

Hearing  
12/09/2024

1 GENOA CHARTER TOWNSHIP

2 PLANNING COMMISSION

3 PUBLIC HEARING

4 DECEMBER 9, 2024

5 MONDAY

6 6:30 P.M.

7  
8 APPEARANCES

9  
10 Chris Grajek, Chairperson  
Eric Rauch, Vice-Chairperson  
11 Marianne McCreary, Secretary, Zoning Board of  
Appeals liaison  
12 Bill Reiber, Board of Trustees liaison  
Greg Rassel  
13 Glynis McBain  
Tim Chouinard  
14  
15 Kelly VanMarter, AICP - Township Manager  
Amy Ruthig - Planning Director  
16 T. Joseph Seward - Township Attorney  
Brian V. Borden, AICP  
Shelby Byrne, P.E

1 CHAIRPERSON GRAJEK: At this time call  
2 this meeting to order. Call the meeting of the  
3 Genoa Charter Township Planning Commission meeting  
4 for December 9th, 2024 is called to order. Our  
5 first agenda item is Pledge of Allegiance. Would  
6 you please stand and join me.

7 (Pledge of Allegiance recited)

8 CHAIRPERSON GRAJEK: I'm going to ask  
9 to look for approval of tonight's agenda.

10 MR. RASSEL: Move approval of the  
11 agenda.

12 MR. REIBER: Support.

13 CHAIRPERSON GRAJEK: All in favor say  
14 aye.

15 THE BOARD: Aye.

16 CHAIRPERSON GRAJEK: Opposed? Hearing  
17 none, the agenda is approved. The next item is a  
18 Declaration of Conflict of Interest. If any of  
19 the commission members have a conflict of interest  
20 with the cases that will be heard this evening we  
21 ask at this time that you step forward and be  
22 recused for that particular case. Seeing none,  
23 I'll close that and go to the first call to the  
24 public. First call is a call for anything that is  
25 not on the agenda this evening. So if you want to

1 speak on an issues outside of the items that will  
2 be talked about tonight, you may step forward at  
3 this time. Seeing none, we'll bring it back up  
4 front and we will start with the first case. Open  
5 Public Hearing #1. Consideration of a rezoning  
6 application, PUD agreement, impact assessment,  
7 and PUD conceptual plan to rezone 7.44 acres from  
8 Country Estates (CE) to ICPUD (Interchange  
9 Commercial Planned Unit Development). The  
10 property is located on the east side of Latson  
11 Road, between Beck Road and the CSX Rail line.  
12 The request is petitioned by Todd Wyett. And you  
13 guys are on. Please step forward. Please state  
14 your name and anybody with you.

15 MR. STRADER: I'm Brad Strader, the  
16 planner for Cincar Consulting. And the rest of  
17 the team, I'll kind of introduce them. Alan  
18 Greene from Dykema. Introduce yourself.

19 MR. LORD: Eric Lord, Atwell.

20 MR. STRADER: We also have with is this  
21 evening is Todd Wyett and then Jared Kime, who's  
22 also from Atwell.

23 CHAIRPERSON GRAJEK: Thank you. Go  
24 ahead.

25 MR. STRADER: Go to the next slide

1 here. Again, I'm Brad Strader from Cincar  
2 Consulting. We also have Julie Kroll from Fleis &  
3 VandenBrink to do the traffic study on this  
4 project. And this is just an outline of what  
5 we're going to be covering. You've seen a lot of  
6 the details before and we've reviewed letters. So  
7 we had a public hearing. We had comments from the  
8 public and Planning Commission made the changes.  
9 We had two sets of letters from Tetra Tech and  
10 Safe Built, and we also had comments from Township  
11 administration and so we relayed those changes and  
12 resubmitted. So I'm just going to kind of quickly  
13 go through the reasons for the rezoning for this  
14 site, and the consistency with the Master Plan,  
15 then we'll go through kind of the high level  
16 details of the submittal that are listed here, and  
17 then kind of end with the Traffic Impact Study and  
18 mitigation of traffic.

19 So this is the site here, 7.7 acres.  
20 We are just south of Beck Road on Latson Road. We  
21 want to point out two things for the site. First  
22 of all, the property to the east of us is already  
23 zoned CPUD. There's already like a sign up there  
24 and so forth for the interchange sign and so  
25 forth. So east of us is already zoned PUD. And

1 the east of that there's single-family homes on  
2 Beck, and then there's a little scenic gravel  
3 lining, a pond and so forth. To the southern part  
4 of our site is a railroad. And then we're next to  
5 the new interchange at Latson Road and I-96. And  
6 then a configuration of the property, next to the  
7 railroad, next to the interchange and the noise of  
8 the interchange looking at mirroring the tech  
9 developments on the north side of the interchange,  
10 the site features and different factors we're  
11 proposing. And the reason for rezoning that this  
12 is just a logical place to have the commercial  
13 that we're requesting.

14 This is kind of an overview of the PUD  
15 and the 7.4 acres. You can see this aerial is  
16 taken out of the Master Plan. It shows kind of  
17 the area where we are, and we will be -- certainly  
18 the middle of the area would be commercial or PUD  
19 or office type uses.

20 **A couple of things that are unique**  
21 **about a PUD proposal rather than a straight**  
22 **rezoning, again, in response to comments from the**  
23 **Master Plan and the staff and Planning Commission**  
24 **is that we are restricting some of the uses that**  
25 **commercial rezoning would allow. We're only**

1 having access on Beck Road instead of access on  
2 Latson Road. That's consistent with the request  
3 of Livingston County Road Commission and the  
4 Township's Master Plan and we're increasing the  
5 buffers that are required. And made a lot of  
6 other improvements to the site design and we  
7 actually have site Design Guidelines that are over  
8 and above what would be required out of the zoning  
9 ordinance. So we think our request for commercial  
10 is consistent with the Master Plan and consistent  
11 with the character of the area that I just  
12 mentioned. And we think by adding PUD Agreement  
13 with standards and Design Guidelines that we're  
14 furthering the request of the township and the  
15 Master Plan.

16 The other thing we can do with a PUD  
17 you couldn't do with rezoning is having road  
18 improvements. Michigan law doesn't allow you to  
19 require road improvements. With a PUD we could  
20 offer to make the road improvements, which we've  
21 done.

22 We talked before about the Master Plan  
23 so we're okay. We've got a lot of details here,  
24 but again, PUD and uses that we are proposing are  
25 consistent with the Township's adopted Master Plan

1 and are consistent with the character of the area  
2 that is out there today and proposed in the Master  
3 Plan. And I mentioned the access along Beck Road  
4 instead of access on the Latson Road also is one  
5 of the requirements or recommendations that is in  
6 the Master Plan.

7 So we don't do a site plan as part of  
8 the PUD, but one of the requirements of a PUD is  
9 have a concept plan to show different uses and how  
10 they could be arranged, and that's what we have  
11 provided here is a concept plan, and concept plan  
12 just, it's a concept. It can vary, but this is  
13 part of the PUD Agreement that expresses what  
14 could happen on the site. So you can see here  
15 things that are articulated in the PUD Agreement  
16 access is only on the Beck Road and not on the  
17 Latson Road. We're going to make improvements to  
18 the intersection and then all the pathways within  
19 the development, and parking and so forth will all  
20 be coordinated. So while it could be developed  
21 with one use or multiple uses and multiple  
22 buildings can all be coordinated in this design.  
23 All the landscaping and building design and so  
24 forth will all be integrated into a unified  
25 building.

1           So one thing we talked about with the  
2 Planning Commission before were what are the uses  
3 that allowed, and this is a list on the left of  
4 the commercial uses that would be allowed in this,  
5 which includes all the uses shown here. But gas  
6 station is the most prominent use because that's  
7 where we had the most interest from different  
8 potential tenants or purchasers. But we also  
9 wanted to exclude certain uses that the Planning  
10 Commission or staff felt that while they're  
11 allowed in a commercial district, it really  
12 wouldn't be appropriate for this site because of  
13 traffic or location, or we didn't want to compete  
14 with commercial uses along with Grand River Ave  
15 and so forth. Our uses are really set up to be  
16 appropriate uses by the interchange and not  
17 compete with all the uses along Grand River or  
18 Latson and Grand River north of I-96. So these  
19 uses on the lower right, including some that we  
20 had proposed before like mini storage and  
21 different types of auto services but they're not  
22 prohibited. So if the PUD goes through and gets  
23 approved, the developers can come forward with  
24 applied by PUD Agreement and the Design Guidelines  
25 and they would be limited to just the uses in the



1 blue here and the uses that are in gray here will  
2 not be allowed, even though they would be allowed  
3 if you had a street rezoning.

4 And we've got sort of an elaborate set  
5 of Design Guidelines. This is just touching on  
6 them. We've made changes to these as well based  
7 on the last meeting. So we've got additional  
8 standards for lighting over and above what the  
9 township requires. All the signs would be cut. I  
10 believe it's shown on the lower right here,  
11 instead of standard of commercial signage. And  
12 then the architectural Design Guidelines, so it  
13 would all be integrated, would be consistent with  
14 the Design Guidelines that are established along  
15 with the landscaping. So this just highlights  
16 sort of the landscaping, the buffers, increase the  
17 size of the buffers over and above what would be  
18 allowed. And we have -- we're either meeting or  
19 exceeding the amount of landscaping within the  
20 site.

21 One of the things that the Township  
22 asks for is if there's a potential for this use to  
23 extend in the future, or there's a different  
24 reason in the future, the Township wanted us to  
25 have the ability to share access with the property

1 to the east. So we provided that future drive  
2 connection depending on the concept of where  
3 that's going to be, where that drive would go  
4 would be determined in the future. So there would  
5 be a connection drive within our site and the  
6 property to the east if that also develops as a  
7 PUD consistent with the Township Master Plan.  
8 With that use, it doesn't develop, or develops in  
9 a use that's not compatible with ours, we wouldn't  
10 have the road connection. That choice would be up  
11 to the Township.

12 I think utilities we covered before,  
13 but Eric's here to answer any questions. But  
14 there's already been a lot of investment made in  
15 the infrastructure to support this. And you can  
16 see from the drawings and you've seen the drawings  
17 before that utilities have been extended into the  
18 site and they're available for this site.

19 And then for traffic, this isn't like  
20 an intense Traffic Impact Study like the larger  
21 PUD that was proposed. This is sort of a sequence  
22 of things for traffic existing conditions, and  
23 used the Trip Generation Manual to see how many  
24 trips in the morning, evening, daily, when the  
25 different uses generate. And so gas station would

1 be one of the more intense uses that could go  
2 here. So the Traffic Impact Study used the gas  
3 station as part of the traffic study. And then so  
4 we take existing traffic, taking all the uses that  
5 would be allowed on the site and then combine that  
6 and evaluate future traffic.

7 So we had meetings with the Township  
8 and the Road Commission, made revisions to the  
9 Traffic Impact Study. Then we had a letter from  
10 Tetra Tech asking for additional information on  
11 the traffic study. We addressed everything that  
12 was in the Tetra Tech letter, we believe, and now  
13 they said -- their letter said there's no more  
14 issues in the traffic study. So this is sort of a  
15 synchro analysis that we provided before and was  
16 updated for this study. And basically this is a  
17 conclusion of the Traffic Impact Study that we  
18 would need some signal retiming. Part of that is  
19 based on the changes in the ramp traffic and so  
20 forth, but there would be adjustments to the  
21 signal timing, there would be left turn phasing  
22 because the gas station would generate if you're  
23 southbound on Latson, so left turns from the site  
24 would be the left turn arrow. So when you look at  
25 the buildup of traffic on Latson and so forth. So

1 that would be installed by Versa. They're timing  
2 would be worked with the Road Commission and  
3 install it with whatever the Road Commission says,  
4 and the timing is there. We've talked about maybe  
5 we could install it, it could be flashing until  
6 the Road Commission approves the signal timing. So  
7 we'll work with the Township and the County on the  
8 sequencing and timing of that.

9 And then another thing also we would  
10 provide pedestrian crossing of Latson Road to get  
11 to the pathway on the west side. So as part of  
12 the site plan approval we had determined where the  
13 sidewalks so on and so forth. We would have a  
14 pathway across Latson Road to get to the pathway  
15 that's on the west side of Latson Road. And  
16 that's in the Planning Development Agreement.  
17 It's part of the site plan and we will make those  
18 pedestrian improvements to meet the requirements  
19 of the Township and the Road Commission.

20 So that's an overview of the PUD  
21 Agreement. We're happy to answer any questions  
22 that the Planning Commission has or after you hear  
23 from the public, we can help answer any questions  
24 from the public.

25 CHAIRPERSON GRAJEK: Questions?

1 MR. BORDEN: Thanks, Mr. Chair,  
2 Honorable Commissioners. We good on audio back  
3 there? Awesome. Thanks, guys. Appreciate it.  
4 So, Mr. Chair, Honorable Commissioners, the  
5 Petitioner is in front of me this evening as noted  
6 for an ICPUD request on as an interchange  
7 commercial planning and development. There are  
8 four items that make up the total request. They  
9 include the rezoning from CE to ICPUD. The draft  
10 PUD Agreement, the Environmental Impact  
11 Assessment, and then lastly the conceptual PUD  
12 plan, which are all up for your consideration  
13 tonight. If you do wish to bring these to a  
14 conclusion this evening, all of them are up for  
15 recommendation. Ultimately, the Township Board  
16 does have final review and approval authority over  
17 all four of these components to the overall  
18 request.

19 With that being said, I will start to  
20 run through my review letter and, Mr. Chair, feel  
21 free to stop me at any point you have a question  
22 or you want some further explanation. So I will  
23 start with PUD qualifying conditions of section  
24 10.02 of the Township Zoning Ordinance. The first  
25 item that is up for discussion or further

1 consideration by the Commission is related to the  
2 minimum site area. Conventionally planned unit  
3 developments are provided 20 acres of site area.  
4 However, there are different instances where the  
5 Township may reduce that lot area. The request  
6 that's before you I believe is for just under  
7 seven and a half acres of land, and there is a  
8 specific statement in the ordinance as it relates  
9 to interchange commercial and campus PUDs. So in  
10 order for the Township to grant the site area  
11 reduction, the Township will need to find that the  
12 design elements of a proposed development are  
13 integrated into and consistent with the broader  
14 Master Plan and Latson Road Subarea Plan with  
15 compatible land uses, and that is a direct quote  
16 right from your zoning ordinance. So that's the  
17 first item you need to consider as it's related to  
18 qualifying conditions.

19 The second item that I want to bring up  
20 again consideration and further discussion  
21 potentially is that PUDs are to have access to  
22 public sewer and water. This particular site does  
23 have public water, but it does not currently have  
24 public sewer. As a result, the most recent  
25 proposal, the current one that you're considering

1 this evening does include a utilities agreement,  
2 which is intended to ensure the future  
3 construction of the sewer line to this particular  
4 site. Because this is sort of a secondary  
5 agreement, it's part of the overall PUD Agreement,  
6 but we want to make sure that any issue, any  
7 comments on that secondary agreement from either  
8 Township Attorney or Township staff have been  
9 addressed.

10 And then sort of piggybacking off of  
11 that comment because of the nature of the  
12 utilities as it relates to this project and the  
13 request, and the need for another utilities  
14 agreement, want to make sure that any comments or  
15 concerns raised by engineering or the director of  
16 utilities have also been addressed via that  
17 utilities agreement.

18 So that covers the qualifying  
19 conditions, Mr. Chair, so I'll move into the  
20 rezoning criteria, if that's okay?

21 CHAIRPERSON GRAJEK: Sure. Go ahead.

22 MR. BORDEN: Thank you. So the second  
23 part of my review is related to the rezoning  
24 criteria of the zoning ordinance. These standards  
25 were found in section 22.04 of the Township Zoning

1 Ordinance. Starting point is related to the  
2 Master Plan. So the request of ICPUD zoning is  
3 generally consistent with the future land use map  
4 including the I-96 Latson Road subarea plan and  
5 many of the goals of that subarea plan. I did put  
6 forth one specific comment and asked the  
7 Petitioner to respond, which they did in their  
8 revised submittal. And that is related to the  
9 objective of the under area plan that references  
10 the uses and the project essentially must  
11 complement and not duplicate the other commercial  
12 uses north of the site and along Grand River. So  
13 as long as the response from the Petitioner is to  
14 the Township's satisfaction as it relates to that  
15 particular item then, generally speaking, we think  
16 you can find that that standard is met.

17 There is a, as it relates to the  
18 natural features of the property, there's a small  
19 wetland area that was identified on site, though I  
20 don't believe it's regulated. This is just  
21 something we've carried forward from the initial  
22 review. We have encouraged the applicant to blend  
23 that wetland area into the ultimate site design if  
24 at all possible. Again, it's not regulated, it's  
25 not overly large, but I think we want to do our



1 best to help preserve that. I think it can be  
2 blended into site design. We would certainly want  
3 to see that.

4 As it relates to infrastructure, under  
5 the rezoning criteria, again, simply want to make  
6 sure that anything that's been provided to you  
7 from either engineering, utilities director or, in  
8 this instance, Brighton Area Fire Authority, we  
9 want to make sure that those have been addressed  
10 to your satisfaction as well.

11 And then lastly under the rezoning  
12 criteria, in order to implement the overall vision  
13 of the I-96 Latson Road subarea plan, we do find  
14 that rezoning is necessary to further implement  
15 that. However, I will reiterate my earlier point  
16 about uses that are complementary and not  
17 duplicative, and that ultimately being the  
18 Township meeting to make a finding that that is  
19 the case. That was a little joke, and I  
20 apologize. But same thing I said earlier, I want  
21 to make sure they're under that particular  
22 standard that the Township is satisfied with the  
23 response that's been put forth by the Petitioner.

24 And then lastly, Mr. Chair, the closing  
25 section of my review is related to the conceptual

1 PUD plan, which includes commentary on the PUD  
2 Agreement as well as the Design Guidelines. These  
3 standards are found in section 10.03.06. There is  
4 a one dimensional deviation was sought via this  
5 project. That is for the height of a potential  
6 hotel. So they have requested a 57 foot height  
7 max and four story height max for that particular  
8 use. All of the other uses within the project  
9 would default to the regional commercial  
10 designation in terms of the dimensional  
11 requirements. So that would include conventional  
12 height standards. The only item that is in need  
13 of a dimensional deviation would be the height for  
14 the hotel.

15 We had had some dialogue over the  
16 course of the previous reviews related to the  
17 potential gas station for this site. And  
18 ultimately the request that's put for you tonight,  
19 the last version that I reviewed did have the  
20 orientation that we were looking for. I mentioned  
21 this the last time we met on this, but more  
22 specifically, we had asked for the building itself  
23 to front Latson and for the fuel pump canopies to  
24 then sort of be less visible and be behind or to  
25 the east of the potential building if a gas

1 station was proposed there. Petitioner did  
2 acknowledge that comment. It did change the  
3 conceptual plan such that the fuel pump canopy  
4 would be to the rear or the side in this instance  
5 of the building to make it less prominent. But I  
6 did want to point out that in doing so, there is  
7 also rebuilt that was included in Design  
8 Guidelines that essentially referenced that it  
9 would be subject to final site plan review and  
10 that they might change that. So my commentary on  
11 that particular item is that I would like to see  
12 that be I guess permanent and not be something  
13 that's subject to change. That would be my  
14 suggestion. We've had discussions about this  
15 quite a bit with the staff and petitioner, and I  
16 do think that's an appropriate design layout for  
17 this particular site.

18 The concept plan also shows three  
19 driveway connections to Beck Road. We have asked  
20 them to reduce that to two. Again, this is just  
21 conceptual plan so nothing is finalized at this  
22 stage. However, we did ask that it be reduced to  
23 two in large part because gas stations have  
24 specific use requirements in the zoning ordinance  
25 that limit them to a single driveway. So in this

1 particular case, that gas station, if it were to  
2 meet conventional ordinance standards would only  
3 be allowed the one driveway. So based on my  
4 conversation with staff and with others, we  
5 believe that the site could function with two  
6 instead of three per cuts.

7 As noted by the Petitioner, they did  
8 provide an updated traffic study for this site.  
9 So I want to make sure that any items that have  
10 been identified by either Township engineering  
11 consultants or Livingston County Road Commission  
12 have been addressed as part of the review of the  
13 Traffic Impact Study. Again, I know some of this  
14 is redundant, but each of these are kind of their  
15 own individual component to the request, but we  
16 want to make sure that any comments that have been  
17 put forth by the utilities director have been  
18 addressed and we want to make sure that any  
19 comments put forth by Township staff and, of  
20 course, the Township Attorney especially as it  
21 relates to PUD Agreement and the utilities  
22 agreement, we want to make sure that anything  
23 presented to petitioner has been addressed.

24 And then, Mr. Chair, the two closing  
25 comments in my review letter actually were

1 addressed by the Petitioner so they presented some  
2 of this earlier. We had some dialogue at the end  
3 of last week after review letters had gone out.  
4 They did update the conceptual plan to incorporate  
5 the actual survey that they prepared for the  
6 property, so we do have the exact boundaries of  
7 the site now. And then there was just some  
8 confusion of the formatting of the PUD Agreement  
9 and the exhibits more specifically. So I had some  
10 commentary about some duplicate exhibits. Those  
11 were, in fact, not duplicates. The original  
12 exhibits are all part of the PUD Agreement. What  
13 I viewed and the way it was presented to me as  
14 duplicates were exhibits to the utilities  
15 agreement. So petitioner did send me the fully  
16 compiled PDF end of last week and did help to  
17 clear that up. So those comments in my review  
18 letter at this point I would consider those to be  
19 addressed. That's all I have at this time, Mr.  
20 Chair. I'm happy to take any questions you may  
21 have.

22 CHAIRPERSON GRAJEK: Thank you, Brian.  
23 I'll turn it over to Shelby now.

24 MS. BYRNE: So for mine, the site plan  
25 provided is conceptual so most of what I'm

1 reviewing is general nature. Future submittals we  
2 would see a lot more detail and a lot more entry  
3 and review on those details. For sanitary and  
4 waster services like were talked about, this site  
5 would require gravity sewer, a pump station and,  
6 of course, mainly to be served with sanitary  
7 service. If this is developed before the land to  
8 the west is developed, they would need to consider  
9 the full development on both sides of Latson Road  
10 for the sizing of these utilities. Also, since  
11 there is no direct access to sanitary sewer on the  
12 site, the Petitioner is proposing an amendment to  
13 the existing Utility Agreement with the Township.

14 For drainage and grading, there's a  
15 detention pond to the north of this site, and when  
16 it was designed by MDOT, they considered this site  
17 as part of their drainage area, and this site also  
18 drains to a county drain. So when we get to  
19 future submittals, the Petitioner will need to  
20 review their drainage plan with the Drain  
21 Commission and with MDOT to meet all their  
22 requirements.

23 And then lastly for traffic, we did  
24 provide quite a few comments in previous  
25 submittals, and the petitioner did address all

1 those comments, and we have no further traffic  
2 concerns -- or concern with the traffic study for  
3 this site. Thank you. That's all I have.

4 CHAIRPERSON GRAJEK: Thank you, Shelby.  
5 At this point, does anyone on the commission have  
6 any questions to start with?

7 MR. REIBER: I have some questions  
8 about the traffic study. Did that take into  
9 consideration the railroad crossing?

10 MR. STRADER: Yes.

11 MR. REIBER: Because I've been there.  
12 Sometimes that train really backs up for a while.  
13 And then showed a traffic signal at the  
14 interchange back on Latson Road the left turn  
15 light. I just wanted to make sure that that was  
16 considered.

17 MR. STRADER: That was one of the  
18 reasons probably the Township had in their plan  
19 not to have access onto Beck Road because of the  
20 potential backup with it at the crossing. So  
21 that's one reason that all that access is off Beck  
22 Road, and then the traffic signal would relieve  
23 any congestion around the Beck Road intersection.

24 MR. REIBER: Shelby, you made the  
25 comment about the west side of Latson Road being

1 developed before the east side. Is that still in  
2 place? There's got to be substantial development  
3 on the west side before anything happens on the  
4 east side?

5 MS. BYRNE: So my comment's just on  
6 utilities. If they were to develop this site  
7 before the site to the west, they had to do all  
8 the sewer permits that the west side needed just  
9 to serve this site. I don't know all the  
10 specifics on your other question. So my comment  
11 was on just the sanitary sewer. Since this site,  
12 if it developed before the west side, I'm not  
13 saying it would, I have no clue, know the order of  
14 that, but it needs to have sewer service. It  
15 would need all of the sewer permits that were  
16 previously proposed for the west side, the west  
17 side of Latson Road, to be complete to tie into.  
18 So that includes a gravity sewer, a pump station  
19 and forced main that that would tie into the  
20 northwest corner of the other Latson PUD where  
21 there's an existing forced main stub. So this  
22 site doesn't -- when they brought over forced  
23 main, it went to the other PUD across Latson Road  
24 with a forced main stub with the idea that that  
25 site would develop with a gravity sewer that would



1 go to a central pump station and it would pump  
2 that forced main. This site on the east side of  
3 Latson Road does not have direct access to that  
4 forced main because it's on a different parcel.  
5 So they would need to build all of that  
6 infrastructure, the gravity, the pump station and  
7 the forced main to then get to that forced main  
8 stub as on the south side of I-96.

9 CHAIRPERSON GRAJEK: Is that your  
10 understanding?

11 MR. LORD: Yeah, it is. So, you know,  
12 what Shelby was saying, the utilities brought to  
13 under the highway sanitary sewers brought under  
14 the highway, west, kind of like the west side,  
15 Innovation Interchange site. So the sewer is  
16 there for us to tie into realizing that there was  
17 no utility south of the highway. So this whole  
18 area is part of a Master Plan of utilities to  
19 provide sewer and water to the area. Part of that  
20 Master Plan is going to require a pump station,  
21 and the timing of that is going to be part of what  
22 the design as part of this sort of greater  
23 interchange development area to ensure that  
24 utilities will be available to this and for  
25 Innovation Interchange, that's why we entered into

1 the utility agreement that ensures that to then  
2 binds us to in solving that construction.

3 CHAIRPERSON GRAJEK: Any other  
4 questions?

5 MS. McCREARY: I have a couple  
6 questions. There was a slide up here that was  
7 showing that he would have access to the adjacent  
8 parcel to the east of this for future  
9 considerations. It would be through the middle of  
10 the lot is displayed that they even grant access  
11 there, is that correct?

12 MR. STRADER: This is just a concept of  
13 where we go. We would make whatever the  
14 restaurant or office, whatever goes there, with  
15 that site plan, we would either build a stub or  
16 make like an easement or something, or they could  
17 have a floating easement and they could be moved  
18 depending on what would happen to the east. So  
19 we'll make an accommodation to extend either build  
20 up to the property line or have an easement,  
21 either a particular location or a floating  
22 easement so we could connect it to the future,  
23 whether it be Versa or a different user in the  
24 future.

25 MS. McCREARY: I also have a question

1 regarding the PUD Agreement, a couple of them,  
2 actually. So my understanding is the presentation  
3 of this is that this specific parcel is a  
4 standalone ICPUD, correct? And Brian had  
5 intimated earlier about some language that was in  
6 the PUD Agreement. As I was reading through this,  
7 I was bouncing back and forth. It feels like  
8 we're melding the PUDs together. I was having a  
9 hard time defining what is specific to this and  
10 what is specific to the western portion. It felt  
11 to me like it was blending together and I didn't  
12 feel like there was clear a distinction that this  
13 property is its own entity. And it does give some  
14 historical perspective as to how this has been  
15 created, but I was very confused.

16 MR. GREENE: Maybe I can answer that.  
17 Everything in this PUD relates only to this  
18 property. The context of referring to the other  
19 one was to indicate that the various Design  
20 Guidelines that are part of this PUD Agreement  
21 were drafted in such a way to be compatible with  
22 the existing PUD Agreement. This is it's the same  
23 kind of quality, architectural details so that you  
24 have these two PUDs but they're indeed the same  
25 kind of quality and design. But everything in

1 that PUD Agreement only governs this property and  
2 not any other property.

3 MS. McCREARY: Okay. The next question  
4 I had is there's a clear statement that this is to  
5 be complementary and not compete with the  
6 properties to the north of 96. And I looked at a  
7 lot of the uses in this, and none of the uses are  
8 north of 96, coffee shops, drive-in restaurants.  
9 There's a number of identified uses that I see.  
10 We don't want to infringe upon the ability of  
11 other businesses that are already, you know, there  
12 and operating to take away from that. I see an  
13 understanding that potentially this would be a  
14 smart place for some, some of these, but I've  
15 struggled with the fact that they were competing.

16 MR. GREENE: Maybe I could explain that  
17 to you because this is really something that the  
18 Township did. In other words, this isn't just a  
19 PUD with use that we picked, you know, just out of  
20 the blue. There is a zoning district that you  
21 created to be this ICPUD zoning district and it  
22 was designed by the Township to have uses that --  
23 I mean some of them could be the same. I mean  
24 they could complementary, coffee shop her and a  
25 shop half mile away, but uses that we were -- that

1 we used are the uses that the township identified  
2 in this specific ICPUD district not to compete,  
3 and what we did then, the reason they're listed  
4 separately in the PUD Agreement is that we went  
5 through those uses and we eliminated uses that are  
6 allowed but with the Township didn't really want  
7 in this location. So that's why we listed the  
8 uses. But there is no use that we have asked for  
9 in this PUD Agreement that is not actually listed  
10 as a use permitted in the ICPUD district in the  
11 zoning ordinance.

12 MR. STRADER: We looked at the site and  
13 all the factors around it like the railroad, the  
14 interchange next to PUD site, it's only 7.4 acres.  
15 So what happened north of 96 was developed mostly  
16 with 20 acre, 40 acre, 80 acre 100 plus acre big  
17 parcels, multiple users, a whole different animal  
18 than this small seven and a half acre commercial.  
19 So it's not competing with those big uses. The  
20 gas station use, which is probably the most likely  
21 use here is primarily appealing to I-96 traffic.  
22 So it comes off 96 and gets off the interchange  
23 and goes to the gas station, continues on verses  
24 coming Latson Road, go to multiple businesses  
25 including gas stations that a whole host of other

1 uses. We don't know what the other use might be.  
2 It could be office because there's some appeal,  
3 could be a restaurant and so forth. We talked  
4 about that before. But I think it would be very  
5 distinct from commercial that is north of 96. It  
6 was developed in a much bigger scale.

7 CHAIRPERSON GRAJEK: So when you're  
8 talking about this, I'm looking at the concept  
9 plan. You've got a gas station and you've got a  
10 restaurant, those are both items that you said you  
11 wouldn't duplicate, if I'm not mistaken.

12 MR. STRADER: Gas station, restaurant,  
13 could be an office. We had different concepts of  
14 office.

15 CHAIRPERSON GRAJEK: You're saying the  
16 big box, big property, multi-tenant is not  
17 something, but the smaller.

18 MR. STRADER: So it's similar to maybe  
19 the outbuildings, so it's similar to maybe the  
20 outbuildings but not the major uses of most of the  
21 development happening along Grand River.

22 CHAIRPERSON GRAJEK: I think that could  
23 be a little bit clear than what Marianne was  
24 saying because the first thing I saw when I was  
25 looking through this, be similar to what's north

1 of 96 and there have a gas station and a  
2 restaurant.

3 MR. STRADER: I think the intent from  
4 the Planning Commission was Grand River, not  
5 mirror what's on the other side of the interchange  
6 but not to be complementary what's on Grand River,  
7 not compete with what's on Grand River. And the  
8 Planning Commission mentioned there's vacancies and  
9 so forth so the uses here would not be competing  
10 with most of the uses that are along the Grand  
11 River corridor. It would be similar to the uses  
12 on the north side of the interchange but not the  
13 predominance of the uses on the north side of  
14 I-96.

15 MR. RAUCH: Mr. Chair, I'd like to  
16 stick on this subject a little bit. I'd like to  
17 build off of what Marianne shared. Page 13, it is  
18 your letter dated September 27, 2024. And one of  
19 the conditions for rezoning, one of the questions  
20 asked is whether the proposed uses are compatible  
21 with the surrounding uses. How you respond to  
22 that question as described in detail the uses  
23 allowed in the ICPUD district are compatible with  
24 the surrounding zoning and land influences. Land  
25 to the east is zoned ICPUD. Land to the south is

1 zoned CAPUD. The property is sandwiched between  
2 railroad tracks and public streets in close  
3 proximity to the a busy highway interchange. The  
4 Township itself considered all these factors. I  
5 appreciate the exercise in understanding the  
6 localized zoning around that property, but the  
7 question posed is whether the proposed uses are  
8 compatible with the surrounding uses. So I'd love  
9 to understand how the Petitioner believes that the  
10 proposed uses are compatible with the existing  
11 surrounding uses specifically those south of I-96  
12 not north of I-96.

13 MR. STRADER: So one of uses is the  
14 interchange so we're compatible with that  
15 interchange area. And, you know, the Township  
16 made the same conclusion when you adopted your  
17 Master Plan.

18 MR. RAUCH: I wouldn't stretch that far  
19 in regards to that. And the land use is, in this  
20 instance the adjacent land use as you know are  
21 currently residential.

22 MR. GREENE: It is residential in  
23 adjacent uses. As we said, the property to the  
24 east of this area -- sorry. West of this area is  
25 vacant land, but it's already zoned for the same



1 uses. So you can put those kind of uses there.  
2 That's what it's zoned for. The property itself  
3 is railroad tracks and is zoned for high tech  
4 commercial, and that's what's going to go there.  
5 The property on the other side of the road is also  
6 for high tech industrial property. You need to  
7 look at the fact that it's surrounded by vacant  
8 lands that are all zoned for business use, not  
9 residential use. And it's also sandwiched. When  
10 I say sandwiched between seven acres bordering two  
11 main public roads. They held property on the  
12 other side of the zone same way that we are  
13 seeking here and then you've got railroad tracks.  
14 This is not a country estate property. No one's  
15 going to develop country estates. Zoning is  
16 inappropriate which is why you master planned it  
17 for this other use.

18 And you've done something more  
19 interesting too. Normally you would come in and  
20 just seek a rezoning to a business use or whatever  
21 that would be appropriate and compatible, but you  
22 have designated this property to be a PUD.  
23 Normally you come in for a PUD, it's more of a  
24 discretionary voluntary type of thing. You've  
25 zoned this property. You've master planned for

1 this particular zoning so that gives you the  
2 discretion about how you're going to be able to  
3 integrate all the things we just talked about to  
4 make it a compatible development to require  
5 improvements on public roads, to require  
6 dedication of right-of-way, to require wider  
7 landscape buffers, and that's what we've done.

8 So I just disagree with your comment  
9 about the surrounding uses. Everything  
10 surrounding us would not indicate this is a  
11 residential property. It's exactly like we've  
12 plan. And what you've told us what we should do  
13 on the property.

14 MEMBER RAUCH: What's the width of  
15 right-of-way for the railroad tracks? 40 feet?  
16 50 feet? It's pretty small.

17 MR. LORD: Something like that.

18 MR. GREENE: That property is zoned for

19 --

20 MEMBER RAUCH: I understand how it's  
21 zoned. I'm saying its current use. This exercise  
22 was to describe its surrounding land uses, not its  
23 surrounding zoning, which we're all very familiar  
24 with.

25 MR. GREENE: Okay. Fine. Great.

1 Understood.

2 MR. REIBER: One of your opening slides  
3 the need for this, we've office space, we've got  
4 hotels, we've got restaurants we've got gas  
5 stations kitty corner.

6 MR. STRADER: The interest right now  
7 has been on gas station or gas station tied to  
8 retail, restaurants, those type of uses. This  
9 site fits the criteria for that type of use, so  
10 that's been the main interest by development  
11 community.

12 MR. RAUCH: I understand it's allowed,  
13 it's permitted special permit gas station, so I  
14 was just asking about the need.

15 MR. GREENE: We did submit with our  
16 package originally a letter of intent we have for  
17 the gas station. We actually have a user for the  
18 gas station. So if we were to get approval for  
19 the PUD, then we would then be coming in formal  
20 site plan. The next step talked about for the gas  
21 station. And, in fact, the items that have just  
22 been raised by your planning consultant the  
23 location of the pump. The pumps those are things  
24 we have to run by the gas station user. There's  
25 lots of technical issues about where the trucks

1 come in, how you have access, you don't interfere  
2 with the cars, that sort of thing. So although I  
3 don't think we're required at all to actually say  
4 that we have a user for a particular property. We  
5 have a right to use our property for something.  
6 So we did give you a Letter of Intent, a signed  
7 Letter of Intent with a third party that is  
8 prepared to do the gas station on this property.

9 MR. STRADER: The Sunoco, they appeal  
10 to people that are on Grand River Avenue. The  
11 interchanges appeal to different clientele, more  
12 of the through traffic on I-96. Most of the  
13 interchanges along 96 there's a gas station or  
14 multiple gas stations at those interchanges. The  
15 need is really I think more related to I-96  
16 traffic and not Grand River, not competing with  
17 the traffic on Grand River, gas stations.

18 MR. REIBER: There's USA 2 Go  
19 kitty-corner with the gas station right off of  
20 I-96. There's a Panda Express right across the  
21 street. There's a hotel right next door. All I  
22 did was ask about the need.

23 MR. STRADER: Those are the uses that  
24 want to be neck to the interchange.

25 CHAIRPERSON GRAJEK: At this point I

1 think I'll open up to the first call to public.

2 Do you we have cards tonight?

3 MS. VANMARTER: We do, Mr. Chair.

4 CHAIRPERSON GRAJEK: Are you going to  
5 read the cards?

6 MS. VANMARTER: So what I intend to do  
7 is I'll read the name of the first card and then  
8 I'll give the name of the person that's coming  
9 next. Deb Beattie, 3109 Pineview Trail. Followed  
10 by Linda Bookman.

11 MS. BEATTIE: So as to the duplicate  
12 uses as one of the Planning Commissioners  
13 mentioned, we have all of those things, the gas  
14 station, fast-food and hotel. You could walk from  
15 this property to those right across the road.  
16 Preserving the wetland is obviously important, and  
17 anything that is done there should take that into  
18 consideration.

19 But let's go back to the CE zoning.  
20 For somebody to say no one would put a home on a  
21 CE zoned property, you can't say that. You don't  
22 know. There's no crystal ball here. That would  
23 be a nice piece of property possibly for a home, a  
24 barn, horse, whatever somebody wanted. And what  
25 the gentlemen that were sitting here said about

1 that property, it does look like it was made for  
2 drainage from the E-way. It looks very low.  
3 Whenever you're driving by you look across the  
4 road, it sits very low like it's dug deep. The  
5 trees come down from way below and come up. So  
6 what you'd be talking about is trying to fill that  
7 land. I'm guessing our water is going to run into  
8 it, and then you're going to be displacing that  
9 water. And it is residential whether you want to  
10 admit it or not. And per developer's own  
11 documentation the water does go southeast, and as  
12 you can see, those are all homes there.

13 As for a gas station, that has got to  
14 be out of the question. You've got underground  
15 storage. And if you read research about gas  
16 stations, it's often not if they are going to  
17 leak, it is when. And you're talking about  
18 everybody below there, I think it's over 40% of  
19 actually the state is on well water. So we don't  
20 want to create that possibility of damaging  
21 people's wells. Like I said, the underground  
22 storage is an issue drainage is an issue, traffic  
23 signal and railroad track.

24 You know, for us to drive this every  
25 day, that seems to be an issue. Okay. My time's

1 up. Thank you.

2 MS. VANMARTER: Linda Beyer 2627  
3 Chilson Road followed by Max Romero, 223 North  
4 Michigan Avenue. Linda Beyer.

5 MS. BEYER: Hello everybody. Can you  
6 all here me? First if all, I second everything  
7 that was just said before. Beyond that, I'm the  
8 one that last time talked about the concept of a  
9 restaurant village. Restaurant village, social  
10 district, single use, no gas station, something  
11 like that would be really compatible with almost  
12 anything else that was built in this whole area.  
13 And it's not a duplicate of anything else that we  
14 have. Gas stations are a dime a dozen, and  
15 anybody driving down the freeway can figure out  
16 where to get to a gas station, and that usage I  
17 think is just really crazy. So I would encourage  
18 you to look at this as part of a big picture,  
19 which I'm sure you are. Lots of residential, you  
20 know, the possibility of more dense residential  
21 just south of the railroad tracks. All of what  
22 you're talking about gas stations we don't need.  
23 Any other -- well, not any other usage, but other  
24 usages which would appeal to the local residents.  
25 We don't have to pull people off the freeway at

1 this interchange. The one before, the one after,  
2 plenty of services for people driving down the  
3 freeway. This needs to be a bigger picture, a  
4 grander vision. It needs to be the part of, the  
5 beautiful part of Genoa Township that's going to  
6 appeal to everybody that lives here. That's  
7 really all I have to say. Definite no on the gas  
8 station. A little creativity here could go a long  
9 way. Thank you.

10 MS. VANMARTER: Next is Max Romero, 223  
11 North Michigan Avenue, followed by Tracey Pardiac.

12 MR. ROMERO: Hi there. I would like to  
13 pose just a few questions for the commission.

14 CHAIRPERSON GRAJEK: This is not a the  
15 questioning portion.

16 MR. ROMERO: Well, you guys can answer  
17 in your own time. You don't have to answer me  
18 directly, necessarily. But if there is further  
19 discussion later, maybe this is something to  
20 consider is if, you know, justification for what's  
21 around this is determinative whether this is going  
22 to be approved or not. It appears that the  
23 strategy of the developer is eating the elephant  
24 one bite at a time type strategy here. They have  
25 an ambition to obviously do office parks and



1 hotels, restaurants, probably more gas stations.  
2 They never go up just one at a time. So my  
3 question is, what does a development like this  
4 justify? Do we really think that this is going to  
5 be -- there's any chance that this becomes  
6 residential after they put a USA 2 Go there? Beck  
7 Road doesn't go anywhere. So what are they going  
8 to build over there that justifies a restaurant  
9 here and a large gas station?

10 My other question is, you know, how  
11 much vacant land does Genoa Township already have  
12 and the surrounding Howell area? Are we certain  
13 that we want to continue to develop our virgin  
14 land when we already have plenty of vacant areas.  
15 The reason why the developer wants to develop  
16 virgin land is because it's cheaper for them, but  
17 it's definitely not better for the people that  
18 live here. I've seen this developer's previous  
19 developments. If the developers like Versa had  
20 their way, we would be no different than Wixom or  
21 Novi where they have already put buildings. I  
22 grew up here and I definitely don't want to see  
23 Howell or Brighton or any of Livingston County  
24 become this urban sprawl that I see in other parts  
25 of the state. So thank you for your time. I

1 would just hope you guys consider some of these  
2 questions about what their motives are with this  
3 amendment or application, or whatever you call it,  
4 and what your part could be in potentially  
5 changing what happens here going forward. So  
6 thank you.

7 MS. VANMARTER: Next is Tracey Pardiak,  
8 4312 Rurik, followed by Mary Jane.

9 MS. PARDIAC: Good evening. It is  
10 resoundingly clear that the residents of Genoa  
11 Township do not want any of this, hence, why the  
12 entire board was replaced last month. More than  
13 9,000 people voted to change the supervisor, and  
14 more than 8,000 people voted to change the  
15 trustees and the clerk. That was the will of the  
16 people as their voices were heard. The only  
17 person who wants this is Mr. Wyett. He did not  
18 come to our town and ask himself what he could  
19 bring to the table that could make our town  
20 better. He only asked himself how he could make  
21 the most money. They even admitted tonight that a  
22 gas station is primarily appealing to I-96  
23 traffic. That doesn't do anything to improve the  
24 lives of the people who live here. Hell, at a  
25 recent meeting with Township officials, he

1 actually said he's doing this because it's fun and  
2 he wants to get back in the game.

3 When he showed up purportedly uninvited  
4 to a recent coalition meeting, one of the  
5 attendees asked him a question about why, like why  
6 this. Why did you decide to do this. And his  
7 smarmy response was, because I can do what I want.  
8 That's a direct quote. Because I can do what I  
9 want.

10 In that same meeting with Township  
11 officials, he also indicated he's no longer  
12 satisfied with the 200,000 square foot warehouse  
13 you granted him despite the zoning ordinance  
14 restriction of 40,000 square feet, he's going to  
15 come back and ask you to bump it up to 500,000  
16 square feet. I guess when you think you can do  
17 whatever you want and what's good for the people  
18 who live in the area you are destroying is of  
19 absolutely no concern to you, audacity comes  
20 pretty easily.

21 I would also like to point out the  
22 public responses from the Livingston County Master  
23 Plan workshop in May. They want to leave green  
24 spaces, they want to keep south of I-96  
25 residential and agricultural. Only 2% of all of

1 Livingston County attendees wanted more  
2 manufacturing and development with 53% of the  
3 attendees wanted open space and land preservation.  
4 Nobody wants this except the guy who's doing it  
5 just for fun because he thinks he can do whatever  
6 he wants. Tell him he's wrong.

7 MS. VANMARTER: Mary Jane Hebert of  
8 6899 Lyle Lane, followed by Diane Hoskins.

9 MS. HEBERT: So section 10.02.  
10 Qualifying Conditions for the PUD. For the  
11 minimum site area for the 20 acres of contiguous  
12 land, and the interchange of Commercial Campus PUD  
13 the Township may waive the for minimum lot area  
14 when the designed elements of the proposed  
15 development are integrated into and consistent  
16 with the broader Master Plan Latson Road area plan  
17 with compatible land uses. How can it be  
18 integrated with anything when there's nothing  
19 known on what's going to be on the west side. The  
20 developers coming in to put this floating island  
21 of this little PUD when the other side is unknown.  
22 So how does it complement any part of this subarea  
23 for Master Plan when we don't know what's going in  
24 yet. They just want this little piece in just to  
25 get a foothold, to get -- to start building in

1 this area. Is this acceptable? It doesn't -- it  
2 doesn't follow 10.02.03 of the Genoa zoning  
3 ordinances. How does this get approved when it  
4 doesn't follow the ordinance. My question. Thank  
5 you.

6 MS. VANMARTER: Next is Diane Hoskins  
7 4166 Sweet Road followed by Deb Towles.

8 MS. HOSKINS: Good evening. I'm going  
9 to give you the emotional issue that maybe hasn't  
10 come out in some of the things. I live on Sweet  
11 Road and I will have a clear view through my ten  
12 acres of your gas station, your hotel, your  
13 traffic. I mean it's like going to destroy our  
14 property value and everyone around us, and the  
15 charm of living on Sweet Road or some of the other  
16 roads, it's gone. It will be gone. If we try and  
17 sell our house and this is up, we will lose.  
18 We've been there 42 years. So we have a lot of  
19 equity. But so you, yeah. I would love you to  
20 reconsider.

21 The rezoning was supposed to originally  
22 be for employees and visitors to the interchange  
23 PUD development west of Latson, which does not  
24 exist. The PUD I thought was expired because  
25 there's no existing development on that side. I

1 remember when on the east side there was a  
2 gentlemen who had a big huge farm house and  
3 barnyard and horses, and back then, and I don't  
4 know when this all started, his property was  
5 bought. They bulldozed his barn. He'd been a  
6 resident there as long as I had and before. They  
7 just -- they leveled it, and that's the area that  
8 you're talking but on the east side of developing,  
9 and it's just sad.

10 I think everything else that I was  
11 going to say has kind of been said, and I just  
12 think who said a foothold is exactly what you're  
13 going after. Thank you.

14 MS. VANMARTER: Next is Deb Towles of  
15 4210 Pineview Trail, followed by Denise  
16 Pollicella.

17 MS. TOWLES: That's 3210 Pineview  
18 Trail. I'd like to share with you some of the  
19 coalition's oppositions to this PUD application,  
20 and then a few thoughts of my own. Other than the  
21 land suitability that I'm going to list below, the  
22 applicant does not answer any of the required  
23 items related to the compatibility of all  
24 potential uses with surrounding uses, which has  
25 been addressed.

1 He also ignores the fact that two of  
2 the surrounding area's uses are residential, both  
3 east and south. The compatibility of all  
4 potential uses with surrounding uses in terms of  
5 land suitability, there are two nonregulated  
6 wetlands in the Master Plan on this area. As we  
7 all know, water seeks the lowest level. There are  
8 residential wells very close to there. I have  
9 concern for their contamination, the impacts on  
10 the environment, the density that this is going to  
11 change with regard to that area.

12 The nature of the use has been  
13 addressed, especially with regard to whether it is  
14 going to be competitive or complementary to the  
15 areas around it. He talks about it being  
16 complementary to the railroad and interchange. We  
17 want it to serve the people of Genoa Township. We  
18 don't want it to serve the interchange and people  
19 passing through necessarily. I mean we want it to  
20 be of service to us.

21 And also the fact that the railroad  
22 happens to go through there, we don't -- there are  
23 no actual uses right in the Latson area of  
24 railcars loading and unloading to suggest that  
25 that is a use that's already there or we should

1 develop that use. It is not complementary. The  
2 aesthetics of how it would look, the  
3 infrastructure, the potential influence on  
4 property values, we all know that. This will have  
5 an immense impact on the property values. My time  
6 is up so I won't go further, but thank you.

7 MS. VANMARTER: Next is Denise  
8 Pollicella at 4200 Sweet Road, followed by Colleen  
9 Quinn.

10 MS. POLLICELLA: Denise Pollicella,  
11 4200 Sweet Road. When I met with the developer  
12 and I asked him just to work with us to make sure  
13 that his development was compatible with our  
14 surrounding uses, which are residential. He told  
15 me, I don't live in a residential area, I live in  
16 an industrial district next to the expressway.  
17 Get used to it.

18 Railroad tracks. That's what's  
19 apparently that road ends at the railroad tracks  
20 south of this development. It's residential.  
21 Every single one of the properties south of the  
22 railroad tracks is residential, and it's going to  
23 stay residential. Sweet Road is not part of the  
24 beauty. Our homes are there.

25 The Genoa township Zoning Ordinance



1 section 10.02 requires that all new PUDs provide  
2 one of five different benefits, none of which the  
3 developer even proposes in his application.

4 Preservation of significant natural or historical  
5 features; complementary mixture of uses or a  
6 variety of housing types; common open space for  
7 passive or active recreational use; mitigation to  
8 offset impacts; or, redevelopment of a  
9 nonconforming site. This is not nonconforming.

10 There are no significant natural or historic  
11 features apparently. There's no complementary mix  
12 of uses. There's no variety of housing types.  
13 There's no passive or active recreational use and  
14 there's no mitigation. He doesn't meet the basic  
15 criteria set forth in the zoning ordinance to have  
16 a PUD.

17 I'm not sure why it wasn't mentioned by  
18 anybody, but he didn't even get to part one. Part  
19 one is PUD five benefits, meet one of them. He  
20 doesn't do it.

21 To the extent he wishes to argue that  
22 the PUD provides complementary uses, I think we've  
23 discussed that ad nauseam that it doesn't. It's  
24 not addressed. And I would argue that there's  
25 nothing about a gas station or a drive-thru

1 fast-food restaurant that's remarkable or new or  
2 complementary. I will table this until he comes  
3 back with something better. Thank you.

4 MS. VANMARTER: Next is Colleen Quinn  
5 of 4042 Brookstone Court followed by Ben Tasich.

6 MS. QUINN: Good evening. I want to  
7 first say that I agree with all the comments so  
8 far. There's just no denying that this should be  
9 rejected. This application assumes that the  
10 Latson PUD is still valid and unexpired when it  
11 is, in fact, expired. So the applicant is relying  
12 upon an unexpired conditional community  
13 application for its assertion that this parcel is  
14 compatible with surrounding uses. This should not  
15 be assumed.

16 The applicant does not answer or  
17 address the majority of questions required to be  
18 answered prior to consideration of the rezoning  
19 request under Genoa Township Ordinance 22.04.  
20 This site does not qualify for an exemption from  
21 the minimum 20 acre size because it's not  
22 currently served by the public sewer. The stated  
23 purpose of the rezoning of this parcel is for the  
24 use of the employees and visitors interchange PUD  
25 development west of Latson, which does not exist,

1 both because the PUD is expired and because  
2 there's no existing development there.

3 This was the Township Planner's  
4 position at the last public hearing on the PUD  
5 amendment to include this parcel and that position  
6 still applies. Knowing that the stated and  
7 intended use as a gas station, the applicant does  
8 not address environmental risk to the watershed,  
9 light, noise or impact on property values. In  
10 other words, the developer applicant is using the  
11 excuse that he is not a gas station to answer  
12 these questions so he can get the rezoning in  
13 place despite the fact that he has an LOI in place  
14 for the sale of the property to a gas station and  
15 then the gas station will step in with approved  
16 zoning and will not be obliged to answer these  
17 questions because there will be a permitted use in  
18 the ICPUD. This is a circumvention for the  
19 purpose of the rezoning process.

20 Again, we have a beautiful area. We  
21 want to make it unique and distinct, not another  
22 gas station and a fast-food restaurant. Thank  
23 you.

24 MS. VANMARTER: Next is Ben Tasich at  
25 3492 Lakewood Shores Drive followed by Stephanie

1 Prout.

2 MR. TASICH: Good evening. My name is  
3 Ben Tasich. I live at 3492 Lakewood Shores Drive,  
4 a few miles away from here. I'm categorically  
5 opposed to this site development south of I-96. I  
6 believe in progress and change, but it needs to  
7 blend with the existing community and the natural  
8 environment. I look forward to the development of  
9 this area as long as it doesn't adversely affect  
10 the people that have lived here for generations.  
11 How about building a senior residential center for  
12 Livingston County residents. Let's not replicate  
13 on what is presently north of I-96. Be creative  
14 and be community oriented. We're fortunate that  
15 you're interested in developing and growing our  
16 community. What you're presenting, it's all about  
17 money. It's not about people and whose lives  
18 you're going to affect drastically.

19 And speaking of compatibility, if you  
20 look north of I-96, I don't think south of 96  
21 should look like the north of 96, nor does the  
22 environment and the people that live there want  
23 it. Thank you.

24 MS. VANMARTER: Next is Stephanie Prout  
25 at 4400 Brighton Road followed by Evelyn Malloy.

1 MS. PROUT: Hello everyone. I wanted  
2 to come in tonight to say that I do not think this  
3 parcel should be rezoned at this time. I do not  
4 think we need an additional gas station as there  
5 are several north of the freeway. As the  
6 Petitioner stated, this gas station is not  
7 intended to serve the residents of Genoa Township  
8 but rather people passing through, and therefore,  
9 they've even stated it's not needed by our own  
10 residents. I'd rather see the use of this piece  
11 of land go toward a potential train station in the  
12 future due to its proximity to the train line. If  
13 a passenger train was ever to be implemented on  
14 that railway, I think that would be a much better  
15 use of the space. Thank you.

16 MS. VANMARTER: Next is Evelyn Malloy,  
17 10915 Arbour Drive followed by Andrew Kimball.

18 MS. MALLOY: I spoke once before to  
19 this body on a different occasion because of my  
20 knowledge of zoning and planning. If this  
21 property is to be considered for rezoning to a  
22 PUD, there has to be justification for that. My  
23 background in zoning, it's a variation away from  
24 your Master Plan and away from your zoning  
25 ordinance, both of which give you an obligation to

1 the community. If this property doesn't meet or  
2 this proposal doesn't meet any one of the five  
3 requirements for consideration as a PUD, I don't  
4 see why you're even looking at it.

5 Also, I keep hearing different members  
6 refer to buffering. You're calling things  
7 landscaping a buffer. Yes, a landscaping can be a  
8 buffer between two properties, not between two  
9 uses. The buffering that is referred to in zoning  
10 is density of use. So in order of density you  
11 have single family, then multifamily. Perhaps  
12 something like what was referred to before,  
13 seniors housing. They go to office uses, office  
14 uses of different densities. You have to go into  
15 considering how much traffic each kind of office  
16 is going to generate, and things like that. I  
17 haven't seen any consideration being given to  
18 density of use as a buffer between residential and  
19 other uses.

20 It is never about financial  
21 considerations. It is never about the most  
22 profitable use of the piece of land. Zoning is  
23 always about protecting the residents. That is  
24 the whole reason for it. You also have to  
25 consider the drainage, the direction of flow, the

1 destination where that water is going to land. If  
2 it's going to land in residential, you'd better  
3 look at how your infrastructure is going to be  
4 designed, and I think you need to give that a  
5 long-term consideration before you even decide on  
6 what kind of uses you're going to approve for the  
7 property. I've got more to say, but I've reached  
8 my limit.

9 MS. VANMARTER: So next and the final  
10 card that I have is Andrew Kimball of 1039 East  
11 Davis Road.

12 MR. KIMBALL: Hi. Good evening. Their  
13 request is twofold to both ratify the original PUD  
14 that's been expired multiple years now and to add  
15 on acreage to the original destruction of rural  
16 estates and farming. Please do not approve this  
17 rezoning and erode the nature beauty of our Genoa  
18 Township.

19 Wyatt's team said that many potential  
20 customers show interest in another gas station. I  
21 have a few questions to this. Is the current  
22 station kitty-corner ever full? What about the  
23 one just up the road in Grand River? Is it ever  
24 full? What about the two just down east and west  
25 of there? I've never seen a line at any of these

1 stations on my daily commute.

2 Secondly, do we want another station  
3 selling overpriced gas in Howell, one of the most  
4 expensive cities in the state. No one wants to  
5 get gas. It's 30 cents more expensive.

6 Thirdly, is the eyesore of a gas  
7 station the first thing you want to see when you  
8 get off the interstate and make your way towards  
9 home? It's not for me. You turn north for that,  
10 not south.

11 Last but not least, the additional  
12 chemicals of fuel storage and vehicle runoff would  
13 drain into known wetlands and natural woods. Once  
14 destroyed, we will never ever get those wetlands  
15 back. And downstream of those and very short  
16 distance are multiple wells that we cannot hurt  
17 because if there's families that rely on those  
18 wells for their drinking water.

19 Wyett's team mentioned they are not  
20 competing with uses along Grand River, yet admits  
21 to multiple vacancies along Grand River Avenue,  
22 said that just today. Why build when you have  
23 these vacancies already. Let's fill those first  
24 and not destroy the new land.

25 Approving this potentially opens doors



1 to another stretch that another industrial  
2 commercial complex that becomes the next Novi and  
3 Telegraph Road, and none of us living here wants  
4 to live on Novi or Telegraph Road. Thank you.

5 MS. VANMARTER: Mr. Chair, I don't have  
6 any additional cards.

7 CHAIRPERSON GRAJEK: All right. Thank  
8 you. At this point then I'll bring it back up  
9 front and call to the public has been closed. Are  
10 there any other questions?

11 MEMBER RAUCH: I want to take a moment  
12 just to acknowledge something. I think it says  
13 something about a community when this many people  
14 show up to participate in this process. I know  
15 that all of you could have been somewhere  
16 completely different on a Monday night, and this  
17 may be the last place you want to be, but chose to  
18 do it because you care about this community. And  
19 that's the type of community I want to live in.  
20 That's the kind of community I want to be a part  
21 of. I'm proud to do that. So thank you for  
22 coming out.

23 And I also want to acknowledge the  
24 Petitioner has put in a tremendous amount of  
25 effort, and time, and cost as described already

1 into this project right to be at this point here  
2 this evening. And so I want to make sure that  
3 that goes with it's knowledge as well that we see  
4 that. I want to make sure you guys know, we see  
5 that.

6 For me, as I kind of step back and  
7 listen to the comments, you know, we talk about  
8 the wetlands and adjacent uses and all those  
9 things, as I kind of take a look at this from  
10 40,000 feet, I ask this commission to think about  
11 that this will be only I believe by my count the  
12 third commercial piece of property south of I-96,  
13 and I'm counting Mt. Brighton and Jonna's Market  
14 is the only two existing commercial properties  
15 currently south of I-96. And our community is  
16 largely kind of intersected with a lateral line  
17 with I-96, and commercial has been established  
18 north and largely residential open space to south.  
19 So I think that creates a way to our decision  
20 tonight that we should consider pretty  
21 significantly.

22 I've been a part of this Planning  
23 Commission for over a decade. I've been a part of  
24 the development community since 2002. In that  
25 time, I've seen significant years where there was

1 exponential growth, and communities make decisions  
2 in that exponential growth to try to plan for a  
3 future ahead. It's not lost on me that we're  
4 standing in a building that was built because of  
5 forecasted population growth and then it sat  
6 vacant for I believe seven years.

7           And so I communicate that to say I  
8 think everyone, the Township, the community, the  
9 audience, everyone is doing the best they can with  
10 the information they have at the time, but  
11 information changes over time. And in this  
12 particular instance, for me, I'm prepared to make  
13 a motion to deny this request tonight. The reason  
14 is I believe there is a future somewhere down the  
15 line where development on the south side of 96  
16 will be a part of the future of Genoa Township. I  
17 do not believe that that moment is now. And I  
18 think there is significant work to be done in  
19 redevelopment and attention to be done north of 96  
20 to make sure that we're putting our best foot  
21 forward in the commercial properties that we have  
22 already. And I also see some qualifying  
23 conditions for this request tonight from both the  
24 rezoning, the PUD that's on our back. So my  
25 motion would be based off of those qualifying

1 conditions. So that's where I'm at right now with  
2 the information I've heard.

3 Under the PUD section 10.02 I would  
4 just state that this commission does not find that  
5 the surrounding land uses are compatible with the  
6 request here this evening. The current  
7 surrounding land uses are not compatible. That  
8 this property does not currently have direct  
9 access to sewer. That the ordinance requires 20  
10 acre minimums, and that this specific piece of  
11 property is seven. And specifically, and I think  
12 this is -- I think the community did a great job  
13 pointing this out, section 10.02.04, there's five  
14 standards outlined for qualifying as a PUD. In  
15 this particular instance, I also don't see where  
16 those five standards are met. Preservation of  
17 significant natural or historic features; a  
18 complementary mixture of uses and a variety of  
19 housing types; common open space for passive or  
20 recreational activities; mitigation to offset  
21 impacts, and redevelopment of a nonconforming  
22 site. I don't think that those -- any of those  
23 five are met in this particular instance.

24 So to me, this does come back to a  
25 timing perspective thinking back on the entirety

1 of the PUD discussed ten years ago. It wasn't in  
2 my estimation designed or intended to be done in a  
3 way where it was kind of very individualized  
4 piecemealed along. It was meant to be thought  
5 through holistically. And although we see design  
6 elements and streetlights and sidewalk thought  
7 through in those regards, in the absence of a big  
8 user that we understand will be research and  
9 development, be something that would be an  
10 incredible feature for our community that we would  
11 agree that this is true. I think we're putting  
12 the cart before the horse in allowing this new  
13 development.

14 CHAIRPERSON GRAJEK: Okay. Well, with  
15 that said, we have to understand that the  
16 applicant came into -- purchased this property  
17 because it was meant to be and was going to be  
18 through the Master Plan industrial commercial. He  
19 bought the property with that understanding. He  
20 came in and spent a lot of money. They went  
21 through and they came to us and we rezoned the top  
22 of the property. We have a PUD in place but this  
23 is nothing more than changing the zoning on a  
24 particular piece of property that's within that  
25 group that's already been zoned PUD. So with that

1 in mind, I struggle with what we're talking about  
2 because we to this point led to a degree the  
3 individuals that are talking about and going  
4 forward with this development, and we've misled  
5 them. If we now say, well, we don't want to do it  
6 right now, we'll do it later.

7 MEMBER RAUCH: Yeah, Mr. Chair, I  
8 respect that comment a lot, I really do, and  
9 empathize with that. I would offer, though, that  
10 the real estate development industry is a  
11 speculative industry. And so when information  
12 changes over time what you foreshadow at one  
13 moment in time years ago maybe things didn't grow  
14 as expected and I think we should take that into  
15 consideration as well.

16 CHAIRPERSON GRAJEK: Thank you, Eric.  
17 Any other discussion up front.

18 MS. McBAIN: I have more kind of a  
19 question than a discussion on the planners  
20 perspective, if people thought I wasn't listening  
21 to them, I apologize. I was doing quite a bit of  
22 research to double-check something that I didn't  
23 think about before as I prepared to come here.  
24 When I look at the Master Plan, the future Master  
25 Plan that's in or Master Plan, this area appears

1 to be designated as interchange commercial. And  
2 when I go to look at our zoning, and I'm kind of  
3 asking Brian to confirm if I'm wrong in this  
4 statement, I'm sorry I'm bouncing all over.  
5 Chris, forgive me. But when I go to look at the  
6 zoning for that that was provided under the  
7 zoning, when I look at the zoning when it breaks  
8 down the commercial, it's broken down to CAPUD and  
9 ICPUD. And so that tells me that that gives the  
10 Planning Commission and the Township the  
11 opportunity to assess whether we want that  
12 property to be zoned as ICPUD or CAPUD. And when  
13 I look at the document that was actually provided  
14 by the Petitioner, I'm trying to find it while I'm  
15 talking, oh, there it is, under Section 10, it  
16 specifically states the ICPUD what the uses are.  
17 It includes things such as gas stations and  
18 hotels. But the CAPUD was designed specifically  
19 to minimize traffic and congestion as we enter  
20 into residential areas. And that is, in fact, why  
21 the bulk of that area is already zoned CAPUD  
22 because we wanted to minimize that traffic as we  
23 ease out of a very highly congested area crossing  
24 over the expressway and then past the railroad  
25 tracks into more of a -- more of a less trafficked

1 area as we go back into the more rural aspect of  
2 our Township.

3 And so I think we have an opportunity  
4 to step back and ask ourselves, do we want this to  
5 be, I'm not sure when CB is the right place, but I  
6 think there is opportunity to relook at whether  
7 CAPD is a better rezoning classification for this  
8 and I think it would be worth taking our time to  
9 do that.

10 MEMBER RAUCH: Mr. Chair, I'd like to  
11 recommend to the Township Board that the  
12 consideration rezoning application for -- we'll do  
13 each of these separately. So the consideration of  
14 the rezoning application for the 7.44 acres from  
15 country estates, the ICPUD be denied for the  
16 following reasons: That the criteria set forth in  
17 the section 22.04 of the Township Zoning ordinance  
18 are not met. Specifically that this Commission  
19 finds that that the proposed uses duplicates and  
20 does not complement the existing uses and adjacent  
21 areas, and that the sewer access is not  
22 immediately available at this time, but will have  
23 to be extended due to speculative areas and sizing  
24 of that at this point would be unknown. And that  
25 the ordinance requires that that would be PUD --



1 I'm sorry that for that rezoning.

2 CHAIRPERSON GRAJEK: Any discussion?

3 MR. RASSEL: I'll second the motion.

4 CHAIRPERSON GRAJEK: Hearing no other  
5 discussion, all those in favor say aye.

6 THE BOARD: Aye.

7 CHAIRPERSON GRAJEK: Those opposed?

8 MR. STRADER: Nay.

9 MR. RAUCH: Mr. Chair, I'd like to  
10 recommend to the Township Board the denial of the  
11 PUD Agreement specific -- one second.  
12 Specifically that the qualifying conditions of  
13 Section 10.02.04 have not been met. Specific as  
14 well that this Commission does not find the height  
15 deviation requested for Section 10.03.06 to be  
16 acceptable. That the compatible surrounding land  
17 uses are not in conformance with the proposed  
18 uses, no sewer currently directly -- directly  
19 servicing the property, and also the ordinance  
20 requires 20 acres, and that's only a 7.44. That's  
21 my motion.

22 MR. RASSEL: Second.

23 CHAIRPERSON GRAJEK: Any discussion?

24 All those in favor say aye?

25 THE BOARD: Aye.

1 CHAIRPERSON GRAJEK: Opposed say nay.  
2 Nay.

3 MR. RAUCH: Mr. Chair, I'd like to  
4 recommend to the Township Board the denial of the  
5 Environmental Impact Assessment dated September 27  
6 of 2024. That's my motion.

7 MR. RASSEL: Second.

8 CHAIRPERSON GRAJEK: All those in favor  
9 say aye.

10 THE BOARD: Aye.

11 CHAIRPERSON GRAJEK: Those opposed say  
12 nay. Nay.

13 MR. RAUCH: And lastly, Mr. Chair, I'd  
14 like to recommend to the Township Board denial of  
15 the Conceptual PUD dated November 13, 2024.

16 MS. McBAIN: Support.

17 CHAIRPERSON GRAJEK: All those in favor  
18 say aye.

19 THE BOARD: Aye.

20 CHAIRPERSON GRAJEK: Opposed nay. Nay.

21 All right. Move on to our second case  
22 this evening. Consideration of an environmental  
23 impact assessment and site plan for a 200-  
24 foot private road and entry signage for the  
25 Innovation Interchange Development. The proposed

1 road and signage are located on the west side of  
2 S. Latson Road, between the CSX Rail line and  
3 Clover Bend Court. The request is petitioned by  
4 Todd Wyatt. The floor is yours.

5 MR. LORD: So just a brief run through  
6 of this proposal here. This picture you see right  
7 here is the Innovation Interchange sign, you may  
8 see that off the expressway now. So Phase 1 of  
9 this project is what we're proposing here today.  
10 And really what this is going to accomplish for us  
11 is it's going to allow us to clean out the  
12 frontage of Latson Road here. There's some  
13 existing homes that are there, driveways, things  
14 that weren't able to clean up. It really creates  
15 the entrance drive here for Innovation Drive.  
16 It's going to allow us a marketing window into the  
17 site. Any combination with the sign that was put  
18 up, the goal is to generate interest in activity  
19 here. This road location is in the same spot that  
20 you will see in the approved PUD in terms of our  
21 concept plan that we showed. So the location has  
22 been in accordance with that approved PUD. That  
23 entrance drive location has been submitted to the  
24 Road Commission and got approval from the Road  
25 Commission, so it meets all our sight distance

1 criteria, everything there. And again, you can  
2 see what this allows us to do with with regard to  
3 removing some of the buildings and driveways that  
4 are there and really create our entrance into the  
5 site.

6 And just as a reminder, this is the  
7 concept plan that was shown, shows a concept of  
8 how this drive into and through the sight could  
9 progress as this industrial park gets developed.  
10 So the location you see on Latson Road on this  
11 plan matches with the location I showed on the  
12 previous slide. That's it. Very brief. Very  
13 simple plan. Any questions you might have.

14 CHAIRPERSON GRAJEK: I'll turn it over  
15 to the planner. Go ahead, Brian.

16 MR. BORDEN: Thanks again, Mr. Chair.  
17 Okay. Procedurally there are two items that arise  
18 this request before the Commission tonight, the  
19 first being the Environmental Impact Assessment,  
20 the second being the actual site plan itself.  
21 Procedurally these are in front of the Commission  
22 for recommendations to the Township Board. The  
23 Township Board has the final approval authority  
24 over both components of the request. That being  
25 said, Mr. Chair, I will jump into my review

1 letter. So I did put forth comments. Most of  
2 them are related to Section 15.05 of the Township  
3 Zoning Ordinance, so these are the provisions for  
4 the roadway construction. Most of the details  
5 will defer to Shelby, however, I do have a handful  
6 of comments as relates to those standards. And  
7 I've also put forth a few more general comments  
8 that are related or at least tied back to the PUD  
9 Agreement for this particular project.

10 So that being said, the first item  
11 under 15.05 is whether the road should be  
12 considered for a private road as opposed to  
13 public. I do believe there are conditions present  
14 that warrant consideration of this being a private  
15 road. I do believe that is always the intent, at  
16 least in terms of going back to the initial PUD  
17 reviews, so I don't find any issues with that.

18 As I mentioned at the outset, most of  
19 the technical comments are going to be deferred to  
20 Shelby, the Township Engineer. However, we also  
21 have a private road easement and maintenance  
22 agreement as part of this request, and that is  
23 something that I will look to staff as well as  
24 Township attorney to look for comments on.

25 I put in a suggestion here. Because of

1 the nature of the request, this is really just a  
2 stub road to sort of start the process. My  
3 biggest concern being that the Township ends up  
4 with a 2,300 foot stub road to nowhere and then  
5 there's no development that follows. I know  
6 that's obviously not the Petitioner's intent, but  
7 that being said, that is a concern, and I think  
8 that we should have provisions within the  
9 Agreement that ensure completion of the full  
10 roadway system as is depicted in the approved PUD.  
11 I would like to just see something that sort of  
12 cements that in.

13 If the Commission, and ultimately the  
14 Board, do consider favorable action, Road  
15 Commission approval should be included as a  
16 condition to such action. Again, anything that  
17 the Township engineer puts forth from a technical  
18 design standpoint needs to be addressed. Same  
19 goes for the Brighton Area Fire Authority. I  
20 believe they got to review the well, so certainly  
21 gives their comments.

22 The next one is, again, more of my  
23 commentary, and this is related to the project  
24 phasing. So again, this is identified as Phase 1  
25 of the project. This is the Phase 1 site plan for

1 this area. And there wasn't a lot of the detail  
2 put forth for sort of the future phases. The  
3 applicant -- we did request additional  
4 information. We did request additional drawings,  
5 so to speak. The applicant put forth a response  
6 to that request. So I did cite from the ordinance  
7 related to project phasing for the Commissions  
8 consideration in the review letter. Ultimately,  
9 you will need to decide if you believe their  
10 response is adequate as it relates to enough  
11 information related to project phasing.

12 There are also some site improvements  
13 that are required by the PUD Agreement. So I did  
14 note, I broke them up into two separate categories  
15 so there are a few items that I think warrant some  
16 additional information with respect to the Phase 1  
17 site plan specifically as well because this is the  
18 construction of a road, so there are a number of  
19 items that I cited in the current agreement  
20 related to road improvements and making sure that  
21 ultimately this is done in a logical manner in  
22 terms of its planning and ultimate development.  
23 And then I did also identify a number of  
24 additional items. Those are more related to  
25 future phases and/or ultimately the first site

1 plan for building because of how the PUD Agreement  
2 was drafted. So those really are necessary for  
3 consideration with this Phase 1 the way it's been  
4 proposed, but I did incorporate them and retained  
5 them in the review letter to make sure the  
6 Commission has an understanding of where this  
7 would need to go moving forward. That's all I  
8 have at this time, Mr. Chair.

9 CHAIRPERSON GRAJEK: Thanks, Brian.  
10 Shelby.

11 MS. BYRNE: Okay. So I have a few  
12 things on this one. First, just generally, the  
13 PUD Agreement notes that the development will  
14 include attractive and landscaped site  
15 entrance with decorative light fixtures as part of  
16 their site entrance features. The Petitioner has  
17 noted that these will all be included as part of  
18 the first construction phase.

19 Additionally, the site plan shows  
20 overhead and electrical lines near the end of the  
21 proposed private road and Petitioner noted these  
22 would be addressed as part of Phase 2.

23 For drainage and grading. The  
24 Petitioner is providing a temporary sedimentation  
25 basin rather than like a larger based. I found



1 this to be acceptable but it would need to be  
2 removed in future phases.

3 For the private roadway, I think Brian  
4 said this, the Road Commission would be doing the  
5 approval and there has been preliminary approval  
6 obtained from the Road Commission. Any future  
7 approvals would need to be provided to the  
8 Township for their records. And if more detailed  
9 construction plans are provided for this portion  
10 of the private drive, that would need to be  
11 submitted to the Township.

12 And then two other things. The PUD  
13 Agreement also states that walking and bike  
14 pathways will be installed around the development  
15 area that provides access to the Latson Road  
16 pathway system. None of the pathways adjacent to  
17 the private road have been provided at this time.  
18 It's assumed that they would be in future phases.

19 And then lastly, the Traffic Impact  
20 Study that was completed as part of the PUD did  
21 recommend exclusive left, through, and exclusive  
22 right. Obviously the through lane wouldn't be  
23 used right now since there's no driveway across  
24 the road from Latson. And a traffic could be  
25 accommodated in the future. They did show the

1 southbound right turn lane would be required by  
2 the Traffic Impact Study, so that was added. And  
3 that's all I have.

4 CHAIRPERSON GRAJEK: Thank you, Shelby.  
5 Any discussion up front?

6 MEMBER RAUCH: Yeah. Through the  
7 Petitioner. I just wanted to understand clearly  
8 why build a driveway without a user proposed?

9 MR. LORD: Well, what we're looking to  
10 do is really clean up that frontage and begin that  
11 drive. That requires us to look for a site, which  
12 is what we have in front of you here. It's an  
13 opportunity for us to market the site, to ready  
14 the site and make it marketable. And we plan to  
15 follow along with a development here for the first  
16 phase. It doesn't make sense to put sidewalks in  
17 and those kind of things at this time. We will,  
18 it's committed that we're going to do that when  
19 that first building comes in. If we put it in now  
20 it's just going to get destroyed. So this is  
21 really our opportunity to market the site. This  
22 has to go in a thoughtful way. I'm not going to  
23 design that drive to come in, all the way into the  
24 side, it just starts to take away our flexibility  
25 for the users that might come in. But we're just

1 trying to position the site, get things moving,  
2 and that requires us to come up with the site  
3 plan.

4 MEMBER RAUCH: Is there a risk that a  
5 potential user that the driveway you're requesting  
6 tonight wouldn't work for a potential user?

7 MR. LORD: No, because geometrically,  
8 this is all in course of the traffic study. It's  
9 a three lane road. That's exactly what our  
10 traffic study shows once we have a full build out  
11 here. It's going to comply with the traffic  
12 signal. It's going to be three lanes so that  
13 there's going to be a left turn lane there, and  
14 that will become a left and a through when such  
15 time the development across the street gets built  
16 so that those drives line up.

17 So everything is in accordance with the  
18 traffic study. So again, we're not taking this so  
19 far into the site where we start to lose that  
20 flexibility.

21 MR. RAUCH: I appreciate that. It's  
22 our goal up here we are to look out for the  
23 health, safety and public welfare of the community  
24 at large. It does concern me really for the  
25 better part of five years already we've been

1 having conversations about this property in more  
2 robust ways, and still, when I drive by, there's  
3 nothing that's changed in five years. My concern  
4 is that building a driveway like this five years  
5 from now we would just have a driveway to nowhere.  
6 And so as it stands this evening, I'm struggling  
7 understanding why we would support this.

8 MR. GREENE: Can I respond as well?  
9 You have, and maybe you don't, I don't know the  
10 order of it, but we have submitted the Phase 2  
11 building that's being reviewed by your staff right  
12 now, which is going to be the first building  
13 sitting on this road. In order for us to even  
14 market that Phase 2 building, we needed to show  
15 the plans. They want to know where their access  
16 is and are they going to be able to have their  
17 building there, is it going to be done timely. So  
18 we need to get that road in. And doing, as you  
19 said, doing the minimum we need to do to get far  
20 enough back, you know, so we can deal with the  
21 first users. After that, the configuration of the  
22 road could change. You have a big user that takes  
23 a lot of land that you would need a full  
24 configuration, you could have smaller users that  
25 will need the full configuration. And everybody

1 has learned particularly on a big site is that  
2 they do it in pieces and phases like this, as  
3 opposed to going in and just building the whole  
4 road, doing a whole loop and raking the entire  
5 site on the if come that will be fully developed  
6 within two years, or five years, or 20 years. No  
7 one does that anymore.

8 I mean so, you know, the PUD gives us  
9 the right to do that. We consulted with the  
10 Township staff months ago on the issue about  
11 submitted a road plan, is that an appropriate  
12 phase, and we were told it was, and it's been  
13 reviewed as such. So it's not a road developed  
14 there, it's exactly where we're supposed to put  
15 it. We ran it by the Road Commission on the  
16 configuration, location, size. We got the name  
17 approved for it. We wouldn't build it if we  
18 didn't think that the investment was worth it.  
19 And as I said, we've got a Phase 2 site plan  
20 already submitted that's under review that will  
21 use that road as access. So we need to get going  
22 on that road in order to be able to deliver the  
23 site plan eventually, assuming you guys approve  
24 it. That's the issue. It's not a road to  
25 nowhere.

1 MEMBER RAUCH: Thank you for that.  
2 It's not at that stage yet, we're aware of that,  
3 but thank you for that. Why not just submit it as  
4 a part of that request so that all things can be  
5 considered at one time. At this time, I'm seeing  
6 a 200 foot long road to nowhere. That doesn't  
7 feel comfortable.

8 MR. GREENE: The road though is fully  
9 consistent with the plan conceptually and the road  
10 that we're proposing to be approved is the same  
11 road that is going to be used for the Phase 2  
12 building that we're proposing. So the road is  
13 going to be -- we need to know that we have the  
14 road and the users of the building need to know  
15 that we have the road. There's no reason not to  
16 do it because we can get going constructing that  
17 road and be in a position to deliver the site to  
18 the user. People want -- when you're trying to  
19 attract users to a property, they want to know  
20 that they can be on it, that they can get it.  
21 That's why rezoning is important. When we go and  
22 you try to take a piece of property like the one  
23 we just talked about in the last round that's  
24 Master Planned for a use, it's not zoned for that  
25 use. And it's almost impossible for you to go and

1 market that property and get a user because users  
2 say, when are you going to be able to deliver the  
3 property. When are we going to be able to move  
4 our business in there. And so we're at the stage  
5 now, the utilities took a long time. Only  
6 finished the utilities less than two years ago at  
7 substantial time and expense. We're ready to move  
8 forward and we need to show the users that this is  
9 a real development and we're prepared to move  
10 forward quickly to make the sites available. So  
11 that was the basis of the road, of doing it.

12 MR. LORD: If I could just add to that  
13 too. Just keep in mind that when you propose a  
14 site plan for building and a parking lot, coming  
15 with that are the utilities. Utilities require  
16 permits. It's a longer process to get back on  
17 again and start. We can't start construction on  
18 that building until we have all those permits and  
19 approvals in the end. So our ability to get this  
20 site ready to be marketed for not just that one,  
21 but subsequent ones. It's a timing thing.

22 MR. RAUCH: Thank you for sharing that.  
23 Definitely struggling with the idea of supporting  
24 the entryway to a project and a property we've not  
25 seen yet to give them more confidence to move

1 forward. I don't know what user that is. If this  
2 was a subdivision. You wouldn't just necessarily  
3 build an entry without a bunch of lots. To me it  
4 does feel like you're putting the cart before the  
5 horse. I'm just one person up here. I'm just  
6 sharing my struggle as I see it tonight.

7 MR. GREENE: It's different from a  
8 subdivision in a sense, but not totally unlike it,  
9 because if you were a big subdivision, the first  
10 thing you would do is put in enough infrastructure  
11 to build a couple models. You want to build in  
12 the entrance, you want to get the models up. And  
13 I've done tons of residential developments, and  
14 you put in the models before utilities are fully  
15 in because that's how you're going to stimulate  
16 the interest. That's how you get the customers in  
17 there to build. You don't want us to build out a  
18 whole road system because what happened in the  
19 recession the last time is there were developments  
20 out there, they put in, they graded the land, they  
21 put in roads, and then they went belly up and they  
22 sat there as vacant roads for a long time. That's  
23 why we're putting in a limited amount. I  
24 understand what you're saying. What happens if  
25 you don't do anything with it. You got this stub



1 road in there that in a worst case scenario, we're  
2 not there because we're going forward with this  
3 development. We have a lot of investment in it.  
4 But a worst case scenario you've done a limited  
5 stub road, you can always shut it down and get rid  
6 of it. We're cutting out the end of driveways,  
7 we're cleaning up the sites, we're putting in an  
8 attractive entrance. We're doing exactly what the  
9 concept plan showed and the traffic study  
10 beforehand so we can get going on this project.

11 MEMBER RAUCH: Like I said, I  
12 appreciate what you're saying. I just cannot  
13 think of another development in my 22 years in  
14 this community where we've accommodated your  
15 request tonight.

16 MS. McCREARY: I have a couple  
17 questions. There's reference in one of the slides  
18 that there's three homes that front Latson Road.  
19 Those are all being taken down, is that correct?

20 MR. LORD: That's correct.

21 MS. McCREARY: So I saw, Mr. Lord, in  
22 your packet that only two of those are being taken  
23 down. So is there something missing? Is there  
24 one that's farther back where the stub is or  
25 aren't they all on Latson Road?

1 MR. LORD: Those homes are there. What  
2 you see on the screen is what's proposed.

3 MS. McCREARY: I have to echo  
4 Commissioner Rauch's sentiment. When I looked at  
5 this and I saw a road to nowhere, I thought, okay,  
6 what are we looking at. There's 187 acres here  
7 and the portion if what they're talking about,  
8 which I don't know if that's entirely Phase 1, or  
9 this is part of Phase 1. We've already talked  
10 about Phase 2. We have no idea what Phase 2 looks  
11 like. But that's seven acres of 187 that's being  
12 taken up by a stub road, and it looks like the  
13 northern portion is just landscaping, and the  
14 southern portion is the southern portion. I'm  
15 having trouble visualizing the configuration  
16 framework, what's going in there. I understand,  
17 you know, you need that to be able to start  
18 proposing what you're building there but what I  
19 don't know what that configuration looks like. It  
20 doesn't seem to be that there's any blending or  
21 framework to know what's happening.

22 CHAIRPERSON GRAJEK: Amy, the Phase 2,  
23 we're looking at that, or the Township is look at  
24 it, the staff is?

25 MS. RUTHIG: Yes. It was received last

1 week of Thanksgiving.

2 CHAIRPERSON GRAJEK: Okay. And when  
3 will it come before the Commission?

4 MS. RUTHIG: I believe the February  
5 meeting.

6 CHAIRPERSON GRAJEK: I understand.  
7 You're preaching to the choir, but I understand  
8 what you're talking about. The ultimate goal is  
9 for you to do your development based on approved  
10 items. Phase 2 is going to be trouble so they  
11 tabled that till we could propose them together.

12 MR. LORD: At best case what you're  
13 proposing would be tying this to a February  
14 meeting which would be the first Planning  
15 Commission meeting for a site plan, which would  
16 then start the process. So now by the time you  
17 get through that process and then start with our  
18 engineering, now you're showing you get all your  
19 permits and approvals in before the end of the  
20 year, before the end of the season.

21 MR. GREENE: The site plan is a more  
22 sensitive process involving the building and  
23 parking and utilities and bringing the sewer in  
24 from the other side of the property, and we did  
25 accommodate these folks by having the road in

1 there. The road is exactly where it's supposed to  
2 be, and where we presented it in the PUD and where  
3 we reviewed it with the Road Commission and in the  
4 concept plan presented as part of the PUD.

5 I'm struggling as you're struggling  
6 that this seems to be so common for a large  
7 development like this, I don't understand the  
8 concern about that. Particularly we have made a  
9 representation, I think your staff has indicated,  
10 that there is a plan. The plan is in that  
11 location for a building. That's going to take a  
12 year. We'd like to have the road built this  
13 spring so we can accommodate it because we want to  
14 bring in the construction vehicles and everything  
15 to be able to do the development.

16 MEMBER RAUCH: Well, it's more than  
17 just this road entry, it's the construction of  
18 sewer, water main, storm water, there's so many  
19 things here. This is just one small piece of that  
20 pie, and I don't understand why it has to be out  
21 in the leap ahead of all the those pieces, why it  
22 can't just be concurrent with those pieces. And  
23 frankly, if you're a user or you're a potential  
24 user needs this approval before they feel  
25 confident enough to say let's do it. I'm not so

1 sure how committed they are toward that anyways.

2 MR. GREENE: I can't comment on the  
3 requirement at what level of commitment a user  
4 has. We're trying to bring in the users here and  
5 we think this is an important sequence, this is an  
6 important first step. We want to move this  
7 forward and start this process. This is a much  
8 easier, straightforward approval process than the  
9 site plan for the building, and we can get going  
10 and start construction on that part even while the  
11 building is being finalized for site plan  
12 approval.

13 MR. RAUCH: I can appreciate that. But  
14 the risk on our end and for our community is that  
15 we're left with a road ten years from now to  
16 nowhere. And I know that's not your intention. I  
17 believe that. But that's a risk that we have to  
18 weigh because we are the ones that will continue  
19 to live here in ten years.

20 MR. GREENE: If that's what you're  
21 really concerned about, that kind of risk, it's  
22 really the property owner's risk. You can do  
23 something like condition the approval on posting a  
24 bond for road demolition in the future if nothing  
25 happens within a certain period of time. So if

1 you're really concerned about there's pavement  
2 there going into private property and you don't  
3 want it there, we can do something about that.

4 MR. RAUCH: Why not just construct it  
5 along with the approval of a potential lot within  
6 the property itself. I'm struggling here and we  
7 have to weigh the risk. And I'm inclined to table  
8 this until we see a permit for that property.

9 MR. GREENE: I just talked to a person  
10 with the biggest stake in this. If you're saying  
11 you'll consider it at the time you consider the  
12 building, if there's some level of at least  
13 understanding that you would actually, not  
14 necessarily say you can't build the road or you  
15 won't approve the site plan for the road until we  
16 approve the final site plan for the building, you  
17 know, we'd be prepared to say okay, you know,  
18 please table this and you can consider the details  
19 of the road as presented. Because we think we've  
20 met all the requirements for the road at the  
21 meeting whenever it is you considered the site  
22 plan. We want to work with you understanding the  
23 fact we seem to have a lot of disagreements  
24 lately. I mean we have a big say in the community  
25 and its property so we want to work with you.

1 CHAIRPERSON GRAJEK: In addition to  
2 what you discussed, you already brought it up,  
3 when this is approved and installed equal to what  
4 it cost to not table it and it ends up being a  
5 highway to nowhere that would be discussed  
6 tonight. I think that's one of the risks. I  
7 don't know how else to do it. If you're going to  
8 build it anyhow then it's not a risk to you.

9 MR. GREENE: The only thing I would  
10 say, and I appreciate that comment, because that's  
11 what I thought would be reasonable, but I detect  
12 there's discomfort on the Planning Commission's  
13 part overall. But maybe when we see that there is  
14 actually a building, and the building relates to  
15 the road in the appropriate manner and everything,  
16 I'd rather work with you.

17 MEMBER RAUCH: Mr. Chair, I'd be  
18 inclined to accept their invitation to table this  
19 item.

20 CHAIRPERSON GRAJEK: Is there anyone  
21 else that have any questions or discussion?

22 MEMBER McBAIN: Yes, just so I  
23 understand. On the site plan you have 261 area  
24 feet of concrete. What's actual length of the  
25 road?

1 MR. LORD: It's a little over 200 feet.

2 MEMBER McBAIN: When I look at the road  
3 maintenance agreements, is it under PUD where the  
4 maintenance of the landscaping and so forth is  
5 dictated there, or do we want that spelled in the  
6 road maintenance agreement? The plan I remember  
7 seeing was there was going to be a lot of  
8 landscaping, I just want to make sure that the  
9 landscaping responsibility is the owner's, however  
10 that plays out. Do we need to worry about it  
11 here, because this would be the time to ask for  
12 it, or is that wrapped up in the PUD?

13 MR. BORDEN: Mr. Chair, I think the  
14 landscaping are covered by the PUD Agreement.  
15 This as a private road, as a separate private road  
16 Maintenance Agreement, my take on that is that  
17 that applies to the road, not necessarily the  
18 streets, of all landscaping that is required as  
19 part of this PUD.

20 MEMBER McBAIN: I'm fine with that. If  
21 it's not covered, then I want to make sure that we  
22 are covering that. Thank you.

23 MS. McCREARY: Mr. Chair, I have one  
24 other comment. So on Crooked Lake Road there was  
25 a development ten years ago with the first phase



1 of the road it was given three extensions? Four  
2 Extensions, Amy?

3 MS. RUTHIG: I believe it was two --  
4 yes. It was four.

5 MS. McCREARY: Four extensions. We  
6 gave it the final extension the last zoning board  
7 meeting so that they could finish the portion of  
8 the remaining road, and all of these lots have  
9 been sitting there for ten years. This kind of  
10 echos what Commissioner Rauch's concern is, and  
11 certainly I'd like to believe you wouldn't make  
12 that happen, but this person didn't want that to  
13 happen either. So I just have to kind of reflect  
14 on that. And it's in the back of my mind moving  
15 forward to make sure that those issues or those  
16 things that could come up.

17 MR. LORD: That's why we don't want to  
18 overbuild, build too far in. We need to maintain  
19 our flexibility. This is a big piece of property  
20 and, you know, I'd love to be able to show you  
21 exactly how it's going to all build out. It would  
22 be a lot easier for everybody, but that's not how  
23 these large scale to developments -- they go bit  
24 by bit.

25 CHAIRPERSON GRAJEK: I know it doesn't

1 matter, but what we talked about with bringing  
2 that forward with Phase 2 so we could see a little  
3 bit more what is involved with that and providing  
4 on the case that does become that road to nowhere,  
5 we could do that as quickly as you guys submit  
6 Phase 2 and then it's ready for us to look at.

7 MS. McCREARY: The last thing I want to  
8 bring up is Shelby had stated in regards to  
9 landscaping along the Latson Road area that was to  
10 be for each phase, but I think the landscape on  
11 Latson Road was also to be part of the initial is  
12 that correct?

13 MR. GREENE: You're correct. And I  
14 believe that that's in our Phase 2 submittal.  
15 That landscaping you're talking about is included.

16 MS. McCREARY: So that would be along  
17 Latson Road for Phase 2.

18 MR. LORD: For the first building.

19 MR. GREENE: Yes. We agreed that that  
20 was the agreement, the intent of the agreement.

21 MS. McCREARY: So my understanding I  
22 thought it was for the initial phase, for the  
23 first phase. Just for clarification. So you're  
24 painting a picture, you're painting a picture or  
25 driving in what this vision is and there's nothing

1 better than the front entry is making a statement  
2 of whatever the purpose is and the intent of what  
3 you have projected there is unknown.

4 MR. WYETT: After meeting with Denise  
5 Pollicella, half of the Commission, we set the  
6 building back behind that wetland that you see  
7 south of the railroad, kept it natural and  
8 instructed to leave the features. So you will see  
9 the natural features in the Phase 2 that the  
10 township has just as Denise and the coalition  
11 requested.

12 MR. REIBER: I do have a question. We  
13 did have a comment that you're putting the road in  
14 to advertise for tenants, and there is a  
15 proposed -- this is going to be a site building, a  
16 building that's going to be on this property, is  
17 it going to be touching that 200 foot road or is  
18 it a half mile back? That road is going to be  
19 accessed through the proposed building.

20 MR. LORD: That's correct. It will be  
21 on the north side of Innovation Drive just as you  
22 come in on the site.

23 CHAIRPERSON GRAJEK: No other  
24 discussion at this point I'd like to call to the  
25 public if there's anyone that would like to speak

1 on this particular item, please step forward at  
2 this time.

3 MS. VANMARTER: Mr. Chair, I intended  
4 just to go back through the cards. We didn't do  
5 separate cards for each individual item. I did  
6 shuffle them up a little bit so they will be  
7 different. Just let us know if you're going to  
8 speak on this one. First I have Colleen Quinn  
9 followed by Deb Beattie. Colleen Quinn is at 4042  
10 Brookstone.

11 MS. QUINN: Hello again. I'll just  
12 make a couple quick comments. The Planning  
13 Commission cannot approve any building or uses on  
14 the original Latson PUD land west of Latson and  
15 south of Beck because the conditional PUD  
16 application is expired. The PUD ordinance was  
17 drafted knowing that some developments would take  
18 years to complete and yet provides for two years  
19 for final site plan approval for an extension when  
20 requested by the applicant. This performance time  
21 is in there for a reason. There are no exceptions  
22 to this ordinance language which is plain and  
23 clear. The zoning ordinance cannot be amended or  
24 weighed by contract. It would have taken amending  
25 the zoning ordinance by proposing an amendment and

1 having public hearings on the topic. At no point  
2 did the 2020 public hearings on the Latson PUD  
3 application propose an amendment to the zoning  
4 ordinance. If the zoning ordinance was amended to  
5 permit the Township ignored the expiration  
6 section, why has the language not been changed in  
7 the ordinance to reflect that? Because it was not  
8 amended. It's insanity that we continue to come  
9 before you to hear that you have to follow the  
10 Master Plan and the zoning ordinance only to have  
11 you hesitate to follow the zoning ordinance when  
12 it is unequivocal, only to have you refuse to  
13 follow the zoning ordinance when it does not  
14 benefit Mr. Wyett. So just follow the zoning  
15 ordinance. The PUD application is expired. They  
16 can re-file.

17 MS. VANMARTER: Next is Deb Beattie.

18 MS. BEATTIE: I'm not speaking.

19 MS. VANMARTER: Ben Tasich, 3492  
20 Lakewood Shores Drive. Tracey Pardiak, 4312 Rurik  
21 Drive followed by Diane Hoskins.

22 MS. PARDIAC: I know I cannot be the  
23 only person in this room that just threw up in my  
24 mouth a little bit when that man over there claims  
25 he has the biggest stake in this. Are you kidding

1 me? What a huge insult to the residents who live  
2 here and have everything at stake. It just serves  
3 to show that he has less than zero regard for  
4 anyone who has invested their dreams, their blood,  
5 sweat and tears and their futures into their homes  
6 on Latson Road that they've lived in for decades  
7 in a residential area, Mr. Wyett. By the way,  
8 those three houses that Marianne was asking about  
9 that are going to be torn down, he owns them. He  
10 actually said in a meeting that he had with Amy  
11 and Kelly a couple months ago, he said that he  
12 doesn't charge those people rent. They're the  
13 ugliest houses on Latson Road, by the way. Have  
14 you driven by them lately? You would think you  
15 were in downtown Detroit, they're so gross. He  
16 actually said that he doesn't charge rent. He  
17 intentionally keeps those houses blighted as  
18 leverage so that you folks will be more inclined  
19 to approve his plan just because you would be so  
20 happy to see those nasty houses gone. Do not  
21 trust this man. Do not approve it. He's sneaky.

22 MS. VANMARTER: Diane Hoskins.

23 MS. HOSKINS: Pass.

24 MS. VANMARTER: Stephanie Prout?

25 MS. PROUT: Pass.

1 MS. VANMARTER: Max Romero? Mary Jane  
2 Hebert? Evelyn Malloy. Next would be Andrew  
3 Kimball after Evelyn. Evelyn Malloy lives at  
4 10915 Arbour Drive.

5 MS. MALLOY: I'd like to reinforce and  
6 echo a couple things that were said. First of  
7 all, the homeowners in and surrounding community  
8 have the greatest stake. I have seen in my  
9 experience when developers will keep properties  
10 purposely blighted as leverage, I've seen that in  
11 the past. And I would question the honesty and  
12 integrity of someone who would say that he needs a  
13 stub road for construction traffic when we all  
14 know perfectly well that construction traffic will  
15 destroy this road, and construction traffic always  
16 comes in on a separate dirt road to protect the  
17 integrity of new pavement, the new sewage,  
18 drainage whatever. I would question this man's  
19 integrity overall.

20 MS. VANMARTER: Next is Andrew Kimball  
21 1039 East Davis Road with Denise Pollicella.

22 MR. KIMBALL: Hi. I'll keep this short  
23 with only a few points. Can someone please  
24 provide, prove that the original approved PUD is  
25 still valid? Two things are clear to me, and I

1 believe I can speak for the rest of us in the  
2 crowd. First it was approved that any input from  
3 local residents during the height of COVID.  
4 Second, it is clear to the citizens that the  
5 initial PUD as presented is expired and no longer  
6 valid. Please prove me wrong, otherwise let's  
7 reset and not give him everything he wants to the  
8 detriment of our neighborhoods and our natural  
9 resources.

10 I've yet to see word of any potential  
11 buyers, just concepts of some customers. Also  
12 with this picture shown on the screen here  
13 underneath the stopwatch, also the picture shown  
14 on the screen, no one here wants to see the  
15 beautiful woods at the bottom of the screen  
16 destroyed by a large fictitious 200 square foot  
17 industrial unit. In particular, residents who  
18 live in the houses that are also visible, three  
19 that live in the rented units, those on the east  
20 side of Latson do not want to see commercial  
21 industrial on the west side. And you've also  
22 heard from many of those here tonight as well.  
23 That's all. Thank you.

24 MS. VANMARTER: Next is Denise  
25 Pollicella 4200 Sweet Road followed by Deb Towels.



1 MS. POLLICELLA: The coalition has been  
2 passionate. We've educated ourselves. We've been  
3 very vocal. I want to say something for the  
4 record both to the developer and to the Planning  
5 Commission. At no point have we ever been  
6 antidevelopment. I just want to make that really  
7 clear. I think we have strong opinions about what  
8 we'd like to see close to our homes. I think we  
9 have strong opinions about what we'd like to see  
10 in Genoa Township generally.

11 With an enormous amount of development  
12 commercially, what you said earlier was correct.  
13 We seem to naturally separate ourselves north of  
14 96 commercial industrial and south as primarily  
15 residential. We would all like to see no  
16 development ever happen again anywhere ever  
17 because that's what we want. That's not reality.  
18 We're not trying to stop Mr. Wyett from using his  
19 property or developing it, but we would like  
20 everyone, including Mr. Wyett and his partners to  
21 be just a little more thoughtful about where they  
22 are.

23 I understand in the Master Plan this  
24 was supposed to be tech or hospital whatever it  
25 was. But forever and for the foreseeable future,

1 it is going to be surrounded by homes, my home,  
2 these homes, and we would like to see a  
3 development that is more compatible with that  
4 residential use. And I think that if we were to  
5 work toward a development that actually is more  
6 compatible with that surrounding use with the  
7 residences that surround it and if it's a little  
8 bit more thoughtful, specifically taking into  
9 consideration that times have changed.

10 You know, this was approved during  
11 COVID. A lot of things have changed. There is a  
12 significant demand for housing now. This could be  
13 beautiful housing. I think that if there was more  
14 thoughtful process as far as what could be in here  
15 that would be compatible with the surrounding  
16 residential homes that there would be  
17 significantly less resistance and we would welcome  
18 it. Thank you.

19 MS. VANMARTER: Next is Deb Towles 3210  
20 Pineview Trail followed Linda Beyer.

21 MS. TOWLES: I appreciate the speakers  
22 that have come before me because I think they  
23 bring some really valid points. I think initially  
24 we need to address the elephant in the room that  
25 everyone behind me seems to want answered. And I

1 think that we need to bring in an outside -- a  
2 couple outside experts to evaluate whether this  
3 PUD that was approved without any extensions being  
4 asked for is still valid. I think that that's a  
5 concern for all of us here, and I think that once  
6 that is addressed, then we might be able to  
7 proceed forward. I respect your opinion, but I  
8 also know that I have spoken with an attorney who  
9 believes it is no longer a valid PUD. So I think  
10 that maybe we need to hire a few other attorneys  
11 and get some outside representation and find out  
12 what actually happens. And I think everyone  
13 behind me will feel better.

14 We aren't against development, but I  
15 think that there are many things that could be  
16 brought to the area that would enhance. You know,  
17 I live in an area that is significantly filled  
18 with seniors. Some of them have lost their  
19 partner, some of their partners are in perpetual  
20 care. They no longer can care for their  
21 properties. A senior residential center right  
22 here would be a wonderful asset to the community.  
23 After the last meeting that we had over at the  
24 high school I had a couple ladies come up and said  
25 thank you for thinking about child daycare. I

1 have to take my children out of the community to  
2 get daycare for them. I mean there are a lot of  
3 things that they can bring to a residential area  
4 that I think the people behind me would support.  
5 So I ask you all to reconsider and I ask you to  
6 get some other advice on whether this PUD is valid  
7 and maybe we can come to some kind of a decision  
8 that everyone can live with. Thank you.

9 MS. VANMARTER: Next is Linda Beyer,  
10 2627 Chilson Road, and this is the last card I  
11 have, Mr. Chair.

12 MS. BEYER: I'll keep it short. I  
13 fully support everything that all these other  
14 folks have said and I just want to comment on this  
15 stub road, and I certainly hope they didn't name  
16 it that. To me, it's the road to nowhere. It's  
17 entirely premature, and I have to say I'm looking  
18 all over for the horse and all I see is the cart.  
19 That's all I have to say.

20 CHAIRPERSON GRAJEK: Call to the public  
21 all right. Question we have the Township attorney  
22 with us this evening. What is the Township's  
23 position or can you give us a position on whether  
24 the PUD is expired or not?

25 MR. SEWARD: I think the comment about

1 getting outside independent counsel makes a lot of  
2 sense because there is a strong diversion of  
3 views. And so one of the things the Planning  
4 Commission could do is suggest to the Board to  
5 have independent counsel take a look at it, maybe  
6 get the courts involved and get this question  
7 decided once and for all so that everybody knows  
8 what you can and cannot do.

9 CHAIRPERSON GRAJEK: The greatest  
10 concern I have is all of the meetings that we've  
11 had to this point, there wouldn't be any meetings  
12 if it were expired. You misinterpret what I said.  
13 There would be none because if the PUDs expired.  
14 We're going under the assumption that it has  
15 expired. There wouldn't be any case here.

16 MR. REIBER: Is there a mechanism then  
17 by which we can engage legal assistance once and  
18 for all to put the issue to bed, is it or isn't it  
19 expired? And if the option is to take that to the  
20 Board of Trustees to direct that activity, I think  
21 it would give a lot of people peace of mind either  
22 way.

23 CHAIRPERSON GRAJEK: Kelly, how would  
24 we do that?

25 MS. VANMARTER: I'm thinking the

1 Planning Commission, perhaps the Township Board  
2 expend funds to --

3 CHAIRPERSON GRAJEK: Make a motion.

4 MS. McCREARY: I have a question. So  
5 if you're seeking independent counsel, is that  
6 independent counsel only specifically for the  
7 Township or is that what the thought is? What  
8 independent person is going to -- I'm not an  
9 attorney, Joe.

10 MR. RAUCH: It could be interpreted by  
11 the court.

12 CHAIRPERSON GRAJEK: That's the best  
13 way.

14 MS. McCREARY: And I hate to say it.

15 MR. RAUCH: We can make a  
16 recommendation to the Board, and that's all it is  
17 is just a recommendation.

18 CHAIRPERSON GRAJEK: We got this in  
19 front of us this evening. Do we want to just  
20 table this until February or whatever comes  
21 around?

22 MR. RASSEL: I think we should make a  
23 recommendation to the Board to seek legal recourse  
24 to get a determination on whether the PUD is  
25 valid.

1 MR. RAUCH: I agree. Accept the table  
2 of this item following that then the next  
3 procedure then we can recommend that as a separate  
4 item.

5 MR. GREENE: I believe you guys will do  
6 whatever you're going to do, but we've been  
7 proceeding on the basis that Township's position  
8 is that the PUD is valid and in existence and  
9 enforceable today. And you've had your counsel  
10 who sort of I would defend it if I were him being  
11 your counsel, he said he's not independent or  
12 anything like that tell this Planning Commission  
13 on two occasions public hearings explaining  
14 exactly why he believed it to be enforceable.

15 If your objective is to find someone  
16 who's going to tell you a different opinion and  
17 you want to solve it with litigation and have the  
18 court decide, one suggestion might be maybe you  
19 engage your insurance counsel that you normally  
20 have an insurance company because this is a  
21 contract. And if you were to say that the  
22 contract, you don't believe the contract's  
23 enforceable, then you know we will be in court and  
24 we will seek economic losses because as right now  
25 as we just indicated, we've been going forward.

1 We spent a lot of money submitting another site  
2 plan, a detailed site plan for this development,  
3 and we just put off the road because you wanted to  
4 see it together with the site plan.

5 If you're believing that oh, we're just  
6 going to come up with some lawyer out there who's  
7 going to say it's not valid, I guess I will just  
8 say that we will -- do it if you want. We can't  
9 stop you from doing it, but I'm just saying that  
10 we have a great interest in this and we will  
11 preserve to protect our interest to the fullest  
12 extent.

13 MR. RAUCH: With all due respect, I  
14 didn't hear anyone, anyone on this Board say that  
15 they sought or would seek to find counsel that  
16 would provide a different answer than what we've  
17 received so far. Just simply more information to  
18 understand and feel comfortable with their  
19 direction forward, whatever that direction is.  
20 That's what everyone on this Board said. So  
21 please do not put words in our mouth that we were  
22 suggesting to find some sort of counsel that would  
23 give us the answer we want to hear. That's not  
24 true. We are trying to understand what the legal  
25 components are and get that accurate.



1 MR. GREENE: You are the Planning  
2 Commission. You have legal counsel that's been  
3 retained by the Township Board, this Township, and  
4 that Township attorney has given you his opinion  
5 on two occasions. Obviously, you're questioning  
6 that opinion and you're now recommending that the  
7 Township Board seek other counsel to give another  
8 opinion. I imply what I imply. I mean I take it  
9 however you appeared to present it. But you're  
10 going to do what you're going do.

11 I'm just telling you that we believe  
12 that this has been enforceable. We've been  
13 proceeding as if it's been enforceable. We've  
14 spent millions of dollars on this project to date.  
15 And if you're going to do it, then just get it  
16 done and let us know so we can move forward  
17 because one way or another, we're moving forward.

18 This is unusual. I've been doing this  
19 40 years. I don't think I've ever told somebody  
20 that we would litigate. But every way we turn we  
21 just get, we just get delayed. We've been working  
22 on these site plans for a year.

23 I just heard a comment and found it to  
24 be very interesting. I just heard a comment why  
25 don't we change some of the planned land uses

1 because there's a need for more residential. You  
2 guys might recall that we came in and worked for  
3 eight months on an amendment to the PUD to add  
4 property to the south, which was Master Planned  
5 for the future business uses. And we said look,  
6 we've tied up this property. Why don't we turn it  
7 into residential. And we proposed residential for  
8 it, including going all the way down to the lowest  
9 density residential, large lots all the way down.

10 And then we had other -- other kinds of  
11 different residential leases on that property.  
12 And everybody just blew that away. I mean we're  
13 not interested. We don't want residential there.  
14 So there's a frustration level. I'm just  
15 expressing the frustration of the whole team here.  
16 And I want you to know that it just seems like  
17 every time we turn around on some of the simplest  
18 items there's always a no or next time, or  
19 whatever.

20 MR. RAUCH: I realize you're not just  
21 developing for the next year, you're developing  
22 decades ahead. And in a month or two helps you  
23 get more confidence then I think that's in your  
24 best interest as well.

25 MR. GREENE: No, it's not in my best

1 interest, but that's okay.

2 MR. RAUCH: I gave you my opinion.

3 MR. GREENE: I got it. I understand.

4 CHAIRPERSON GRAJEK: Any other  
5 discussion upfront. There are two things. We  
6 need a motion for the 200 foot road to be tabled,  
7 and also need a motion to ask the Board for the  
8 funds to have an independent counsel look at the  
9 Agreement.

10 MS. McCREARY: For discussion purposes  
11 if you're saying you need to have the Board  
12 approve for funds to seek legal counsel, are you  
13 eliminating the option of just going to court,  
14 because it doesn't sound like that would be an  
15 option?

16 MR. RASSEL: I think I would request  
17 the Board make a decision whether they support or  
18 not support the current PUD Agreement that they're  
19 engaged in. We didn't sign the PUD Agreement, the  
20 Board did. The Board needs to make a  
21 determination whether they support, whether the  
22 PUD is in effect or it's not.

23 CHAIRPERSON GRAJEK: To satisfy  
24 everyone's curiosity.

25 MR. RAUCH: Mr. Chair, I would like to

1 recommend that this Commission table this public  
2 hearing Number 2 to a date that is concurrent with  
3 the Phase 2 development that was mentioned here  
4 tonight.

5 MR. CHOUINARD: Support.

6 CHAIRPERSON GRAJEK: All those in favor  
7 say aye?

8 THE BOARD: Aye.

9 CHAIRPERSON GRAJEK: Opposed. Hearing  
10 none, passes unanimously.

11 MR. RAUCH: I'll make the next motion.  
12 I want to clarify first. I think it's important  
13 that we stay as broad as possible so the Township  
14 Board can make the recommendation that they'd like  
15 to make in these regards. We are simply making a  
16 recommendation that additional insights and  
17 assistance be requested in this matter. So I'd  
18 like to make just a broad recommendation to the  
19 Township Board that they can make the decision on  
20 how we want to proceed forward in that if they  
21 want to.

22 CHAIRPERSON GRAJEK: Kelly, will that  
23 work?

24 MS. VANMARTER: I didn't hear it as  
25 well. I'm sorry.

1 MR. RAUCH: When I make the motion I  
2 want to make the motion as such where we are  
3 recommending simply to the Township Board that  
4 they engage with additional assistance to  
5 understand and give definitive findings of the  
6 validity of the expiration of this PUD. So maybe  
7 that was captured and we can just use that as the  
8 motion.

9 MEMBER McBAIN: Second.

10 CHAIRPERSON GRAJEK: Any discussion?  
11 Hearing none. All those in favor say aye.

12 THE BOARD: Opposed. Hearing none, it  
13 passes unanimously.

14 MR. RASSEL: Motion to adjourn.

15 MR. RAUCH: Second.

16 (The meeting was adjourned at 9:08 p.m.)  
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