

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
SPECIAL MEETING - PUBLIC HEARING
PARKER MIDDLE SCHOOL
400 WRIGHT ROAD
HOWELL, MI 48843
October 19, 2023**

MINUTES

CALL TO ORDER: Chairman Grajek called the meeting of the Genoa Charter Township Planning Commission to order at 6:31 p.m. Present were Chris Grajek, Diana Lowe, Eric Rauch, Tim Chouinard, Glynis McBain, Marianne McCreary, and Greg Rassel. Also present were Township Manager Kelly VanMarter, Planning Director Amy Ruthig, Township Attorney Joseph Seward, Brian Borden of Safebuilt, and Shelby Byrne of Tetra Tech.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA:

Moved by Commissioner McCreary, seconded by Commissioner Rassel, to approve the agenda as presented. **The motion carried unanimously.**

DECLARATION OF CONFLICT OF INTEREST:

None

CALL TO THE PUBLIC:

The call to the public was made at 6:32 pm with no response.

OPEN PUBLIC HEARING #1... Consideration of a rezoning application, amendment to the Latson Road PUD Agreement, Environmental Impact Assessment and conceptual PUD Plan for a proposed rezoning and conceptual plan approval to expand the existing Planned Unit Development. The rezoning request is from Country Estates (CE) to Interchange Campus Planned Unit Development (CAPUD) and Interchange Commercial Planned Unit Development (ICPUD) for approximately 138 acres of undevelopment land. The request involves parcel 4711-09-300-046 which is located at the southeast intersection of Latson Road and Beck Road. The remaining parcels are located north of Crooked Lake Road and west of Latson Road consisting of the following parcel ID#s: 4711-17-200-006, 4711-17-200-002, 4711-17-400-015, 4711-17-400-013, and 4711-17-400-014. The request is petitioned by Todd Wyett.

- A. Recommendation of rezoning
- B. Recommendation of PUD Agreement Amendment
- C. Recommendation of Environmental Impact Assessment (8-15-23)
- D. Recommendation of Conceptual PUD Plan (dated 9-25-23, received 9-29-23)

Mr. Todd Wyett, the property owner, Mr. Eric Lord from Atwell Hicks, Mr. Brad Strader with MKSK Studios, and Ms. Julie Kroll from Fleiss and Vanderbrink were present.

Mr. Strader reviewed the changes that have been made to the previously approved PUD, including the buffers, landscaping and screening on Latson Road and neighboring properties; limiting the expansion of utilities to the west and sewer south to Crooked Lake road; limits were set on industrial uses; prohibited uses were added; and traffic improvements. He showed how this project is consistent with the existing Master Plan, Township standards and zoning ordinance.

Mr. Lord provided a review of the new water and sewer that have been installed south of I-96 over the past year. He showed how these utilities would be tied into the development's utilities.

Mr. Shrader showed and explained the proposed expansion to the approved PUD, which would be an additional 121 acres. This area would include high tech industrial and office and mixed use residential. He showed a drawing of the revised proposed entrance sign, the location of the commercial area and the types of uses that would be allowed, the uses that would be allowed in the mixed use area, and details of the proposed residential area, including the different types of housing, landscaping, open spaces, buffer zone plantings, and the boulevard.

Ms. Kroll provided a review of the traffic study they performed. This analysis was done for the PUD plan and not a specific site plan. They used traffic data for the highest traffic generating uses allowed in the PUD. They did studies for seven intersections, including the traffic from the schools and that caused by the railroad crossing. The study provided the impact into 2043 without any road improvements.

She provided mitigation recommendations, such as traffic signal improvements, additional turn lanes, etc. With each site plan proposal, traffic studies would need to be done to determine any improvements that would be needed. Mr. Strader stated that the Livingston County Road Commission reviewed the traffic study and agreed that it was done correctly and agreed with the recommended improvements that have been made.

Mr. Borden reviewed his letter dated October 12, 2023.

- 1. PUD Qualifying Conditions (Section 10.02):
 - a. The qualifying conditions of Section 10.02 are generally met.
- 2. Rezoning Criteria (Section 22.04):

- a. The proposed zoning designations of CAPUD and ICPUD are consistent with the I-96/Latson Road Subarea Plan and goals of the Township Master Plan.
 - c. Rezoning is necessary to implement the vision and goals of the I-96/Latson Road Subarea Plan.
 - d. The use tables that have been provided in the revised submitted require further amendments and refinement.
3. Conceptual PUD Plan (Section 10.03.06):
- a. The dimensional deviations sought for residential components need to be incorporated into the PUD Agreement.
 - b. The PUD Agreement needs to better address expansion into the future transition area per the provisions of Section 10.03.06(i).
 - c. In his opinion, the threshold of progress in the original PUD prior to development in the future transition area needs further refinement to ensure that the development pattern continues in a logical north to south manner, as planned.
 - d. The draft PUD Agreement does not include the exhibits that were noted.
 - e. The applicant must address staff and Township Attorney comments on the draft PUD Agreement.
 - g. The proposal includes changes to the previously approved gateway/development highway sign that require Township approval.
 - h. The applicant must address staff comments on the Design Guidelines and Conceptual Plans.

Additionally, the applicant must address any technical comments provided by the Township Engineer, ~~and~~ Utilities Director, and Fire Marshal.

Mr. Wyett stated that many of these items have been addressed since Mr. Borden's letter was sent.

Ms. Bryne reviewed her letter dated October 11, 2023.

1. The site plan provided is very conceptual and all future developments within the PUD will need to have their own site plan review and approval.
2. The PUD Agreement has a typo in Section 17. The total available REUs should be 1,021 to be consistent with the REU numbers given in the same paragraph and in the Impact Assessment.
3. The impact assessment notes that the PUD will be serviced by water and sewer services through MHOG and GO-SWATH. Water and sanitary sewer extension to the south side of I-96 has been completed in anticipation of the proposed development. Furthermore, the expanded PUD area was already included in the assumptions made when completing the basis of design for the South Latson Road Water and Sewer improvements.
4. The Water Main Concept in the impact assessment should note a combination of 16-inch, 12-inch, and 8-inch water mains. The South Latson Road Service Area Water and Sanitary Sewer Utility Study Update completed in March 2017 recommended the local distribution infrastructure be oversized to serve the ultimate service area.

An equivalent of 16-inch water main capacity will need to be routed through the proposed development to Crooked Lake Road. Normally, oversizing costs are paid by the municipality through connection fees of future development.

5. The Water Main and Sanitary Sewer Concepts in the impact assessment should include water main and sanitary sewer extended all the way to Latson Road at the southeastern site drive as shown below. The Petitioner should ensure the conceptual gravity sewer would be deep enough to extend down Latson Road to Crooked Lake Road from the site drive.
6. The impact assessment states that a stormwater management plan will be prepared for the entire development. The master plan will have central detention facilities. The detention sizing should be determined based on the entire site to ensure that there will be proper storm management as the property develops rather than developing individual stormwater management plans for each new building. The site naturally drains to the Marion Genoa Drain that is a county maintained and operated drain. The Livingston County Drain Commissioner's (LCDC) office will need to be included in the stormwater master plan development process.
7. The general layout of the on-site roadways and intersections with Latson Road appear to be well thought out and provide for circulation through the site. The final layout may vary from this concept once end users of the sites are determined.
8. A detailed traffic impact study was completed for the proposed amended PUD. The proposed development is anticipated to cause multiple intersections in the study area to operate at level of service E or F with the increase in traffic. The traffic impact study includes a list of recommended improvements to mitigate the increase in traffic in Section 11. These improvements will need to be considered by the Township as the PUD develops in the future. Any site drive or intersection recommendations should be included in future site plans for approval.
9. Improvements to Latson Road are subject to Livingston County Road Commission (LCRC) approval and should be submitted for review and comment by the Township. Since this parcel is the first major development on the south side of Latson, and as such is the gateway to Genoa Township, we recommend additional concepts be considered to promote the Township with either monument signage or landscaping details as part of the overall development plan. Any signage would need to be reviewed by the Township and their planning consultant.

Brighton Area Fire Marshal Rick Boisvert's letter dated October 12, 2023 states, "All of the previous PUD comments presented by the fire authority have been addressed in writing or acknowledged by the applicant. The fire authority has no opposition to the PUD approval and will review each portion of the project as they are submitted."

Mr. Rassel stated that letters in opposition to the proposal were received at the beginning of tonight's meeting from the following residents: Glenn and Dianne Hoskins, James Thornton, Denise Thornton, Brian and Maureen Jones, Andrew Kimball, Jane Locke, and Susan Nickels,. Also, a copy of comments from Denise Pollicella was submitted this evening.

Each of the Commissioners and staff introduced themselves and provided a summary of their professional background and experience with the township.

The call to the public was opened at 7:26 pm.

Mr. Alan Rankin of 3875 Clover Bend Court stated that he is in the middle of the blue area of the PUD. When he moved here, Genoa Township was known as “The Preserve”. They are proposing to put a berm around three sides of his property. He is disappointed and does not believe Mr. Wyett.

Mr. Eric Herbert of 4857 New Haven Drive moved here from Hartland to be in greenspace and a peaceful and quiet community. He is against this proposal. He does not want to see industry in this area. He is concerned with traffic and safety. No one here is in favor of this. Please keep Genoa Township’s greenspace.

Ms. Mallie Wilson of 3400 Beattie stated there is a prepared statement from the Coalition that she started reading and asked others to each read a portion when they speak. She read “First, the notice for this public hearing is defective in that it does not list the 10 parcels of real estate North of the proposed rezoned parcels that are also the subject of this public hearing. The stated intent of this public hearing is, in part, to amend a PUD agreement and conceptual PUD plan that governs those 10 parcels as well, and the public hearing notice is insufficient in that it does not inform the residents of Genoa Township of the full purpose of this meeting or of all of the parcels that are the subject of the meeting. Second , the PUD Agreement and conceptual PUD plan that are the subject of his public hearing and which are proposed for amendment are expired. The fact that the term in the PUD Agreement is longer than 2 years is irrelevant. The PUD Agreement and conceptual plan are two of several components of a PUD application that, according to the very plain language of the Zoning Ordinance Section 10.04.02, expire in 2 years unless a final PUD site plan is filed, or an extension is requested and granted by the Township board prior to the 2-year period. Neither of those happened, as confirmed by FOIA request in July. There is no provision in the Zoning Ordinance authorizing the magical reanimation of an expired application . An expired application cannot be amended , ratified or restated. It is simply expired. The Latson PUD application for the Northern original 173 acres expired on August 17, 2022, 14 months ago. Therefore, we object to any consideration by this body of any amendment to, or ratification of, the expired PUD application as invalid and outside the scope of this Planning Commission's authority under the Zoning Ordinance . We do not object in any way to the discussion related to the rezoning of the Southern parcels that are designated with specificity in the public hearing notice. Without waiving these objections in any way, I provide the following substantive comments.”

Mr. Bill Reiber of 3154 Stillriver Drive stated this is the third meeting he has attended and offered his comments. In all of those meetings, he has not heard anyone explain

the reason why this is needed and how it benefits the residents and taxpayers of the township. He read the meaning of a Service Level "D" from the traffic study's result.

Ms. Veronica Goodwin of 2482 S. Latson continued reading the statement, "My objections and those of the Coalition to this development are numerous and begin with the way in which it was originally conceived and handled. The change to the Master Plan that envisioned converting a rural, residential and agricultural area that over 100 families call home into a high-tech industrial and commercial development was ill-conceived and smacks of a condescending disdain and disregard for those of us who live here. Our homes, our property, and our neighborhoods are not disposable despite your efforts to deem them so. The rezoning application asks, "do you have any evidence that a reasonable return on investment cannot be received by developing the property with one of the uses permitted under the current zoning?" to which the developer replied, "Given the construction of the Latson Road interchange, it is not reasonable to assume the area would be developed in its current designation of CE (Country Estates)." This is as insulting as it is conceited. He provides no evidence as required by the application and offers up only his divine proclamation that it is not reasonable to assume anybody would want to actually live there. I want to live there. So do the Pardiacs, and the Hoskins, and the Godwins and lots and lots of other people who moved to this specific area because we like living near the interchange in a rural, low density country estates setting. You have two people here this evening that just bought homes on Latson. So, I would submit as evidence to you this evening that a more than reasonable return on investment can be received by developing the property exactly as permitted under the current zoning, and that the applicant has not met, and cannot meet the threshold for rezoning because of it.

Ms. Sharon Staton of 1123 Allie Lane stated this development will decrease home values in Livingston County, will cause more traffic, higher taxes for infrastructure, hotels and gas stations, and will drastically change the character of the rural community.

Ms. Annette Fish of 308 W. Caledonia Street stated she moved here so she could live a quiet life. People moved here for the lifestyle.

Ms. Denise Pollicella of 4200 Sweet Road stated that she has never had a municipality prohibit delegation of time to others. She continued to read the statement, "That is not the end of the developer's proclamations. He also is kind enough to inform all of us that that there is a demand in Genoa Township for the types of uses proposed at this site. Again, he provides no evidence or support for his statement, and does not even bother to respond to the second part of the question that asks if there is anywhere else in the Township better suited to his project. So, I suppose we are all just supposed to take it as gospel that we are desperately in need of another drive through fast-food restaurant , another gas station, another low-end chain hotel and a 200,000 square foot industrial distribution warehouse that operates 24 hours a day.

But what bothers me even more than the developer's arrogant assumption that he does not have to actually take the questions on the rezoning application seriously - questions that are meant to provide a minimum basic threshold for rezoning that he has not even bothered to try to meet because you have given him no reason to think he has to it is the Township's inexplicable continued defense of this developer while at the same time treating anyone who dares question this project with a contempt and dismissiveness that is incredibly offensive. When you ask anyone at the Township about this project you get the same response: it's already a done deal, and we've been working on it for a long time. Let me be clear: nobody here cares how long you have been working on this, because it doesn't matter. The date that you or the developer started thinking about this project is irrelevant if the public had no knowledge of it, and the fact that you keep repeating how long you've been working on it is not an answer. The fact is that the very first meeting at which the public had any opportunity to know this proposed project even existed was on December 10, 2019, at a joint work session. Not July 2019 when the application was filed, and certainly not 2012. Stop telling people that this started in 2012 like that somehow justifies how horrible it is.

Ms. Michelle Herbert of 4587 New Haven continued reading the statement, "You held two total public hearings on this development, both virtual, one in June 2020 and one in August 2020, both during the pandemic lockdown when people were home terrified. Regardless of whether it was technically legal, it was immoral, it was thoughtless and, as I think you can see by the amount of anger and opposition it has engendered, it was wrong. Fortunately, you get a do-over. It is expired, and you now have the opportunity to require the developer to refile his application so that we can all discuss his proposed development for the Northern parcels in an in-person, open public forum as a community. Again, without waiving our objections, as it relates to the substantive proposals in the application, we would love to comment on the exhibits to the amended PUD agreement but there are none, so we will address the parts that were provided to the public with the expectation that there will be at least one additional public hearing after the public has had the opportunity to review the exhibits. Generally speaking, and after a careful review of the meeting packet provided, the amended PUD agreement contains Amazon warehouse-sized loopholes including, among other things, petition for buildings larger than 200,000 sf, for buildings exceeding 4 stories in height, for challenging his pro rata share of the costs of future improvements required by his development, including widening Latson Road to 5 lanes, infrastructure and the installation of a traffic light. These loopholes allow the developer to continue to escape the restrictions in the Zoning Ordinance and should be definitively closed. Specifically, and in no particular order:

- We request requiring a 100' mature green zone barrier between this development and any abutting residential property to protect their privacy, their property rights, their property values, and to reduce or mitigate the noise, odor and light pollution anticipated by this development.

Mr. Wayne Jewel of 10491 Sourwoods Court stated he is a construction code consultant and has worked with Joe Seward. He lives in Brighton Township. This development will impact his home. He has been through the PUD and there are conflicts on what are prohibited uses, allowable uses, etc. Almost half of the permitted uses will require fire suppression and there will be high rise structures. He asked if the utilities and the fire authority were equipped to handle this.

Ms. Jayne Locke of 3401 Pineview Trail reviewed the timeline for allowing electronic meetings during the COVID pandemic in 2020. The governor allowed electronic meetings; however, on October 22, the Supreme Court ruled that all the governor's actions were outside their authority and unconstitutional. Those meetings were illegal and all approvals that came out of them are illegal.

Ms. Melanie Johnson of 3990 Chilson stated the additional PUD should at a minimum be denied. She has issues with the traffic, noise ordinance violations, a boulevard, and traffic lights. She would like the township to control urban sprawl.

Ms. Deborah McCormick said the township does not comply with its own rules, has meetings during COVID when no one can attend, and ignores the residents. The Board is here to protect the residents.

Mr. Brian Jones of 2695 Chilson Road has lived in Genoa Township for 30 years. He is very concerned about the ambiguity of how this is being presented to the residents. He is concerned with safety, traffic, and noise. The Board and the developer owe transparency. There should be a real plan with real data. He is opposed to what is being proposed.

Mr. Franklin Godwin of 2482 S. Latson Road has lived in Livingston County for 50 years and he has never seen a development pushed through like this. He feels like it is a done deal and he did not know a development of this size was going on. Ms. Pollicella has a lot of information and it shouldn't be presented in pieces tonight.

Mr. Jim Post of 4923 New Haven said he has never been to a meeting where his time cannot be deferred. That was his plan this evening.

Ms. Mary Post of 4923 New Haven stated they retired and moved here to be close to their grandchildren. She is concerned that the meetings on this were held during the COVID lockdown. She is in favor of growth and development in the right locations and time. Latson is already heavily traveled and this development will allow for 24 hour truck traffic near a school. She asked the board to follow the zoning ordinance and listen to the community and constituents and not the developer.

Ms. Tracey Pardiak of 4312 Rurik has lived here for more than 45 years. The commission is working for a developer and against its residents. This PUD is expired and this board and Mr. Wyett are trying to get around this by combining the north and south parcels. There are 40 vacant buildings on Grand River. People will flee this area.

Ms. Debra Towles of 3210 Pineview Trail stated Genoa Township and PC and Zoning Board have a responsibility to listen to its residents. This is in her backyard. This PUD has expired and they should start the process again and allow the people to be involved. They feel the board is not listening to its constituents. This will increase light and noise pollution. She is concerned about the safety of children at the school, traffic, decrease in property values and preservation of this rural community.

Mr. Jim McArdle of 2581 Fishbeck Road stated he and his wife support all of the reasons for opposition stated this evening. He noted other developments in the area that will add approximately 570 vehicles and the Padre Pio site that will bring 500,000 to 1 million pilgrims to the area.

Mr. Brad Beldin of 4133 Chilson Road moved to Livingston County from Indiana because of the rural area. There are two realtors on the Commission and that could be a conflict of interest. He will remember the names at the next election.

Mr. Jerry Rans of 4160 Summerville stated that the traffic at all of the schools in the area is painful.

Mr. Matt Hurley of 4070 Brookstone Court doesn't understand why this is being pushed now. There are only conceptual plans. There should be a plan from the developer. He lives across from Meijer and there is traffic there. He wants to know if MDOT will make changes because of all of this development. If this rezoning is done, then there will be requests to rezone the east side of Latson.

Ms. Colleen Quinn of 4042 Brookstone Court is a precinct delegate. She has lived here for 27 years. She is opposed to this development. It will ruin the rural character. If the board listens to their constituents, they will not allow this. They do not want to live in urban sprawl. This development will significantly impact traffic north of Grand River. She thanked Ms. Pollicella for her investigation. There is near unanimous public opposition to this proposal.

Mr. Anthony Lougoria of 3724 Pinckney Road stated the petitioner has not demonstrated that his proposal meets the ordinance requirements and the expansion of the PUD is against the Master Plan. The rezoning will change the character of the area.

Ms. Bev Hamilton of 3769 Stillmeadow Drive stated she moved here from Canton because it was overdeveloped. She is concerned with her property values and traffic.

People will want to move. The letter from Panhandle Eastern Pipeline stated this development will not work. She would like this addressed. Everyone is against this.

Mr. Tim Quinn of 4042 Brookstone Court is a precinct delegate and has lived here for over 27 years. He moved here for the open character of this community. He does not want to live in the middle of urban sprawl. He is concerned with the increase in traffic north of Grand River on Latson Road. The board needs to support the residents and not the developers.

Mr. Andrew Warner of 3453 Lakewood Shores Drive continued reading the statement,
“• We request limiting the hours of operation for the non-residential businesses located anywhere in this development to 6am - 10pm. It is nearly impossible to imagine how the Township spent a decade working on this and did not think to restrict the hours of operation for an industrial park you were dropping into the middle of a residential area. This industrial park requires restricted hours of operation, and you owe that much to the adjacent and surrounding property owners. We requested that the developer do this, but he refused because his clients need 24-hour trucking. I also find it impossible to believe that trucks coming and going 24-hours a day is what you intended to approve, especially because it is in direct contravention of the language and clear intent of the CAPUD Ordinance.

- The single-family residential proposed for the lower half of the Southern parcels are medium density and quite small and are not the two-acre lots that were, as I understand it, supposed to be here. There are also many fewer of them, and the transition area that was, according to the developer, supposed to be located North of the Marion-Genoa drain is now South of it, which significantly reduces the residential and increases the industrial. We do not agree and would want single family 2-acre homes throughout the parcel with the high-density housing further North. We also want 100-foot mature green buffer on Crooked Lake so that the development has a higher end look and feel.
- We want an environmental impact study done specific to endangered species. None has been done. The developer's report assumes because this is farmland that there are no critical habitats on the property that would fall under state or federal protection. Yet, over 80 species, including several species of bees, bats, salamanders and butterflies common in this area, were added to the Endangered Species Act in May of this year.”

Mr. Ben Tasich of 3492 Lakewood Shores Drive stated the board serves us because they want the best for the community. His heart goes out of the board because of what they have to do. He moved here 25 years ago from the city. There was so little information to the public. There are huge changes being made to the lifestyle of people who live here for a commercial and industrial development when other properties

remain vacant. This development will ruin people's lives. He believes in business and progress but don't do it by destroying the environment.

Ms. Stacy Wooster of 2209 S. Latson stated when she first moved here it was a dirt road. She attended many meetings and spoke to Ms. VanMarter. She was aware of the Latson Road Interchange and the Master Plan. She is in favor of the growth opportunities for Genoa Township.

Mr. Alfred Wilder of 3109 Pineview owns two homes very close to this development. He moved here 30 years ago to live in the country. There was a Zoom meeting in 2020 with no one else but the board and the developer. He will not vote for any of the board members.

Ms. Debbie Beattie of 3109 Pineview Trail has lived here for 33 years. What is being planned is death and destruction to this whole area.

Ms. Gina Gangnier of 4354 Highcrest Drive has lived here for 38 years and raised four children. It is unbelievable this passed without anyone knowing. The developer took advantage of COVID. This will increase the population, destroy the wildlife, and affect the air quality.

Chairman Grajek requested a 10 minute break at 8:42 pm.

Mr. Mark Behrendt of 4180 Timberview Drive moved here in 1987 and commuted to Southfield and Detroit. He spent 2-3 hours a day in the car, but it was worth it because he wanted his family to live in a rural community. The anger with the developer is misplaced. The residents should work with the township.

Ms. Susan Nickels of 4935 Fairways Drive stated there are over 300 signatures on an informal petition. She supports the community and continued to read the statement, "• We would like an amendment added to the PUD Agreement and executed by every Planning Commissioner, Township employee and Township Trustee that neither they, nor any of their immediate family members, businesses or business partners have any direct or indirect ownership or options for ownership in any of the companies that own any of the real estate proposed to be developed here, or any real estate that may be added in the future, and that none of the them will or can derive any personal financial benefit from any part of this development. This is a transparency issue, plain and simple. Ownership of companies is not publicly available in Michigan. In other words, we have no idea, and neither do you, who owns any of these companies and who has options in or contracts with any of these companies."

Mr. Carl Hauss of 16880 Hauss has owned property in Genoa Township for 30 years and has seen change. The township has a lot to be proud of and a lot of work has been

done on this with the township and Mr. Wyatt. This is an opportunity to move forward and this is a benefit to the county and State of Michigan. It will bring high end jobs to the township.

Mr. Leo Nicholas of 2290 S. Latson Road stated that it is embarrassing the way the public is acting this evening. People should not be booed or cut off. He is thankful that the board is putting up with this behavior this evening. He has lived here 48 years.

Ms. Suzanne Cunningham of 3413 Dewdrop Lane stated she and her husband moved from Livonia. They moved here to be near her grandchildren and she feels like she lives up north. Eighty-five percent of the buildings on Grand River are empty.

Mr. Kenneth Pardiac continued to read the statement,

- “• We also want any use that is not listed in the Principal Permitted Uses in the Genoa Township CAPUD Zoning Ordinance removed from the list of permitted uses for this project. This includes, but is not limited to outdoor storage, warehousing , distribution facilities, all light industrial that is not a related or complimentary use to a Principal Permitted Use, and buildings over 40,000 square feet or 3 stories in height. This developer, like any other applicant in Genoa Township proposing a use that is not permitted in a particular Zone, should have to go through the same process that everybody else does for a variance. We have no objections to deviations as this is within your authority under the ordinance, but deviations and variances are two very different things. We have significant concerns about not only this developer, but about the potential from state or multi-national level players coming into this space due to the flexibility and autonomy afforded to this developer. As an example, look at what is happening in Big Rapids with Gotion and its EV battery plant, which bought the land in Green Township after the state approved millions in incentives for its strategic outreach fund. My point here is not to use scare tactics. It is to point out the fact that there is a massive amount of flexibility and autonomy in this project that could have incredibly destructive unforeseen consequences, and that we must put some guardrails around this project now to prevent them. We have very, very serious concerns that this Planning Commission and the developer have different ideas about what you are approving , and that the language and uses you are approving are vague enough to allow him to bring uses in here that were never intended.
- Finally, we have a major concern about the future potential use of this site. follow pending legislation and HB 4905 and 4906 just made it to the House Floor in Michigan. These bills would give tens of millions of dollars in incentives to attract hyperscale data centers in Michigan, as they recently did in Ohio.”

Ms. Edna Biegas of 1950 Genoa Circle continued reading the statement, “For those of you who do not know what a hyperscale data center is, it is a massive high-security data center housing at least 5,000 servers and requires an enormous amount of power, natural resources and water to run and cool the servers. They require significant additional power sources that either do or could exist on this site. I also know that this

Latson project is known as one of 4 or 5 industrial "mega sites" in Michigan that would be at the top of any list for locating a hyperscale data center. In addition to the fact that this is not a use that is listed in the principal permitted uses for the CAPUD zone, there is no way that this use, which is fairly new, could have been contemplated or addressed when this ordinance was written several years ago. We must be proactive in addressing the potential for this use. For that reason, we request that data centers over 40,000 sf and hyperscale or colocation data centers be included on the list of prohibited uses for this project. The conditions that existed in 2019, or even 2012, that may have warranted consideration of this area for a large industrial development do not exist anymore, and due to the new remote work culture are unlikely to change. There are currently 41 vacant commercial or industrial properties for sale or lease on Grand River in Genoa Township alone. This does not include property along Latson North of 96 that is available for development."

Mr. Eugene Ivanov of 2620 S. Latson is a new resident to Michigan from California. He bought his property for its beauty and how peaceful and quiet it is. The development will affect both his front and back yard. The residents will vote the Trustees out and they will remove the Planning Commission members. He stated that Mr. Wyett is selling his property and moving to Florida.

Ms. Karen Wilbanks of 2914 Russell Drive moved to Genoa Township three years ago, which was known for rolling hills, parks and wildlife. She is concerned about over density, the runoff from industrial pollutants that could affect the well at Three Fires Middle School, the rise in child trafficking, the wetlands, environment and wildlife.

Ms. Augie Bonett of 3219 Lakewood Shore Drive moved from Detroit to Warren and then Pinckney and then to Genoa Township. This project will take away greatness from all of the residents. It makes her sad.

Ms. Andrea Sydor of 5320 Richardson Road stated she rezoned her two 10-acre parcels into a 20 acre parcel, which is the opposite of what is being requested this evening. She has lived here for a short time and plans to live here for a long time. She wants to keep the rural, country estates zoning.

Ms. Maureen Jones of 2695 Chilson Road stated her and her husband and grown children live in Genoa Township. She continued reading the statement, "In other words, there is no rationale for locating this development here, and the fact that Mr. Wyett owns the property is not sufficient justification. The prevailing law in Michigan does not, in fact, grant a property owner any vested right in his property until he has made substantial improvements to it, and this has not been done here. It would make significantly more sense to repurpose any one of numerous available properties along Grand River that are, frankly, unsightly and becoming blighted, then to allow industry to invade an already established and settled residential area. I-96 is actually the perfect dividing line between a heavy commercial and industrial area and the entrance to the

residential area of Genoa Township. It is a mistake to think that you can hope to prevent this industrial zone from expanding if you allow it to jump the expressway. There are two additional properties, one on East Latson and a large 85 acre one at the corner of Chilson and Crooked Lake that are currently being advertised on the Detroit Regional Partnership list of Verified Industrial Properties for sale in the Detroit area. The vast majority of homeowners in this area have no intention of selling their properties, but there is a provision in the proposed PUD Agreement that allows the developer, as we understand it, to automatically include nearby properties in the PUD without further review. We also know of property owners on Crooked Lake and Latson attempting to sell their properties to this or other developers. It is called Urban Sprawl for a reason, and despite your best intentions and best efforts, if you allow industrial uses South of 1-96, it will not stop, and we will lose our beautiful, rural, commuter township and everything we love about where we live. There is also no established need, demand or rationale for a large industrial warehouse distribution facility here. According to the US Census Bureau, the median household income in Genoa Township is \$84,616.00, and the median home value in Genoa Township is \$302,400. Those numbers are well above the US average of \$70,163 and \$284,000, respectively. By comparison, the average Amazon warehouse fulfillment center pay nationwide is \$18.00 and has been established not to fluctuate by more than \$3.50.

Mr. Clinton Rux of 4754 Stillmeadow Drive stated it is difficult to drive past Three Fires Middle School in the morning. He continued reading the statement, "Using the highest possible wage rate, the employees at a warehouse distribution facility are likely to make under \$45,000 a year. Using the highest possible wage rate, the employees at a warehouse distribution facility are likely to make under \$45,000 a year. In other words, the economics of an industrial warehouse facility do not make sense for Genoa Township. There have been no studies that we can find that show how this development will benefit the residents of the Township. In fact, there is every reason to believe that if a large company locates here, DTE will offer it reduced utility rates which are much lower than the utilities rates that Genoa Township residents pay, and those additional costs will again be passed on to Genoa Township and Livingston County residents as variable utility rate costs. In other words, we have every reason to believe that a large industrial development, as opposed to a smaller tech park, will be a financial burden on Genoa Township residents in every way. Please ask yourselves who this development benefits other than the developer. And if it only benefits the developer, then why on earth would we allow it? Please stop swallowing whole statements like "economic development" and "growth" like they are intrinsically good without any downside, and take a hard look at whether a large industrial development will actually improve the lives of the residents of Genoa Township. We argue strenuously that it will not. Please do not be under the illusion that you have any control going forward if you allow the expansive permitted uses listed here. These permitted uses authorize an industrial warehouse distribution site on a CSX rail stop and, yes, an opioid treatment center, and the only thing you will have a say in going forward is the paint color. The

amount of development and the extreme population growth in Genoa Township and surrounding townships have exploded in recent years and we are all tired of it.”

Ms. Deanna Spivey of 2970 Beck Road continued reading the statement, “I have with me today over 300 signatures from community residents who oppose this development, and that number continues to grow. We are already suffering the adverse effects of it in the heavy traffic and uptick in crime that the vast majority of people move here from other locations in Michigan specifically to avoid. In light of the above, we hope you will agree with us that this application is deficient in a number of areas and does not currently meet the stated requirements of the Zoning Ordinance that would allow you to recommend the approval for a rezoning of the Southern Parcels at this time. In the event, however, that you do choose to take a vote this evening, we request that this Planning Commission clarify for the record what, specifically it is voting on, and specifically what parts of the development are affected or impacted by the vote. It is important for the residents and taxpayers of Genoa Township to understand the specific scope of your vote , and whether your vote on any of the agenda items tonight are intended to impact or govern the Northern Parcels in any way. It is unfortunate that we have to be here tonight when this could have easily been avoided by the Township following its own zoning ordinance. The majority of people in our Coalition, including me, are not opposed to a development here, and if it had been confined to the restrictions and intent of the CAPUD Zoning Ordinance , we would not have needed to form a Coalition of residents to oppose it. The CAPUD ordinance envisions, appropriately, a low-profile, high-end, medical or technology park that does not, and I quote, "generate offensive external impacts and operations that generate high levels of noise, heat or glare, air pollution, odors, wastewater , or truck traffic, [which] are not considered appropriate in this district." And yet the developer is shopping this out as an industrial park which will bring just that, and your original approval permitted him to do so.”

Mr. Jason Hagelthorn of 5036 Oak Bluff Court read the remainder of the statement, “We encourage you to take this opportunity to correct what we hope was an oversight, follow the ordinance and Master Plan, and approve, if you must approve anything, a development that will assimilate into the surrounding residential areas instead of literally steamrolling over them. It is entirely possible for this development to go forward in a way that benefits the developer *and* the community. It is within your authority to require it, if you will. You are our friends and neighbors, and we are yours, and we ask that you remember that tonight, and continue to do so as we go forward. Your job is not just to balance the competing interests of property owners, and it is not just to follow the Master Plan. It is also to act as our collective stewards of this community that we all live in together and call home.”

The call to the public was closed at 9:33 pm.

Mr. Rauch understands the residents and they believe that their daily lives will be changed significantly and he takes this seriously. He knows the developer has spent time and money working on this project. The Township must follow due process and listen to and understand the subjective and objective information and comply with the laws that govern the Township. The tools the township uses when considering a rezoning request is the Master Plan. When reviewing the Master Plan, he sees significant reasons for denial and would recommend denial of the amendment to the Township Board. The majority of the property in consideration tonight is outlined and dotted in the Master Plan map as future transition area.

He stated that the Master Plan was updated last year and the township went through a multi-year process to update, create and draft the Master Plan, which included public hearings and open houses and took feedback from the community. It was based on the feedback that the Master Plan was created. The details of the transition area specifically says, in the lower right corner of Page 3.7 of the future land use map in the Master Plan, "the interchange transition area - future land use and the utility service will be reconsidered in this area concurrent with a proposal for actual campus uses (See Appendix)". Then looking at Pages 8 and 9 of the Appendix, there are two areas identified for future development of interchange campus area, which are Area A and Area B and those areas are both north of the majority of the property being considered tonight. Based on this, it would not be appropriate to recommend approval of this rezoning request so he will be making a recommendation to deny the request.

Commissioner Rassel asked Mr. Seward to explain why the PUD is not expired and why this was able to be heard this evening.

Mr. Seward stated that the current PUD has not expired and this issue will be litigated in front of Judge Geddis in December. The Michigan Zoning Enabling Act allows the PUD to vary certain terms of the ordinance and regulations. The two year requirement was changed in the agreement. He stated that the applicant has made substantial investment in the property, such as installing infrastructure, and he will present this and other arguments during the hearing in December.

Commissioner Rassel stated that the Township consulted with legal counsel to know that the agreement is not expired. He noted that all but one of the Planning Commission Members are appointed, and not elected.

Moved by Commissioner Rauch, seconded by Commissioner Rassel, to recommend to the Township Board denial of the rezoning application for Parcel ID#'s 4711-17-200-006, 4711-17-200-002, 4711-17-400-015, 4711-17-400-013, and 4711-17-400-014. **The motion carried unanimously (McCreary - yes; Chouinard - yes; Rauch - yes; McBain - yes; Rassel - yes; Grajek - no).**

Moved by Commissioner Rauch, seconded by Commissioner Lowe, to recommend to the Township Board denial of the PUD Agreement Amendment for Parcel ID#'s 4711-17-200-006, 4711-17-200-002, 4711-17-400-015, 4711-17-400-013, and 4711-17-400-014. **The motion carried ~~unanimously~~ (McCreary - yes; Chouinard - yes; Rauch - yes; McBain - yes; Rassel - yes; Grajek - no).**

Moved by Commissioner Rauch, seconded by Commissioner McCreary, to recommend to the Township Board denial of the Environmental Impact Assessment dated August 15, 2023 for Parcel ID#'s 4711-17-200-006, 4711-17-200-002, 4711-17-400-015, 4711-17-400-013, and 4711-17-400-014. **The motion carried ~~unanimously~~ (McCreary ~~=~~ yes; Chouinard ~~=~~ yes; Rauch ~~=~~ yes; McBain ~~=~~ yes; Rassel ~~=~~ yes; Grajek ~~=~~ no).**

Moved by Commissioner Rauch, seconded by Commissioner Lowe, to recommend to the Township Board denial of the Conceptual PUD dated September 25, 2023 for Parcel ID#'s 4711-17-200-006, 4711-17-200-002, 4711-17-400-015, 4711-17-400-013, and 4711-17-400-014. **The motion carried ~~unanimously~~ (McCreary - yes; Chouinard - yes; Rauch - yes; McBain - yes; Rassel - yes; Grajek - no).**

ADMINISTRATIVE BUSINESS:

Staff Report

Ms. Ruthig stated there will be two items for the November Planning Commission meeting.

Approval of the October 10, 2023 Planning Commission meeting minutes

Needed changes were noted.

Moved by Commissioner McCreary, seconded by Commissioner Rassel, to approve the minutes of the October 10, 2023 Planning Commission Meeting as amended. **The motion carried unanimously.**

Member Discussion

There were no items to discuss this evening.

Adjournment

Moved by Commissioner Rassel, seconded by Commissioner Lowe, to adjourn the meeting at 9:48 pm. **The motion carried unanimously.**

Respectfully Submitted,

Genoa Township Planning Commission
October 19, 2023
Approved Minutes

Patty Thomas, Recording Secretary