

**Birch Run Township**  
**Planning Commission**  
**Minutes**

**Special Meeting**

**25 Sep 2002**

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**Members Present**

Jaime Trevino  
Bob Scharrer  
Mike Marr  
Alan Hunter

Jeff Putnam  
James Totten  
Wyn Wilson

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Meeting called to order by Chairman Al Hunter at 7:00 PM.

Quorum was present.

23 members of the public were in the audience.

Al hunter instructed the members of the public on the procedures of a public hearing.

Public Hearing was opened at 7:07 PM.

The hearing was opened with comments from Mike Kern, owner of the racetrack.

- Has owned racetrack since 1996.
- He is a full time racetrack operator. This is his career, how he makes a living. The racetrack needs to be profitable. In order to be profitable he must schedule more events or build a bigger racetrack.
- The racetrack is an asset to the community, bringing in people who also visit other businesses. Form of entertainment for the community.
- He is trying to be a positive member of the community and a good neighbor.

Al Hunter presented a packet to the planning commission members as presented by members of the public. Wyn Wilson read the packet as presented as "Potential Violations".

Al Hunter asked for members of the public who wished to speak in favor of the racetrack. No members responded.

Public Comment - Opposition:

- Pond concerns, no fencing, kids play in the area.
- Quality of life has gone down. When homes were built, racing was one time per week; now it is three times per week.
- Requested that all on planning commission walk the track. Fence is only 5' high and the burm is higher than the fence. See how close the track will be from everyones yard.
- Reminded planning commission that racetrack is a non-conforming use.
- Traffic concerns. There will be more traffic.
- Township should have a noise ordinance. Racetrack should not operate over a 100 DB level.
- Planning Commission was asked to delay vote.

- Special Use permit for the pond was discussed and possible violations that have not been addressed such as: fencing, dirt was used for expansion purpose, hours of work for digging of pond was violated.
- Test trials during the week.
- Expansion has already occurred.
- Trash in yards.
- Sand based entrance/exit. Gets on houses and cars.
- Safety issues, someone is going to get hurt. People come out of racetrack going at high speeds.
- Court order was discussed, hours of operation.
- Racetrack is being called a 7/16 track because the owner knows there is a lawsuit against a 1/2 mile racetrack.
- Neighbors cannot enjoy their backyards April - September because of the noise. Even inside the house the noise is extremely loud.
- Planning commission was asked to investigate the 100 DB limit.

#### Public Comment - Proponents:

- Owners try to have people out by 12:15 - 12:30 p.m. out of respect for neighbors. Intermission was done away with to get people out earlier.
- A conscious decision was made against a 1/2 mile racetrack because it is too fast.
- There is no noise ordinance in Birch Run Township, not breaking any noise ordinance law.
- Nothing has been received from the DEQ in reference to the pond. Owner came in front of the planning commission for a special use permit for the pond.
- Banking will help the noise level decrease.

Public Comments closed at 7:50 p.m.

#### Discussion and questions of Planning Commission in regards to Special Use Permit 2002-03.

- Operational schedule. Planning Commission does not have authority to set times of operation.
- Noise buffering. No noise ordinance currently in effect.
- Fencing must be a minimum of 8' in height around the entire operational area of racetrack.
- Retaining walls to follow entire perimeter of track 40" high, 8500 lbs each, pinned together and back filled with earth, as stated by Mike Kern.
- Letter from fire chief Jim Letterman read to public in regards to having an additional entrance/exit into speedway for emergency personnel.
- Advocate engineering letter read in regards to storm water outlets. Existing 6" and 8" outlets into the half moon drain from the site is far less than the allowable storm water discharge.
- Traffic patterns discussed.
- Closed in, solid fence must be painted and kept up.
- Maintenance of acceleration and deceleration lanes.
- Banking was discussed and the potential of noise buffering.
- Ingress and Egress lanes were discussed.
- How close is the track from the adjacent houses? 240' approximately from right of way. Property to the east? 500'.

Al Hunter: The Dixie Motor Speedway currently operates as a legal non-conforming use. It is not the intent of the ordinance or the township to cease operations. Restrictions apply. The request for the special use permit makes the Dixie Motor Speedway fully in compliance with the ordinance.

Al Hunter asks Mike Kern: do you want to operate on that basis.

Mike Kern: Yes.

Jim Totten read from the ordinance book 1614(A) and (B) 1-2

Summer operating schedule discussed.

Mike Kern states operating schedule as such:  
Last weekend of April through mid September;  
Friday 4:00 p.m. - 11:30 p.m. target is 11:00 p.m.

2-3 Sundays per season. May open at 12:00 p.m. or 2:00 p.m. and start race at 4:00 p.m. or 6:00 p.m.

Practice on Wednesdays 12:00p.m. - 6:00 p.m.

Bob Scharrer: Are we going to say anything about scheduling at all?

Al Hunter: I don't think that we are going to get away with trying to control the business mans schedule. I'm not an attorney and I'm not wise in those areas. I think that we are overstepping the boundaries and certainly overstepping the request.

Jaime Trevino: Does anyone check on you in regards to the 100 DB level a couple of times a year?

Mike Kern: No.

Al Hunter: the noise buffering is addressed in sub paragraph 4 in the article and anything in the ordinance that pertains to that you must comply with. If you do not for any reason, without getting an exemption from the township, the permit could be pulled.

Motion by Wilson/supported by Scharrer: "to approve Special Use Permit 2002-03 with the condition that fencing around the entire operational area is a minimum of 8' in height."

Yeas: Scharrer, Trevino, Hunter, Wilson, Totten

Nays: Putnam

Motion passed: 5 - 1 - 0

#### Site Plan Review:

- Lighting. To be addressed through variance with ZBA.
- Fencing around entire operational area.
- Pond needs to be finished with slopes and escape ramps. Was not completed due to expiration of special use permit time limit expiration of one-year. Weather prevented owner to complete the pond in the one year time limit. Owner was told to stop by zoning administrator due to expiration of time. Pond filled with water and has no escape ramps.
- Soil erosion and erosion control was addressed.

Motion by Totten/supported by Wilson: "to approve site plan for Dixie Motor Speedway as presented."

Wyn Wilson states for the record: "The pond needs to be completed".

Al Hunter states: "The pond is a separate issue".

Yeas: Scharrer, Totten, Wilson, Trevino, Hunter

Nays: Putnam

Motion passed: 5 - 1 - 0

Motion to adjourn by Trevino/supported by Putnam.

Yeas: Trevino, Scharrer, Hunter, Putnam, Totten, Wilson

Nays: None

Motion passed: 6 - 0 - 0

Meeting adjourned

Respectfully submitted:

  
Alan J. Hunter  
Chairman

Approved:

10-28-02

*Submitted for P.C. consideration*

October 28, 2002

## **Dixie Motor Speedway Issues**

After attending the special use permit meeting on September 25, 2002, I have several questions for the township planning commission:

1. Why was the "voice" of the people not heard? Over 95 percent of the neighbors are against expansion.
2. Why was majority of work completed before permits were approved?
3. Why was the meeting held after finding out that Dixie Motor Speedway had an "open file" for a potential violation with the DEQ? After all, this was turned over to DEQ by Birch Run Township.
4. If and when track is completed, is the township going to uphold the 1973 lawsuit or the previous township resolution?
5. What about a noise ordinance?
6. What about air pollution, due to oil, gas and different racing fuels?
7. What about soil contamination? Waste water draining into Half Moon drain, because of inadequate drainage.
8. What about the neighborhood quality of life issue?

*Gail L. Kross*

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