

GENOA TOWNSHIP FACT CLARIFICATIONS

An accurately informed public is critical to the public engagement process and public input is critical to the Township's decision-making process. The Township hosts many open public meetings and we are constantly inviting and encouraging residents to attend meetings to learn about things happening in the community. These public meetings also give residents an opportunity to let the officials know what you think. Recently, misinformation regarding a proposed development along S. Latson Road north of Crooked Lake Road has been shared on social media platforms to garner opposition to a project that the Township has been asked to review.

Township officials have not voted on the project so there is no opinion or official position about the project. Those in opposition or support of the project are welcome and encouraged to learn more about the project. In response to the misinformation available on smore.com and social media, Township staff has prepared this document because we feel that it is important to make sure that the public has the accurate information upon which to base their opinions. The information contained below has been created not to "nitpick the facts" but to encourage and promote the truth. The "Alleged Facts" cited below were taken from the Coalition to Stop the Latson PUD site posted to the internet on the SMORE newsletter platform as of September 12, 2023. Please note that only the items that contained inaccuracies have been included for clarification in the following points.

Alleged Fact #1: *"This PUD was both introduced and unanimously approved via a virtual public meeting June 11, 2020, 3 months into a global pandemic and a state-mandated lockdown."*

Clarification: There was a rezoning involving 193 acres near the Latson Road interchange in 2020. This rezoning was initiated on July 31, 2019. The proposal involved a zoning change from Country Estates to 1.) Interchange Campus for 187 acres south of the railroad tracks and east and west of Latson Road and 2.) Interchange Commercial for 6 acres along Beck Road east of Latson Road.



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The Township held multiple public meetings regarding the proposed S. Latson PUD development. Not including the multitude of meetings associated with the Master Plan and the Zoning Text Update for the area, the Township hosted four (4) public meetings on the PUD prior to the June 11, 2020 Planning Commission hearing. The project was recommended for approval at the June 11, 2020 Planning Commission meeting which was a virtual meeting due to the pandemic. This meeting was properly noticed in accordance with State Law and there was a call to the public and public input was received. Following the Planning Commission recommendation, the project was recommended for approval by the Livingston County Planning Commission on July 15, 2020. The final approval for the project occurred at an open public meeting of the Board of Trustees held at the Township Hall on August 3, 2020. There was a call to the public at this meeting and public comment was received. See history timeline attached as Exhibit A.

Alleged Fact #2: *“This development sits directly on top of the Genoa Township drain so waste water will drain into the Shiawassee River Sheds.”*

Clarification: The Marion-Genoa Drain which is managed by the Livingston County Drain Commissioner’s Office traverses the property in the northern portion of the expansion area. There will be NO wastewater entering the drain. The stormwater (rainwater) from the property will be managed on site in accordance with the Livingston County Drain Commissioner Standards.

Wastewater from the development will be collected in a municipal sanitary sewer system for treatment at the Genoa-Oceola Treatment Plant on Chilson Road.

Alleged Fact #3: *“When it comes to tax dollars received and tax dollars spent, the township 'breaks even' on industrial properties but makes a profit on agricultural property. Why are they allowing the destruction of the agricultural land then?”*

Clarification: This is factually inaccurate. First, unlike a City, the Township has a very low millage rate of 0.774. As a result, the tax revenue associated with development is nominal and has no impact on land use decisions. That being said, the Township does receive significantly more tax revenue from industrial properties than we do from agricultural properties and Township tax dollars spent on these different land uses is nearly equal. A comparison of the tax revenue paid to the Genoa Township in 2022 of an 18-acre improved agricultural property with a 20-acre improved industrial property is provided in the table below for reference.

Property Class	Property Size	2022 Genoa Township Tax Paid
Industrial – Improved	20 acres	\$2,018.72
Agricultural – Improved	18.5 acres	\$22.01

Alleged Fact #4: *“The Planning Commission contracted outside the zoning ordinance without due process with (sic) requires the opportunity for the public to have input. The result is these zoning ordinance violations (this is not a comprehensive list): the zoning ordinance restricts building size to 40,000 sq. feet (they have given him 200,000 sq. ft); lighting height maximum is limited to 12 feet (they have given him 14 feet); building height is limited to 3 stories (they have given him 4 stories plus a variance for other buildings with the potential for 6 stories); buildings must be a minimum 75% brick or stone (they have given him a waiver to no brick or stone)”*

Clarification: The Planning Commission received public comment following statutory notice at their meeting on June 11, 2020. The Township Board approved the rezoning and the development agreement following a public hearing in accordance with state law at their meeting held on August 3, 2020. Deviations from ordinance standards negotiated in

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the planned unit development agreement are permitted by state law (MCL 125.3503) and by the Genoa Township Zoning Ordinance and therefore are not violations of the zoning ordinance.

Of the few deviations listed in this item, it should be noted that building size is not restricted in the zoning ordinance nor in the development agreement. The standard in the zoning ordinance is that buildings over 40,000 square feet are subject to special land use approval. The PUD Agreement for this property provides that buildings over 200,000 square feet are subject to special land use approval.

The lighting height maximum pursuant to Section 12.03 of the Zoning Ordinance is 20 feet where adjacent to residential districts and 30 feet where adjacent to non-residential districts. The development agreement design guidelines require that industrial properties shall meet the township maximum height of 30 feet with the Planning Commission having the ability to allow a pole height of 35 feet to reduce the number of poles upon a finding that the result will provide more efficient lighting and aesthetics throughout the day. Provided that when lighting is adjacent to, and visible from, abutting residential properties, the maximum height of lighting poles shall be 20 feet unless the Township approves taller poles with a demonstration that it is an overall better lighting design in terms of aesthetics. The development agreement design guidelines require that commercial properties shall have a maximum height of 20 feet.

The building height allowed in the ordinance for commercial is 45 feet or 3 stories. The development agreement allowed a deviation for a hotel only to have a height of 57 feet or 4 stories with further discretion by the Township for a height of a hotel to be increased to 65 feet or 5 stories, provided minimal distance from adjacent residential home is 500 feet and the Township determines the design is compatible with residential in the area in terms of views and lighting.

The building height allowed in the ordinance for industrial is 30 feet or 2 stories. The development agreement allowed for campus uses to have a height of 55 feet or 3 stories with a deviation for a hotel only to have a height of 57 feet or 4 stories. There is further discretion by the Township for a height of a hotel to be increased to 65 feet or 5 stories, provided the minimal distance from any adjacent residential home is 500 feet and the Township determines the design is compatible with residential in the area in terms of views and lighting.

The ordinance requires that the predominant material utilized on facades that are visible from a public right of way or parking lot shall be brick. It does not require a minimum percentage of brick. The zoning ordinance also gives the Planning Commission the ability to allow for alternative high-quality exterior façade materials such as fiber cement and metal panels to create a research and office-park environment. The design standards approved in the development agreement for the campus/light industrial area require that exterior façade materials consist of high quality, durable products on any side visible from a public or private road. Appropriate building materials includes combinations of: brick, flush metal/aluminum panels, concrete block, and pre-cast concrete. Varying patterns and textures shall be introduced to give the building smaller scale relationships of materials vs. monotonous and large surfaces without visual variations. Glass shall be used on primary facades to provide transparency.

The design standards approved in the development agreement for the commercial area require that 75% of the total area of the front façade shall be brick.

Alleged Fact #5: *“Permitted uses include: experimental product R&D, warehouse and distribution facility (think Amazon warehouse with a rail stop), hotels, gas stations, urgent care, medical clinics, and accessory outdoor storage (semi-truck trailers.)”*

Clarification: Permitted uses in the high tech/light industrial campus do not include gas stations. A single gas station was permitted in the commercial area east of Latson Road however no development is allowed to occur in the commercial east area until at least one building is under construction and proceeded substantially toward completion in the high tech/light industrial campus area.

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Alleged Fact #6: *“The developer's plans call for a 200,00+ square foot industrial building, conference center, 4-story hotel, more drive-thru fast food, a gas station, and cheap high-density housing.”*

Clarification:

EXISTING PUD: Within the current high tech/light industrial campus area, the existing development agreement allows for permitted use buildings such as offices, conference centers, multimedia production facilities, corporate and technical education and training centers, data processing and computer centers, research and development, distribution, light industrial, medical and supporting commercial uses including hotels, day care and indoor recreation of up to 200,000 square feet. Buildings over 200,000 square feet require special land use authorization.

Within the existing accessory commercial area, the existing development agreement allows for permitted uses such as a single gas station (not truck stop), offices, conference centers, movie theaters, indoor recreation, financial institutions, groceries, hotels, microbrewer, pet supplies/care, personal service, pharmacies, restaurants and coffee shops with drive-thru (fast casual, not fast food), retail, office, urgent care and accessory uses.

PROPOSED PUD AMENDMENT: The 2023 Expansion and PUD Amendment requests a southward expansion of the Interchange Campus to include 123 acres of additional land in the transition area and an expansion of the Interchange Commercial to include an additional 9 acres.

Interchange Campus Expansion Area Proposal – Request to extend high tech/light industrial development area southward to include no more than an additional 31 acres. Create transitional land uses consisting of 22-55 acres of multi-family residential with 45-48 acres of single family residential. These residential land uses are proposed to decrease in density from the north to the south. Along the north side of Crooked Lake Road there would be a minimum of a 100-foot landscaped buffer or large 1 to 2-acre size residential lots. The intent of the residential is “to appeal to the employees of the technology uses and other workers in the Township, the growing needs for senior independent living, and younger residents”. There is no reference in any of the development plans to include “cheap” housing. The multifamily homes are proposed to be a minimum of 75% brick on the front façade. The single family and senior housing are proposed to be a combination of brick or stone and siding with a minimum of 50% of the front façade consisting of brick or stone.

Interchange Commercial Expansion Area Proposal – Request to expand the Interchange Commercial area to add 9 acres at the southeast corner of Latson Road and Beck Road for commercial land uses.

The proposed expansion request also involves the following requested changes to the existing development agreement:

- The “accessory commercial area (east of Latson Rd.)” is requested to be re-classified as a “mixed use” area and the gas station is eliminated from the permitted uses. The gas station use is proposed to be relocated to the interchange commercial area north of the RR tracks.
- Asphalt Plant is included in the table of prohibited uses.

Alleged Fact #7: *“An industrial development South of I-96 will decrease the home values of any residence between Beck and Brighton Road as well as the properties on Chilson Road that this will abut.”*

Clarification: Statements like this are typical in response to many proposed developments. Although the fear associated with this statement is understandable, there is no evidence to support that the proposed development will decrease the home values in the subject area.

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Alleged Fact #8: *“The majority of the East side of Latson Road South of I-96 between Sweet Road and Three Fires Elementary School has been designated for commercial and industrial development in the Master Plan. The development will NOT stop with this PUD.”*

Clarification: The master plan designates the parcels that front on Latson Road, south of Sweet Road and north of Three Fires Elementary School as either “Interchange Campus” or “Interchange Transition area”. There is no commercial designation for these parcels.

Alleged Fact #9: *“Genoa Township donated \$23,000 to the Economic Development Council of Livingston County, more than twice the donations of either Howell or Brighton, who is advertising the entire parcel from Beck to Crooked Lake even though the South Parcel is not yet rezoned.”*

Clarification: Genoa Township has been a contributing member of the Livingston County Economic Development Council (EDC) for over 17 years. Public partnerships with the EDC are based on population which is why Genoa’s contribution is greater than the City of Howell or the City of Brighton.

Alleged Fact #10: *“The PUD requires widening Latson to 5 lanes.”*

Clarification: The proposed PUD requires the developer to install traffic signals at the north access point and the intersection of Beck Road and Latson Road when required by the Livingston County Road Commission. Furthermore, it requires the developer to dedicate 60’ of frontage and 15’ of future right of way easement along Latson Road to the Livingston County Road Commission to accommodate future widening of Latson Road to 5 lanes along with a small median. Developer agrees to pay its pro rata share of the costs for these future road improvements along the frontage. The proposed PUD provides that the “timing of installation of road improvements shall be determined and assessed by the Road Commission in connection with updated traffic impact assessments submitted in connection with future final site plans for building construction within the project areas”.

Alleged Fact #11: *“The developer is requesting a waiver from the township that would relieve him from honoring the STATE MANDATED 25-foot buffer around the wetlands on the property. The township does not have that authority but it wouldn't be the first time they granted him a waiver that they shouldn't have.”*

Clarification: This is factually incorrect. There is no state mandated 25-foot buffer from wetlands. There is a Township zoning ordinance requirement for a natural undisturbed 25 feet buffer from any regulated wetland and the developer has incorporated that requirement into the proposed PUD.

Common Misconception: *The PUD Agreement and 2020 Approval are Expired*

Although not included on the Coalition website, staff has seen and heard comments regarding the validity of the existing PUD Agreement. Claims are circulating that the approvals granted in 2020 are expired because the Zoning Ordinance (section 10.04.02) confers the right to proceed to final PUD site plan for a period not to exceed two (2) years which has past. This section of the Zoning Ordinance does not apply because the Township approved a longer time frame within the development agreement. As stated earlier, deviations from the zoning ordinance are permitted by the zoning ordinance and state law when associated with the creation of a Planned Unit Development. Section 20 of the development agreement for the existing approved PUD provided a longer term due to the size, scope and diversity of the proposed project. Section 20, item A. of the development agreement states that the “PUD Agreement shall expire in 7 years if no private roads or buildings in connection with an approved final site plan for a first phase of the Development are constructed to completion unless extended by the Township Board following a recommendation by the Planning Commission”.