

**GENOA CHARTER TOWNSHIP
PLANNING COMMISSION
SPECIAL MEETING
7878 Brighton Road
Brighton, MI 48116
PUBLIC HEARING
June 10, 2024**

MINUTES

CALL TO ORDER: Chairman Grajek called the meeting of the Genoa Charter Township Planning Commission to order at 6:30 p.m. Present were Chris Grajek, Marianne McCreary, Jeff Dhaenens, and Tim Chouinard, and Glynis McBain, Absent were Greg Rassel and Eric Rauch. Also present were Kelly VanMarter, Township Manager, Township Attorney Joe Seward, Planning Director Amy Ruthig, Brian Borden of Safebuilt, and Shelby Byrne of Tetra Tech.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

APPROVAL OF AGENDA:

Moved by Commissioner McCreary, supported by Commissioner Dhaenens, to approve the agenda with addition of a presentation by the Township Manager. **The motion carried unanimously.**

DECLARATION OF CONFLICT OF INTEREST:

None

TOWNSHIP MANAGER PRESENTATION

Ms. VanMarter provided a presentation introducing the Planning Commissioners, noting there are two members absent this evening, the laws of the planning process, next steps after tonight's meeting, the procedures, rules, and expectations for tonight's meeting, tonight's order of events, and the public comment process.

Attorney Seward provided a description of the PUD process per the State of Michigan Statute. The Planning Commission does not make a decision on the items this evening; they make recommendations to the Township Board for their decision. He understands that the public believes that the PUD Agreement has expired because the ordinance only allows for two years; however, the PUD Agreement with the applicant states that it shall be in effect for seven years.

CALL TO THE PUBLIC:

The call to the public was made at 6:44 pm with no response.

OPEN PUBLIC HEARING #1... Consideration of an amendment to the Latson Road Innovation Interchange PUD Agreement, Environmental Impact Assessment and conceptual PUD Plan. The PUD amendment includes amendments to the list of uses, PUD design guidelines and the conceptual PUD plan. The parcels included in the request are as follows: 1882 Latson Road (4711-08-400-020), 1896 Latson Road (4711-08-400-006), 1908 Latson Road (4711-08-400-004), 3799 Clover Bend Ct. (4711-08-400-012), 3796 Clover Bend Ct. (4711-08-400-013), 3854 Clover Bend Ct. (4711-08-400-014), 3912 Clover Bend Ct. (4711-08-400-015) and vacant parcel #4711-17-200-008 which are located south of the CSX Rail Line on the west side of Latson Road. Also includes 1895 Latson Road (4711-09-300-031) located east of Latson Road and south of the CSX Rail Line and vacant parcel #4711-09-300-044 located on the north side of Beck Road, south of expressway ramp. The request also includes the removal of parcel 4711-09-300-040 (5.74 acres) that is currently zoned ICPUD and is proposed to be removed from the existing Innovation Interchange PUD and incorporated into the proposed Latson Road/I-96 Interchange Commercial PUD. The request is petitioned by Todd Wyett.

- A. Recommendation of PUD Agreement Amendment
- B. Recommendation of Environmental Impact Assessment
- C. Recommendation of amended Conceptual Plan

Mr. Alan Green, representing the property owner and the developer, provided a history of the Latson Road and I-96 interchange, and the master planning of the property in the area to allow regional economic developmental opportunities for both the City of Howell and Genoa Township. There was engineering done to determine what water and sewer improvements were needed to accommodate this type of development. MHOG has upgraded the sewer mains in this area. The Township then developed zoning classifications to allow the development of this area.

In 2019, the developer presented the PUD to the Township and public meetings were held. The PUD Agreement was approved in October of 2020. One of the conditions of this approval was that the developer install the water and sewer based on what was determined to be needed by the Township. This was completed in 2022.

He reviewed the revisions to the PUD Agreement being requested this evening, which is to remove the commercial uses from the east side of Latson Road, south of the railroad and move them to the north, closer to the interchange. Then the area to the south will allow for the same types of uses that are allowed in the portion of the PUD on the west side of Latson Road. He showed the proposed changes on a site plan map.

Mr. Brad Strader with MKSK Studios showed a concept plan. He provided a review of the proposed amendments and which type of uses and building sizes would be allowed and which ones would be prohibited. He showed the increased landscape buffers that are being proposed.

Mr. Eric Lord from Atwell Hicks showed the water and sewer utilities that have been installed on the site, noting that the developer has spent over \$1 million to install these utilities. The change of uses being proposed on the east side of Latson Road will reduce the amount of traffic from what was originally proposed.

Mr. Borden reviewed his letter dated September 10, 2024.

1. PUD Agreement:
 - a. The applicant must address any comments provided by the Township Attorney and staff.
 - b. He suggests that language regarding the timing of development remain, such that development must commence on the west side of Latson Road prior to the east side.
 - c. He noted Exhibits A and B need minor corrections.
2. Use Tables:
 - a. The applicant must provide a track changes version of the Use Table from the currently approved version.
 - b. Buildings greater than 40,000 square feet in the west area should be listed as "permitted" as opposed to "N/A".
 - c. He suggests that accessory outdoor storage be prohibited in the east area, as opposed to being special land use, which is how it is now.
3. Conceptual PUD Plan/Design Guidelines:

They have addressed his concerns, however, there are changes needed
4. Impact Assessment:
 - a. The revised Impact Assessment has corrected the discrepancies noted in his initial review letter.

Ms. Byrne reviewed her letter dated September 10, 2024.

The site plan provided is still very conceptual and all future developments within the PUD will need to have their own site plan review and approval.

SANITARY AND WATER SERVICES

1. The previous impact assessment noted that the PUD will be serviced by water and sewer services through MHOG and GO-SWATH. Water and sanitary sewer extension to the south side of I-96 has been completed in anticipation of the proposed development. Furthermore, the expanded PUD area was already included in the assumptions made when completing the basis of design for the South Latson Road Water and Sewer improvements.

TRAFFIC AND ROAD CONCEPTS

1. Upon review of the Fleis & Vandenbrink executive memo for the Latson Road PUD Amendment it is apparent that light industrial use will generate less traffic than the originally proposed retail/service uses. Even if the numbers are off a bit in the end, she believes what matters is that the total number of trips would be less than originally evaluated in the study, which is the finding of this report.

2. It should be noted that the difference in trips reported would be at the site driveways; however, the trip difference for new trips on the adjacent roadway network would be less given the relatively high portion of pass-by trips:
 - o Original commercial development, total trips, AM inbound: 170
 - o Proposed light industrial development, total trips, AM inbound: 51
 - o Difference: 119 trips, but this is at the site driveway

As the site is developed, additional traffic counts will be needed.

Ms. Julie Kroll of Fleiss and Vanderbrink stated the trip generation is what was decreased when the proposed uses were changed on the east side of Latson Road. Commissioner McCreary noted that there are softball fields being developed to the south of this site so she asked if they were included. Ms. Kroll stated that was not included in this study. Additional traffic studies will be done when specific users are determined.

Commissioner Dhaenens asked the developer if they would consider a 100-foot buffer using some of the existing trees. Mr. Green stated if there is existing vegetation to accommodate that size buffer, they would consider it. Has also asked if it has been determined that there is a need for these types of uses in this area. Mr. Green stated they were under contract for almost all of 2023 with a significant user for a large part of the west side, and they changed their mind. They have also had inquiries for potential users. This is considered to be a prime development site.

Ms. VanMarter advised the Planning Commission that she and Ms. Ruthig were aware that there was interest in this land, but they were not aware that there was a contract.

Commissioner McCreary asked if there is any thought for the development of colleges, universities or higher education. They are not listed in the PUD but are in the ordinance. Mr. Green noted it is a permitted use, but they have not had discussions regarding that type of use. Mr. Borden stated that since it is in the ordinance, it would be allowed but agrees it would be clearer if they were included in the PUD Agreement.

Commissioner McCreary knows that the applicant has spent a significant amount of time and money to develop this the correct way and she finds that this PUD as intended is to complement the area around it. It is not to duplicate the areas around the Latson Road Grand River area, but to add additional amenities. She finds that the submission is not acceptable to be reviewed due to the many outstanding items and corrections that are needed as noted by staff. She is recommending that Item #1 to be postponed this evening.

Moved by Commissioner McCreary, supported by Commissioner Chouinard, to postpone approval of the PUD Agreement Amendment, Environmental Impact Assessment, and amended Conceptual Plan to allow the applicant to address the issues in the packet noted by township staff and provide a clearer and more precise packet. **The motion carried unanimously.**

Commissioner Dhaenens values Mr. Rassel and Mr. Rauch's input. He would like to have them present. The uses make sense where they are being moved to, but there are details that are missing.

Commissioner Chouinard would like to see which trees would be saved to accommodate the possibly larger buffer zone.

Commissioner McBain would like to have more details so the Planning Commission knows what they are voting on. She would like to see the larger buffers so the residents can continue to enjoy the beauty of the area. She doesn't see who is responsible for maintaining all of the landscaping, and other elements after the construction is complete.

The call to the public was opened at 7:38 pm.

Ms. Denise Pollicella of 4200 Sweet Road is the representative for the Coalition to Stop the Latson Road PUD. They do not oppose rezoning of this area, but they do oppose this rezoning. They are in favor of responsible development, but they do not believe this is the township's vision. Her legal opinion is that the PUD is expired. She thanked the township for including the coalition in the discussions. The current application is over 220 pages and was done in a hurry and is very sloppy work. They need noise mitigation, light pollution mitigation, and they want the developer to ensure this development is compatible with the surrounding residential properties.

Mr. Bill Reiber of 3154 Stillriver Drive thanked the Planning Commission for noting that there needs to be more clarification, who will maintain the property, and if there is a need for this. He asked the people here tonight to raise their hand if they are part of the coalition. There are a lot of people here who voted on August 6 because they were not happy how this was going. He urges the Planning Commission to also table Item #2.

Mr. Josh Moore of 3210 Lakewood Shores Drive spoke about the American flag that was hung this evening.

Mr. Andrew Kimball of 1039 E Davis Road stated there are a lot of vacant industrial and commercial properties in Genoa Township. He has not met one person in this township who said they want this development. They do not want industries and more gas stations. People moved here to get away from commercial development. He requests that this is tabled.

Mr. Mike Wilbanks of 2914 Russell Drive moved here for the greenspace. Genoa Township is the crown jewel of the area. People moved here to get away from development. People can stop this and not give in to corporations. He asked the board to keep the residents' interests in mind.

Genoa Township Planning Commission Special Meeting
September 17, 2024
Unapproved Minutes

Mr. Rick Soucy of 4554 Golf View Drive stated the way people feel about this has not changed. We cannot stop the developer but we can make it be something we can live with.

Ms. Michelle Herbert of 4857 New Haven Drive expressed her concerns with the process. People do not want this. The board should listen to the people.

Ms. Evelyn Malloy of 10915 Arbour Drive worked 26 years in zoning, planning, and code enforcement. Many times she visited light industrial areas for smoke, light pollution, noise, stench, etc. complaints. There are many code enforcement issues that can come from this type of use. There should be more detailed information and definitions provided to the public at this meeting.

Ms. Linda Byer of 2627 Chilson Road agrees with what was said this evening. She suggested a locally owned restaurant village for the east side of Latson Road. She asked the township to listen to the public tonight.

Ms. Janine Iyer of 2396 Brighton Road thanked the commissioners for their service to the community, thoughtfully reviewing the proposal, and the comments this evening. This has been rushed through and going forward it should be looked at methodically. Residents do not want this development.

Ms. Diane Hoskins of 4166 Sweet Road has lived here for 43 years and has a refuge for the wildlife which have been pushed out, and this will push them out more. There are vacant properties in Livingston County. When Latson Road was widened, many people lost parts of their property. The community would not welcome this development.

Ms. Tracy Pardiac agrees with the question if there is a need for this. She agrees with Mr. Dhaenens that this is going to be developed, but not like this. She summarized the results of a township survey, noting that most residents want to maintain open space. The township didn't listen to their own residents.

Mr. Eric Herbert of 4857 New Haven reviewed the ordinance where it speaks that development must be compatible with surrounding uses and how it will affect the surrounding properties. There should be details how this development will affect property values. He would like to have this tabled until the new Board of Trustees is sworn in on November 20.

Ms. Suzanne Cunningham of 3413 Dewdrop Lane objects to the need for and the location of the gas station. It is located near 12 residential water wells. The runoff can affect these.

Mr. Eugene Ivanov of 2620 S Latson Road stated the answers on the developer's application show that it was not taken seriously. There is no proof that there is a need for this development. There are vacant properties on Grand River. There will be increased traffic.

Genoa Township Planning Commission Special Meeting
September 17, 2024
Unapproved Minutes

Ms. Jim McArdle of 2581 Fishbeck Road stated that if a community college was developed here, it would bring more traffic. He does not know if there is a need for another hotel. The only people who are interested in this are the developer and the people who want to sell their property.

Ms. Kristine Lindsey of 3920 Highcrest can stand in her yard on Crooked Lake and hear I-96 when it is quiet and this will not get any better if this is developed. The application states that crime, emergency services, tax burdens, and impact on public facilities will all be minimal. This statement is not backed up by this statement. These uses bring crime. This will increase the tax burden for these services.

Debra Towles of 3210 Pineview Trail backs up to this development. She urges the Planning Commission to table Agenda Item #2 also. If something is going to be built there, it should serve the community. This will not serve the community. There is a housing and labor shortage in this community. She asked the developer to publish a list of all who are interested in this property, asked when the traffic study was done, and asked if the commission would have a sit-down meeting with the coalition representatives and Mr. Wyett and work on this together.

Mr. Ben Marhofer of 4179 Sweet Road stated his home is very close to the proposed gas station. He moved to Genoa Township in 2013 and has three kids. He wants to raise his family in a safe neighborhood. He urged the Planning Commission to table this item until the new Board of Trustees is sworn in.

Ms. Deb Beattie of 3109 Pineview Trail has lived here for 35 years. She agrees with what has been said this evening. In 2020, the residents were not aware of the meeting and she is upset they were not included. The residents are clear as to what they will and will not accept.

Mr. Mark Behreht of 4180 Timberview Drive disagrees with the demand for this development. This area has always been and should stay a bedroom community. The decision that was done can be undone. The township should do the right things for the residents.

Mr. Alan Rankin of 3875 Cloverview Court invited everyone to drive down his private road. It is beautiful. It will be surrounded on three sides by this development. He was at the meeting in October 2020 and pleaded with the Planning Commission to not approve this. There are hardwood trees and wildlife around his property. It was unfair that it was done during COVID. He loves this community and the people. Todd Wyett never told him or his neighbors what he wanted to do with his property.

Ms. Melanie Johnson of 3990 Chilson Road asked if Mr. Wyett has been involved in this property and this interchange since the 1990's.

The call to the public was closed at 8:39 pm.

Ms. Ruthig read an email submitted by Susan Nickels of 4935 Fairways Drive opposing this amendment. She asked to have it tabled until the new Board of Trustees can review it. She provided graphs showing the public responses from the Livingston County Master Plan workshop, showing most people want open space and do not want manufacturing, distribution and warehouses, and research and development.

The Planning Commission took a 10-minute break from 8:43 to 8:53 pm.

OPEN PUBLIC HEARING #2... Consideration of a rezoning application, PUD Agreement, Environmental Impact Assessment and conceptual PUD Plan requesting approval for the Latson Road/I-96 Interchange Commercial PUD. The proposed development involves rezoning parcel 4711-09-300-046 (7.44 acres) from CE to ICPUD. Parcel 4711-09-300-040 (5.74 acres) is currently zoned ICPUD and is proposed to be removed from the existing Innovation Interchange/Latson Road PUD and incorporated into the proposed Latson Road/I-96 Interchange Commercial PUD with parcel 4711-09-300-046. The parcels are located east of Latson Road, between Beck Road and the CSX rail line. The request is petitioned by Todd Wyett.

- A. Recommendation of Rezoning
- B. Recommendation of Environmental Impact Assessment
- C. Recommendation of PUD Agreement
- D. Recommendation of Conceptual PUD Plan

Mr. Alan Green, representing the property owner and the developer, reviewed the proposal, which is a new PUD of seven acres on the east side of Latson Road, north of the railroad tracks and south of Beck Road that was purchased from MDOT. They would like it to be rezoned to a ICPUD and the approximate five acres to the east of this property be added to it. Uses here could be retail, hotel, gas station, coffee shop, etc.

Mr. Brad Strader with MKSK Studios showed a concept plan and the design guidelines. He provided a review of which type of uses would be allowed and which ones would be restricted.

Mr. Eric Lord from Atwell Hicks reviewed the utilities on the site.

Ms. Julie Kroll of Fleiss and Vanderbrink reviewed the traffic impact study for this property, which included the methodology of performing the study and her traffic improvement recommendations.

Mr. Borden reviewed his letter dated September 10, 2024.

1. PUD Qualifying Conditions (Section 10.02):
 - a. The Township may reduce the minimum site area provided “the design elements of a proposed development are integrated into and consistent with the broader Master Plan Latson Road Subarea Plans with compatible land uses.”
 - b. The application form states that public utilities are available; however, the Impact Assessment identifies the sewer extension as proposed (water is currently available).
 - c. He suggests the applicant provide a Utility Construction Agreement as part of this project.
 - d. The applicant must address any technical comments provided by the Township Engineer and/or Utilities Director.
2. Rezoning Criteria (Section 22.04):
 - a. The proposed zoning designation of ICPUD is consistent with the I-96/Latson Road Subarea Plan and goals of the Township Master Plan.
 - b. If the wetland is regulated, it should be blended into the overall site design.
 - c. The applicant must address any technical comments provided by the Township’s engineering consultant, Utilities Director and/or Brighton Area Fire Authority.
 - d. Rezoning is necessary to implement the vision and goals of the I-96/Latson Road Subarea Plan.
3. Conceptual PUD Plan, including PUD Agreement and Design Guidelines (Section 10.03.06):
 - a. There is an inconsistency between the PUD Agreement and Design Guidelines with respect to the height of a hotel.
 - b. The applicant must address any comments provided by the Township’s engineering consultant and/or the Livingston County Road Commission with respect to the Traffic Impact Study.
 - c. The applicant must address any comments provided by the Utilities Director.
 - d. The applicant must address staff and/or Township Attorney comments.

Ms. Byrne reviewed her letter dated September 10, 2024.

The site plan provided is conceptual and her comments on the engineering design are general in nature.

SANITARY AND WATER SERVICES

1. The impact assessment shows that this development will connect to the proposed gravity sewer along Latson Road to a proposed pump station. The sewer, pump station, and force main will need to be constructed as part of this development. When the sewer system is designed it will need to be coordinated with the Innovation Interchange PUD on the west side of Latson Road to ensure both PUDs can be served by the proposed pump station.

DRAINAGE AND GRADING

1. The impact assessment states that a stormwater management system will be designed for the development in accordance with LCDC requirements. The site is tributary to the Marion Genoa Drain that is a county maintained and operated drain. The LCDC office will need to be included in the stormwater master plan development process.

TRAFFIC AND ROAD CONCEPTS

1. The revised traffic impact study has addressed all her previous comments.

Commissioner Chouinard questioned when the main traffic study was done. Ms. Kroll stated it was done in May 2023.

Commissioner Dhaenens hopes that the developer is listening to the public comments. He thanked the applicant for reviewing this proposal.

Commissioner McCreary noted that the public would like to know every use that would be allowed and what would be prohibited. The application has comments from staff and the consultants and she believes this should be postponed because needs to be more clear.

- A. Recommendation of Rezoning
- B. Recommendation of Environmental Impact Assessment
- C. Recommendation of PUD Agreement
- D. Recommendation of Conceptual PUD Plan

Moved by Commissioner McCreary, supported by Commissioner McBain, to postpone approval of the Rezoning, Environmental Impact Assessment, PUD Agreement and Conceptual PUD Plan to allow the applicant to address the issues in the packet noted by township staff and provide a clearer and more precise packet. **The motion carried unanimously.**

Commissioner McBain stated that with the amount of opposition to this project, the petitioner should make sure that as much detail is included. She hopes that when it is returned there will be a lot more detail, what are some other options, and address the concerns of the community.

The call to the public was made at 9:24 pm.

Debra Towles of 3210 Pineview Trail stated previously the rezoning was done on the southern portion of Latson road from CE to this ICPUD, but if they are developing the west side first, why are they requesting to rezone the east side this evening.

Ms. Denise Pollicella of 4200 Sweet Road does not know why the applicant is looking to develop more land when the land he has is not being developed. There would be no buffer

between this development and the residents. She would suggest that townhomes be here to act as a buffer. A gas station would be sloping toward residential properties with no mitigation proposed. She thanked the Planning Commission and staff this evening.

Mr. Jim Carpenter of 4715 Stillmeadow agrees with the Planning Commission that the developer did not present a detailed plan. He is concerned about the proposed traffic improvements needed and there was no discussion about the traffic further south on Latson.

Ms. Evelyn Malloy of 10915 Arbour Drive complimented the planning consultant stating that the fire authority must review the plans. With planning, preserving mature trees and water quality should be considered.

Mr. Alan Rankin of 3875 Cloverview Court questioned if Mr. Wyett purchased this property from MDOT is this a conflict of interest because Todd Wyett was a Chairperson for Michigan State Transportation.

Mr. Greg Wallega of 4905 New Haven asked if the second item on tonight's agenda was approved by the Planning Commission and the Township Board and the first was not approved, could the developer start building on the east side of Latson Road. Ms. VanMarter stated that the first item on tonight's agenda included removal of land that is part of the second so the way they are currently proposed, they have to be done at the same time. She noted that two these proposals are conceptual only, so nothing would be able to be developed until final approval is received.

Mr. Andrew Kimball of 1039 East Davis Road asked if there is a wetland on this property and if so, would the 25 foot setback be observed. The wetlands need to be protected.

Ms. Kristine Lindsey of 3920 Highcrest Drive has lived in Genoa Township for more than 50 years and where she grew up has changed. When the residents saw what was approved in the original PUD they were astounded. There could be a 200,000 square foot warehouse on farmland. The developer should stay as close to the ordinance as possible.

Ms. Agnie Bisbikis of 2511 Little Sunset Trail is a new resident to Genoa Township. She understands that this has been approved, and it can be developed, but they did not move here for large warehouses.

Mr. Ben Marhofer of 4179 Sweet Road urged the Planning Commission to table this until the new trustees are sworn in. He is concerned about light and sound pollution. The buffer zone of 100 feet is not hard to ask.

Ms. Tracy Pardiac stated this is not needed or wanted by our community. The only reason for this project is Todd Wyett's wallet. He is going to come in and destroy the land, take his money and leave. The township should care.

The call to the public was closed at 9:43 pm.

ADMINISTRATIVE BUSINESS:

Adjournment

Moved by Commissioner McCreary, seconded by Commissioner Chouinard, to adjourn the meeting at 9:44 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas, Recording Secretary

DRAFT