



**Birch Run Township Planning Commission**  
**Regular Meeting Minutes**  
*December 19th, 2022*  
*11935 Silver Creek Dr., Birch Run, Michigan 48415*

Call to Order of Special Meeting:

Chairman C.J. Norris called the December 19<sup>th</sup>, 2022, Regular Meeting of the Birch Run Township Planning Commission to order at 7:00 p.m. with the Pledge of Allegiance.

Members Present:

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

Members Absent:

Stacey Kue, Member.

Others Present:

Nine (9) people were in the audience. Also present were Riley Kiessling, Recording Secretary; Gretchen Nielsen, Zoning Administrator; Adam Flory, Attorney; Jim Totten, Assessor; Jason Ball, Planner.

Agenda:

Motion by Sheridan seconded by Marr to approve the December 19<sup>th</sup>, 2022, Regular Meeting Agenda as presented.

PASSED: Motion carried by unanimous voice vote.

Approval of Meeting Minutes:

Motion by Marr seconded by Sheridan to approve the October 20<sup>th</sup>, 2022, Special Meeting Minutes as presented.

PASSED: Motion carried by unanimous voice vote.

Motion by Sheridan seconded by Munson to approve the November 10<sup>th</sup>, 2022, Special Meeting Minutes as presented.

PASSED: Motion carried by unanimous voice vote.

Motion by Musial seconded by Sheridan to approve the November 30<sup>th</sup>, 2022, Special Meeting Minutes as presented.

PASSED: Motion carried by unanimous voice vote

Public Hearing – Attitude Wellness LLC (dba Lume) @ 9426 BR Rd

Begun at 19:04

Applicant Comments:

Chris Enright, Architect, gave a presentation and answered questions alongside Anthony Denha & John Abbo.

Staff Comments:

*Jason Ball:* Provided December 9<sup>th</sup> review document and gave a presentation on it to the Planning Commission (See Attachment A). Variances from ZBA on Table 9-4 needed for commercial lots of record re: frontage & lot width and acreage. Variance required from PC re: Section 19.03 minimum driveway distance from adjacent driveways. A new MDOT driveway permit may be required.

*Adam Flory:* Provided advice on the “Lot of Record & Variance Requirement” debate.

Commissioner Comments:

*Mike Marr:* Fire Chief gave okay for Site Plan but noted that it is not ideal. MDOT will need to grant or waive the driveway permit.

Public Comments:

None

Public Hearing closed at 19:18

Motion by Sheridan seconded by Marr to approve a SLUP to Lume Cannabis at 9426 E Birch Run Rd, Saginaw County, for a Recreational Marijuana Retail Sales establishment as presented.

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

Nays: Jewell

PASSED: Motion carried by majority roll call vote

Motion by Sheridan seconded by Marr to approve the Site Plan for Lume Cannabis, property address 9426 E Birch Run Rd, Birch Run, Saginaw County, MI for a Recreational Marijuana Facility with the following conditions for approval: variances from the ZBA for the 300' width <sup>(1)</sup> & 1.5 acre commercial lot <sup>(2)</sup> requirements due to parcel being a "lot of record", with the PC waiving the 100' driveway center lines to adjacent driveways requirement described in Section 19.03 but applicant must obtain the MDOT waiver or permit for the driveway itself <sup>(3)</sup>.

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

Nays: Jewell

PASSED: Motion carried by majority roll call vote

Motion by Marr seconded by Sheridan make a recommendation to the ZBA to allot a variance for the lot size being less than 1.5 acres and less than 300' width & frontage distance.

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

Nays: Jewell,

PASSED: Motion carried by majority roll call vote

Old Business:

**Cam Thomson – Mini Storage business (A)**

*Gretchen Nielsen:* Gave presentation on the conditions of SLUP approval. Health Dept. said all is good on their end. Applicant will need to submit landscaping plans, full electrical plans with as-built drawings and EGLE will need to be contacted regarding the pond on site.

**Daltson Atwell – Stoneyard Landscape business (B)**

Engineer sent in drawings showing elevations and has signed the blight ordinance. Clarification that the Fire Dept. can inspect inside the building under the Business License requirements.

**Accessory Building Ordinance Change (C)**

*Jason Ball* gave presentation on proposed changes (See Attachment B).

Motion by Marr seconded by Munson to set a public hearing for Article 9, 13 and 19 at the next regular meeting.

PASSED: Motion carried by unanimous voice vote.

### **Pond Ordinance Change (D)**

Motion by Marr seconded by Sheridan to set a public hearing for the Pond Ordinance changes at the next regular meeting.

PASSED: Motion carried by unanimous voice vote.

### **Site Plan Review Ordinance Change (E)**

Still pending official ordinance amendment language and Township Board approval.

### **Bylaws (F)**

Motion by Sheridan seconded by Marr to approve the amended Planning Commission Bylaws as presented

PASSED: Motion carried by unanimous voice vote.

### **Marijuana Caregiver Ordinance (G)**

*Gretchen Nielsen & Jason Ball*: Gave presentation on proposed changes, including but not limited to a change to use by right, removing reference to MMMCA “permit” throughout document, exchanging acreage requirements for minimum setbacks from buildings set at ≈150’. To be further discussed at next meeting.

### **Blight & Zoning Ordinance Fine Fee Schedule (H)**

Presentation from Adam Flory on fines and citations, the difference from blight & zoning fines. Separate fee schedule for zoning and blight is recommended due to context of each infraction. Clarification that we are a complaint driven township. Clarification that township doesn’t really see money from fines at end of day as objective is compliance w/ zoning & blight ordinances. Currently no open citations w/ township.

Values for fines to be researched and then proposed and discussed at later meetings to be provided by Adam Flory.

Public Comment: 19:27 – 19:27

Public comments/correspondence received:

None

New Business:

None

Reports:

#### **Township Board Representative (*Fred Sheridan*):**

Update on fine fees discussion from Township Board, putting a TV Display for meeting room agenda item on next board meeting.

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

Will be having a ZBA meeting night of December 20<sup>th</sup>. Will give report to ZBA on Lume situation.

#### **Zoning Administrator (*Gretchen Nielsen*):**

None

Other:

Motion by Sheridan seconded by Musial that commencing February 21<sup>st</sup>, 2023, the Planning Commission will hold bi-monthly (every other month) Regular meetings on the 3<sup>rd</sup> Tuesday of the month at 7:00 p.m.

PASSED: Motion carried by unanimous voice vote

Adjournment:

Motion by Sheridan seconded by Musial to adjourn at 21:14

Motion passed by unanimous voice vote.

Respectfully Submitted by:

*Riley Kiessler, Recording Secretary*

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Mike Musial

Planning Commission Secretary