



Birch Run Township Planning Commission
Special Meeting Minutes
October 11, 2021
11935 Silver Creek Dr, Birch Run, Michigan 48415

Call to Order of Special Meeting:

Chairman CJ Norris called the October 11, 2021 Special 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; Riley Kiessling, Vice Chair; Mike Marr, Secretary; & Fred Sheridan, Member.

Members Absent:

Motion by Marr seconded by Sheridan to excuse ~~Helen Morse~~ **Ed Munson**, Keith Jewel and Helen Morse from the October 11, 2021 Special Meeting.

Motion passed by unanimous voice vote

Others Present:

Corey Trinklein, Recording Secretary; Doug Piggott & Jason Ball, ROWE Professional Services and Adam Flory, Township Attorney. Two (2) people were in the audience.

Approval of Meeting Minutes July 12, 2021 Planning Commission Special Meeting:

Motion by Kiessling seconded by Marr to approve the July 12, 2021 Planning Commission Special Meeting as presented.

Motion passed by unanimous voice vote

Public Hearing for Special Land Use Permit for Drive Thru Facility at Great Lakes Credit Union at ~~121216 Dixie Hwy~~ **9315 Tiffany Blvd.**:

1. Public Hearing opened at 7:05 p.m.
2. Applicant Presentation: Applicant was not present.
3. Staff Comments: ROWE Professional Services Company provided their review of the SLUP for a drive-thru at Great Lakes Credit Union. (Attachment A)
4. Public Comment: 7:03 p.m. to 7:04 p.m.
No public comments.
5. Public Hearing closed at 7:15 pm
6. Planning Commission Discussion and Recommendation

Motion by Marr seconded by Sheridan to approve the Special Land Use Permit for drive thru facility at Great Lakes Credit Union as presented and drawings dated 8/3/2021; any conditions not fulfilled by the original approval of site plan must be completed.

Ayes: Marr, Sheridan, Kiessling, Norris

Nays: None

PASSED: Motion carried by unanimous roll call vote

Public Hearing for request by Birch Run Township Planning Commission to consider an amendment to the Township Zoning Ordinance to give the Planning Commission authority to revoke SLUP's for failure to comply with standards of approval and establishing the procedures for consideration of such revocation:

1. Public Hearing opened at 7:21 p.m.

2. Staff Comments: ROWE Professional Services Company provided their review of the proposed amendment to the Township Zoning Ordinance giving the Planning Commission authority to revoke SLUP's for failure to comply with standards of approval and establishing the procedures for consideration of such revocation. (Attachment B)
3. Public Comment: 7:24 p.m. to 7:27 p.m.
Kurt Kiessling – 8100 Burt Rd.: Had comments regarding SLUP revocation.
Mike Braun – 10835 S. Beyer Rd.: Had comments regarding SLUP revocation.
4. Public Hearing closed at 7:27 pm
5. Planning Commission Discussion and Recommendation

Motion by Marr seconded by Sheridan to approve setting a public hearing to add to Article 5 – Special Land Uses, Section 5.09 Revocation of Special Land Use Approval as presented.

Ayes: Sheridan, Marr, Norris

Nays: Kiessling

PASSED: Motion carried by majority roll call vote

Old Business:

1. Master Plan Review – Pre-Public Hearing Draft: ROWE commented that the Planning Commission was asked to review Chapters 9, 10 & 11 and that on pg. 11-4, the proposed strategic plan needs to be completed. The Planning Commission chose to schedule a special meeting in the near future to review this item.
2. Drive-thru amendment from *Special Land Use* to *Use by Right* with standards: ROWE provided comments regarding language to remove the special land use requirement for a drive-thru at financial institutions. (Attachment C)

Motion by Sheridan seconded by Kiessling to approve authorizing a public hearing for changing the drive-thru requirement for Special Use to Use By-Right.

Ayes: Kiessling, Norris, Marr, Sheridan

Nays: None

PASSED: Motion carried by unanimous roll call vote

3. VRBO (Vacation Rentals by Owner) (The Bill died in the House): ROWE provided comments regarding the status of VRBO's. The Planning Commission directed ROWE to prepare a memo regarding what other municipalities are doing in regards to VRBO's.
4. Wedding Barns: ROWE provide comments regarding proposed zoning ordinance amendments for event barns. (Attachment D)

Motion by Sheridan seconded by Kiessling to approve authorizing a public hearing for proposed event barn amendments as presented.

Ayes: Kiessling, Norris, Marr, Sheridan

Nays: None

PASSED: Motion carried by unanimous roll call vote

Open Discussion for Issues not on the Agenda:

Public comments/correspondence received: No public comments or correspondence was received.

Planning Commission Members: Mike Marr commented that as a result of the May 11th Planning Commission meeting he asked ROWE to provide a document outlining the approved activities allowed at the Birch Run Speedway and Event Center. (Attachment E)

Motion by Marr seconded by Kiessling to approve including the document outlining Special Land Use Approval for Outdoor Entertainment and Events at Birch Run Speedway and Event Center Approved by Birch Run Township Planning Commission 2019 and 2021 as of May 11, 2021 and include a copy in the file for said property.

Ayes: Norris, Marr, Sheridan, Kiessling

Nays: None

PASSED: Motion carried by unanimous roll call vote

Members in the audience: 8:04 p.m. to 8:12 p.m.

Mike Braun – 10835 S. Beyer Rd.: Had comments regarding September 10th concert.

Reports:

Township Board Representative (Fred Sheridan): No new items from Township Board.

Zoning Board of Appeals (ZBA) Rep. (Mike Marr): ZBA has not been busy lately.

New Business:

Setting public hearing dates: No public hearing dates were set at this time.

Township Planning Commission to initiate an amendment to allow recreational marijuana retail sales facilities & secure transport: Presentation from attorney Adam Flory and discussion with Planning Commission followed.

Lot Coverage Standards: ROWE gave presentation. (Attachment F)

Planning Commission directed Fred Sheridan to ask the Township Board if they would like PC to proceed with zoning ordinance updates regarding lot coverage standards.

Other:

None

Announcements:

Township Board Meeting – 2nd Tuesday of each month (Next meeting October 12, 2021)

Planning Commission Meeting – Quarterly (Next meeting December 20, 2021)

ZBA – Semi Annual - 3rd Tuesday of April and October (Next meeting October 19, 2021)

DDA – Meetings are held as needed (Next meeting October 13, 2021)

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

Adjournment:

Motion by ~~Setzer~~ **Marr** seconded by Sheridan to adjourn at 9:08 p.m.

Motion passed by unanimous voice vote

Minutes respectfully submitted by:

Recording Secretary Corey Trinklein

Mike Marr

Planning Commission Secretary

SIGN IN SHEET

PLANNING COMMISSION MEETING

October 11, 2021

1. MIKE PRADY
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Attachment A

ROWE PROFESSIONAL SERVICES COMPANY

Large Firm Resources. Personal Attention. sm

August 12, 2021

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

RE: Great Lakes Credit Union

Dear Mr. Setzer:

As requested, ROWE Professional Services Company has conducted a review of the revised proposed site plan. The proposed site plan is located at 12126 Dixie Highway and is zoned C-1. The proposed development is a credit union with a drive-thru facility. Financial institutions are permitted by right in C-1, but drive-thru facilities require Special Land Use (SLU) approval. The site plan was prepared by D&M Site Inc. and was updated based on comments at the July Planning Commission meeting. The updated set is dated August 3, 2021.

Planning Review

Informational Requirements

The original site plan was generally complete but missing a few elements required under Section 4.04.D.1 of the zoning ordinance. Below is the missing information on the original set of plans we believed were necessary to verify compliance with the ordinance. We noted the missing information using the numbering system in Section 4.04.D.1 to identify the requirement. Comments made are noted in **bold**. Differences in the revised drawings are noted **red/bold**.

- g. Proposed location of free standing and wall signs, and dimensions and construction details of such signs. **A sign is shown on the landscape plan but no detail such as height or size is provided. - A sign detail was provided, and the clear vision triangle added showing the sign is outside of the clear vision area.**
- h. A landscaping plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening, fencing, and lighting in compliance with the requirements of Article 17, Landscaping and Screening. Also, proposed locations of common open spaces, if applicable. **Lighting details are not provided.**
- i, k and l. These provisions require final construction drawings of infrastructure. **We generally recommend that these final plans be a condition of site plan approval in case any infrastructure details are required to be changed during the site plan review process. - No change required.**

- p. A vicinity sketch showing the location of the site in relation to the surrounding street system, extending a minimum one (1) mile from the site, and the identification of surrounding land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any roads. **It does appear that there is a vicinity map provided but it does not show the residential uses across Dixie Highway. – Because of the change in parking location, this information is not relevant to final approval**

Zoning Compliance

We reviewed the drawing for zoning compliance with the concept plan approved by the township as well as other zoning ordinance requirements. The following issues or questions related to compliance with ordinance requirements were identified. Comments made are noted in **bold**. Differences in the revised drawings are noted **red/bold**.

Table 9.14 Site Development Requirements – **The minimum lot size in the C-1 district is 1.5 acres which, based on the definition of lot area, does not include the portion of the lot in rights-of-way. The legal description lists the lot area as 1.19 acres and appears to include the portion of the lot in the right-of-way. – The applicant believes that this is a legal nonconforming lot that was approved when the original development was established.**

Sec. 16.03 Site Development Requirements for Off-Street Parking – **The parking area is located within the required front yard setback, and might be within the 20-foot setback required on the side lot line per Section 16.03.E.1. Drainage needs to be verified to address Section 16.03.D and lighting details are required to comply with Section 16.03.F. – The site was revised to move the parking out of the setbacks. The applicant claims that the detention pond was sized for the entire site development. Verification of adequacy of detention by the county can be a condition of site plan approval. No photometric detail was provided.**

Sec. 16.05 Loading and Unloading Space Requirements – **The proposed loading/unloading space may cause traffic flow problems, but it is not clear that a space is necessary. – Proposed space was removed because it was not a zoning ordinance requirement.**

Sec. 17.04 Buffer Areas – **Verify that deciduous trees will be a minimum of 12 feet in height at planting per Section 17.04.A. – Tree schedule on sheet C7.0 revised to show minimum 12-foot-high deciduous trees.**

Sec. 17.05 Parking Lot Landscaping and Screening – **This section would require buffering of residences across Dixie Highway and the highway itself, with a berm, fence, wall and/or vegetative screen, although this requirement may be waived or modified by the planning commission. – No longer required because parking spaces removed from front yard.**

Sec. 18.02 Natural Resources – **The site plan does not include the required list of local, county, state, and federal regulations applicable to this development.**

Sec. 18.04 Lighting – **Lighting information not provided.**

Sec. 19.01 Lots To Have Access – **The site should be reviewed by the fire department to ensure it provides convenient access for fire protection and other emergency vehicles. – The revised plans include a 5-foot fire lane proposed along the north side of the drive. We assume this is based on fire department comments, but want to verify.**

Sec. 19.04 Clear Vision Zone – **What appears to be a proposed sign on the landscape plan may be within the 50-foot clear vision zone of the intersection of Dixie Highway and Tiffany Boulevard.**
– **A sign detail was provided, and the clear vision triangle added showing the sign is outside of the clear vision area.**

ROWE's review is for compliance with the zoning ordinance requirements for the township's use in determination of whether to approve the proposed site plan. The developer and designer shall be responsible for the accuracy and validity of the information presented on the plans. Regulatory and other governmental agencies with jurisdiction may have additional comments or requirements.

As we understand it, the applicant will still need a Special Land Use Permit (SLUP) for the drive-thru. We have attached an SLUP checklist for the Planning Commission's consideration.

The developer and designer remain responsible for the design, construction, and any resulting impacts of the project.

Please feel free to contact our office at (810) 869-5110 if you have any questions concerning this review.

Sincerely,
ROWE Professional Services Company

A handwritten signature in blue ink, appearing to read "Doug Piggott".

Doug Piggott, AICP
Senior Planner

Attachment: SLUP Standards Checklist

<p align="center">Birch Run Township</p> <p align="center">Special Land Use Standards for Approval of Site Plan (Sec. 5.06)</p> <p>PROJECT NAME: GREAT LAKES CREDIT UNION SITE PLAN DATE: August 3, 2021</p>			
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:			
Applicants Comments:	Zoning Administrators Comments: <i>The site is planed for Highway / Services Commercial which would be consistent with the proposed use.</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:			
Applicants Comments:	Zoning Administrators Comments: <i>The ordinance anticipates that drive-thru uses are appropriate in commercial areas provided it is adequately buffered from adjacent non-commercial uses. The site has been redesigned to address potential impact on residences to the east across Dixie Highway.</i>	Planning Commission Comments:	
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:			
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.			
COMMENTS/FINDINGS OF FACT:			
Applicants Comments:	Zoning Administrators Comments: <i>The site complies with the setback, bulk, and site development requirements of the ordinance. Sidewalks are provided from the parking lot to the building entrance.</i>	Planning Commission Comments:	

4. Not be hazardous or disturbing to existing or future uses in the same general vicinity.				
COMMENTS/FINDINGS OF FACT:				
Applicants Comments:	Zoning Administrators Comments: <i>The proposed site development appears to be consistent with the original development plan for the overall site based on information provided by the applicant.</i>	Planning Commission Comments:		
STANDARDS			Does Site Meet Requirements?	
			Yes	No
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:				
Applicants Comments:	Zoning Administrators Comments: <i>The site plan has been reviewed and approved by the fire department. The site plan approval will be conditioned on approval of utility connections and the adequacy of the existing detention facility to handle proposed stormwater discharge.</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:				
Applicants Comments:	Zoning Administrators Comments: <i>The site is not expected to generate any significant off-site impacts other than the normal amount of commercial traffic.</i>	Planning Commission Comments:		
7. Not create excessive additional requirements at public cost for public facilities and services.				
COMMENTS/FINDINGS OF FACT:				
Applicants Comments:	Zoning Administrators Comments: <i>The existing public facilities appear more than adequate to support the proposed use.</i>	Planning Commission Comments:		

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Attachment B

Add to Article 5 – Special Land Uses

Section 5.09 Revocation of Special Land Use Approval.

A Special Land Use Permit may be revoked by the Planning Commission for failure to comply with the conditions imposed in the approval of the permit, or failure to comply with the general or specific standards for approval in effect at the time the SLUP was approved. If the Planning Commission determines that a parcel with a SLUP is in violation under this section, it shall give the applicant an opportunity to correct the violation. However, repeated violations, shall also be the basis for revocation, even if the applicant subsequently addresses the violation each time. Prior to revocation of the SLUP the Planning Commission shall hold a public hearing, providing notice as required by Section 3.08 of this ordinance. The decision of the Planning Commission shall have the same rights of appeal as the original SLUP.

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Attachment C

Table Error! No text of specified style in document.-1
PERMITTED PRINCIPAL USES
in COMMERCIAL and INDUSTRIAL DISTRICTS

	Principal Uses	Zoning Districts & Permitted Principal Uses “BR” = Uses Permitted by Right “S” = Special Land Use “..” = Prohibited Use		
		C-1	C-2	I-1
	Uses of a Primarily Commercial Character ¹			
21	Non-standard and outdoor restaurants, and drive-in, drive-through, take-out, pick-up, and other forms of in-vehicle retail or service establishments including financial institutions , dry cleaning businesses, and similar facilities.	S ³	S ³	S ³
<u>29</u>	<u>Drive-thru facilities for financial institutions including drive-thru ATMs.</u>	<u>BR</u>	<u>BR</u>	<u>BR</u>

Attachment D

Proposed Event Barn Amendments –Birch Run Township Zoning Ordinance

ADD to Article 14 Standards and Regulations for Specific Land Uses

Section 14.24 Event Barns.

- A. Additional Materials to be Submitted for Special Use Review:** In addition to the information required by this ordinance for submission of site plans and special land use permits, each application shall be accompanied by plans, drawings, and/or written information addressing at a minimum:
1. 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;
 2. Emergency services necessary based on the anticipated number of participants;
 3. Water supply and facilities;
 4. Toilet facilities;
 5. Noise control and abatement;
 6. Facilities for cleanup and waste disposal;
 7. Insurance and bonding arrangements;
 8. A security plan to address the issues outlined in Section 14.24.B.6; and
 9. Reviews of the proposed plans by the Township Fire Chief and Police Department.
- B. Special Performance Standards:**
1. **Use of Dwelling.** No dwelling on the property shall be used for events. All such dwellings shall continue to be used for single family occupancy purposes.
 2. **Attendance.** No event shall involve the presence of more persons than the maximum capacity of the Event Barn under the State Building Code.
 3. **Number of Events.** During each calendar year, not more than thirty-five (35) events shall be conducted. Every day in which any part of an event occurs at an Event Barn shall be considered a separate event, except for weddings held over a weekend only where the wedding shall consist of (i) a pre-wedding rehearsal dinner on Friday, (ii) a wedding and wedding reception on Saturday, and (iii) wedding cleanup on Sunday. In those circumstances, the three activities shall count as one event.
 4. **Hours of Operation.** Every event shall conclude by no later than 10:00 p.m. on Sunday through Thursday evenings, and by no later than 11:00 p.m. each Friday and Saturday evening; and no event shall commence or continue at an Event Barn earlier than 8:00 a.m. each day
 5. **Food Service.** There shall be no food preparation inside an Event Barn, but food may be prepared at another on-site location outside of the Event Barn. Any food served, provided, or consumed at the venue must be legally prepared in accordance with the Saginaw County Health Department rules. Dishwashing associated with any event at the venue must be accomplished off site.

6. Security. At all times when an event is taking place at an Event Barn, a sufficient number of security personnel and support staff shall be present to provide security, to direct traffic and parking, to prevent any intentional or inadvertent trespassing onto any properties outside the boundaries of the property, and to assure that all events begin and end at the times specified in this Ordinance.
7. Alcoholic Beverages. Where the Event Barn Sponsor intends to sell or provide alcohol or alcoholic beverages, the Event Barn Sponsor must provide an event insurance policy, naming the Township as an additional insured, and shall comply with all applicable liquor licensing and regulatory requirements. The Event Barn permit holder shall not sell or provide alcohol or alcoholic beverages.
8. Use of Outdoor Areas. All events shall take place principally in barns and other outbuildings on the property. Events shall not include outdoor activities, except accessory activities in area proposed and approved in the Site Plan for such activities.
9. Lighting. There shall be no outdoor perimeter lighting at an Event Barn, and no lines or light poles shall be installed or maintained for such purpose on the property. All lighting fixtures, including pathway lighting, shall be down-lit and directed in a manner as to not impact neighboring properties. Lighting in dormers must be extinguished at or before the same time as conclusion of the event. All lighting proposed at an Event Barn shall be addressed and approved as part of the Site Plan.
10. Trash. The Event Barn permit holder shall require that Event Barn Sponsors of every event remove all trash associated with the event immediately after the conclusion of the event. There shall be no dumpster maintained or used on the property.
11. Parking. There shall be no parking on any properties outside the boundaries of the property on which the Event Barn is located, without the express written permission of the property owner. Parking shall be provided on the property on which the Event Barn is located where such is designated as the "parking lot" on the Site Plan. The parking lot shown on the approved Site Plan shall be gravel, or gravel-type material or through the use of pervious brick pavers. The parking area shall not be paved with blacktop or concrete or any other impervious substance, in keeping with the rural character of the area except as necessary to provide the minimum number of barrier free spaces required. The number of parking spaces shall be in accordance with Township Ordinances and the Americans with Disabilities Act.
12. Temporary Structures; Bathroom Facilities. No temporary structures or tents shall be permitted in connection with any event unless the same is erected by the Event Barn Sponsor and is removed within 24 hours after the conclusion of the event. Adequate bathroom facilities shall be used at an Event Barn.
13. Retail Sales. Retail sales facilities shall be prohibited at Event Barns, unless conducted exclusively by the Event Barn Sponsor. Any such sales must terminate immediately after the conclusion of the event.
14. Insurance. Event Barn permit holders shall maintain general liability for personal injury and property damage in the amounts of \$1,000,000 per

occurrence and \$2,000,000 general aggregate limit. The Township shall be named as an additional insured on the policies and the venue shall provide evidence of insurance to the Township's Zoning Administrator annually or more frequently on request.

15. Permits from Review Authorities. It shall be the responsibility of the Event Barn permit holders to obtain all building permits and other approvals from agencies that have jurisdiction applicable to the Event Barn or the holding of the events on the property.
16. Location. Event Barns may only be located on parcels with direct access to paved roads.
17. The Planning Commission may impose limits on a proposed 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.

ADD to Article 21 Definitions

EVENT BARN. A use of accessory agricultural structures, including barns, for organized meeting space for uses including weddings, birthday parties, corporate picnics, and other such events.

EVENT BARN SPONSOR. The renter of an Event Barn, or the person(s) or entity responsible for hosting, operating, facilitating, organizing, or supervising an event taking place primarily within an Event Barn.

ADD to Article 9 Zoning Districts, Regulations and Map

Table 9.2 PERMITTED PRINCIPAL USES in CONSERVATION and RESIDENTIAL DISTRICTS

	Principal Uses	Zoning Districts & Permitted Principal Uses "BR" = Uses Permitted by Right "S" = Special Land Use "--" = Prohibited Use "A" = Specific Accessory Uses Permitted					
		A-1	R-1	R-2	R-3	R-MF	R-MHC
	Other Uses Not Listed Above						
7	Event Barns	S	--	--	--	--	--

Attachment E

Special Land Use Approval for Outdoor Entertainment and Events Birch Run Speedway and Event Center Approved Birch Run Township Planning Commission 2019 and 2021 As of May 11, 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.
Overnight camping	For all racing events	One night per race, Friday or Saturday night only		Only for 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
Concerts	5	Any	Finish by 11:00 pm	Allowed for 3 years (ends May 2024); 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. The concerts may not unreasonably interfere with the ability of neighboring property owners or residents to use and enjoy their property.
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	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.

Special Land Use Approval for Outdoor Entertainment and Events Birch Run Speedway and Event Center
Approved Birch Run Township Planning Commission 2019 and 2021
As of May 11, 2021

Description of Activity	Max Occurances*	Days	Hours of Operation*	Conditions
Christmas light display and the Halloween Haunted Houses and Trails Display,	(Allowed up to three weekends prior)	Weekends only	Finish by 11 pm	Conform to the requirements of section 14.21 of the Zoning Ordinance
Non-racing testing events		Monday through Thursday only	10:00am to 5:00pm with track time limited to 12:00pm to 5:00pm.	No open exhaust
Miscellaneous Events -Trunk or Treat -Comedy nights -Cook-off events -Competition events -Cornhole tournaments -Graduation	- -6 -6 -12 -6 -			Competition events one night a week, typically on Thursday for 12 consecutive weeks per year All events must conform to the requirements of section 14.21 of the Zoning Ordinance

*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.

Those items highlighted in yellow were added or revised at the May 11, 2021 Planning Commission meeting. See meeting minutes for additional details.

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Attachment F

ROWE PROFESSIONAL SERVICES COMPANY

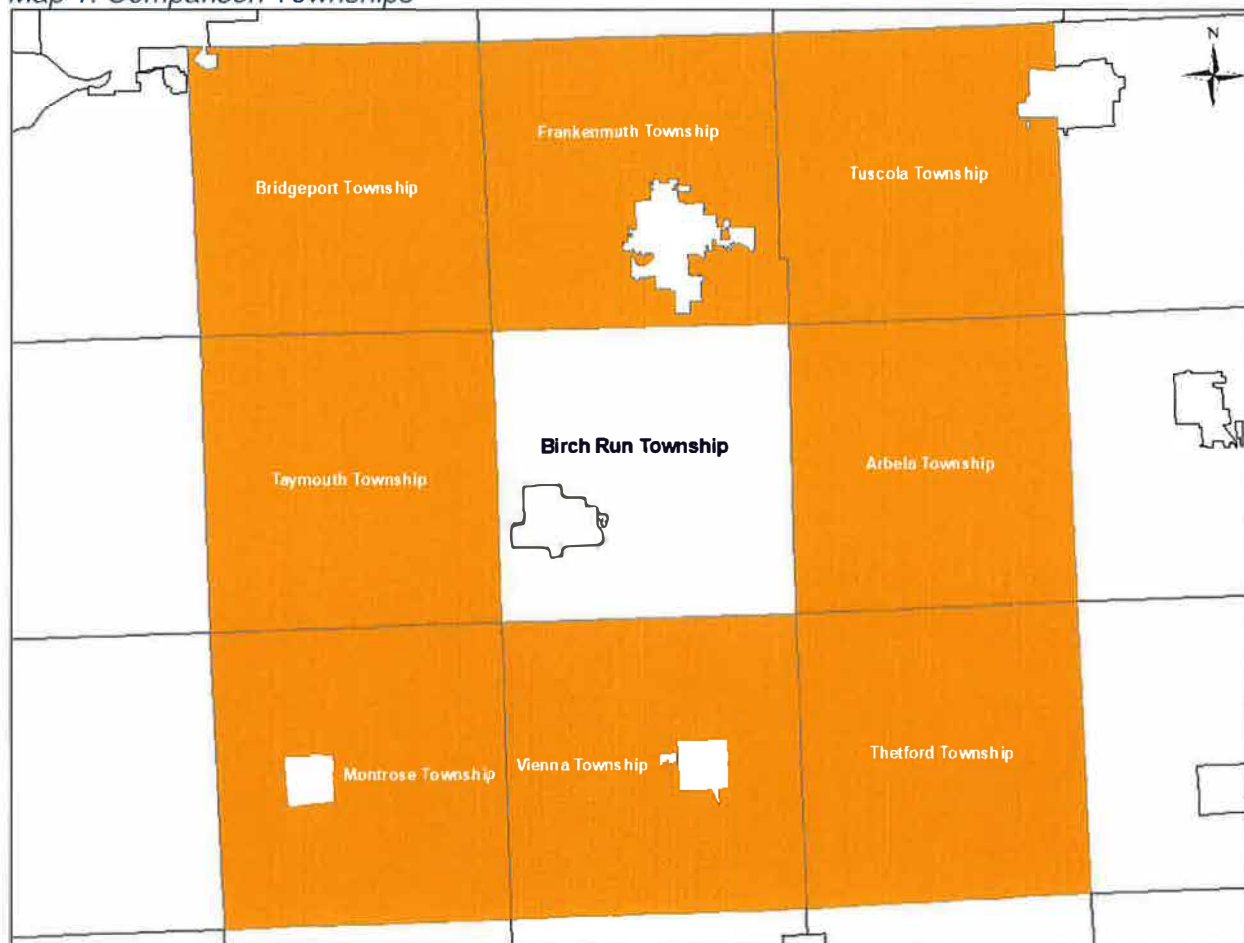
Large Firm Resources. Personal Attention.sm

MEMORANDUM

To: Birch Run Township Planning Commission
From: Doug Piggott, AICP, ROWE Professional Services Company
Date: October 4, 2021
Subject: Lot Coverage and Accessory Building Setbacks

In response to a request from the Birch Run Township Planning Commission, ROWE Professional Services Company conducted an analysis of lot coverage standards and set back requirements for accessory buildings in adjacent townships (see Map 1).

Map 1: Comparison Townships



Lot Coverage

Table 1 and Table 2 display lot coverage standards in adjacent townships by zoning districts. When zoning districts were not labeled in the exact same manner, the standard in a roughly equivalent zoning district standards is listed.

Table 1: Agricultural & Residential District Lot Coverage Standards

Maximum Lot Coverage Standard Residential & Agricultural Districts				
Community	Agricultural	R-1	R-2	R-3
Birch Run Twp.	10%	10%	25%	35%
Tuscola Twp.	Density limitations in Agricultural and R-2 districts			
Frankenmuth Twp.	N/A, but includes density limitations	Density standards provided in PUD districts		
Bridgeport Twp.	10-20%*	30%	30%	40%
Taymouth Twp.	25%	35%	35%	35%
Montrose Twp.	10%	10%	30%	30%
Vienna Twp.	35%	35%	35%	40%
Thetford Twp.	10%	10%	20%	30%

*Multiple agricultural districts

Table 2: Commercial & Industrial District Lot Coverage Standards

Maximum Lot Coverage Standard Commercial & Industrial Districts				
Community	C-1	C-2	I-1	Other
Birch Run Twp.	50%	50%	50%	-
Tuscola Twp.	Density limitations in Agricultural and R-2 districts			
Frankenmuth Twp.	Density standards provided in PUD districts			
Bridgeport Twp.	100%	60%	60%	
Taymouth Twp.	40%	50%	50%	
Montrose Twp.	40%	40%	n/a	
Vienna Twp.	Maximum Floor Area Ratio instead of lot coverage. Maximum FAR in Office districts is .34. The standard is .5 or there is no maximum in other districts.			
Thetford Twp.	30%	30%	30%	30%

Accessory Structure Setback Standards

Setback standards for accessory structures in each community are listed below.

Tuscola Township:

- Section 3.23.A: Accessory structures in residential areas shall not have sidewalls greater than 14 feet in height.
- Section 3.23.B: No accessory structure in residential areas may be located closer than 5 feet from the principal structure (D2-18) or in the front yard (D2-22). However, accessory structures may be located in side yards (D2-22) in front of the principal structures building front, but may not be located within the required front yard (D2-22).

- Section 15.03K: Allowable Structures: Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected (D2-7) within the preserved open space, subject to the approved site plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent of the required open space area. Accessory structures may include: a. Maintenance buildings; b. Clubhouse; c. Recreation structures (gazebos, boardwalks, docks, play equipment, etc.); d. Other structures as approved by the Planning Commission.

Frankenmuth Township:

- Section 804.3.(j): Accessory buildings, structures and uses to non-farm dwelling units are prohibited in the area between the front lot line and the setback, although they are permitted on the side and rear of the dwelling provided they conform with setbacks. The zoning administrator may reduce rear setbacks up to twenty feet (20') from the lot line, unless it is a right-of-way, upon a showing by the applicant of practical difficulty and no adverse impact on the use or enjoyment of an adjoining parcel, and provided all other requirements of this district are met.

Bridgeport Township:

- Section 304.C:
 - Front yard. All accessory buildings must be located a minimum of thirty (30') feet from the road right-of-way, or in the case of a flag lot, a minimum of fifteen (15') feet from the front portion of the parcel which meets the minimum lot requirement. No detached accessory building is permitted in the required front yard. If the lot is a waterfront lot, the water side may be considered the front yard.
 - Rear yard. No accessory building, including attached or detached garages shall be closer than eight (8') feet to the rear lot line.
 - Side yard. No accessory building, including garages shall be erected closer to any side lot line than the permitted distance within the district for principal buildings except in a residential district. In cases in a residential district where an accessory building is located ten (10') feet or more from the side of the principal building, then the accessory building shall be no closer than eight (8') feet from the side lot line.
 - Corner lot. No accessory building shall be closer to the side lot line than the side yard setbacks of the principal building on the lot. Where the rear line of a corner lot coincides with the sideline of an adjoining lot in a residential district, an accessory building shall not be closer than eight (8') feet to common lot line.

Taymouth Township:

- Section 3.14. A. 2. Except for fences, accessory buildings and structures are subject to all setback requirements from the street applying to the principal building; provided no accessory building or structure, except for fences, shall lie closer than 10 feet to any interior side or rear lot line.

Montrose Township:

- Section 153.340(B): Where the accessory buildings and or structures are structurally detached from the main building, it shall comply with the following items:
 - No detached accessory building and or structure shall be located in any required front yard setback area as required in § 153.200.

- All detached accessory buildings and or structures located outside of the required setbacks, as listed in § 153.200, but in a front yard area must comply with the following conditions:
 - All such detached accessory buildings and or structures shall be located behind the front wall line of the main building on the adjoining properties.
 - All such detached accessory buildings and or structures shall maintain a roof type and exterior wall covering to match or be compatible to that of the main principal residential dwelling unit located on the property.
 - All such detached accessory buildings and or structures must maintain a 25-foot side yard setback from side or rear property lines of adjoining properties.
 - All such detached accessory buildings and or structures shall not be placed directly in front of any living area of the main dwelling unit, unless the accessory building is located over 100 feet from the main dwelling unit.
- No detached accessory buildings and or structures may occupy more than 25 percent of a required rear yard, plus 40 percent of any non-required rear yard.
- Detached accessory buildings and/or structures shall not be located closer than 10 feet to any principal building or other accessory buildings and or structures, nor shall it be located closer than 10 feet to any rear or side lot line.
- Detached accessory buildings and/or structures meeting all of the following requirements shall be permitted to be located within the 10-foot setback area from any principal building or other accessory buildings and/or structures. Such accessory buildings and/or structures shall not be located closer than the required front, rear or side yard setback as listed for principal buildings in §153.200.
 - The detached accessory buildings and/or structures shall have a foundation not less than the minimum required by the Michigan Building Code for frost protection.
 - On any section of the detached accessory buildings and/or structures located 5 feet or less from any principal building or other accessory building and or structure, a fire partition shall be provided of not less than a 1-hour fire resistance rating on the accessory building and or structure side.
 - The detached accessory buildings and or structures shall not be located closer than 15 feet to any side lot line.
- In subdivisions, detached accessory buildings and/or structures of less than 150 square feet may be located as close as 5 feet to the side or rear lot line.
- Detached accessory buildings shall observe the following size requirements:

Table 3: Accessory building size standards from Montrose Township Zoning Ordinance

Parcel Size	Maximum Building Sizes	Maximum Number of Buildings
Up to 1 acre (43,560 square feet)	Accessory buildings shall be no greater than the foundation size of the main dwelling unit 160 square feet	1 1
Greater than 1 acre and less than 5 acres (217,800 square feet)	The total combined area of 2 accessory buildings shall not exceed 3,000 square feet 160 square feet	2 1
Greater than 5 acres (217,800 square feet)	The total combined area of 2 accessory buildings shall not exceed 4,000 square feet 160 square feet	2 1
Note: The maximum building lot coverage for all structures located on a single lot of record must be in compliance with § 153.200.		

Vienna Township:

Section 2010.2: Location Requirements

- Where an accessory building or structure is physically attached to a main building it shall be subject to and must conform to all regulations of this ordinance applicable to main buildings.
- Accessory buildings or structures shall not be erected in any front yard nor in any side yard setback unless otherwise provided in this ordinance or unless the accessory building is 300 or more feet from the centerline of the road.
- A detached accessory building shall not be located within 10 feet of any main building, nor shall it be located within one foot of an alley right-of-way.
- Detached accessory buildings or structures shall not be located within ten feet of any rear lot line.
- No accessory building may be erected in front of a single-family detached dwelling.
- An accessory building to be used as a garage and having similar building materials as the primary residence, may be erected in a side yard.
- When an accessory building or structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, such building or structure shall not be located within a setback which is equal to the front yard setback required of the lot to the rear of such corner lot. In no instance shall an accessory building or structure be located within 10 feet of a street right-of-way line.
- On any corner lot or through lot, the setback requirements for main buildings from a street shall be applicable to accessory buildings or structures, unless otherwise provided.

Thetford Township:

- Section 14.05.3: On all nonresidential parcels of land, and residential parcels that are less than five (5) acres in size, accessory buildings shall only be erected in any nonrequired or required rear yard, or in any nonrequired side yard.

On residential parcels of land that are five (5) acres or more in size, an accessory building may be placed in any required or nonrequired rear yard, nonrequired side yard, or nonrequired front yard providing that said accessory structure is set back a minimum one hundred fifty (150) feet from any public or private road right-of-way. In no instance shall any accessory building be located in front of more than twenty-five (25) percent of the facade of the principal structure. (Ordinance No. 99)

- An accessory building shall not occupy more than forty (40) percent of any rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building, for lot sizes one (1) acre or smaller. The floor area of any accessory building may be one and one-half times the main building ground floor area for lot sizes greater than one (1) acre, but less than three (3) acres, and may be twice the main building ground floor area for lot sizes three (3) acres or larger. Main building ground floor area shall include the total ground floor area occupied by a principal use and shall not include basements, crawl spaces, attached garages, breezeways, or enclosed or unenclosed porches. There is no restriction on accessory building size on parcels in the RA District in excess of twenty (20) acres.
- No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than five (5) feet to any side or rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.