Special Birch Run Township Planning Commission Meeting February 22, 2018 at 7:00 p.m. Birch Run Activities DBA Birch Run Speedway Birch Run Township Meeting Room 11935 Silver Creek Dr, Birch Run, Michigan 48415

Minutes

The meeting was called to order by Chairman CJ Norris at 7:01 p.m. with the Pledge of Allegiance to the Flag of the United States of America.

Members Present:

CJ Norris, Chair; Steve Schaar, Vice Chair; Michelle Duncan, Recording Secretary; Members Mike Marr, Fred Sheridan, Ed Munson and Helen Morse

Members Absent:

Elaine Parlberg

Motion to Excuse Absentees from the Meeting

Motion by Marr, seconded by Sheridan to excuse absentees from the Special Planning Commission Meeting

Motion Carried by Unanimous Voice Vote

Others Present:

Doug Piggott, Rowe Environmental Services; Mike Szukhent, representative for Birch Run Activities DBA Birch Run Speedway; audience members Ray Letterman, Birch Run Township Supervisor; Kirt Kiessling, Birch Run Township Trustee, Frederick Lynch, Barb Crawford, Mike and Lynette Braun, Cathy Konieczny, Jerry Preston, Bridgeport/Birch Run Convention and Visitors Bureau President, Katrina Schaar, Mark and Cindy Major, Steve and Janet Bennett, Scott and Karen Stafford, Terry Carlton, Kirk Dupuis, Clarence Strobel and Gary Cross

Roll Call:

In Attendance:Steve Schaar, Mike Marr, Fred Sheridan, CJ Norris, Ed Munson, Helen MorseAbsent:Elaine Parlberg

Election of Officers

Nomination and election of Chair Motion by Sheridan, seconded by Marr to nominate CJ Norris as Chair; Norris accepted the nomination

Nomination and election of Vice-Chair

Motion by Marr, seconded by Sheridan to nominate Steve Schaar as Vice-Chair; Schaar accepted the nomination

Nomination and election of Secretary Motion by Sheridan, seconded by Morse to nominate Mike Marr as Secretary; Marr accepted the nomination

Ayes:Marr, Sheridan, Norris, Munson, Morse, SchaarNays:None

Motion Carried by Unanimous Vote

<u>Approval of Meeting Minutes December 21, 2017 Special Planning Commission Meeting</u> <u>Minutes:</u>

Motion by Sheridan, seconded by Morse to approve the December 21, 2017 Special Planning Commission Meeting Minutes

Motion Carried by Unanimous Voice Vote

Public Hearing-Zoning Ordinance Amendments:

Mike Szukhent, representative for Birch Run Activities DBA Birch Run Speedway, is requesting approval of a site plan to relocate the access drive and the associated improvements. The request also includes amendment to the existing special use permit proposing several outdoor activities such as weddings, concerts, auctions and carnivals.

- i. Public Meeting opened at 7:05 p.m.
- ii. Notification Requirements:
 - Birch Run/Bridgeport Herald (February 7, 2018 edition)
 - Township Office Informational Board
 - Occupants within 300'

iii. Applicant presentation

Mike Szukhent introduced himself stating he is the general manager for Birch Run Speedway and he is requesting a new special use permit for the speedway located at 10945 Dixie Highway, Birch Run, Michigan. He states they will be straightening the driveway to expand the use of the 50-acre property. Szukhent went on to state some of the off-season improvements made to the speedway include lights being changed to low beam LED's, requiring all racing vehicles to have mufflers, which will lower the decibels to 100 and acquiring a liquor license. Marr asks if the license is a Class C license (hard liquor) and Szukhent states yes.

Szukhent also stated the speedway will open at 4:00 pm and that all racing events be finished by 10:30 pm, with the exception of rain delays or other racing delays. He also states the septic system and kitchen have both been tested and passed inspection. Ribbons have also been placed in the parking lot, making lanes easier to be identified.

Doug Piggott, Rowe Environmental Services (Rowe), states there have been no changes to the existing site plan. He goes on to state that the topographic area and Saginaw County Road Commission (SCRC) requirements can be waived by the Planning Commission. Piggott also states the SCRC review should be a condition for approval of the site plan.

Piggott then stated the special use permit needs to be addressed. Rowe informed the applicant to request specific number of uses per event and that emergency services need to be on site for all events. He also states water must be available throughout the facility and have enough restrooms to accommodate all visitors. He states there must be 1 toilet for every 150 people and that the speedway has to accommodate up to 7,200 people total. He goes on to state there must be enough parking for 2,000 people, averaging 4 people per vehicle. Piggott went on to state the applicant needs to clarify the difference between campers and trailers being allowed to stay on the premises overnight and who those can be (vendors, etc.). He also states noise control and abatement needs to be addressed, waste disposal, insurance/bonding and their plans have to be reviewed by the Birch Run Fire Department Chief and Birch Run Police Department.

Piggott then stated the zoning compliance needs to have a specified driveway location. He went on to review the seven standards for approval (see attached). Piggott went on to state there are 280 scheduled event days in total that have been requested. The events will have to be approved one time instead of yearly, unless the applicant fails to comply with the requirements. At that time, the planning commission has the right to revoke the permit. Marr asked if revoking the permit would apply to every event or specific events. Piggott states revoking the permit would be the discretion of the planning commission as to whether it applies to the entire permit or one event. He also states the planning commission has the option to ask the applicant to pick one event to be allowed as a trial basis.

iv. Public Comments/Correspondence opened at 7:29 p.m.

The following audience members made comment on the issue:

Mike Braun, who resides at 10835 S. Beyer Rd., Birch Run, MI; Scott Stafford, who resides at 8960 Canada Rd., Birch Run, MI; Clarence Strobel, who resides on Downing Road (didn't divulge address); Janet Bennett, who lives at 8651 Canada Rd., Birch Run, MI; Barry Borsnick, who resides at 9673 Downing Rd., Birch Run, MI; Steve Bennett, who resides at 8651 Canada Rd, Birch Run, MI; Barb Crawford, who resides at 11940 E. Rathbun Rd., Birch Run, MI; Cathy Konieczny states she is the General Manager of Comfort Inn in Birch Run, MI; Jerry Preston states he is President of the Bridgeport/Birch Run Convention and Visitors Bureau; Kurt Duby states he's a Grand Knight at the Knights of Columbus hall, located at 11105 Dixie Highway, Birch Run, MI; Karen Stafford, who resides at 8960 Canada Rd, Birch Run, MI; Katrina Schaar, who resides at 10935 S. Beyer Rd., Birch Run, MI

Three of the residents submitted letters on the subject and they were read. (letter attached)

Public Comment/Correspondence closed at 8:45 p.m.

v. Staff Comments

Norris asks Szukhent if Bridgefest will be coming to the speedway and Szukhent states yes. Szukhent also states he's toured all the race tracks in the state of Michigan to observe what type of operations they have. Birch Run Speedway has hired a security company who employs non-weapon bearing retired police officers to cover all inside gate events. The overnight stays for vendors and carnivals are self-contained.

Norris asks Szukhent to define the term dusk. Szukhent states Dusk is when it's too dark to see outside and that he's very flexible with a mutually agreeable time frame. Norris also asks for a specific time frame for practice day for race cars. Szukhent states the track would open for practice at 2:30 pm and close at 7:30 pm. Piggott states no start time was listed in the ordinance and that the planning commission can change this. Piggott also states the planning

commission needs to verify if the current permit is to be used for racing of if a new permit needs to be issued. Marr states the current special use permit lists Friday racing only with special events on Sunday. Szukhent states the events will be from April 1, 2018 thru October 31, 2018, from 3:00 pm to 11:30 pm, Friday and Saturday for 26 dates per year. Practice would be one day per week. Schaar states the current permit doesn't state the difference between racing and motorized racing. He would like a more detailed description and also states it appears noise is the biggest concern from residents. Piggott states the planning commission could issue a new permit with verbiage stating all racing except motorized racing will be allowed. Szukhent stated that they will use the current special use permit for motorized racing (2002-03).

Norris asks Szukhent to clarify non-motor racing and Szukhent states non-motor racing would be bicycle racing. Norris then asks what type of weddings will be held at the facility. Szukhent states ceremonies and receptions under pavilions. Some weddings could be held during races or other events if requested.

Norris asks if the events for 4H, school/educational and auctions will end by 10:30 pm and Szukhent states yes.

Norris asks if the festival and carnivals will be four days in length and Szukhent states yes. He states most carnivals arrive on Monday, set up until Wednesday when the carnival begins and then tear down on Sunday. They stay on the premises in trailers.

vi. Close Public Meeting at 8:45 p.m.

vii. Planning Commission Discussion and Recommendation

Schaar states he resides in the area. He referenced the 2013 noise ordinance, stating the ordinance language doesn't apply to the current request. He states it needs to be updated to say all noise, not just racing. He also requests Szukhent clarify the number of people allowed for concerts and Szukhent states a maximum of 2,000 people would be in attendance at one time. Szukhent goes on to state the concert acts will be professionals, not local bands.

Marr asked if the driveway will have a slow down lane and Szukhent states no. Sheridan asks if the speedway will be moving the sign for the venue and Szukhent also states no. Marr asks if the requested 25 racing dates will be held during carnivals. Szukhent states they have requested 25 dates in total, but all of them won't be used for racing. He goes on to state each day is 1 event, for example racing would be 2 days but utilized as 1 event. Marr goes on to state that since the speedway has a liquor license, the ordinance should include a mandate that the speedway have security on the premises during all events.

Marr asks how many events will be held inside and outside the speedway, specifically mentioning a swap meet being inside the speedway or in the parking lot. Szukhent states vendors for that event would be in the parking lot so they can be seen from drivers on Dixie Highway.

Marr then asks if the 4H or other animal events will be having livestock stay on the premises overnight. Szukhent states he's unsure. Kirk Kiessling, Birch Run Township Trustee, states many animal shows hold the animals on the premises until the event is finished. At which time, they leave the premises because most of these events are 1 day only. If they are more than 1 day, they would need stalls for the animals.

Norris asks Szukhent the time frame for fireworks and Szukhent states they would begin at dusk and end usually within 10 minutes.

Norris then asked the planning commission to decide if the following items will be approved tonight or postponed until a later date. Piggott states concerts should be allowed temporary approval. Szukhent states festivals/carnivals and fireworks will be deleted from his request and that they will be requested on a temporary outdoor use permit only and one event equals one day:

Event	Approved	<u>Number per year</u>	Ending Time			
Non-motor racing	Yes	10	Dusk			
Concerts	No	5	11:00 pm			
Weddings	Yes	12	11:30 pm			
Private parties	Yes	30	Dusk			
Car/bike shows	Yes	12	Dusk			
Swap meets	Yes	12	Dusk			
Church services	Yes	6	Noon			
Monster truck show	No	2	10:30 pm			
Overnight stays	No	Varies	Varies			
Auctions	Yes	12	Dusk			
4H	Yes	12	Dusk			
School/educational	Yes	12	Dusk			
Team building	Yes	12	Dusk			
Temporary permit for 5 concert events and 2 monster truck shows is part of this special use						

Temporary permit for 5 concert events and 2 monster truck shows is part of this special use permit.

See attached chart for further clarification.

Motion by Marr, seconded by Sheridan to allow Schaar to vote due to no conflict of interest.

Ayes:	Sheridan, Norris, Munson, Morse, Marr
Abstain:	Schaar

Motion by Sheridan, seconded by Marr to accept approval for special use by Birch Run Activities DBA Birch Run Speedway to allow all activities, per minutes, with the stipulation to get review by the township fire chief and DDA board.

Ayes:	Norris, Munson, Morse, Marr, Sheridan
Nays:	Schaar

Motion by Marr, seconded by Sheridan to approve moving the driveway at Birch Run Activities DBA Birch Run Speedway

Ayes:	Munson, Morse, Schaar, Sheridan, Marr, Norris
Nays:	None

Old Business:

Committee report on Private Roads (postponed until further action-06/06/14 meeting)

Aging parent structures (postponed)

Open Discussion for Issues not on the Agenda:

Public comments/correspondence received: None

Planning Commission Members:	None
Members in the audience:	None

Reports:

Township Board Representative (Fred Sheridan): None

Zoning Board of Appeals (ZBA) Representative (Mike Marr): None

New Business:

Setting Public Hearing Dates

June 18, 2018, September 18, 2018, December 17, 2018, March 18, 2019 Norris states the regular planning commission meeting scheduled for March 19, 2018 will be cancelled and changed to an open date for further discussion of the applicants' requests.

Other:

Piggott states the new master plan dates will be March and April of 2018

Announcements:

Township Board-2nd Tuesday of each month Planning Commission-Quarterly-Next meeting March 19, 2018 **CANCELLED** ZBA-Semi Annual-3rd Tuesday or April and October DDA-TBA (All meetings are held in the Governmental Center unless noted)

Adjournment:

Motion by Sheridan, seconded by Marr to adjourn.

Motion Carried by Unanimous Voice Vote

Planning Commission Meeting ended at 10:31 pm.

Mike Marr Secretary

Michelle Duncan Recording Secretary

	or Approval of Special Land Use S		Doe	s Site M quireme	
		The second second	Yes	No	N/A
1. Be harmonious with a	nd in accordance with the Master Pla	an of the			
Township.			and a		
COMMENTS/FINDINGS O					
	cation is general/community commercia Zoning Administrators Comments:	Planning Com	mission	Com	nents
Applicants Comments:	The development is acting as infill development on a currently vacant parcel. The development meets all the location criteria.			1 Conn	inerite
	in accordance with the general objectiv	es, intent and			
purposes of this Ordinance COMMENTS/FINDINGS C		izer lomniter	1 1112	14.1/4	
Applicants Comments:	Zoning Administrators Comments: The proposed development will	Planning Com	nmissior	n Comr	nents
and appropriate in appea	help to assure high quality, rapid responses, and cost effective public safety services. ed, operated and maintained so as to b rance with the existing or intended ch ch a use will not change the essential of	aracter of the			
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STANDARDS			es Site equirem		
	STANDARDS	Standards in	Yes	No	N/A
highways, streets, police, water and sewage facilitie	by essential public facilities and serv fire protection, drainage structures, re as and schools, and minimize the im development on adjacent properties.	fuse disposal,			
Applicants Comments:	Zoning Administrators Comments: The proposed development will be utilizing existing public facilities and services.	Planning Com	nmissio		ments
of operation that will be det	es, processes, materials and equipmen rimental to any person, property or the g duction of traffic, noise, smoke, fumes, g	eneral welfare			
Applicants Comments:	Zoning Administrators Comments: The proposed develop does not appear to be proposing these harmful effects to the general welfare.	Planning Com	nmissio	n Com	ments
and services.	ditional requirements at public cost for p	oublic facilities			
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Applicants Comments:	Zoning Administrators Comments: The proposed development is located near existing services and facilities.	Planning Com	nmissio	n Com	ments
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Special Land L	Jse Approval for Outdoor Entertainment and Events Birch Run Speedway and Event Center
	Approved Birch Run Township Planning Commission 2/22/18

Description of	Max	Days	Hours of	Conditions
Activity	Occurances*	- / -	Operation*	
Racing (non-	10	Weekend	Finish by Dusk	Shall comply with local ordinances
motorized			,	including noise ord.
Concerts	5	Any	Finish by 11:00 pm	Allowed by Temporary SUP; In enclosed
	-	,	/ -	portion of facility only, not on race
				track, shall comply with local ordinances
				including noise ord.
Weddings	12	Any	Finish by 11:30 pm	In enclosed portion of facility only, not
0		,	/ -	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 /	12	Any	Finish by Dusk	Shall comply with local ordinances
Markets		,	,	including noise ord., operate in parking
				lot
Monster Truck	2	Weekend	Finish by 10:30 pm	Allowed by Temporary SUP; In enclosed
Shows/Pulls			, ,	portion of facility only, not on race
·				track, shall comply with local ordinances
				including noise ord.
Overnight stays	Associated			No campfires, shall comply with local
	w/events			ordinances including noise ord.,
				Planning Commission reserves the right
				to review at end of season
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 /	12	Any	Finish by Dusk	1-day events only, no use of pens, shall
Animal Shows				comply with local ordinances including
				noise ord.
School/Youth	12	Any	Finish by Dusk	Shall comply with local ordinances
Educational &				including noise ord.
Entertainment				
Team Building	12	Any	Finish by Dusk	Shall comply with local ordinances
Functions				including noise ord.
Fireworks Displays			NOT APPROVED)
Festivals /			NOT APPROVED)
Carnivals		1		
Church Services	6	Sunday	Sunday Mornings	Shall comply with local ordinances
				including noise ord.

*Occurrences = Days

The SLU approval does not cover the previous SLU approval for motorized racing and practice racing covered under a previous SLU approval.

\\hq\CAD\sdsk\Proj\05c0295_Restored\Doc\Planning Commission\Special Land Use\Birch Run Speeday\2-8-18 Revised Site Plan\Special Land Use Approval for Outdoor Entertainment and Events Birch Run Speedway and Event Center-Summary.docx

SIGN IN SHEET

PLANNING COMMISSION MEETING February 22, 2018 Frederick 1. AUDA 2. 3. aun 4. KHEN at 5. MU one 6. 0 E 6 aa vina 7. 8. aior lagor 9. N B 10. EN FUR 1) 11. A ALF A D 12. U en 13. 14. IDUC 15. 16. 17. 18. 19.

BIRCH RUN TOWNSHIP PLANNING COMMISSION

To Whom It May Concern:

This letter is in regards to the new driveway location and uses for the Birch Run Speedway and Event Center. We are vehemently opposed to any new driveway that would be on Canada Road or Beyer Road. We were always told by prior boards that would not happen.

As for the increase of events at this venue, when it was only a racetrack we were looking at a racing timeline from around May to September, with races on a Friday night. They added a practice on Wednesday, in the afternoon. Now, with this new venue, it could potently be used year round with 215 events. We have always lived in a rural country setting. We do not like it on race nights, or the possibility of a concert being held when we, as tax paying land owners who live here full time, can not sit out in our yards and enjoy a nice evening on our deck. We have always been concerned about noise pollution and light pollution from this business, With the proposed uses, that looks like it will only get worse.

We have always complained about this business, as did my parents, when they were still living, as their property adjoined the above mention property.

The issue has always fallen on "blind eyes" and "deaf ears" As long as it is not in "your backyard", you could care less what happens in "our backyard"

Let me just reiterate we are **OPPOSED** to any driveway on Beyer Road and/or Canada Road, and any event that would create noise and light pollution.

Gail and Gary Kross

Jusi canadana Buch Run, mi 48415tebrury 20, 2018 Janet Bennett Dear Planning Commission, Thank you for holding a meeting and for sending out a notice of the meeting. I have the following quations about the special I will alcohol be allower and if NOT, how will it be kept out? Will pot and other drugs be allower? (2) How many Over hight stays are booker? Do these Staps cover 2 full days Will camp fires an bou fires be allowed? What is a fire goes out of Control? 3 How many days have planned for EACH of the proposes unes? (example: 5 days en carnival) please ge down the entire list! state the TOTAL days Abooker for 2018. D will the NOISE lever be controller? MOT what will quickly be done to lower it? can loval citizens have a DIRECT number to the Manage? Ond a rigner promen to lower The NOISE ASAP. D. One there any other propress uses NOT on the list. What are they and WHY weren't they on the list? (6 why is Birch Ren Activities propring so many wints that are already available meanby? Why do we need so much mor of the SAME? I entertaiment an only good in life ? Why don't we all seek window and trath waters? Mere Marroledge in good for ALL ages and the entire community. WHY not go for BIG MINDS instead of Big Times? Wouldn't this the much BETTER use of our money. Our town logo could be: BIRCH RUN Auilto BIG MINDS. It would main FAME for ALL of the and bring here to everyone in an community I EVERVANIE!

February 21, 2018

To the Birch Run Township Planning Commission regarding the Special Use Permit sought by Dixie Motor Speedway.

We are citizens of Birch Run Township and are concerned with some of the proposed uses being sought by the new owners of the Dixie Motor Speedway and are unable to be present at your meeting on February 22. Since we are unable to attend we wanted your Commission to be aware of our concerns and oppositions.

In general, we are opposed to any activity that would increase the frequency and level of noise generated by events at Dixie Motor Speedway. While we have tolerated the noise levels of past racing, we are very concerned that these noise levels are rising as more racing involves the use of high performance motors and vehicles. The level of noise generated by current high performance racing vehicles is much louder today than the level of noise of racing vehicles of 10-15 years ago. Does our ordinance establish an acceptable decibel level that would be conducive to the homes located in such close proximity to the race track? We ask that an acceptable one is defined.

We are also concerned with more activities that would generate an increased frequency of noise relative to what we are currently experiencing. Those activities generating low or limited amounts of noise we are not concerned with.

Related to this proposal this would effect:

- Racing (motorized vehicles)
- Racing Practice
- Concerts
- Private Parties
- Monster Truck Shows and Pulls
- Fireworks Displays

We are also opposed to the establishment of Over Night Stays and any plans for current or future Camping on this property. This concerns stems from the reality of uncontrolled partying/security, noise, campfire smoke and debris leftover by campers.

Please note that we are not in total opposition to many of the proposed activities being sought, only those generating more noise or more incidents of noise than is currently present.

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8457 Canada Ra Name: Address: Janet M. Bennett Signature: Robert South Name: begn Ad. Address: 10787 Signature: mith - Michelle Smith Name: Bryer Kd Address: Smith 110 Signature: + X Sall Name: Janet K. Schultz 7430 Birch Run Address: Rna Signature: > hult Name: Birch & BR 48415 in Address: 30 Signature:

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Name: Jerry Mishler
Address: 9160 Canada Rd.
Signature: J. M.
Name: VAN MARTINUS
Address: 9200 CANADA Ral
Signature: Jon Martinia
Name: Martinus
Address: 9200 Canada Kd
Signature: Mathew Martinet
Name: Derise Wachner
Address: 9103 Canada Rd.
Signature: Devise Wachner
Name: Scon WACHABR
Address: 9103 CANADA BD
Signature:

Name: FAIL L KROSS
Address: 9033 CANAPA Rd
Signature: Sail Lynn Kross
Name: GARY P. KROSS
Name: GARY P. KROSS Address: 9033 CANADARd
Signature: Mary P. Mose
Name: <u>Haren Stafford</u> Address: 8960 Canada RA
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Signature: Java tax port
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Address: 8880 Canada
Signature:
Name: All-how shareb
Address: 2910 Canada Rd
Signature:

Name: CANDELARIO RAMON Rd BIRCH RUN DOWNING Address: 9 andelain Ramon Signature: Timothy Rottiers 9145 Downing Rd Birch Run Name: Address: Vhy R Signature: iers avy R IN Name: DowningRd Address: Signature:_ Mary 10 Shur: Allen 1 am Name: Jowning Rol Address: Signature: anas Name: Address: Signature:

Name: DANIEL Kramere
Address: 10432 Maple Rd
Signature: Jacob Johanne
Name: Cathy Kramer
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Name: Marche Holings
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