

Monday, October 5, 2026

Planning Commission
ICO Gregory Ransford,
Tallmadge Charter Township
0-1451 Leonard St NW
Grand Rapids, MI 49534

RE: Memorandum to LaVista Serene PUD Request for a Change to the Record of Conditions

Greg,

This Memorandum is in response to the outcome on my timely and reasonable request for a change to the record of conditions for the phase 1 venue building at the Planning Commission meetings on August 25th and the follow-up meeting on September 22nd. I would like this memorandum added to the meeting minutes from the September 22 meeting as Matt stated he would consult with me as to how to proceed.

I talked to Matt at length on the outcome at the September 22nd meeting and I have more than a few concerns. Apart from the nonsensical reversal of several of the commission members on my request for a change to the record of conditions between the two meetings, and the logic by which the PC is now applying its inclination to deny the request at the September meeting is invalid and is presenting a potential material breach of the PUD contract.

During the August meeting it was established that the PC had both the ability and the discretion to allow the minor change to the record of conditions I requested under both the Ordinances and the PUD Contract; and that given the 400' distance the building is situated from Lake Michigan Drive, the consensus was that my request was entirely reasonable. The PC was also informed that the decision to obtain timely approval on the request was important to schedule, that was already delayed, as well as the application of the ordinance to the PUD record of conditions unduly created a \$171,000 financial burden to the construction costs of the phase 1 venue building.

In the September meeting things somehow changed and the PC then indicated that it was inclined to deny the request for the following specific reasons:

- That it desired to investigate more and discuss how the decision could affect the ordinances relative to the general public and potentially apply the results to a future text amendment.
- That it does not want to set a precedence to apply to the general public within any future approvals.
- That the ordinance was developed and applied long ago as a purely aesthetic choice based on speculative reasoning.

Further, in both the August and September meetings, the PC is on record stating that the \$171,000 financial burden the application of the condition unduly creates to the PUD phase 1 construction costs; as well as timely consideration of my reasonable request for a minor change to meet the construction schedule, is of no concern or factor for the PC's consideration. I could not disagree more.

What is clear is that the PC does not understand its role and duties in the performance of the PUD Contract, the special relationship that the PUD Contract establishes between the developer and the Township, Section 14 of the PUD Ordinance, the proper review standard it must apply for any reasonable request for a minor change to the record of conditions (especially given its previous uneven application of the ordinance), and the potential consequences resulting from its nonfeasance of these duties. I am of firm belief that, though the PC has not formally "voted" on the request, that it has already applied a de facto denial at the September meeting in a straw vote on the record from each member; and the Township is in material breach of the PUD contract resulting from its nonfeasance on the request. What I am going to do is to proceed with the installation of the phase 1 venue foundation and site hardscapes in the immediate future, and consider my options moving forward, which is limited as I am precluded from seeking relief from the ZBA. If the PC is amenable to reconsider its position it should do so at the October meeting and formalize the requested change. If it does not, then all options to obtain reasonable relief from the record of conditions is on the table.

Sincerely,

Adrian J. Persenaire
Developer,
LaVista Serene PUD