

**Special Birch Run Township Planning Commission Meeting  
May 31, 2018 at 7:00 pm  
Birch Run Township Meeting Room  
11935 Silver Creek Dr, Birch Run, Michigan 48415**

**Minutes**

The meeting was called to order by C.J. Norris at 7:01 pm with the Pledge of Allegiance to the Flag of the United States of America.

**Members Present:**

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

**Members Absent:**

Steve Schaar, Vice Chair; Elaine Parlberg

**Motion to Excuse Absentees from the Meeting**

Motion by Sheridan, seconded by Morse to excuse absentees from the Special Birch Run Township Planning Commission Meeting

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

Motion Carried

**Others Present:**

Doug Piggott, Rowe Professional Services Company; Birch Run Township Residents Keith Young, Don Pringle, Derek and Nicole Schaller, Lee Austin, Austin & Associates, Lee Sims, Carol Powell, David McGovern, Dale Trinkelin, Jr., Lewis Jesse, II, Doug Bailer, Kasey Zachery, Kurt W. Kiessling, Riley Kiessling, Megan Decker, Birch Run/Bridgeport Herald Newspaper

**Roll Call:**

**In Attendance:** Marr, Sheridan, Norris, Morris, Munson  
**Absent:** Schaar, Parlberg

**Minutes:**

Approval of May 14, 2018 Special Planning Commission Meeting Minutes

Motion by Sheridan, seconded by Marr, to Approve the May 14, 2018, Planning Commission Meeting Minutes

Motion Carried by Unanimous Voice Vote

### **Public Meeting-Number 1:**

- i. David McGovern, 10550 Lange Rd., Birch Run, MI 48415, Parcel ID 05-10-6-03-4010-000 has requested approval of a special use permit to construct an 80x120 foot artificial pond
- ii. Public Meeting opened at 7:03 pm
- iii. Notification Requirements:
  - Birch Run/Bridgeport Herald Newspaper (May 16, 2018 edition)
  - *Township Office Informational Board*
  - *Occupants within 300'*

iv. Applicant presentation

McGovern provided the planning commission with a diagram of his proposed pond. Piggott states the zoning ordinance revision don't apply with the requirements of a pond. He then referred to the attached letter from Rowe Professional Services Company. Piggott goes on to state the applicant needs the following information given to the planning commission before a final decision can be made.

- \* Set back requirements are 50 feet from the front of a lot and even though the pond meets these requirements. Piggott then states there is a minimum requirement of 6 foot depth.
- \* The MDEQ (Michigan Department of Environmental Quality) database doesn't indicate the proposed pond is within 50 feet of a wetland. Piggott also notes ponds can't take up more than 20 percent of the site and erosion control for all surfaces needs to be approved by the MDEQ.
- \* Landscaping needs to state whether all material is going to be used on site or removed.
- \* Screening plant material of fencing is an option given to the planning commission whether this is a condition of approval. The site has to be away from a septic tank.

Piggott then stated the following that needs to be done prior to planning commission approval.

- \* No intrusion of site drainage is to be done on site.
- \* The engineering report needs to be completed to determine compliance.
- \* Indemnification needs to be given to Birch Run Township making them not liable once the pond is finished.
- \* The applicant needs to stop work if underground lines or conduits are found.
- \* No construction machinery can operate between 8:00 pm and 7:00 am.
- \* Water table elevations need to be completed.

Marr asks if reformation above applies if the applicant digs a hole, fills it with water and then the MDEQ declares the site a permanent wetland. Piggott states it's his understanding that the MDEQ requires a site to be 5 acres or greater to be declared a wetland. Norris asks if 50 percent of the pond is a minimum of 6 feet deep and McGovern states yes.

- v. Public Comments/Correspondence  
None
- vi. Staff Comments  
None
- vii. Close Public Meeting at 7:20 pm
- viii. Planning Commission Discussion and Recommendation  
Norris asks if Piggott can put together all 14 points to address. Piggott states a motion to postpone approval of a site plan and special use permit pending the applicant revisions above. Piggott states the applicant has 12 months to complete this process.

Motion by Sheridan, seconded by Marr to approve the proposed pond with conditions listed in Rowe Professional Services Company letter, with the exception of waiving provisions listed in Section 14-15, B5 and B8.

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

Motion Carried

**Public Meeting-Number 2:**

- i. Derek Schaller. 12540 Canada Rd, Birch Run, MI 48415, Parcel ID 05-10-6-24-1002-004 has requested approval of a special use permit to construct an artificial pond
- ii. Public Meeting opened at 7:36 pm
- iii. Notification Requirements:
  - Birch Run/Bridgeport Herald Newspaper (May 16, 2018 edition)
  - *Township Office Informational Board*
  - *Occupants within 300'*
- iv. Applicant presentation  
Schaller states his 26 acre lot is currently vacant. The proposed pond will be approximately 100 feet off the road with a maximum depth of 12 feet and a maximum slope of 6 feet. Schaller goes on to state the house isn't built yet and the septic field will be dug at a later time. Soil will remain on site and the house will have no basement. Piggott refers to the enclosed report stating the distance from Canada Road to the right of way of the site as well as the shape of the pond.

Piggott then stated an engineering report needs to be completed to determine compliance. He goes on to state compliance of Section 14-15, B9, B10 and B11 needs to be done. Schaller asks if a perk test needs to be completed and Piggott states no. Marr asks for the sequence of building on site. Schaller states the pond will be completed first, then the house. Marr states the site is an open field and if the pond is completed first without fencing, this could be a dangerous situation. Schaller asks if a temporary fence is acceptable to put around the fence and Marr states yes. Marr goes on to state there are several, secure fences on the market that would be acceptable.

- v. Public Comments/Correspondence  
None
- vi. Staff Comments  
None
- vii. Close Public Meeting at 7:47 pm
- viii. Planning Commission Discussion and Recommendation

Motion by Marr, seconded by Sheridan to approve the proposed pond with conditions listed in Rowe Professional Services Company letter, pending the planning commission requirements of temporary fencing around the pond not less than 4 feet high until the residence is occupied. Section 14-15, B6 will be waived.

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

Motion Carried

**Public Meeting-Number 3:**

- i. To consider a request from Surender Puri, 381 Orchard Lake, Highland Park, IL 60035 to rezone parcels from A-1 Agricultural to PUD located on the east side of Beyer Rd. directly south of the Premium Outlets formerly known as a golf course
- ii. Public Meeting opened at 7:55 pm
- iii. Notification Requirements:
  - Birch Run/Bridgeport Herald Newspaper (May 16, 2018 edition)
  - *Township Office Informational Board*
  - *Occupants within 300'*
- iv. Applicant presentation  
Puri introduced his architect, Lee Austin, Austin & Associates. Austin states Puri owns the former golf course and he would like to construct a senior citizen housing project there. Austin states the site is on 70 acres, currently zoned as agricultural and they are requesting for the site to be rezoned PUD. Austin goes on to state they are proposing Phase 1 consist of two assisted living buildings, with the possibility of more independent living, nursing home, individual housing with single units of bi-plex and quad-plex be added at a later date. Austin states each unit would house 20

residential units with a maximum of 40 people occupying the dwellings. The nursing home would consist of 60 people and if a second floor is added, a maximum capacity of 120 people. He states easements are already on the property for future development of bike and Amigo paths and direct mall access.

Sheridan asks if there will be future tri-plex and single units will only be for senior citizens only and Austin states yes.

#### Public Comments/Correspondence

The following audience members made comment on the issue:

Don Pringle, property manager; Doug Bailer; Keith Young, who resides at 8041 Birchwood Drive, Birch Run, MI 48415; Carol Powell, who resides on Beyer Rd, Birch Run, MI 48415; Lee Sims, who resides on Beyer Rd., Birch Run, MI 48415; Kurt Kiessling, who resides at 8100 E. Burt Rd., Birch Run, MI 48415

- v. Staff Comments  
None

- vi. Close Public Meeting at 8:52 pm

- vii. Planning Commission Discussion and Recommendation

Norris states the property was purchased by the applicant in 2008 and has had no movement since then to develop the land, so he's reluctant to approve the rezoning from Agricultural A1 to PUD. Marr states Section 16-7, A1 is allowed by special use (see attached). Norris then states the board should think carefully when making a decision on this matter, stating the planning commission needs to see movement on the proposed site plan of the property. Marr then states the fire chief will not approve this development because the location is on dead end streets. He then states Phase 1 could proceed without rezoning the property. Puri then asks Norris if he can proceed with the current zoning and Norris states yes. Piggott states Puri will need to get a site plan to the planning commission before proceeding.

Motion by Sheridan, seconded by Marr to approve the rezoning of the Beyer Road golf course property from A1 to PUD

Ayes: None

Nays: Munson, Morse Marr, Sheridan, Norris

Motion Denied

Motion by Sheridan, seconded by Marr to deny the rezoning of the Beyer Road golf course property from A1 to PUD

Ayes: Morse Marr, Sheridan, Norris, Munson

Nays: None

Motion Carried

**Public Meeting-Number 4:**

- i. A. Review proposed amendment language that address revisions to Table 9-3 uses of a Primarily commercial character; to expand the range of uses that are allowed in the I-1 Industrial District
  - B. To consider a proposed amendment to Section 13.03 nonconforming uses of the zoning ordinance to permit active nonconforming uses to be enlarged following review by the Township Planning Commission
  - ii. Public Meeting opened at 9:17 pm
  - iii. Notification Requirements:
    - Birch Run/Bridgeport Herald Newspaper (May 16, 2018 edition)
    - *Township Office Informational Board*
    - *Occupants within 300'*
  - iv. Applicant presentation
- None

Public Comments/Correspondence

None

- v. Staff Comments
- Piggott Sheridan asks for clarification on sales versus growing from plant nursery's. Piggott states only sales would be allowed because growing would be considered an agricultural use. Sheridan states items 12 and 23 should be added.

Marr stated kennels should not be allowed because of the waste they produce. Kiessling states animals are not housed outside, just walked outside. Piggott states nursing homes, day cares, service stations and standard stations should be removed. Piggott then referred to his report on nonconforming uses (see attached).

- vi. Close Public Meeting at 9:35 pm
- vii. Planning Commission Discussion and Recommendation

Motion by Sheridan, seconded by Marr to recommend to the township board to update the nonconforming uses to change the table 9-3 to allow additional uses per the chart in the I-1 Industrial District (see attached chart).

Ayes: Marr, Sheridan, Norris, Munson, Morse

Nays: None

Motion Carried

Motion by Sheridan, seconded by Marr to recommend to the township board for adoption changes made in Section 13.03 (see attached).

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

**Nays:** None

Motion Carried

**Old Business:**

Aging parent structures from Rowe Professional Services Company  
Tabled until June 18, 2018 planning commission meeting

Committee report on Private Roads (tabled until further action-06-16-14 meeting)

**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  
Tabled until June 18, 2018 meeting  
Marr asked Piggott when the next master plan meeting will be and Piggott states late June or early July, 2018.

Solar energy discussion from Rowe Professional Services Company  
Tabled until June 18, 2018 meeting

**Announcements:**

*Upcoming meetings for 2017. All meetings are held in the Governmental Center unless noted:*

Township Board Meeting:	2nd Tuesday of each month
Planning Commission Quarterly Meeting:	Next Meeting is scheduled for
ZBA Semi Annual Meeting:	3rd Tuesday in April and October
DDA Meeting:	To be announced

**Adjournment:**

Motion by Sheridan, seconded by Marr to adjourn.

Motion Carried by Unanimous Voice Vote

Planning Commission Meeting ended at 9:42 pm

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Mike Marr  
Secretary

Michelle Duncan  
Recording Secretary



## SIGN IN SHEET

### PLANNING COMMISSION MEETING

May 31, 2018

1. KEITH YOUNG
2. Don Pringle
3. Derek and Nicole Schaller 12540 Canada
4. Lee Austin / Austin & Assoc.
5. Debra
6. Carol Powell
7. David McGovern
8. Dale Trinklein Sr.
9. Jemi Jones
10. Wendy Bair
11. Kasey Zachery
12. Kurt W Hussler
13. Riley Kriesling
14. Megan Decker
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