning Commission. On March 5, 2019, the Planning Commission made a motion to permit up to five (5) concerts during the calendar year and a third-party vendor must conduct three decibel tests to ensure the average decibel level recorded and the highest decibel level recorded will not exceed reasonable standards. The applicant is requesting the requirement for annual approval be removed and that it be a permanent part of the SLUP.

Monster Truck Shows: Previously they were permitted two (2) monster truck shows by temporary SUP. These shows were required to finish by 10:30 p.m. and were limited to an enclosed portion of facility only, not on the racetrack, and were required to comply with local ordinances including the noise ordinance. The applicant requests a renewal of this temporary approval for 2021.

Clarification of on-site camping: The applicant is requesting clarification regarding overnight stays. They want it clarified whether or not that applies only to drivers and race crews during racing events. Additionally, that campfires are NOT permitted.

Non-racing events: The applicant is requesting clarification on the range of non-racing activities that can be held at their facility. They note in their application a wide range of potential events they would like to market their facility including Fall/Halloween oriented activities, Christmas holiday events, comedy nights, "charity events" such as a chili cook-off, food events, and gatherings such as corn hole leagues and tournaments. Miscellaneous activities they mention include the use of the facility (track) for non-racing, engineering companies to come out and test their products and use of the property to shoot a commercial. Currently, the SLUP lists a range of activities that are permitted, including weddings, private parties, car / bike shows, swap meets / markets, auctions, 4-H events / animal shows, school / youth educational and entertainment events, team building functions, and church functions. Fireworks and festivals / carnivals were explicitly prohibited under previous requests. The applicant has not proposed any standards for these activities such as maximum number of occurrences a year, days of the week, or hours of operation.

The following are special performance standards outlined in the zoning ordinance for Outdoor Entertainment and Event:

1. The Planning Commission may impose limits on the operation necessary to ensure compatibility with the surrounding land uses and to mitigate off-site impacts. Conditions may include the limit on the frequency of a particular activity and the operations hours of operation.
2. The Planning Commission's approval shall include limits on the range and frequency of activities. Any

Mr. Mike Setzer, Zoning Administrator

March 22, 2021

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increase in the range or frequency of activities or any other condition of approval will require amendment to the Special Use approval.

3. It is the intention of this provision to require approval once, except for changes to the original approval noted in item 2 above. It is not intended to require re-approval every time an activity occurs. However, the Special Use approval may be withdrawn if the applicant fails to comply with the requirements of their approval or of this ordinance.
4. In the case of proposed uses whose potential impact is unclear, the Planning Commission may as an option to amending a Special Use approval to add a use, approve the use as a one-time temporary use, using the conditions and standards in Section 20.18 Temporary Non-Residential Uses and Structures.
5. Permanent or temporary toilet facilities are required at a rate of 1 per 150 persons based on the maximum attendance permitted at any point in time during the event.

We recommend that you provide a report to the township of any complaints received on the speedway's operation in 2018 and 2019, particularly with regard to concerts and overnight stays.

In considering whether to approve the proposed amendments, keep in mind that the Planning Commission can choose to approve some but not all of the requested amendments. It may also choose to add conditions to any of the uses proposed to be added or amended. Since the 2018 SLUP was approved with corresponding site plans, the applicant does not need to provide any updated site plans.

If you have any questions regarding this review, please contact our corporate office at (810) 341-7500.

Sincerely,
ROWE Professional Services Company

A handwritten signature in black ink that reads "Doug Piggott" with "AICR" written in smaller letters below the name.

Doug Piggott, AICR
Senior Planner

Attachments: Current Uses Permitted
SLUP Checklist

Birch Run Township Special Land Use Standards for Approval of Site Plan (Sec. 5.06) PROJECT: Birch Run Speedway, 109945 Dixie Hwy SITE PLAN DATE: N/A				
STANDARDS		Does Site Meet Requirements?		
		Yes	No	N/A
1. Be harmonious with and in accordance with the Master Plan of the Township.				
COMMENTS/FINDINGS OF FACT: <i>The future land use classification for the subject parcel is low density single family residential. An existing commercial use (race track) zoned C-1.</i>				
Applicants Comments:	Zoning Administrators Comments: <i>The existing use and zoning district is commercial, which conflicts with the future land use classification intended for the subject parcel to be low density single family residential. It would appear that the plan's intention is to maintain the general area as residential, which would indicate that any expansion in the intensity of the commercial use would be inconsistent with the plan.</i>	Planning Commission Comments:		
2. Be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.				
COMMENTS/FINDINGS OF FACT: <i>The site is an existing commercial use (race track) zoned C-1.</i>				
Applicants Comments:	Zoning Administrators Comments: <i>The current zoning ordinance was amended to allow for outdoor entertainment uses to be considered by SLU specifically in response to the request by Birch Run Speedway to have flexibility in development of the other outdoor uses of the facility <u>consistent with the surrounding area.</u></i>	Planning Commission Comments:		

<p>3. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to:</p> <ul style="list-style-type: none"> a. The bulk, placement, and materials of construction of proposed structures. b. Pedestrian and vehicular circulation. c. The location of vehicular use or parking areas. 			
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COMMENTS/FINDINGS OF FACT:
Surrounding land uses are residential housing and agricultural land. Surrounding zoning districts include commercial to the south, agricultural to the east and north, manufactured housing and residential 2 to the west.

<p>Applicants Comments:</p>	<p>Zoning Administrators Comments: <i>The current development does not appear to meet frontage landscaping requirements to better match the frontage of other developments along Dixie Highway.</i> <i>The proposed parking lot does not appear to have any designated pedestrian walkways in the parking lot area or outside of building.</i></p>	<p>Planning Commission Comments:</p>
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<p>4. Not be hazardous or disturbing to existing or future uses in the same general vicinity.</p>			
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COMMENTS/FINDINGS OF FACT:
The property is an existing racetrack use and outdoor event center, but the proposed SLU amendment would add additional potential uses such as racing practice, racing events, mud bogs and extended holiday events.

<p>Applicants Comments:</p>	<p>Zoning Administrators Comments: <i>It is unclear if the proposed additional uses would individually cause more disturbance to neighbors more so than the existing racetrack. The issue is the frequency of all these events, the hours of the events, and the general characteristics of them.</i> <i>There is the potential for traffic, noise, and other minor disturbances to same vicinity.</i></p>	<p>Planning Commission Comments:</p>
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STANDARDS		Does Site Meet Requirements?		
		Yes	No	N/A
5. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties.				
COMMENTS/FINDINGS OF FACT: <i>There is an existing facility (racetrack /event center) that does not appear to be proposing any additional public facilities or services.</i>				
Applicants Comments:	Zoning Administrators Comments: <i>It does not appear any additional public facilities and services are being requested, but if the proposed uses result in an increase in traffic to the venue an availability for patrons of the event may increase the traffic flow of Dixie Highway or the only proposed driveway onto Dixie Highway.</i>	Planning Commission Comments:		
6. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.				
COMMENTS/FINDINGS OF FACT: <i>The property is an existing racetrack and event center and does not propose to change that use, but add additional potential uses and extend the season of existing uses including racing events and practice events.</i>				
Applicants Comments:	Zoning Administrators Comments: <i>It does not appear that the proposed use individually would cause an excessive amount of traffic, noise, smoke, fumes, glare, or odors; however, the applicant is requesting to expand the range of uses allowed which may result in creating an increased amount of traffic, noise, or odors.</i>	Planning Commission Comments:		
7. Not create excessive additional requirements at public cost for public facilities and services.				
COMMENTS/FINDINGS OF FACT: <i>There is an existing facility (racetrack and event center) that does not appear to be proposing any additional public facilities or services.</i>				
Applicants Comments:	Zoning Administrators Comments: <i>It is unclear if additional traffic and other public services will be adequate for the increase of potential patrons to the venue and frequency of events.</i>	Planning Commission Comments:		

SAMPLE MOTIONS

Sample Motion to Approve:

In making a motion it is important to remember:

- ✓ The Planning Commission can make separate motions to deny some portions of the request and another to approve others.
- ✓ The motion should include findings of facts that serve as the basis for showing compliance with the standards for approval of a SLU listed above
- ✓ The uses being asked to be added or re-authorized are:
 - 10 motorized Racing Events in March-April and October-November
 - 5 Concerts – Reauthorization and increase from 5 allowed in 2019
 - 2 Monster Truck Shows – Reauthorization, same number as in 2019
 - ? Extended Day Holiday Events
 - Clarification on other non-motorized events and uses of the facility
 - Clarification of the terms of use of the site for camping during racing events

Sample Motion to Approve:

I make a motion to approve the following uses as an amendment to the Birch Run Speedway and Event Center Special Land Use permit based on the following findings of fact: (Motion should address all standards for approval)

Uses Proposed to Be Approved:

- The uses would be harmonious and in accordance with the Master Plan of the Township because _____

- The uses would be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance because _____

- The uses will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed because _____

- The uses will not be hazardous or disturbing to existing or future uses in the same general vicinity because _____

- The uses will be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and

sewage facilities, and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties because _____

- The uses will not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors because _____
- The uses will not create excessive additional requirements at public cost for public facilities and services because _____

Further, in order to ensure compliance with these standards, the following conditions are part of my motion to approve: (Sample conditions)

- I include in the motion all of the conditions the applicant proposed for these uses in their application including any limits on hours of operation and times of the year.
- Approval for all of the uses is for one year only
- _____
- _____
- _____

Sample Motion to Disapprove:

I make a motion to disapprove the following uses as an amendment to the Birch Run Speedway and Event Center Special Land Use permit based on the following findings of fact: (in the case of disapproval the maker of the motion does not need to show that the use does not all of the standards of approval, but only the ones that apply)

Requested Uses Proposed to Be Disapproved:

- The uses would not be harmonious and in accordance with the Master Plan of the Township because _____
- The uses would not be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance because _____
- The uses will not be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed because _____

- The uses will be hazardous or disturbing to existing or future uses in the same general vicinity because _____

- The uses will not be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties because _____

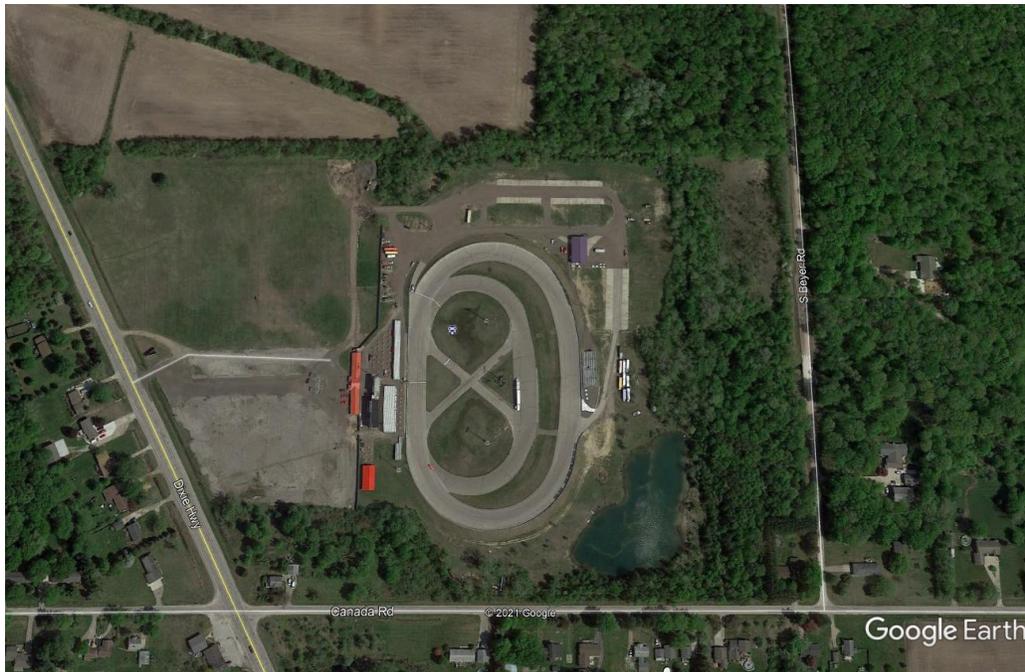
- The uses will involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors because _____

- The uses will create excessive additional requirements at public cost for public facilities and services because _____

Sample Motion to Postpone:

I make a motion to postpone the approval of the Special Land Use permit until the next regular meeting to provide the applicant with the opportunity to provide the following information.

- Information on _____ to verify compliance with _____



**Special Land Use Approval for Outdoor Entertainment and Events Birch Run Speedway and Event Center
Approved Birch Run Township Planning Commission 2019 and Request for 2021**

Description of Activity	Max Occurances*	Days	Hours of Operation*	Conditions
Racing (non-motorized)	10	Weekend	Finish by Dusk	Shall comply with local ordinances including noise ord.
Concerts	5 – Applicant is requesting increase to 15	Any	Finish by 11:00 pm	Allowed as a permanent part of their SLUP; In enclosed portion of facility only, not on race track, shall comply with local ordinances including noise ord. A third party vendor must assess the average peak volume to ensure compliance with noise standards.
Weddings	12	Any	Finish by 11:30 pm	In enclosed portion of facility only, not on race track, shall comply with local ordinances including noise ord.
Private parties	30	Any	Finish by 11:30 pm	In enclosed portion of facility only, not on race track, shall comply with local ordinances including noise ord.
Car/Bike Shows	12	Any	Finish by Dusk	Shall comply with local ordinances including noise ord.
Swap Meets / Markets	12	Any	Finish by Dusk	Shall comply with local ordinances including noise ord., operate in parking lot
Monster Truck Shows/Pulls	2 –	Weekend	Finish by 10:30 pm	Allowed by Temporary SUP; In enclosed portion of facility only, not on race track, shall comply with local ordinances including noise ord.
Auctions	12	Any	Finish by Dusk	In enclosed portion of facility only, not on race track, shall comply with local ordinances including noise ord.
4-H Events / Animal Shows	12	Any	Finish by Dusk	1-day events only, no use of pens, shall comply with local ordinances including noise ord.
School/Youth Educational & Entertainment	12	Any	Finish by Dusk	Shall comply with local ordinances including noise ord.
Team Building Functions	12	Any	Finish by Dusk	Shall comply with local ordinances including noise ord.
Fireworks Displays	NOT APPROVED			
Festivals / Carnivals	NOT APPROVED			
Church Services	6	Sunday	Sunday Mornings	Shall comply with local ordinances including noise ord.
Extended Day Holiday Events	All holidays	Thursday – Saturday and days leading up to holiday	Finish by 11 pm	May include wagon rides, walking trails Intention is an event that does have noise, odors, etc. leave the property
Non-Racing, engineering companies to come out and test their products				

**Special Land Use Approval for Outdoor Entertainment and Events Birch Run Speedway and Event Center
Approved Birch Run Township Planning Commission 2019 and Request for 2021**

Description of Activity	Max Occurances*	Days	Hours of Operation*	Conditions
Food Events, Corn Hole Leagues and Tournaments, Charity events, and other such events				
Comedy Nights				

*Occurrences = Days

The SLU approval does not cover the previous SLU approval for motorized racing and practice racing covered under a previous SLU approval. This allowed 26 race events plus no more than 1 practice day a week April 1 – October 31.

R:\sdsk\Proj\05c0295_Restored\Doc\Planning Commission\Special Land Use\Birch Run Speedway SUP Amendment 2020\Current Uses Permitted plus Request for 2021 - Revised March.docx

Birch Run Township Special Land Use Standards for Approval of Site Plan (Sec. 5.06) PROJECT: Birch Run Speedway, 109945 Dixie Hwy SITE PLAN DATE: N/A				
STANDARDS		Does Site Meet Requirements?		
		Yes	No	N/A
1. Be harmonious with and in accordance with the Master Plan of the Township.				
COMMENTS/FINDINGS OF FACT: <i>The future land use classification for the subject parcel is low density single family residential. An existing commercial use (race track) zoned C-1.</i>				
Applicants Comments:	Zoning Administrators Comments: <i>The existing use and zoning district is commercial, which conflicts with the future land use classification intended for the subject parcel to be low density single family residential. It would appear that the plan's intention is to maintain the general area as residential, which would indicate that any expansion in the intensity of the commercial use would be inconsistent with the plan.</i>	Planning Commission Comments:		
2. Be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.				
COMMENTS/FINDINGS OF FACT: <i>The site is an existing commercial use (race track) zoned C-1.</i>				
Applicants Comments:	Zoning Administrators Comments: <i>The current zoning ordinance was amended to allow for outdoor entertainment uses to be considered by SLU specifically in response to the request by Birch Run Speedway to have flexibility in development of the other outdoor uses of the facility <u>consistent with the surrounding area.</u></i>	Planning Commission Comments:		

<p>3. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to:</p> <ul style="list-style-type: none"> a. The bulk, placement, and materials of construction of proposed structures. b. Pedestrian and vehicular circulation. c. The location of vehicular use or parking areas. 			
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COMMENTS/FINDINGS OF FACT:
Surrounding land uses are residential housing and agricultural land. Surrounding zoning districts include commercial to the south, agricultural to the east and north, manufactured housing and residential 2 to the west.

<p>Applicants Comments:</p>	<p>Zoning Administrators Comments: <i>The current development does not appear to meet frontage landscaping requirements to better match the frontage of other developments along Dixie Highway.</i> <i>The proposed parking lot does not appear to have any designated pedestrian walkways in the parking lot area or outside of building.</i></p>	<p>Planning Commission Comments:</p>
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<p>4. Not be hazardous or disturbing to existing or future uses in the same general vicinity.</p>			
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COMMENTS/FINDINGS OF FACT:
The property is an existing racetrack use and outdoor event center, but the proposed SLU amendment would add additional potential uses such as racing practice, racing events, mud bogs and extended holiday events.

<p>Applicants Comments:</p>	<p>Zoning Administrators Comments: <i>It is unclear if the proposed additional uses would individually cause more disturbance to neighbors more so than the existing racetrack. The issue is the frequency of all these events, the hours of the events, and the general characteristics of them.</i> <i>There is the potential for traffic, noise, and other minor disturbances to same vicinity.</i></p>	<p>Planning Commission Comments:</p>
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STANDARDS		Does Site Meet Requirements?		
		Yes	No	N/A
5. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties.				
COMMENTS/FINDINGS OF FACT: <i>There is an existing facility (racetrack /event center) that does not appear to be proposing any additional public facilities or services.</i>				
Applicants Comments:	Zoning Administrators Comments: <i>It does not appear any additional public facilities and services are being requested, but if the proposed uses result in an increase in traffic to the venue an availability for patrons of the event may increase the traffic flow of Dixie Highway or the only proposed driveway onto Dixie Highway.</i>	Planning Commission Comments:		
6. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.				
COMMENTS/FINDINGS OF FACT: <i>The property is an existing racetrack and event center and does not propose to change that use, but add additional potential uses and extend the season of existing uses including racing events and practice events.</i>				
Applicants Comments:	Zoning Administrators Comments: <i>It does not appear that the proposed use individually would cause an excessive amount of traffic, noise, smoke, fumes, glare, or odors; however, the applicant is requesting to expand the range of uses allowed which may result in creating an increased amount of traffic, noise, or odors.</i>	Planning Commission Comments:		
7. Not create excessive additional requirements at public cost for public facilities and services.				
COMMENTS/FINDINGS OF FACT: <i>There is an existing facility (racetrack and event center) that does not appear to be proposing any additional public facilities or services.</i>				
Applicants Comments:	Zoning Administrators Comments: <i>It is unclear if additional traffic and other public services will be adequate for the increase of potential patrons to the venue and frequency of events.</i>	Planning Commission Comments:		

SAMPLE MOTIONS

Sample Motion to Approve:

In making a motion it is important to remember:

- ✓ The Planning Commission can make separate motions to deny some portions of the request and another to approve others.
- ✓ The motion should include findings of facts that serve as the basis for showing compliance with the standards for approval of a SLU listed above
- ✓ The uses being asked to be added or re-authorized are:
 - 10 motorized Racing Events in March-April and October-November
 - 5 Concerts – Reauthorization and increase from 5 allowed in 2019
 - 2 Monster Truck Shows – Reauthorization, same number as in 2019
 - ? Extended Day Holiday Events
 - Clarification on other non-motorized events and uses of the facility
 - Clarification of the terms of use of the site for camping during racing events

Sample Motion to Approve:

I make a motion to approve the following uses as an amendment to the Birch Run Speedway and Event Center Special Land Use permit based on the following findings of fact: (Motion should address all standards for approval)

Uses Proposed to Be Approved:

- The uses would be harmonious and in accordance with the Master Plan of the Township because _____

- The uses would be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance because _____

- The uses will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed because _____

- The uses will not be hazardous or disturbing to existing or future uses in the same general vicinity because _____

- The uses will be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and

sewage facilities, and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties because _____

- The uses will not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors because _____
- The uses will not create excessive additional requirements at public cost for public facilities and services because _____

Further, in order to ensure compliance with these standards, the following conditions are part of my motion to approve: (Sample conditions)

- I include in the motion all of the conditions the applicant proposed for these uses in their application including any limits on hours of operation and times of the year.
- Approval for all of the uses is for one year only
- _____
- _____
- _____

Sample Motion to Disapprove:

I make a motion to disapprove the following uses as an amendment to the Birch Run Speedway and Event Center Special Land Use permit based on the following findings of fact: (in the case of disapproval the maker of the motion does not need to show that the use does not all of the standards of approval, but only the ones that apply)

Requested Uses Proposed to Be Disapproved:

- The uses would not be harmonious and in accordance with the Master Plan of the Township because _____
- The uses would not be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance because _____
- The uses will not be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed because _____

- The uses will be hazardous or disturbing to existing or future uses in the same general vicinity because _____

- The uses will not be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties because _____

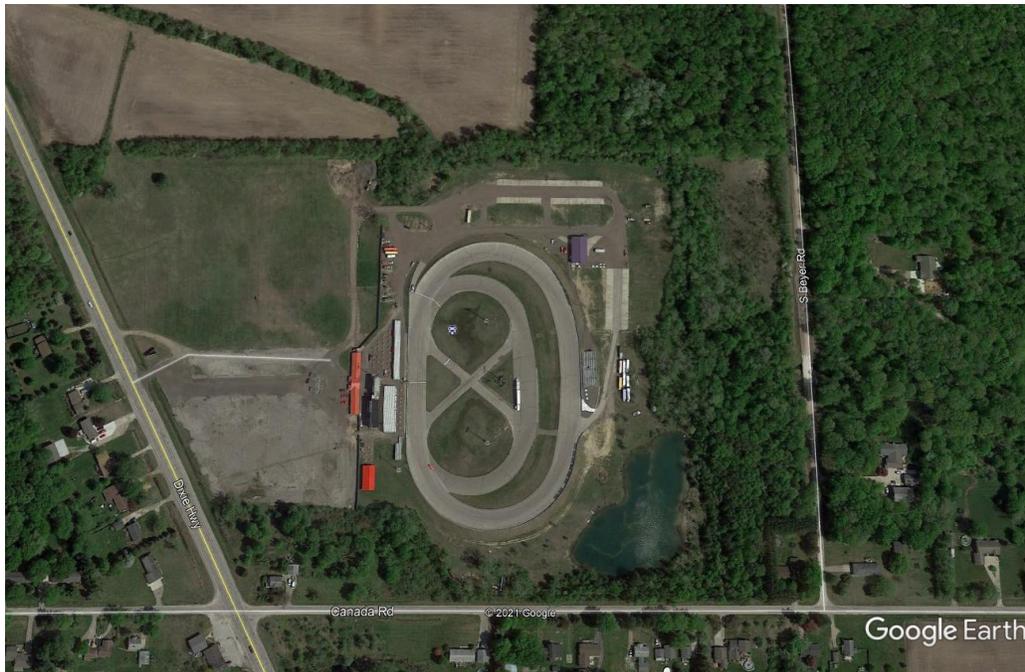
- The uses will involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors because _____

- The uses will create excessive additional requirements at public cost for public facilities and services because _____

Sample Motion to Postpone:

I make a motion to postpone the approval of the Special Land Use permit until the next regular meeting to provide the applicant with the opportunity to provide the following information.

- Information on _____ to verify compliance with _____



Attachment C

April 26, 2021

Birch Run Planning Commission

I am writing this letter in response to the many proposed uses outlined in the Planning Commission Public Hearing Notice for May 11. For many years the neighbors around the racetrack have repeatedly voiced their concern about the increased noise and erratic scheduling of events held at the racetrack. Over this time both the neighborhood and members of the Planning Commission and Township have witnessed the true nature of the racetrack's manager Fred Lynch. I think it's safe to say we can all agree that "if you give Fred an inch, he will take a mile". Practices have turned into "paid private events" to skirt around the usage limits outlined in the racetrack's Special Use Permit. Multiple times members of the neighborhood met with Andy Suski and Fred Lynch to try and work out our differences only to receive misleading statements and false promises. So it is with a high degree of caution that we should consider each of these proposed uses.

While there are many proposed requests listed, there are some that I am opposed to and some that seem like a good fit as long as there are assurances of certain limitations that should be applied. Proposed uses that I am opposed to include:

- Ability to operate the "Event Center" 365 days a year. The increased traffic, dust and glare from traffic leaving the racetrack, especially in the evening would be incredibly disturbing and annoying.
- Ability to permit non-racing, engineering companies to rent the track. This is another way for the racetrack to skirt around the limitations of their Special Use Permit. What defines a "non-racing, engineering firm"? I am sure the definition will end up being very broad and ever changing – could be a couple buddies with a hotrod they own. There have been two primary issues the neighbors have complained of since Andy Suski started operating the racetrack, excessive noise and scheduling. Approving this would increase the frequency of noise producing events and there is no limit on the amount of noise these "engineering" firms might produce. What if they wanted to test jet or rocket engines? **Any use of the racetrack by a motorized vehicle should comply by the terms and conditions of the existing Special Use Permit.**
- Permit Overnight stays for racers. There are plenty of hotels within a short distance of the racetrack that can accommodate this type of overnight stay. Why should they need to stay here? Nothing good happens after midnight. Many neighbors have previously expressed their concerns to the Planning Commission about their safety related to overnight camping and the Planning Commission voted against this.
- Permanent Special Use Permit for 5 concerts. While I am not opposed to concerts, I am opposed to concerts that are so loud my windows vibrate or I can't carry on an outdoor

conversation on my property. It should not be unreasonable to require a decibel limit as a condition for the operation of any future outdoor concert held at the racetrack.

- Christmas Light Display. Size and brightness of displays? Loud music as part of the display? Could we see a three-story Christmas Tree lit up all night? Are we going to see rows of cars along Dixie highway lit up with bright flashing lights? Will the lights be required to be turned off? When? When will this display be allowed to start and when will it end? Will the racetrack be required to take down the display when not allowed to operate, or will this stay up all year around? Remember, "if you give Fred an inch, he will take a mile". While this light display seems nice and innocent there is a lot here that can go wrong and if history is a judge, it probably will unless this comes with detailed limitations.
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- Ability to host graduation ceremonies. Again, this has already taken place. What is the intent of asking for this now?



Signed



Address

April 26, 2021

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Matt + Tracey Gibson
Signed

9060 Downing Rd Birch Run
Address

April 26, 2021

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Signed

Address

 
8960 Canada Road Birch Run 48415

April 26, 2021

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Address

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Barbara & Gregory Schultz

Signed

9454 Downing Rd Birch Run MI

Address

48415

April 26, 2021

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Address



9134 Downing RD Birch Run, MI 48415

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Mark Major Cyndi Major
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Janeth M. Bennett
Signed Mr. Pucki is going TOO FAST TOO SOON
may be choose love of God & neighbor like Pres. Bid
because only good deeds go to Heaven with
865-1 Canada We need less income & MORE out go!
Address 2 doors W. off All the neighbors are NICE on Canada
Dixie. WAY TOO close! & the W. side of Dixie. NOT SO on the

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Timothy J. Miller & Lucy Libbey 4-30-2021
6555 Duckwing Rd

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Keela C. Milder

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I am writing this letter in response to the many proposed uses outlined in the Planning Commission Public Hearing Notice for May 11. For many years the neighbors around the racetrack have repeatedly voiced their concern about the increased noise and erratic scheduling of events held at the racetrack. Over this time both the neighborhood and members of the Planning Commission and Township have witnessed the true nature of the racetrack's manager Fred Lynch. I think it's safe to say we can all agree that "if you give Fred an inch, he will take a mile". Practices have turned into "paid private events" to skirt around the usage limits outlined in the racetrack's Special Use Permit. Multiple times members of the neighborhood met with Andy Suski and Fred Lynch to try and work out our differences only to receive misleading statements and false promises. So it is with a high degree of caution that we should consider each of these proposed uses.

While there are many proposed requests listed, there are some that I am opposed to and some that seem like a good fit as long as there are assurances of certain limitations that should be applied. Proposed uses that I am opposed to include:

- Ability to operate the "Event Center" 365 days a year. The increased traffic, dust and glare from traffic leaving the racetrack, especially in the evening would be incredibly disturbing and annoying.
- Ability to permit non-racing, engineering companies to rent the track. This is another way for the racetrack to skirt around the limitations of their Special Use Permit. What defines a "non-racing, engineering firm"? I am sure the definition will end up being very broad and ever changing – could be a couple buddies with a hotrod they own. There have been two primary issues the neighbors have complained of since Andy Suski started operating the racetrack, excessive noise and scheduling. Approving this would increase the frequency of noise producing events and there is no limit on the amount of noise these "engineering" firms might produce. What if they wanted to test jet or rocket engines? **Any use of the racetrack by a motorized vehicle should comply by the terms and conditions of the existing Special Use Permit.**
- Permit Overnight stays for racers. There are plenty of hotels within a short distance of the racetrack that can accommodate this type of overnight stay. Why should they need to stay here? Nothing good happens after midnight. Many neighbors have previously expressed their concerns to the Planning Commission about their safety related to overnight camping and the Planning Commission voted against this.
- Permanent Special Use Permit for 5 concerts. While I am not opposed to concerts, I am opposed to concerts that are so loud my windows vibrate or I can't carry on an outdoor

conversation on my property. It should not be unreasonable to require a decibel limit as a condition for the operation of any future outdoor concert held at the racetrack.

- Christmas Light Display. Size and brightness of displays? Loud music as part of the display? Could we see a three-story Christmas Tree lit up all night? Are we going to see rows of cars along Dixie highway lit up with bright flashing lights? Will the lights be required to be turned off? When? When will this display be allowed to start and when will it end? Will the racetrack be required to take down the display when not allowed to operate, or will this stay up all year around? Remember, "if you give Fred an inch, he will take a mile". While this light display seems nice and innocent there is a lot here that can go wrong and if history is a judge, it probably will unless this comes with detailed limitations.
- Ability to host a Halloween Haunted House and Trails. Haunted trails normally come with scary noises. There needs to be a limit on the amount of noise that something like this can produce. Many neighbors live very close to the racetrack – what about flashing lights? What about safety? Since this is likely to occur in the evening when its dark, how will you ensure the safety of neighbors from attendees that knowingly stray off the trail? The racetrack couldn't ensure the safety of attendees during the day at Bridgefest, how do you expect them to ensure the safety of both attendees and neighbors when its dark? This proposed use mentions Haunted Houses – are we allowing the construction of houses? How big? Is it permanent? How many? Again, this seems like a nice concept but the racetrack's past actions seems to warrant much caution.

The following proposed uses appear to be fine:

- Ability to conduct Trunk and Treat event. The racetrack in conjunction with the Chamber of Commerce is already doing this? What is the intent of asking for this now?
- Ability to host Comedy Nights. Again, they are already doing this. What is the intent of asking for this now?
- Ability to host cook-off events.
- Ability to host competition events such as Cornhole. Fine with Cornhole, but what else falls under "competition events"? Recall, that practices have turned into paid private events!
- Ability to host graduation ceremonies. Again, this has already taken place. What is the intent of asking for this now?

Signed

Address

Joan Nesner

10864 Dixie Hwy B.R.

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