

**DELHI CHARTER TOWNSHIP  
MINUTES OF THE PLANNING COMMISSION HELD ON NOVEMBER 25, 2013**

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The Delhi Charter Township Planning Commission held a regular meeting on Monday, November 25, 2013 in the Multipurpose Room at the Community Services Center, 2074 Aurelius Road, Holt, Michigan. Chairperson Zietlow called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Members Present: Kimberly Berry-Smokoski, Rita Craig, Michael Goodall, John Hayhoe, Donald Leaf, Matthew Lincoln, Ken O'Hara, Tonia Olson, Betsy Zietlow

Members Absent: None

Others Present: Tracy Miller, Director of Community Development, Kathy Malone, Planning/Zoning Secretary

**AMENDMENTS TO THE AGENDA: None**

**APPROVAL OF THE OCTOBER 28, 2013 PLANNING COMMISSION MINUTES**

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**Goodall moved and Craig seconded to approve the October 28, 2013 meeting minutes as presented.**

A Voice Poll was recorded as follows: All Ayes

Absent: None

**MOTION CARRIED**

**PUBLIC COMMENT (Non-Agenda Items): None**

**PUBLIC HEARING - SUP No. 13-275, 779 N COLLEGE ROAD, SPARTAN SPEEDWAY, 33-25-05-36-276-006, -007- & -004**

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Ms. Miller reviewed the staff report for a request from Spartan Speedway for a Special Use Permit (SUP) for outdoor temporary amusement activities pursuant to Section 8.6.3(4) in the C-3: Highway Service zoning district. This use is permitted by right in the district when conducted inside a fully enclosed building. However, if outside a SUP is required. Ms. Miller emphasized that the current SUP request is a totally separate use and is independent from the racing at the speedway. She reminded the Planning Commission (PC) members that the racing activities are dictated by the 1999 Stipulation and Agreement between the Township and Spartan Speedway.

Ms. Miller reviewed the points covered in the staff report and provided additional explanation as necessary. Ms. Miller reviewed the requirement found in Section 5.11.4(7), which requires that a noise level of not more than 65 decibels is permitted at the property line. Obviously, this does not apply to the racing activity, but will apply to any temporary amusement activity that would occur on this property. There was general discussion about how compliance would be evaluated and that violations of this requirement would be subject to code enforcement actions up to and including revocation of the SUP. There was general agreement that this decibel limit would make hosting

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events such as concerts and rodeos difficult, but the PC didn't want to specifically prohibit these events in case there was a method the property owner could employ to reduce sound transmission and cause these events to comply with the ordinance.

The PC members continued to discuss parking needs, the potential location of temporary amusement activities on the site, event times and ask questions of staff and the applicant.

Mr. Jim Leasure, the applicant and owner of Spartan Speedway, answered questions for the PC members. He explained the parking and amount of people and cars he can accommodate on the property. Mr. Leasure also stated he currently conducts decibel readings for each race event he holds and will do the same for any future temporary amusement event. He also explained that he holds a special type of liquor license that permits him to sell only during sanctioned racing events. Any sales that would occur during a stand-alone temporary amusement event would be done by a non-profit group that would be required to obtain its own license from the Liquor Control Commission..

The PC received four (4) letters regarding this SUP request. While the content of the letters did vary slightly, each focused primarily on concerns regarding the level of noise that holding additional events would create.

**Public Hearing Opened @ 7:58 p.m.**

Candace Metcalf, 3470 Josephine Lane, Mason,(Alaiedon Twp.) expressed her concerns about the use of the property, noise and the monitoring of the decibel levels by the property owner as well as her concern about perceived impacts on property values.

Allisa Day, 3481 Josephine Lane, Mason, (Alaiedon Twp.) said she moved there about 5 years ago and would not have purchased in that area if she had known about the level of noise generated by a race track. She feels some types of events should not be permitted.

Barbara Spottek, 3559 Harper Road, voiced concerns about the existing noise level associated with racing. She felt adding any more activity at the site is not reasonable.

Jeremy Brown, 1093 Cranbrook Lane, Mason, is a homeowner in The Gardens subdivision and is president of the Homeowners Association. He clarified that he is not speaking in his capacity as president, and was only representing his own opinions. He voiced his concern about the level of noise.

**Public Hearing Closed @ 8:09 p.m.**

**Commissioner Olson moved, seconded by Commissioner Hayhoe to recommend to the Township Board approval of SUP #13-275 for Temporary Amusement Activities in the C-3: Highway Service district pursuant to Section 8.6.2(4) of the Zoning Ordinance for property located at 779 N. College Road (33-25-05-36-276-004, 006 & 007). The following conditions to apply:**

1. **Not less than 30 days prior to any outdoor temporary amusement activity, the property owner shall submit to the Director of Community Development the following information:**
  - a. **A marked up copy of the site layout that shows what areas will be utilized for the specific activity. The location of any temporary structures such as tents, concession stands, etc. shall be shown on the layout plan.**
  - b. **A narrative description of the activity.**
  - c. **The hours and specific date(s) of the activity.**
  - d. **The time(s) and date(s) that on-site security and/or parking attendants will be on-site.**
  - e. **Expected attendance numbers.**

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- f. Whether or not the activity will occur concurrently with a race event or independently.

The Director of Community Development shall issue a written approval, approval with conditions or denial for each event within 10 business days of receiving all information necessary for the required review. This compliance review will be completed based upon compliance with this Special Use Permit and other applicable Delhi Township Ordinances.

- 2. The property owner shall do one of the following:
  - a. Obtain a legal survey which establishes that there is at least 50' between the west edge of the track/fence and the western property line; or
  - b. Obtain a recorded easement from the adjacent land owner for enough land to ensure that the required 50' area is available between the edge of the track/fence and the property to the west; or
  - c. Refrain from using any portion of the property that falls within the first 50' between the western property line and the track for any use associated with a temporary amusement activity.
- 3. Parking for temporary amusement activities shall not occur within the first 100' of property measured from Cedar Road and College Road.
- 4. Any use, except parking, associated with a temporary amusement activity shall occur entirely within the fenced area of the site.
- 5. Security and parking attendants shall be required when appropriate, as determined during compliance review per condition #1 above.
- 6. Temporary amusement activities that do not occur on dates of a scheduled club event, practice session or regular race (per the stipulation & agreement File no. 84-52867-CZ) are considered to be "stand alone" dates. Stand alone dates shall be limited to the following maximum operation times:
  - Thursday (event set up only is permitted) – 8 AM to 9 PM
  - Friday & Saturday – 8 AM to 9 PM
  - Sunday – 10 AM to 5 PM

"Concurrent" temporary amusement activities occur when a scheduled club event, practice session or regular race (per the stipulation & agreement File no. 84-52867-CZ) is also scheduled on that day(s). Concurrent days shall be limited to the following maximum operation times:

  - Thursday (event set up only is permitted) – 8 AM to 9 PM
  - Friday & Saturday (when a regular race or club event is also scheduled) - 8 AM to 11:45 PM
  - Sunday (when a regular race is also scheduled) – 10 AM to 11:45 PM
- 7. A temporary amusement event is considered a single event for counting purposes whether it occurs Thursday through Sunday, or just on one, two or three of those days (set up only on Thursday). A total of eight (8) temporary amusement events are permitted per calendar year (January 1 through December 31). However, the owner may exchange regular race dates for temporary amusement events.

The Planning Commission has received the "Basis for Determination for Granting a Special Use Permit" and has found that the general and specific standards outlined in Section 8.1.3 have been satisfied and that those findings are accurately reflected in the document entitled

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**“Basis for Determination for SUP 13-275” dated November 20, 2013 and is fully incorporated into this motion and the official meeting minutes.**

A Roll Call Vote was recorded as follows:

Ayes: Craig, Berry-Smokoski, Goodall, Hayhoe, Leaf, Lincoln, O'Hara, Olson, Zietlow  
Nays: None  
Absent: None  
Abstain: None

**MOTION CARRIED**

**Case #13-875 - Text Amendment of Zoning Ordinance - 39-160 - Section 5.7 RM: Multi-Family Residential District & Repealing Sec. 5.8**

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Ms. Miller explained the reason behind the current text amendment proposal. She indicated that about a year ago she noticed the RM District: Multi-Family Residential (Section 5.7) was missing from the Codified Ordinance book, which is prepared for the Township by the Municode Company. She explained that prior to the end of the 90's there were two multiple-family residential districts; RM-1 and RM-2. However, a first amendment deleted the two districts and replaced them with the RM district. After that occurred, it was determined to be a problem for the then existing multi-family developments that were built as RM-1 projects and were now considered legal non-conformities after the deletion of the RM-1 section from the ordinance. Next, another amendment was forwarded which was supposed to re-instate the RM-1 district and specify that it was only for use on existing RM-1 development sites. However, the arrangement of the amendment made it appear to Municode that the RM district had also been deleted, which was not the intent. The RM district has always remained within the actual Zoning Ordinance and projects have since been approved and developed under this section. However, the easiest way to clarify the situation and ensure that the Codified Ordinance and the Zoning Ordinance match is to readopt section 5.7 and confirm repeal of section 5.8 which was the RM-2 district. When preparing this amendment, we also noticed that one change needed to be made within section 5.7 regarding the requirements for state licensed adult foster care facilities and that change has been included. No other modifications are proposed.

**Public Hearing Opened @ 8:31p.m.**

There was no public comment

**Public Hearing Closed @ 8:31 p.m.**

**Commissioner Goodall moved, seconded by Commissioner Lincoln to recommend that the Township Board adopt Ordinance 39.160 which amends the Delhi Township Zoning Ordinance as it pursuant to the RM District: Multi-family Residential District and repeal Section 5.8.**

Discussion: None

A Roll Call Vote was recorded as follows:

Ayes: Zietlow, Olson, O'Hara, Lincoln, Leaf, Hayhoe, Goodall, Berry-Smokoski, Craig  
Nays: None  
Absent: None  
Abstain: None

**MOTION CARRIED**

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**GENERAL DISCUSSION AND UPDATES**

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The December meeting will include a SUP request from Prestwick Village Apartments to construct apartments on property along Cedar Street.  
John Hayhoe reminded the PC members about the Township Christmas tree lighting Wednesday evening, December 4th.

**ADJOURNMENT**

Meeting adjourned at 8:38 p.m.

Date: \_\_\_\_\_

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Kenneth O'Hara, Secretary

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